

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

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on April 24, 2018 at 9:00 AM 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	Present	
Kristine Isnardi	Vice Chair/Commissioner District 5	Present	

**MOMENT OF SILENCE**

Chair Pritchett called for a moment of silence.

**PLEDGE OF ALLEGIANCE**

Commissioner Barfield led the assembly in the Pledge of Allegiance.

**MINUTES FOR APPROVAL**

The Board approved the March 15, 2018 Special Meeting Minutes, March 20, 2018 Regular Meeting Minutes, and April 5, 2018 Zoning Meeting Minutes.

**ITEM I.A., RESOLUTION, RE: RECOGNIZING MERRITT ISLAND GIRLS SOCCER**

Commissioner Barfield read aloud, and the Board adopted Resolution No. 18-050, recognizing Merritt Island Girls Soccer.

Soccer Coach of the Merritt Island Girls Soccer Team thanked the Board for the Resolution.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Kristine Isnardi
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM I.B., RESOLUTION, RE: RECOGNIZING MAY 3, 2018, AS NATIONAL DAY OF PRAYER**

Commissioner Isnardi read aloud, and the Board adopted Resolution No. 18-051, recognizing May 3, 2018, as National Day of Prayer.

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A representative for the National Day of Prayer expressed her appreciation for the Resolution. She stated she appreciates the Board's support; it is a day of prayer and the theme this year is unity, coming together making every effort to come together to pray for America; if there is anything people need in this country, it is prayer; come in all people of all faiths coming together to pray for America, to pray for the leaders, and come together under the belief that Jesus Christ is the only answer for America today; and Jesus Christ is the only hope for America. She continued she prays for all, she blesses all, and she thanks all; she prays that the Board knows that Jesus Christ is Lord, and she asks and prays that the Board accepts and receives Jesus Christ as its personal savior to depend on him; and the Bible says in second Chronicles 7:14, "My people who are called by my name will humble themselves in prayer, and seek my faith, turn from their wicked ways. Then would I hear from heaven I will forgive their sins and I will heal their land." She went on to say, and the land needs healing.

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

#### **ITEM I.C., RESOLUTION, RE: RECOGNIZING WATER SAFETY MONTH**

Commissioner Barfield read aloud, and the Board adopted Resolution No. 18-052, recognizing Water Safety Month.

A representative for Water Safety stated this is the eighth year that Brevard County has recognized May as Water Safety, Drowning Prevention Month; there is a coalition of friends engaged in this endeavor; 3,533 fatalities due to drowning last year; for every fatality there are five emergency responses to submergence in water; many leading to life-long disabilities; it is an international problem; and they are very proud to unite and work through this. He continued he heard good news from the Consumer Product Safety Commission about three weeks ago, that since 2010 drowning has decreased 17 percent in the country; and he expressed his appreciation for the recognition.

Commissioner Smith stated for those unaware, there is significance with *Josh the Otter*; otters live in the water of course, but baby otters have to be taught to swim; the man that penned the book, *Josh the Otter*, his son was a victim of drowning; and he wrote that book because he wanted to honor his son and so nobody else would have to feel that pain.

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

#### **ITEM I.D., RESOLUTION, RE: FIESTA BREVARD**

Commissioner Barfield read aloud, and the Board adopted Resolution No. 18-053, recognizing Fiesta Brevard.

A representative of the Chambers non-profit task force stated 80 to 90 percent of the folks who come up to receive resolutions are non-profits in this community; there are close to 1,500 in this

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community that support the network of support for this community; it is so appreciated that the Board is now support them; and he asked anyone who wants to have a fun time to come out and support Fiesta Brevard this Friday in Cocoa Village and see what they do for the community and how they do it.

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

**ITEM I.E., RESOLUTION, RE: RECOGNIZING OLDER AMERICANS MONTH**

Commissioner Smith read aloud, and the Board adopted Resolution No. 18-054, recognizing Older Americans Month.

Terry Stone stated Dr. John Potomski is a founding member of Commission on Aging; he has served and is still serving as the Board's Chair for over 14 years; and she thanked the Board for allowing them to honor him for his continued dedication to this community.

Dr. John Potomski expressed his appreciation for the Resolution. He stated it has been a privilege for him to care for the senior citizens in Brevard County for almost 35 years; he is now taking care of a second generation of senior citizens whose parents he took care of many years ago; this year's theme for Older Americans Month is Engage at Every Age which emphasizes that a person can never be too old or too young to participate in activities that can benefit them physically, emotionally, and mentally; Older Americans Month also celebrates the many ways that senior citizens make a difference in this community; and a number of Brevard County's senior citizens are still employed in occupations that they have a passion for, while countless others volunteer in many venues including hospitals, nursing homes, hospice organizations, Meals on Wheels, AARP, and United Way of Brevard, just to name a few. He continued others in education offer their wisdom and experience to the next generation; there is a teacher's assistant in the school in which his daughter teaches, who is 85 years young and a real spit-fire; he himself would never have had the opportunity to come to Brevard County and practice geriatric medicine if it were not for a physician who retired from New Jersey and decided to take over a practice in Brevard County; he missed caring for people because it was his passion; he first met this physician when he was seven years old when he made a house call to his see his great-grandmother who had a stroke; and at the age of 14, he had encouraged him to enter a medical volunteer program at the hospital which later turned into a nursing assistant position for him at the age of 15. He went on to say after that, this senior physician moved to Florida to begin his second career, and served as a mentor to him on rotations during medical school internship, residency, until he took over his practice almost 35 years ago; he has been truly blessed; and he thanked the Board for this honor.

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

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**ITEM I.F., PRESENTAION, RE: DRY STABILAT PROCESS**

Commissioner Tobia stated Mr. Roberts has a presentation in regards to landfills and towards the end of his presentation he would like to make a suggestion with the Board's indulgence.

Jeremy Roberts stated his company operates in Germany right now; they operate 18 different facilities throughout Europe; in Germany, his company handles municipal waste for about 70 percent of the country's garbage; the company is unique in a sense that it takes away the need to have any municipal landfills at all; it is a very green company; when municipal waste is dumped inside the facility, which is completely enclosed, all of the waste is treated and recycled so when the trash comes in it is immediately shredded and dried because 20 to 30 percent of municipal waste is water; and after that it goes through mechanical sorting. He continued glass is sorted by color, plastic is sorted by color and type; as the Board may be aware by talking to the landfill people, those little plastic bags that people get from Walmart and other stores, are always a problem and they are not for this company; the company also recycles ferrous and non-ferrous metals, batteries down to triple A, and everything that can possibly be recycled from waste is; the company work a lot for Legos; Lego buys most of its recycled plastics from the company; with glass being more valuable it is sorted by color; and after the trash is recycled, there is nothing left to place in a landfill. He added there is a product called Stabilat which is sold to coal burning power plants where the plants do not have to burn coal any longer; and when a company burns Stabilat, it burns hotter than coal but cleaner than natural gas. He stated the facilities are about the size of a Costco; there is nothing outdoors at all so there are no smells leaving the building, or dust, or anything else; when they contract with a municipality or political subdivision they put in the contract that the tipping fees stay where they are for 20 years; and that means no increases for 20 years. He added they also give about 40-50 percent of the revenue from recycling back to the community in which they are working with; they look at it as a partnership; they want no money from the County at all; they do not want the County to carry their bonds, they are not asking for lands, and they do not want the County to pay for the facility; they will come in, build a facility at their own costs, buy the land, and carry a bond in case something happens and the facility needs to be taken down; they actually clean up existing landfills; seven or eight of the largest landfills in Germany no longer exist because they mined the landfill and put it through the recycle process; and he can answer any questions the Board may have.

Commissioner Tobia stated meeting with Euri Rodriguez, Solid Waste Management Director, about 10 years ago, a previous Board went through a Request for Proposal (RFP) for new technology in waste; as the Board is well aware technology is constantly changing and there have been many innovations in the past 10 years; he certainly would not want to single source this out, so Mr. Rodriguez made a very good suggestion, he suggested that with the Board's discretion, the County go through the RFP again; and he hopes to put this on the next Agenda and ask for whatever qualifications or whatever commitments that the Board thinks are important, if the Board decided to go forward with this process. He advised some of those guidelines as mentioned previously by the Board, it was not interested in incineration nor anything that would have an additional cost to the County; maybe the Board could look at not displacing any County employees; there needs to be financial strength in the company that is bringing the proposals forward; and maybe the companies the Board looks at have functional facilities that the Board has the ability to tour. He added these are all suggestions in qualifications that the Board could put forward with an RFP. He went on to say he certainly hopes that the entire Board gets involved in this and meets with Mr. Roberts or other similar ideas so it can deal with this issue that is growing; and there are potentially green solutions that have positive outcomes. He asked that the Board come forward with any type of suggestions.

The Board acknowledged the presentation by Jeremy Roberts on the Dry Stabilat Process for a new waste-to-energy technology for Brevard County.

**ITEMS PULLED FROM THE CONSENT AGENDA**

Chair Pritchett pulled Item II.C.1. because there are 27 cards at this time.

**ITEM II.A.1., CONTRACT FOR SALE AND PURCHASE, RE: HOG POINT-WATKINS**

The Board authorized the Chair to execute the Contract for Sale and Purchase and Addendum for the Watkins Mosquito Control Parcel; authorized any necessary budgetary changes allocated from Mosquito Control's Reserves for the use of District funds to pay for the purchase price and closing costs; and waived the requirement for a Phase 1 Environmental Site Assessment as required by AO37.

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

**ITEM II.A.2., APPROVAL, RE: TRANSPORTATION IMPACT FEE TECHNICAL ADVISORY COMMITTEE PROJECT FUNDING RECOMMENDATIONS**

The Board approved the project funding recommendations as prepared by the Technical Advisory Committee for the South Beaches Benefit District on March 1, 2018; authorized the Chair to execute a Transportation Impact Fee Disbursement Agreement with the Town of Indialantic; and authorized the Budget Office to execute any budget changes required to implement the project.

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

**ITEM II.A.3., BINDING DEVELOPMENT PLAN, RE: IMPERIAL SOUTH, INC.**

The Board approved the Binding Development Plan with Imperial South, Inc. for property within 300 feet of the boundary line of the Plant Site or south of the north property line of the Plant Site.

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

**ITEM II.A.4., ASSIGNMENT OF EASEMENT, RE: PALM COVE-CITY OF ROCKLEDGE**

The Board accepted and authorized the Chair to execute the Assignment of Easement and Warranty Deed for additional road right-of-way from the City of Rockledge located in Palm Cove Subdivision.

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

**ITEM II.A.5., SOUTH BEACHES I&I SMOKE TESTING, PHASE 2**

The Board approved and authorized the Chair to execute Task Order No. 2 with Kimley-Horn & Associates, Inc., for South Beaches Inflow and Infiltration Smoke Testing, Phase 2; authorized the Chair to execute remaining phase task orders for the South Beaches smoke testing; and approved any associated budgetary changes.

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

**ITEM II.B.1., LOCAL HOUSING ASSISTANCE PLAN (LHAP) FY 2019-2021**

The Board adopted Resolution No. 18-055, and the SHIP Program LHAP, including Certification for Fiscal Year 2019-2021; and authorized the Chair to execute all documents and any amendments that the Florida Housing Finance Corporation determines necessary to meet the requirements of State Statute 420.907-9075, upon County Attorney approval.

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

**ITEM II.B.2., AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF COCOA**

The Board authorized the Chair to execute an Agreement with the HACCC to rehabilitate nine affordable housing units in the amount of \$550,000; and to execute any amendments or modifications to the agreement upon review and approval from the County Attorney's Office and Risk Management.

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

**ITEM II.B.3. ADVERTISE FOR SELECTION AND MANAGEMENT COMMITTEE MEMBER**

The Board authorized staff to initiate procedures to appoint a replacement member to Environmentally Endangered Lands Program Selection and Management Committee to include: 1) Advertise to accept applications to fill the vacant position on the Selection and Management Committee; and 2) Bring a list of qualified applicants back to the Board for final ranking and appointment.

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

**ITEM II.B.4., AGREEMENT WITH THE BREVARD COUNTY SCHOOL BOARD**

The Board executed and approved the Agreement with Brevard County School Board to provide summer food service at 12 summer camp sites, in accordance with the sponsor agreement between the Board of County Commissioners and the Florida Department of Agriculture and Consumer Services Division of Food, Nutrition, and Wellness.

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

**ITEM II.D.1., COUNTY ATTORNEY CONTRACT**

The Board executed and approved Agreement for the County Attorney at the same terms established for the prior County Attorney.

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

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**ITEM II.D.2., RESOLUTION, RE: AUTHORIZING THE REFUNDING OF SPECIAL RECREATION DISTRICTS LIMITED AD VALOREM TAX REFUNDING BONDS, SERIES 2011**

The Board adopted Resolution No. 18-056, authoring the issuance of Non-Ad Valorem Refunding Revenue Note, Series 2018B (the "Series 2018B Note"), to evidence the term loan in an aggregate principal amount of not-to-exceed \$12,500,000 and a fixed interest rate of 2.58 percent per annum to refinance Series 2011 Bonds, pursuant to the proposal by PNC Bank, National Association (PNC); authorized delegating the authority to the Chair to execute the Note and various closing documents with respect to the issuance of the Series 2018B Note; and authorized the County Manager to approve all necessary budget change requests.

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

**ITEM II.D.3., APPROVAL, RE: INTERNAL LOAN FROM THE BOARD'S PROPERTY CASUALTY PROGRAM**

The Board approved an Internal Loan from the Property Casualty Program to the Parks and Recreation Department, on an as needed basis, and not-to-exceed \$12,000,000; authorized the Human Resources Director to have the Internal Loan document executed; authorized the County Manager to have the Internal Loan documents executed; and authorized the Human Resources Director to approve all necessary budget change requests.

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

**ITEM II.D.4., FY 2018-2019 FEDERAL ELECTION ACTIVITIES FUNDING CERTIFICATE**

The Board approved the FY 2018/2019 Federal Elections Activities Funding Certificate for matching funding by the County in the amount \$64,040.92.

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

**ITEM II.C.1., SYKES CREEK ECOSYSTEM RESTORATION DREDGING PROJECT**

Leslie Rothering, Purchasing Services Manager, stated this Item is requesting permission to reject proposals in response to the Sykes Creek Ecosystem Dredging Project; on October 12, 2017, Purchasing solicited proposals with three responses received; a Selection Committee met



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on January 17, 2018, to review the responses, interview the contractors, and then score and rank their responses; a protest was received from the number two ranked proposal, Central Sand; and a Protest Committee met and rejected the protest that was received. She continued since the time of receiving and evaluating the responses and following the protest hearing, staff has concerns regarding each proposal and their approaches; some of the current concerns are included in the Agenda Report; in accordance with the Request for Proposal (RFP) instructions to all the contractors, the County reserves the right to accept or reject proposals; and Purchasing Services is requesting permission to reject all the proposed bids submitted and for the Board to authorize staff to revise the scope, re-solicit, and award competitive bids.

Virginia Barker, Natural Resources Management Director, stated as a follow up, they had received three proposals from very capable contractors; they proposed very different approaches; she wants them to know she appreciates that and she noted they were technically sound with minor issues that perhaps could be worked out on the technicalities; and what the Board will probably hear today is a lot of concerns from the community on social impacts in ground water permitting and zoning and then the timing of that permitting. She added while all of this RFP process was going on, staff have been separately having discussions with Florida Inland Navigation District (FIND) about partnering for potential use of a site they have in this area; and she provided a map of the FIND site area and an overview of all sites proposed by all three contractors for de-watering and ultimate disposal. She continued they have been talking to FIND, not just about using their site for muck de-watering, but also because of the flooding in North Merritt Island, they have a site that may help provide relief for some of the flooding concerns on West Crisafulli and the Church Road area; staff has had multiple meetings with FIND and one of the maps shows the potential design they have been working on with FIND's consultants, which would provide both muck management and flood relief for North Merritt Island; and the Board's action today would also potentially allow staff to move forward with plans to get the project completed in a manner that will also provide flood relief to the community.

John Denninghoff, Assistant County Manager, stated he would like to add something to that; in the case of the first two ranked contractors, while there were numerous technical, permitting, and legal concerns with the first applicant, the second applicant also was proposing to perform trucking operations in the Kiwanis Island Park, which was an item that was not permissible under the terms of the RFP; there was some discussion on how much trucking there might be, but in any event, staff was not satisfied that they had not complied with that portion of the RFP; the third contractor was doing substantially less than the full volume, or amount of dredging for the funds available; therefore, for one reason or another, staff has determined that none of the contractors were going to provide them with what they are looking for in terms of conditions and the performance of the dredging operations. He added staff still thinks they were good proposals in the sense of honest efforts to comply, but staff did not believe that they represented what they were looking for. He went on to say, that left staff with one option, to request permission from the Board to reject all three proposals.

Chair Pritchett inquired if the Board follows through with this request, if staff will have it ready to go out for bids again, with the criteria set moving forward.

Mr. Denninghoff replied affirmatively. He stated the idea is that staff find the FIND proposal or something they could utilize, they are always looking for improvements, so if they found something better they would use that; the idea is to get to the point where it can actually go out to bid rather than as a proposal; when that is ready, staff will be ready to move forward with the project; and he believes this will lead to less uncertainty associated with the project, and performance of the work involved.

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Randall Burden stated he is with Ecosense International and the Director of engineering; they have been the provider of stormwater and waste water quality solutions since 1999; he is there to speak about the treatment of nutrient removal for the leakage from the muck dredge; what they did was provide a design whereby a large filter in an up-flow configuration will be constructed next to the spoil cell; that will receive water through piping and ex-filtration, directing the water in an upward flow through a specific biologically active medium to remove both nitrogen and phosphorus; the filter cell is about 79,000 cubic feet of material; 48,400 cubic feet would be of a media called Nutra-gone, which is a proprietary three-component media that moves both nitrogen and phosphorus; and he pointed out when the muck slurry is brought in to the initial cell, most of the phosphorus will be removed in the solids, so the filter will be mostly concerned with the removal of ammonium and nitrates and organically bound nitrogen. He continued it takes a little over an hour to flow through the media and is discharged over a weir and re-aerated by a cascading affect and discharged back into the Sykes Creek area; and he can answer any questions the Board may have.

Jack Smink stated he is a candidate for County Commission, District 2; he thinks staff has done a real great job in attempting to not waste money; he thinks the Lagoon is everything to Brevard County; he also wants to speak about the total environment because it concerns him; he knows being National Prayer Day that everyone will be praying for the Lagoon and the environment; and the Bible says, "prayer without work is dead."

Chair Pritchett advised Mr. Smink there is a heavy load today, and she asked him to stick to the Agenda topic. She noted he could come back and speak under public comment.

Mr. Smink stated he is leading to that; he thinks it is real important that people think about the fact that every human being that comes into this County brings pollution with them and it affects the Lagoon; his concern is the fact that the growth is not being addressed properly; North Merritt Island is a good example of it because it cannot sustain any more growth without really considering how to approach the growth; the willy-nilly approach of just getting 200 acres of property or 2,000 acres of property and rezoning it to Residential from Agricultural is not something that can be just be done haphazardly because it is causing the environment to go down; this is affecting the County in a big way; and North Merritt Island is number one on the hit list. He continued he would like the County to consider how it approaches growth in Brevard County because it affects the muck, the wetlands, the nature, and everything that defines the culture of Brevard County. He continued he thinks the culture in Brevard County is under attack; people need to think about that and step back; maybe there needs to be a board to look at this and address it; he thinks it is a godly way to approach the subject and not always think about the almighty dollar; and he thinks the company that is in the second position on the muck, whom he has investigated, is a great option. He went on to say he thinks they should be considered; if there are some small issues to be resolved then the County should resolve those issues and consider them; they seem to have the best approach for this environment so far; and he thinks there is a big cost in putting this back out to bid, that the Board should consider avoiding.

Rose Plummer stated her family moved to North Merritt Island where they built their home in 1998 and raised their three children; their adult children come home often because they love the area where they live; anytime they have brought up the topic of selling their home, the children have adamantly opposed the idea; if it were not for her grandson having surgery yesterday there would be three generations of the Plummer family standing before the Board in support of dismissing this very bad idea; North Merritt Island is a great place for families and the outdoors is one of the great assets that they have as a community; and if the Board approves this muck dump it will not just affect her families lives, but that of every resident on North Merritt Island forever. She went on to say the toxic waste that will contaminate the air will make it impossible for families to enjoy their time outside with their children and grandchildren; the destruction of their daily use will diminish the quality of life they have become accustomed to; this will make it

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impossible for her grandchildren to spend the time outside that every child needs; and she respectfully asked the Board to consider not approving this because she believes if it was sitting outside one of their front doors, they would not want it either. She continued this is a bad plan and there are other options; the un-welcomed odor and flies will be just the beginning of the unwanted side effects, not to mention the incredible amount of water that the already flood weary area deals with on an on-going basis; North Merritt Island cannot handle such a project in the area; and she asked the Board to please consider what is being done there.

Catherine Testa stated she respectfully request that the Board vote no for the removal of muck and dumping it on North Merritt Island anywhere, especially in her back yard; as the Board knows Merritt Island does flood, she is not in a flood zone, yet she flooded in this past hurricane; she had over \$50,000 in damage to her home from the flooding; at this point they have only started the renovations, and they have stopped because they do not know if they are going to have a house worth putting any money into, whether it is her or the Insurance companies money to replenish the beauty of the house she once had; and her big concern is the health hazards from the muck and everything that will drain off, besides the flooding. She continued she was told approximately 75 million gallons of water will come off of the muck over the period of time; she does not know how North Merritt Island could handle that when it cannot handle the rain from yesterday; the small drainage canal that separates her land from the land that the muck will be on is only about 20 feet wide and only about four feet deep; she does not know how this water can be removed from the muck without flooding all the homes around this area; and she is also concerned of the fact that it has gotten this far and none of the homeowners were ever notified of the possibility that this could happen. She added they have approximately 45-50 pieces of land that surround this 75 acres where the muck is going to go; if it were not for word of mouth of the North Merritt Island people, she never would have known; she just found out about it three weeks ago; her property abuts this property and her house is near the back of her property so it would be probably within 105 feet of where the muck is going to be; and she mentioned she is sure no one on the Board would want that muck anywhere near their homes. She went on to say the other concern is if the muck is placed there the value of those homes will become zero because no one will ever want to buy a house with this in their backyard; she would not buy a house like that; that is why she left New York and came to Florida choosing a residential agricultural neighborhood where she could enjoy her retirement; and it just seems to her that every other week something is being placed on North Merritt Island because she feels that no one cares about the residents there; this muck is being put in a place where it does not belong; it does not belong where people live; and this does not just affect the people but the animals that live there as well. She stated since she has lived there she has taken many pictures in her own yard of Bald Eagles that live right near her home; she inquired where they are going to forage if the muck is placed there, because everything is going to decrease in value; she has had bobcats, turkeys, and other strange animals in her yard; and these are the things they enjoy and the animals enjoy it, but they cannot possible enjoy the land if the County starts polluting it with toxins. She reiterated this is just not the right place for it; and she requested that the Board choose the second proposal, because to her it seems environmentally sound and the muck will go into the landfill where it belongs once it is dried out.

Terry White stated he resided on North Merritt Island for the last 53 years so he knows a little bit about what has transpired there; he is glad to hear the County is looking at revisiting all the proposals; he has met with the two lowest bidders and listened to their proposals on the system, so he has a slight bit of knowledge on it; because of the development on North Merritt Island and the types of soils, the area does not properly drain; and current County systems at Pine Island and Hall Road are not adequate to hand small storms in the area and especially unable to handle the large storm events. He stated now one of the proposals is to pump millions of gallons of salt water on to the area; the land cannot absorb this water so it will take tax dollars to pump it to existing impound areas and eventually into the Indian River; and this will cause a severe impact to adjacent land owners by placing all this muck into the proposed area. He

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continued in the past, dredging projects in the river have placed material in other areas of the river instead of placing it on land, that is how it created the Spoil Islands and Kiwanis Island that are out there; he does not understand why current projects cannot use some of the same systems; he saw nothing in the plans, for placing the muck on North Merritt Island, of what it would do with the existing wetlands or what it was going to do to the adjacent wetlands or the other areas; and he requested the Board disapprove of placing any muck on North Merritt Island.

Clifford Allen stated it makes no sense to place the muck in a flood prone area that was two to three feet under water for two months; to dump this up there makes no sense at all; and that is all he has to say.

Kim Rezanka stated she is representing Central Sand Inc. (CSI) and she has Dale and Lori Morris, the owners, with her; this \$18 million contract to dredge Sykes Creek is to improve the Lagoon and it should not be delayed based upon speculation that a new site, still in Merritt island, the FIND site, might help flooding; that sounds great, but speculative at this point; this is a bid protest and in January CSI submitted its bid protest claiming that FD&D was unqualified as a bidder for many reasons, because the proposal was conditional and it had no permanent dredge material management area (DMMA); CSI's formal protest specifically requested that FD&D be rejected and that dredging project be awarded to CSI as the second highest ranked bidder; and now County staff agrees with the bid protest, that FD&D is not a qualified bidder. She continued the report in front of the Board says, "serious unresolved concern with the proposal as submitted"; the proposed disposal requires zoning and permitting that may significantly delay the project; she quoted, "the pathway for pipeline corridor could propose insurmountable challenges to FD&D," and inquired since County staff agrees with the bid protest why is CSI not being awarded this bid; Policy BCC-25 adopted December 15, 2015, specifically states, "Should the lowest formal bidder be determined to be non-qualified, the Purchasing Manager shall reject the bid and award the next lowest, responsive, and qualified bidder or quoted"; and in her opinion this should go to Central Sand. She went on to say at very least why has the Board not been provided with Central Sand's bid; it is very comprehensive, it took over six months to complete, and thousands of dollars of engineers and consultants; this is about one-tenth of the bid documents used to create this bid, and the Board has not seen those at all; the Board should have this information if it is being asked to reject all the bids; to reject CSI's bid without even reviewing it is unconscionable; CSI was found to be a qualified bidder and was highly, only one point below that of FD&D; and this trucking issue is a red herring, it was not raised with the Selection Committee and it is just something that was thrown in and CSI has never had the chance to address it. She noted CSI is here and the Board or staff can address that with them. She stated the staff report suggested the bids be rejected as conclusory and unsupported by facts or documents; the suggestion is capricious and will cause unnecessary delay and costs to the County; the report says there are problems with the other proposals but there is no evidence before the Board that says that; staff wants the County to spend more money to revise the scope, and she inquired what needs to be revised and how long will it take; is the \$9.3 million grant from the State of Florida going to expire before this contract is completed; and she asked if the Board really wants to authorize this dredge material to be on North Merritt Island off North Tropical Trail, just north of Porcher Road, as suggested. She advised CST did its homework before submitting its bid and fighting the improper award to FD&D; the staff report validates the CSI bid; and she reiterated the Board has no evidence to reject the CSI bid. She continued on the integrity and fairness of the bid process is at risk if the Board rejects CSI's bid; she asked the Board to please consider the following consequences if it decides to re-bid the dredging contract; CSI's bid was extremely unique, they had a novel approach to using the already permitted DMMA sight at Kiwanis Island, as a temporary site, then taking it to a site in Cocoa; the cat is out of the bag and now their idea is open to others to steal and that is simply not fair; the rework and re-bid could push this bid out nearly 18 months or more despite CSI's responsive bid available to the County today; this would require CSI and

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the other bidders to expend more tens of thousands of dollars on engineers and consultants or worse, not to bid at all and leave the County with an unfulfilled mandate; and in summary CSI won the bid protest and staff supports that they won the bid. She advised the Board to please follow its Procurement Policy and award the dredging contract to CSI and to do what is right and just.

Chris Navarro stated since the Board had not received CSI's proposal this is a sketch of what their engineer has done of the proposed DMMA on Kiwanis Island; as everyone knows the condition of the Lagoon and the nutrient loading sources that have caused this crisis that the County is dealing with today that are extremely hot topics; he asked the Board to deny the request of County staff to reject all proposals and instead motion for an award to CSI and the most responsive and second ranked bidder; he pointed out the information received in the attachment labeled engineering technical review is inaccurate; at the Selection Committee meeting on January 17, 2018, it was discovered that Taylor Engineering did not receive a full and complete copy of CSI's proposal as it was submitted on December 20, 2017; and the Purchasing Department failed to give Taylor Engineering this other information which included in that were the drawings he just provided the Board. He added the devised staff report was incorrect with missing information. He continued the scope of the work instructed the contractor to hydraulically dredge 642,000 cubic yards of muck from open areas and residential canals in Sykes Creek and reduce the phosphorus and nitrogen levels in the affluent water to levels deemed acceptable by Brevard County Natural Resources; reducing the nitrogen phosphorus levels from the affluent water has not been a requirement in any previous Brevard County dredging project, therefore, Natural resources left it for the contractor to decide how best to meet this new requirement; and Taylor Engineering, who was hired by the County as the engineer of record for this project after years of serving studies and mitigation, successfully permitted the island just north of Kiwanis Island Park as the DMMA. He went on to say three contractors submitted proposals, CSI, Florida Dredge and Dock (FD&D), and Gator Dredging; the proposals from FD&D and Gator Dredging included the use of a DMMA in North Merritt Island on private non-contractor owned property instead of utilizing the previously mentioned permitted island DMMA north of Kiwanis Park; FD&D's plan proposed pumping 642,000 cubic yards of muck to a property eight and a half miles from the project site where it would remain indefinitely; CSI's plan proposed using the permitted island DMMA and utilizing a barge bridge to access the island from Kiwanis Island Park for the off-loading of the muck; and CSI's final disposal facility is a 186-acre heavy Industrial Zoned Commercial parcel in the City of Cocoa owned by Mr. and Mrs. Morris who are also the owners of CSI. He stated the final facility site plan has been approved by the City of Cocoa and a letter stating such was included in their proposal; the Natural Resources Management Department is requesting that the Board reject all proposals and authorize the staff to revise the project scope, re-solicit, and award competitive bids; and he respectfully asked the Board again to deny the request, follow County procedure, and award this bid to the second ranked contractor, CSI. He went on to say staff mentioned in the Agenda Report that it is currently working with FIND to secure the use of their existing spoil site as a muck de-watering site; this site will require a lease agreement that they stated they were working on and the removal and disposal of the 640,000 cubic yards because it cannot stay on the FIND site; that is an added cost for trucking and disposal fees at the tune of \$10 million, conservatively; that is not to mention the added costs from Taylor Engineering and time lost in added permitting and development of a new solicitation for the bid package; and the site still impacts the residents of North Merritt Island and is also located off of Porcher Road. He added it is slightly further away than FD&D's proposed site, at nine miles, the southernmost part of the project boundaries in Sykes Creek; and he knows that FD&D submitted a cost of \$18 million for pumping the full 642,000 cubic yards of muck eight and a half miles to Merritt Island. He asked the Board why turn an \$18 million project into a \$28 million project while still affecting the residents of North Merritt island, when there is a contractor in CSI that is bonded and has been deemed qualified by it Purchasing Department, ready and waiting to clean up the Lagoon.

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Dale Morris stated he is the owner of CSI; when they approached this project it was in their mindset that the DMMA being engineered was at Kiwanis Island, the material was located in Sykes Creek, and the impact should be managed at Kiwanis Park with every precaution to keep and remove activities to a minimum; their plan was to utilize the DMMA at Kiwanis, pump the muck into the DMMA, and then removal of the muck hauling when the Park was closed; it was in the bid instructions, minimum impact to the Park and more specifically the parking lot; the parking lot area they were talking about using as a staging area going to and from the island to get the equipment on and off for a period of maybe six months or whatever it is; they are going outside of the parking lot off to the side in a grass area; and he knows that still impacts the Park to a minimum but they where they go with this muck there is going to be an impact. He added they are going to have some trucks coming and going and they can work that schedule out whether it has to be at night time or certain hours of the days or if there is something going on in the Park they can cut that back; and they have already purchased the 186 acres that Chris has eluded to for the heavy industrial use to permit this to dump it there. He noted they have talked to the City of Cocoa and they have given them a preliminary approval; they have a site for the heavy industrial use, knowing good and well, it said in the bid specs that they can only put this is to a licensed landfill or something equivalent to that; that is what they are trying to achieve; the bidders instruction was to remove the dredge spoils and dispose of the spoils in a permitted landfill; and as a lifelong citizen of Brevard County, he knows that the plan to pump and haul to North Merritt Island could never happen. He went on to say the contractors did not create this; they had to come up with a solution; they cannot pull some magic out and poof the muck is gone; they had to place it somewhere; and he commented he knows there are some impacts from the trucks however he is open for discussions if the Board or the County wants to talk about it, the hours or maybe coming in from a different area, maybe the other side of the Park, or whatever.

Mike Hurkalo stated from what he is hearing, he thinks there is a big disaster coming; apparently this was not fully thought out; he firmly believes that North Merritt Island is available and being used as a place to go to until it can no longer exist; it will not exist as it is for anybody because this would kill Merritt Island; just the traffic itself is killing Merritt Island just in the expansion; when the Board thinks about zoning, zoning in Merritt Island was accomplished by study and the study made it what it was; and he asked how the Board could possibly change zoning, and greatly increase all the traffic patterns and everything else and say it is still zoning. He continued the Board does not need a zoning ordinance because it does whatever it wants to do; it is ridiculous; he studied zoning for years and was active in it where he used to live and this just is not it; people do not take muck and place it into a residential area which North Merritt Island is; somebody is going to hurt somewhere; the quality of life goes downhill, and it already is with the traffic and building the Blue Origin building is still impacting Courtenay; and he does not understand why the Board would even consider something like that. He went on to say his particular view is, having lived on the Hudson River, it can be fixed because the Hudson River was fixed; it was fixed with a lot of impact from people with a lot of thought and adjustments from people like those on the Board, governing bodies and people who are busy in communities as employees; and they figured how to fix things without impacting the people who live there, at least at a minimum extent. He stated the Board has to go back and look at some things it is doing.

Darlene Hillers stated she has been following this closely, she's been to the homeowners association meeting, and getting public input; she is concerned about the site that is being proposed on North Merritt Island; she does understand it is zoned for agricultural use and located within the Federal Emergency Management Association's (FEMA's) flood plain of North Merritt Island; and she thinks the Board needs to consider other bids or work out something else to save money because where the County is proposing to put the muck will have a tremendous impact on the residents that live in the area.

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Julie Roberts stated she does applaud the staff's efforts in rejecting the bids in order to not bring muck up to North Merritt Island; as she discussed a few weeks ago there are tremendous flooding issues out there already and she finds it unconscionable that the County would bring contaminated material out to another source and contaminate the wetlands; not only that, with the flooding issues Merritt Island already has, that contamination is going to spread over all of the lands and decrease home values; she does agree with a lot of the points brought up today; and she hopes the Board will vote against bringing that muck to North Merritt Island.

Robert Delano stated he hopes the Board is taking note of what is being said today by the residents who obviously have not been consulted about this issue; he moved here a year ago and he may be ignorant of the County's ways, but he is not a stupid man; he asked before the County undertakes such a project, was an environmental impact done and if not, why not, because this has to be approached in a scientific way; and he questioned again if an environmental impact has been completed.

Commissioner Isnardi stated the Board does not go back and forth.

Chair Pritchett tried to explain it is his turn to speak.

Mr. Delano inquired if the Board is going to answer that question; will he and the residents get an answer to that question.

Chair Pritchett advised after everyone speaks the Board will be addressing a lot of the issues.

Mr. Delano stated this is reprehensible and not thought out at all which then leads one to suspect that maybe there is some impropriety going on here as well.

Commissioner Isnardi commented typically the Board does not speak in the middle of public comment; this was put out for proposal; the County did not ask companies to come in and propose that they dump muck in Merritt Island; that was never the County's intent, this is what the companies proposed to the County; and she just wants it clear that this was not an idea that the Board came up with. She noted she understands people are upset, but this is what the companies proposed when they submitted their RFP.

Chair Pritchett stated she knows this is an emotional issue, but everyone needs to get through this as calmly as possible; she thinks this can be done without people being mad; and the Board will come to a conclusion.

Peter Scabarozzi stated the problem out on North Merritt Island around Crisifulli Road, last October they had discussed the flooding, it was quoted the residents live in a bowl and now the County is going to take this muck and build an island in the bowl; this property had 27 inches of water across it for three months and it will not hold an ounce afterwards; he does not know how many houses flooded or how many houses were within inches of flooding, but it is in the 20s or 30s; this muck is hazardous material that contains mercury, asbestos, and Cadmium; the mercury came from all the DDT poured on Merritt island from the aircraft, it is a mercury based poison; Florida Fish and Wildlife Commission (FWC) warned everybody 20 years ago, who fished in the Sykes Creek area not to eat the fish because they contain high levels of mercury; and he advised where does the fish get the mercury from, the muck. He continued there was Fortenberry Sewer Plant down by the airport that every night pumped untreated raw sewage into that basin for years; Waterways Manor Sewer Plant pumped millions of gallons of untreated sewage; then the County landfill, the one everybody forgot about, that was never ever checked for what was being buried, that is leaching into that area; and now, if the Board votes for this Merritt Island muck disposal, the County will be putting it in the residents back yards. He noted his advice to everyone who lives out there is to go to CHS and have a study of the dirt that is on

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their land; the water level, because the County keeps putting PUD's in there, is just going to keep rising; the muck is going to flow out and the contamination is going to be on people's land; and he inquired what the Board is prepared to do when he has mercury based poison on his horse pastures. He asked whose responsibility is it to clean the land because of the neglect; he stated the Board should be looking at public health and public safety as part of this, not polluting things; he stated his next problem is the boundary shown of the proposed muck site; he asked why his property is in it and who put his land in the muck site; and it is not only his land, there are at least 20 homes and property owners that are in the muck site proposal.

Karin Cunningham stated she has just been made aware of this subject; she agrees with everything these people have stated; she wished she had known more about this so she could have a more logical way of expressing herself; and the Board needs to go see for itself, the traffic and the muck.

Kendall Moore stated he is representing FD&D; his comments will be limited to procedures and processes; if there are any questions on the principles of FD&D, Don and Travis Fletcher and the engineer of record are present; he heard counsel for CSI, the number two proposer, state a clarity of what has transpired with this process; and he thinks it is important to go back through it so everyone can be clear on the facts. He continued the County released an RFP on October 12, 2017; upon submission of the proposals the County empaneled a Selection Committee which consisted of four members of County staff; he believes that they conducted a proper and appropriate review of the proposals that were submitted; they had an opportunity to ask questions of each proposer; and the engineering review included the Board's packet, was actually in the hands of the reviewers at the time they reviewed all three proposals. He went on to say the result of that process was that FD&D was the number one ranked proposer; subsequently, as has been discussed today, CSI did file a protest and the County again empaneled a committee for the purposes of hearing the protest; that committee included the Assistant County Manager, two Department Directors, and a very competent counsel representing the County Attorney's Office, which took place on February 26, 2018; so that the record can be clear, that committee voted unanimously to reject the protest and proceed with the RFP process; and since this has been raised as an issue and has been talked about a bit today, he thinks it is important to talk about the differences of an RFP, invitation to bid, and a hard bid, as another option. He explained the invitation to bid, the County would have to put out very clear specs; instead the County put out an RFP and that RFP, by sheer design and nature, created an opportunity for flexibilities that proposers were asked to come to the table with their own designs, solutions, or alternative approaches in terms of what they think the County could do to handle this; as the Board saw, there were sites where the muck could be dumped on Merritt Island, there were options for hundreds of trucks, and there were issues associated with Kiwanis Island; the County actually received what it asked for, which was a variety of options that existed; and he reminded the Board, in that process it was FD&D that was ranked number one. He stated typically after that is over what happens in the RFP process is two things; the first is to come before the Board for approval; the second is the opportunity for contract negotiations between the County and the selected company; he reiterated again that FD&D was ranked first, however, due to the protest that was filed, there was an extended cone of silence; in terms of answering these questions for the staff, and out of an abundance of caution, he had actually applied the same thing to residents; this company would love to have the discussions whether staff has changes in scope or form, or a desire of where it may be used, such as the FIND site or other; those are certainly discussions the company is willing to have; and he wants to make it clear that they believe that by being selected as the number one ranked proposer in the process, they are entitled to that process to at least have the discussions. He added the number two proposer said by doing away with all the bids, the County could very well extend this process by 18 to 24 months and change it by millions of dollars; and the only thing FD&D is asking for today is for the Board to recognize that FD&D did finish first and to give them the opportunity to sit with County staff, and to hear from the residents. He noted he will clarify for



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the Board, the County has clearly heard the residents both at the Selection Committee and today, but because of the cone of silence and the abundance of caution, they have stayed away from engaging them; if a negotiated contract cannot be reached, he will agree that rejecting all proposals is a potential option, but prior to that he asked that the Board not throw away the diligent work of the reviewers and County staff; he commented he has been at the podium multiple times representing multiple entities where in the RFP and the proposal responses there may have been something that the County did not like or see that way, so the contract negotiation opens the opportunity to be able to discuss price, technical approaches, residents' concerns, and the like; they would just like the opportunity to be able to do that; and he requested the Board to allow the first ranked proposer to move forward, the protest to be denied, and to allow FD&D to negotiate with the County and the residents with regards to an appropriate solution.

Travis Fletcher stated he agrees with everything Mr. Moore said; the one things he wants to make clear is that because of the cone of silence, this company has not been able to work with the County or anyone to come to a solution; they have been working based on the assumption that the company would get to the point where it could negotiate and have discussions; they have been working behind the scenes to find a solution that would be okay for the residents as well as the County, but they have not had the chance to talk with the County about it; and all the company is asking for is a little time to discuss it. He mentioned if the County does not like it, and then come to this conclusion.

Matthew Starr stated he represents Stantec Consulting and Engineers; they were brought on the team for FD&D to assist with the design and permitting of the proposed de-watering site, the environmental permitting, best management practices, stormwater design, and ultimately final disposal of the material; Stantec is the number one water firm in the world according to E&R rankings; they have 22,000 people in their company; and water and coastal engineering is what they do. He continued they have heard of some of the instrumental challenges that might be there; with any dredge project that does not have a permitted upwind disposal site going into it, is a difficult project; they have been there before; they designed and permitted the Panama Canal so they know about challenges; they also have a strong public engagement team; when they have the opportunity to speak with County staff they have public outreach teams that can address citizens' concerns and work on the alternative disposable site options, which his team is currently working on behind the scenes due to the cone of silence that was mentioned; and he thinks it is important for the record to note there were three bids and FD&D was ranked number one. He went on to say from the consulting side they typically go into the RFP process based on calls; this project was unique because it was an RFP process which 65 percent of the bid is based on qualifications, 35 percent was based on costs; the one thing that was not mentioned today, is FD&D was the only firm for their bid price that proposed to dredge the 642,000 cubic yards from Sykes Creek; with the other two bidders, the material would have to be change ordered or it would not be removed from the Lagoon; on November 16, the half-penny sales tax was passed with the ultimate goal of restoring the IRL; and the number one project for restoring the Lagoon is the muck removal. He stated there are septic tank removals, stormwater retro-fits, and many other shoreline projects to go along with the Save Our Indian River Lagoon Project Plan (SOIRLPP), but the best bang for the buck is the dredging; with their project to remove this muck for the price that was bid, ultimately that is going to restore that portion of Sykes Creek; with the alternative disposal sites that are proposed, they know there are other projects that may be forth coming, and it allows for the opportunity to have that de-watering site permitted, to be able to use it for the future; on the technical side, he has heard reports there are going to be 15 or 20 feet of muck, but this is muck, and the technical side is the material will shrink when it dries; it is going to be a lot lower than some of the comments that have been heard; and those are items the company would like to address with the County and be able to present that in a public forum either by a Facebook page or web page where they can hear those comments and address the concerns and so the true facts of the project design are

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being presented. He continued the Board is going to hear from Don Fletcher, President of FD&D, next; these guys have been around for a long time; they know what they are doing with dredging; and they solicited his firm to help them with this because they know it is going to be a tough project. He mentioned this is not like a beach re-nourishment where it is a nice pretty box and a ribbon cutting at the end of the day; however, restoring the IRL is the ultimate goal; they have a team of scientists and engineers whose main focus is nitrogen and phosphorus removal; that team is on board to help with this project; and he can assure everyone this team can get to the correct levels of nitrogen and phosphorus levels, because that is what they do. He thanked the Board for its time.

Don Fletcher stated this was an RFP and it is competitive in nature, therefore they had to keep somewhat of a veil of secrecy over their process or it would have been exposed to the competition; he apologized to the people of North Merritt Island explaining they did not go to them first because then they would be exposing their plan; his company was ranked number one and the only company to propose 100 percent; they heard the comments from the local homeowners association and he pointed out that even with a cone of silence they actually ended up where the County staff did; and they too have been talking to FIND about using their site and they understand that is probably what is going to happen with this project, either it is bid out and goes to the FIND site or the County works with his company and it goes to the FIND site. He continued it is a little bit of a misconception of what goes on with this muck; most of these people in the room will not even be aware that FD&D pumped 200,000 yards of IRL silt onto North Merritt Island last summer for NASA; nobody even knew it happened, but it is there and it was pumped up just about a mile from where they are proposing the DMMA; and therefore it can be done in a manner that does not impact the local people. He went on to say ultimately what he is asking for is this cone of silence be lifted so they can talk to staff about using the FIND site; it is almost the exactly the same project they proposed; it is either nine miles of pipeline to either their site or the FIND site, it is still 100 percent of the dredging project, and it is still constructing a DMMA on North Merritt Island; and he noted it is a very small change to shift their proposal to the FIND site. He is just asking to discuss this with staff before throwing out all proposals because he thinks they can come to a conclusion that will get this done quicker and ultimately he believes it is going to end up at the FIND site one way or another.

Tamy Dabu stated she is hoping to capture the Board's attention with a different type of twist; when Brevard County obtained this money from the great State Legislature to do the Lagoon clean up, Brevard County obtained permits; one of the permits it received was a nationwide permit from the U.S. Army Corp of Engineers; that permit was a nationwide permit and it specifically authorizes the 642,000 cubic yards of dredge by hydraulic or whatever means; it specifically authorizes the spoil site adjacent to the DMMA site at Kiwanis Park; this was an engineering drawing and engineering package that was reviewed and approved by the engineers of record for this project; and it works. She continued the DMMA that was established in the permit will work for the County; it is a save and manageable area and should be utilized; in addition, the nationwide permit from the Army Corp of Engineers does not allow for wetland fill, or any modifications; therefore, if the County does not utilize the nationwide permit then the County is at ground zero for permitting with the Federal Agent called the Army Corp of Engineers. She added the County would not only need modification of the State permit, and she is not going to go there, she is just going to speak on the permit from the federal agency to work in Section 10 waters of the United States. She advised to the Board, that dredging is not a new process; it has been done for decades; the State of Florida is marvelous at dredging; but what needs to be looked at is the spoil placement of the dredge material; and it is capable of being completed, managed, and treated and a dredge material multi-tiered dredge spoil site distinctly and properly treat the spoil, treat the water, and return the water to the Lagoon with no negative impacts. She stated dredging itself is not the solution so she hopes staff does not think that all the money they receive from the tax revenue of the half-cent is the solution for Brevard County, the solution is the sewers; the County needs to get these nutrients out of the water; if Brevard

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County wants to make a grand scheme change then sewer is the way to go; the City of Palm Bay have dredged Turkey Creek almost six times and they are no more successful today than they were when they started back in 1990; and she reiterated the dredging is not the solution. She advised she thinks the solution for Sykes Creek is to use Kiwanis Park DMMA to keep the spoil and keep the flooding off of Merritt Island.

Kim Smith stated she specifically supports the rejection of an inequitable bid by FD&D which proposes a permanent North Merritt Island muck site; it will place approximately 642,000 cubic yards or 17,334,000 cubic feet of muck and dump approximately 734 million gallons of Sykes Creek water on North Merritt Island; that is to move the muck through the pipelines and the County has done the math on this; she was shocked when she found out the amount of water it is going to take to move this material up on North Merritt Island; and she sarcastically commented please move more water on to North Merritt Island. She went on to say this area is abutted by wetlands and many residential areas, that she is sure the Board is aware of; FD&D's request for the Board today is to rework their bid; it is the same as the motion that is before the Board, to equitably re-bid this request from companies; and she announced there is another close FIND site off of U.S. 1 in a more commercial area.

Mary Hillberg stated the idea of dumping this massive amount of muck on Merritt Island is untenable whether it is in the Crisafulli Road area or the FIND area; she thinks the Board knows that; she has done her research on the Board as the Board has done it on other things; she knows the Board members are all smart, educated, and that they all know better; this is an action that will reduce the value of the properties and endanger the health and water quality, and produce flooding; and she knows the Board knows that too. She went on to say she does not think anyone intended to do this, it just kind of continued to roll and ended up in that spot; she thinks the Board's effort now to back up and look at it more carefully is a good idea; she reiterated what so many others have said, that North Merritt Island cannot handle muck and water with thousands of homes built on top of wetlands; and as hard as the County works, and Mr. Denninghoff should be applauded for his excellent efforts in pumping the water in circles, but it is still in a bowl. She noted the oceans are rising and as the oceans are raising the river will rise; and the water cannot go up hill. She continued what the County puts here will stay here and there is just no more room for it on North Merritt Island; it is not practical, it is not healthy, and it is not ethical; CSI's proposal of taking it and moving it to a spoil island and detoxifying it to use as nontoxic recycled fill in an industrial area is a smart idea whether it cost a little more or not; and the idea of dredging altogether can be discussed but remember how the muck showed up in the first place. She added the muck can be dredged but if the County keeps pouring sewage and fertilizer runoff into the river, there is going to be more; stopping where it starts to happen is the most important thing; and if dredging has to happen, she asked that the County please do it appropriately, correctly, and safely.

John Schantzen stated he has been a resident of North Merritt Island since 1967. He provided a map from the Property Appraiser's Office to the Board. He noted the box in red is just one of the pieces of land that will be used as this disposal site; notice just to the north of that red line is a home that looks a whole lot closer than 100 feet from the ditch; that is the Testa home that flooded and is closest to where the spoil pile is going to be; it is unreasonable; when he comes before the Board he always talks about property owner's rights; and he asked what about those adjacent property owner's rights.

Cindee Schwartz stated she and her husband moved to Merritt Island a few years ago and she has family that lives in North Merritt Island; she is very proud of where she moved to and they love the area; they have very serious concerns about the muck disposal plan for North Merritt Island; the establishment of any permanent 642,000 cubic yard muck disposal site cannot be allowed; it is a negative impact on the wetlands; and they have heard about the possible toxic runoff, continuous operational noise, the trucks, the proposed site location which is in a flood

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prone area, and all of this underscores the ill-conceived idea of this whole plan. She continued the alternative proposal to detoxify the muck at the dredge site off Kiwanis Island and then return the clean water to the river and store the remaining material for recycling in an approved industrial waste site on the mainland would be a much preferred choice; this option is surely safer, more thought out, with the least environmental impact on all; and perhaps the Board has heard this again and again, but she thinks just the emotional appeal sometimes it takes 90 times of hearing something for someone to really get it in their brain. She noted perhaps this is the 70th time this has been heard, but she hopes this is the time that it will stick.

Colleen Hausman stated she has three homes on North Merritt Island in various areas and all three have flooded over the last few years; if the muck is placed on North Merritt Island, not only will they flood, but the land will be ruined with the toxic sludge that will come with all the dumping; she requested the Board to please consider all the options; she stated if the County needs to start over then that is perfectly fine with all the North Merritt Island residents; and she noted the quick option is not always the best option, a well thought out option is the best in this case. She continued the quality of life, the property values, and everything else will go down with this muck; she asked the Board to please consider the home owners when deciding what to do with the muck; it will be two years that the citizens will have to listen to all those pumps going; all the money the people are paying in taxes is going to be used to put this on their properties, which really does not seem fair that they have to pay out and at the same time their lives are destroyed because of what they are paying out for; and she asked again for the Board to take into consideration the citizens.

Jack Ratterman stated it is the responsibility of every government to protect its citizens and it would be a derelict of duty if the Board lets this process be side tracked by depositing this waste in North Merritt Island; some of the facts about the pumping are, it is going to be pumped 8.5 miles through a 20 - 24 inch pipe, 642,000 cubic yards, it will have to go under the B-Line and under the Barge Canal, then it will go through other areas including a County park to North Crisafulli, and the permitting for this will never be achieved because the County will need permits through St. Johns, Florida Department of Environmental Protection (FDEP), the Corp of Engineers, and the Coast Guard because the Coast Guard regulates navigable waterways; and he does not think the Coast Guard is going to let the County go underneath the Barge Canal. He asked the Board to do the right thing, keep its responsibility as shown earlier by the concern of the Board for its environment; and to accept the second bid by CSI.

Nancy Minerva stated laws are made to help and protect people; she knows the Board is diligently doing its job; she heard all the procedure that the County has gone through to get to this point; bottom line is muck is bad for North Merritt Island; the property values for not only the people around that area, but also the overall population in North Merritt Island; it is a very special area and she would like the Board to come visit the area to see what it is like there; and she noted that she agrees with so many people who have already stated how dangerous this muck is. She went on to ask the Board to please not let the muck come to North Merritt Island and to do it due diligence and figure out the best solution.

Gina Lindhorst stated her family and friends oppose the lowest bidder plan and request review of proposals to consider the CSI proposal; the current lowest bid produces a polluted muck dump on North Merritt Island; it includes 700 million gallons of water delivered to a flood prone residential area whether it is FIND or Crisafulli Road does not matter, it will be pumping polluted muck and water into, which is a really bad choice; greater than eight miles of land could be disrupted from pipes, noisy pumps, and trucking; this would adversely affect residential and wildlife refuges; dumping polluted muck on North Merritt Island causes deterioration of the community, decreases the value of the resident's homes, health and safety, and quality of life; and these toxic dumps on North Merritt Island are definitely opposed by her, her family, and all of her friends. She went on to say this Board is the decision-making body and it can make any

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choice it chooses; however, the community stake holders, such as her, strongly oppose a North Merritt Island muck dumping.

Carolyn Alvord stated she kind of likes the CSI proposal. She inquired if there is an impact study on where CSI is going to take the muck when they are done; and she wondered if the County just takes the bids only, if the community still has a say in it like they do now with the proposals. She noted if the County uses a spoil island, the biggest thing to get around is the Army Corp of Engineers for any kind of dredging, so if there is a spoil island it should already be approved; and she advised that may be a better area to place the muck.

David Henry stated he lives just off the east side of where the County wants to place the muck; this is just not the place to do it, it is a wonderful area with a lot of good homes and animals all over the place; and to have all that muck would just ruin the area. He went on to say there was almost three feet of water just sitting there for two weeks after the last hurricane; low and behold two weeks after that when the water started going down there was another rain event and the water went back up to over two feet; it is not a place to put muck where it will be spreading everywhere one the rain starts coming again; and this rain has been going on for years in a low area. He continued the more people who have a say in this, maybe the Board will think a little differently because if no one stands up then the Board will think no one cares; and the people of North Merritt Island do care, they do not want it.

Tammy Gullifer thanked the Board for its service as she knows it is a thankless job; she is going to echo the sentiment of all of the residents on North Merritt Island; she agrees with all of the flood concerns there; after last year's storm, there was a "no wake" sign on Crisifulli Road; the road was under water by two feet and homes were flooded; she reiterated what the others have said, that this is not the place for toxic material that will start leeching into other areas when there is a storm; and she understands cleaning up the Lagoon is going to benefit everyone who has a home on the river and the wildlife, but to clean it up and deposit the toxic material in another community's backyard is an added detriment to that community. She noted it appears as though the County and/or the Board is favoring one population over another.

Barbara Chassee stated she understands the process was followed, but the proposal possibly did not include impact to the residents; she was unaware of the cone of silence so she is not sure what that is; to her it sounds like the talking is now open; the County really needs an environmentally friendly solution, that is why there is a problem with the Indian River Lagoon to start with; and she asked the Board to think environmentally friendly. She continued everyone has mentioned the impact to the residents, but there are lots of animals out there as well; the wildlife is starting to come back and she does not want to lose all that; and she asked the Board as it moves forward to please include the residents and instead of a competition between two companies or two groups, that maybe they could be put together to see if they can work together to come up with a really cool environmental solution that will save the area and help the IRL.

Philip Findlay stated he is with Gator Dredging; his intentions today were not to speak but after hearing all the residents comments he decided to input Gator Dredging's thought process into the RFP; he wants to first touch on one aspect regarding the second bidder utilizing the park for off-loading; as a bidder in the project, they may have utilized the park to off-load if that was an option; the way they read the bid document in the addendum they indicated that was a temporary staging site and that the contractors would not be allowed to off-load material onto the park; therefore, he and other potential bidders may have approached the project differently. He continued they have always been confused why that process was even considered; he wants to provide what Gator Dredging's plan was because he does not think it was portrayed to the community exactly; they were the highest bidder from a cost perspective, but with all of the different factors in the RFP, they took into consideration the residents; their plan was to utilize a

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site that was on Smith Road and North Courtenay Parkway, which is a commercial site that has immediate access onto Courtenay Parkway; they have a disposal site off of Grissom Parkway currently under contract; there is roughly 60 acres on an old burrow pit; and they have preliminary approval with St. Johns' River Water Management District and the City of Cocoa. He went on to say that right there, in their minds, was taking into consideration the residents and the process of minimizing the impacts to North Merritt Island; their approach for the increase in price was for the expedited schedule; it was in their package that they were completing the project in a very expedited schedule which would eliminate a long term effect to the residents; and from a permitting process, they had already had preliminary discussions with the permitting agencies. He stated their approach was a rapid de-watering type system which had a very minimal permitting process; they permit projects every week and this process is generally a 90 - 120 day for the processes they propose which would expedite the schedule for the County as well as maximizing the time line to get the project going. He explained they could have approached it in many different ways; their approach was timeline prospective for the County and minimizing all impacts to the residents; the transportation route was an immediate onto North Courtenay Parkway onto 528 and off at Grissom Parkway; that is a commercial area; he does not think it could be any less impactful for the residents; and it is why they chose to go that route based on the bid documents, and not being able to utilize the park for off-loading materials. He noted their price was more, but it was more based on schedule, limiting the impacts for the residents, and the overall project of making sure the project was done properly; this company is a qualified contractor; they are finishing a project at Turkey Creek right now; and they are familiar with Brevard County and all the requirements. He commented he hopes the Board can maybe consider them because they think they met all the needs of the residents who spoke today; and they would like consideration for further discussions.

Chris Minerva stated through the recent rezoning requests to build on previous agricultural land on North Merritt Island and through the trucking of new fill to build new homes, this water is left with nowhere to go other than existing lower lands which aggravates the flooding; he knows the Board will do the right thing; and it will move this muck to an appropriate industrial area.

The Board recessed at 11:17 a.m. and reconvened at 11:24 a.m.

Commissioner Barfield stated he is very much aware of what happens in North Merritt Island; there is a lot of things that go into this; people need to understand it is the Board that will make the final decision on this; the procurement process did not work well; and the Board could try to decide what company, but the bottom line is it would be force-fitting something into place. He stated he thinks the County needs a different procurement approach for this and to start over; this is \$20 million of taxpayer money and this has to be done correctly; the County cannot go through this and end up with additional flooding, or any other concerns; therefore, the project has to be vetted to make sure it is safe.

Motion by Commissioner Barfield to accept staff's recommendation to cancel all bids and start the process over.

Motion dies due to lack of a second.

Commissioner Isnardi stated she does not believe any Commissioner wants to put the muck on Merritt Island; she thinks maybe there has been some misinformation and that is why she spoke up during public comments; staff put this out because they wanted ideas; some of this was private property, some of it was Kiwanis Island, it was not that staff wanted to throw muck onto Merritt Island; and she wanted that to be stated for the record. She continued she wants to talk to staff because she does not want this to take forever, she does not want people to have to spend thousands and thousands of dollars to go through this again because it is the County's fault for not being more specific on what it was looking for; she does not believe it was done in

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malice or in neglect, she thinks maybe it was just done that way because the County was not sure what the best approach would be; and she believes, even one of the speakers stated the County actually received some great ideas on what can be done. She went on to say she does not know if there is a way to expedite this if the County goes out for another RFP or if there is a way to work with the existing; obviously there are qualified bidders because the County chose a company for the proposal; that cone of silence means no one can talk because it is part of the legal process of an RFP; it is not like no one cared about what the input would be or the residents inputs, they could not talk to the Board either; the Board is learning as the community is learning; they only know what is in the Agenda packet; there are trade secrets and such which is part of the reason for the cone of silence, so not to influence the Board or interfere with the RFP process; and she noted that was not done to hide any information from the public.

Commissioner Smith asked staff if this was put out for bid today what kind of time are they looking at for when this project could be started.

Ms. Rothering stated she can answer the timeline for soliciting a bid; the preparation for that bid prior, whether it has to have revised certifications, services, what is actually going to be the bid package that is going out; once it is received in Purchasing, if it done as a bid because this one was processed as a proposal which is different, it has criteria besides pricing, a bid is developed based on firm specifications and all bidders have to submit a bid against the same spec, and that minimum time is 21 days for bid submittal; there is a pre-qualification process that takes about 30 days; therefore, it is probably a 60-day timeline for a bid.

Commissioner Smith inquired was the bid is approved, how much time is offered before the project starts.

Ms. Rothering stated to start the project it depends on what is in the bid specifications identified in the bid and Ms. Barker might have to answer what timeline is appropriate based on what they determine to be the project.

Ms. Barker stated to go to bid and have that firm specification package, they need to have a permitted site to take the muck; right now the only site they have is the Kiwanis Island site which is designed for capacity of a little over 100,000 cubic yards whereas the project is to remove over 600,000 cubic yards, therein lies the mismatch of why the contractors were proposing different options; if the County wants to consider the FIND site then it would need to wait for that site to get through permitting; and it is currently on track for the end of this Fiscal Year, September 30, 2018, design completion, so that if the Board wants to wait for that site then it must wait until that site is designed and permitted.

Commissioner Smith asked for clarification, if this process was started now, the project could be started in early October.

Mr. Denninghoff explained the FIND site would have to go through its construction process in order for the County to be able to utilize it; the County would negotiate or work with FIND to develop the timeline for the evolution of that site to get through construction to be ready for use; they have not gone through the details with the FIND staff as of yet, but they would expect to do so; and the alternative would be to try to do something on the site the County already has obtained a permit for on the island north of Kiwanis Island. He added the County has used that previously for a much smaller volume of material which was never taken off of the site, so it is still there; it has so much material now that the material would have to be moved from site; and the County does not have a permit that would allow it to off-load it from the island at this point. He continued that was another one of the issues with the second proposers plan, that permit would have to be modified; Ms. Dabu is correct in stating that the County would have to modify the permit, work with the proposer, or have it already modified before it went to bid; there are

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things that would have to be done no matter which way the County moves in order to go to bid; and if the County were to allow it to be off-loaded on Kiwanis Island, the method that would be done is critical to the operations of the park. He went on to say the location the proposer was indicating to use has been used before for dredging, however, the County only used it for a very short period of time and this would be much longer; it will interfere with various uses that take place on that site; and the colleges utilize that area for their rowing crew activities.

Commissioner Smith asked if that site would be large enough to handle all of that.

Mr. Denninghoff responded it would not; the island could only handle about 100,000 yards or so and they would need six times that; and there would have to be 550,000 cubic yards of material removed from that island in order to accommodate the entire project.

Commissioner Smith inquired if he is saying basically the island would go away and be rebuilt.

Mr. Denninghoff stated he would presume the way the island would be modified would be to build up a berm to have a containment cell for the dredge discharge and all the other processing they would do there; then as it fills up they would either have to stop operations long enough to start off-loading or have some type of parallel operation going where they were off-loading at the same time as they were doing the dredging operation to keep it in balance; and he noted the operation would never go away.

Commissioner Smith stated so the County does not really have a place to put 600,000 cubic yards of muck; and he inquired if they put the muck where all these folks do not want it placed if it will stay there forever or if the County has a plan to get rid of it.

Mr. Denninghoff advised he does not know how the FIND arrangement would work; and in the past when they have used FIND's sites for dredging they will allow the County as a governmental operation to utilize the site, but then it must be restored to the condition where they have the same volume as needed before.

Commissioner Smith asked how long the muck will sit there.

Mr. Denninghoff stated it will vary based on the quality of the material that is there and how deep it is stacked; if it is spread out thinly it will oxidize and dry out fairly quickly; and it is not going to be days, it will be in months.

Ms. Barker stated it depends on what method of flocculence they add and what process they propose for de-watering.

Commissioner Smith stated he is just concerned about the resident's concerns, but as someone who really cares about the IRL, he knows Sykes Creek could benefit greatly if they could get the bad stuff out and stop putting the bad stuff in; to him time is of the essence but he does not want these people to have to deal with muck in their back yards for a long period of time; and he inquired how bad the smell will be and if that is up to the contractor and the materials they use.

Ms. Barker stated the flooding concerns are the larger concern.

Commissioner Smith noted the County is coming into the rainy season, but the project would not be started before that. He inquired if the Board decided not to go out to bid with this in the interest of saving time, and negotiated the differences with one of the contractors and let them go ahead would that be saving time to start the project; he reiterated the sooner the project starts the quicker they can get the Lagoon cleaned up.



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Ms. Barked announced they had proposed a two year time frame; up to two years for permitting what they had proposed; and if the Board wanted to authorize staff to negotiate with the number one ranked firm, the County could potentially contract with FIND to use their site, work with them to complete their permitting, and be started on construction at that site sooner than what the number one ranked proposer was using as their site.

Commissioner Smith stated he has those concerns; he is concerned for the residents, he is concerned for the neighborhood, he is concerned about the flooding, and at the same time he is concerned about the IRL; he lives on the river and he knows if the County could dredge in front of his house to make the river better he would allow it; and he is looking for how quickly it can be done.

Chair Pritchett reminded the audience to please be quiet or she would have to call a break. She noted there are a lot of different schools of science on how this needs to be done; if someone could invent a way to turn the muck into road material, they would have the bid; there was one gentleman who had a presentation that might be able to find something to do with it; she wants to do what is good for the County and the tax dollars; and she inquired if the County is going to run overtime and lose any grant funds on this project.

Mr. Denninghoff explained his understanding on the grant is that given the time frames they are discussing, the grant would not expire.

Chair Pritchett mentioned while speaking with County staff, all three companies are currently working in the County; staff thinks they are all wonderful; one of them is doing a dredging project in Mims right now; this has nothing to do with the abilities of any of these entities who have put in bids; they are all great people and they are all doing their jobs; she thinks running through this process on jobs this large, the County has discovered the RFP process has not worked; it did leave an opening for brainstorming with different ideas and avenues; and in all fairness, she would like to apologize to all the companies for this because they were not given set parameters. She commented she is not an expert on this; she has to rely on staff and other opinions to figure this out; she believes after listening to all the information, it is going to cost a lot of money; she thinks the correct process now would be to do the bid process with all the parameters set out and let the companies come back with some great ideas; she loved some of the alternative site plans; and she thinks that might be the best process right now. She asked if there is a way to speed up the process if they are already aware of the situation; she understands these companies have already put in bids so to set the parameters of what the County would like to have happen, maybe this could be sped up; and she inquired if that would work.

Ms. Barker asked if Commissioner Pritchett is talking about adding more specifications to the package and then asking the three previous contractors who have submitted bids to provide their best and final offers.

Chair Pritchett inquired if that would work.

Ms. Barker stated in terms of procurement it would; the County needs time to work with FIND to nail down what that specification package would be; the proposed site development for the number one ranked firm, was \$3.9 million; the cost to develop the FIND site is on the order of \$3-\$4 million; the cost might be comparable to shift sites; previously the Board has had concerns about negotiating a change of that order magnitude; that is why staff brought the reject all bids proposal to the Board; however, the Board can direct staff to negotiate with the number one ranked firm or to redo the specifications and ask all three for their final and best price.

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Ms. Rothering advised the options are negotiating with the number one ranked firm, asking all three to come back with a best and final offer; what the Board has to be careful of is how much do they change that original scope on the RFP; there were 11 other potential bidders at the pre-bid, which was mandatory, that maybe would have submitted on this had the County specifically identified the project and how to do it; because they went the proposal route, it was a little more challenging, so they only received the three responses; and she noted the Board needs to consider the fact there could be potential bidders who are not in the audience today that may want to bid.

Commissioner Tobia stated this is contingent on more than \$9 million in state funding; staff mentioned the Board's options were two-fold to either negotiate with the first bidder or to re-bid; he asked if there could be a third option to negotiate with the second bidder, or if that could not be an option.

Ms. Rothering asked Commissioner Tobia to repeat the questions as she was talking.

Commissioner Tobia repeated staff delineated two options one is to negotiate with bidder number one or throw them all out and re-bid; and he asked again if the Board would not have the option of Policy BCC-25 to negotiate with the second highest bidder.

Ms. Rothering explained the Board has the option to waive their Policy and go to the second bidder for negotiations.

Mr. Denninghoff advised in order to do that option he believes the Board would have to reject the number one firm for whatever reason the Board deems appropriate to do that, and then move to the number two firm.

Commissioner Tobia stated he does not know where the Board is going here; his issue would be public record; his understanding is, these bids, he thinks all three of the contractors have spent countless hours putting this together but retained consultants, looked at permits, and they are in to this with tens of thousands of dollars; he heard today that bidder number three liked bidder number two's options and would change their plans to meet option number two, which is completely against a closed bidding process; and for that reason he would like to go with the procedural suggestion of Mr. Denninghoff, because there was not one person who agreed to the muck being in Merritt Island, and reject the bid of proposal number one and accept negotiations with the number two ranked bidder who did not have any of these concerns for muck on Merritt Island.

Mr. Denninghoff stated what would need to be done is to have staff go ahead and negotiate with the number two firm and they bring back a resolution to the Board. He noted part of the negotiation would be the impact on Kiwanis Island Park, and ultimately making a decision on what would be acceptable on an impact on the park; and they may be able to mitigate that or use one of the suggestions discussed that were not included in their proposal.

Commissioner Smith asked Eden Bentley, County Attorney, if the Board were to bypass the number one ranked firm and give the option to one of the other bidders to come back to the Board with the parameters that it has set, if they would be legally sound because they already had a bid process and a firm was chosen as the number one ranked firm.

Attorney Bentley stated she believes the Board would have to find the number one ranked firm non-responsive; the other alternative is to let all come back with set specifications and let them come back with their best and final offer; and that is an unusual technique but it gives them an opportunity to provide more information.

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Chair Pritchett asked Attorney Bentley to repeat that.

Attorney Bentley stated that is the unusual step that they had discussed before the Board got into the question about the number two ranked firm. She noted the County would have to have some specifications for that and some time to discuss it.

Commissioner Barfield stated he worked with procurements and RFP's from the other side; he has also been in a situation where his company won a contract and then there was an issue with the procurement so it was pulled back; and ultimately his company did not win it after that, so he knows what happens. He continued the thing that gets him concerned is doing this right, the County has \$20 million; he has seen where other contracts try to manipulate the RFP, they add an addendum after the procurement process or open it up for best and final offers and what happens is that it keeps going; it can be infinitive; there has to be a place and time when the best thing to do is regroup, cut it off, and look at the issues to decide how to put it back out; if the Board makes a change like that he does not think it is fair to the other 11 bidders; and as a taxpayer and for the County he wants to make sure to get the best quality for the best price. He went on to say he still believes the best way is to start over; the Board has received a lot of information today; he thinks the key is the FIND site; and he pointed out he thinks it is best for all parties involved to start the process over.

Chair Pritchett inquired what the bid ranges were from highest to lowest.

Ms. Barker stated the County did not ask the question that way because they have a fixed amount of money and the concern was whether all of the project could be completed for that amount of money; therefore, is asked the way around; the number one ranked firm is the only firm that could complete the entire project under the available budget; the number two ranked firm could complete about 86 percent of the work; and the number three ranked firm could complete about 60 percent of the work.

Chair Pritchett commented this is tough; she knows the County is always trying to do what it can for the dollar; she loves the fact that someone bought property and would be taking on the muck themselves; she does not know what to do other than put it back out for bid; and as Commissioner Tobia pointed out, the thing is people have exposed their plans.

Commissioner Smith stated given what Chair Pritchett just stated, the County has already had this whole process, these three contractors worked very diligently and very hard to come up with the numbers but only one really qualified; he would encourage the County to work with them and see if they could make this work with the new site; and if it cannot, he would recommend it go back out for bid and open to all.

Commissioner Isnardi inquired if Commissioner Smith means to work with the first or second ranked contractor.

Commissioner Smith explained he meant the first ranked bidder to see if they can make it work; as Ms. Barker said this was done kind of backwards, they knew what the money was and they asked if the contractors could work with this amount of money to complete the project; and the number one ranked firm was the only one who could do that.

Commissioner Isnardi noted that was also based on the Merritt Island site, so that may change.

Commissioner Smith advised that is why he said if they cannot make it work then to put it out for bid; he has been in those shoes before that he has one a bid and for whatever reason someone changes the rules after the fact and he no longer had the winning bid; and he feels this company did their homework so he would like to give them the opportunity to make it work with

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the new parameters, and if they cannot it goes out for bid. He instructed staff to put a time certain on it.

Commissioner Isnardi stated she thinks there are compelling cases for both; obviously they stated they could do the project for that amount of money; anybody would know that would cause this kind of outrage and the people would be able to get the Board to reject it because no one wants the Board to put the muck on Merritt island; and it is not just because of the muck, the smell, and the toxins, but because of the flooding.

Commissioner Smith stated what he is suggesting is to give them the first option to make it work and if they cannot put it out for bid.

Commissioner Isnardi pointed out but that is not giving the second, the third, or the 11th bidder the options of bringing something even better; she thinks it is risky and legally it puts the County at risk as well; and by saying not to change the rules or change the scope, that is exactly what is happening if the number one bidder is allowed to negotiate.

Commissioner Smith asked Attorney Bentley if that puts the County at risk.

Attorney Bentley commented they are the number one bidder so the Board can negotiate, however, changing the specs significantly could be an opening. She advised the cleanest thing is to start over.

Commissioner Smith stated he is not adverse to that either.

Chair Pritchett stated the problem is there are three different procedures; if the County did a bid, it would have said this is what it wants done; now the Board is trying to compare apples with oranges; she reiterated she thinks all three companies are great; she would be comfortable trying to work with these three companies to come back; she does not want the muck dumped in Merritt Island and left there; and she would like to go out for a clean process.

Commissioner Tobia stated it appears there is now four or five options; he does not know whether the Board should start over with three contractors, or 11, or with one, or to invalidate one and go to two; each one of the options brings up potential liability issues; that being said, Mr. Denninghoff is telling the Board it is not in time constraints where two weeks does mean anything; and he has heard very clearly from the North Merritt Island residents that they do not want the muck on North Merritt Island.

Motion by Commissioner Tobia to give the County Attorney two weeks to look over those four options and investigate ones that the Board has not come up with, and to give the Board those options and the potential liabilities that could come forward for the next meeting on May 8.

Chair Pritchett stated before asking for a second on that motion she would let Commissioner Barfield speak, because if the Item gets tabled the discussion will be over.

Commissioner Barfield stated he knows the Board is going to get into a rough situation if it continues to try to force fit this in; he is opposed to Commissioner Tobia's motion so there will not be a second from him; and he reiterated he thinks the County just needs to start over.

Commissioner Isnardi stated it seems like common sense to her if the other 11 bidders could not do the project, she does not know how if they said they could not do the project, how they could come back and say they want to bid on it; it would be safer if the option is to come back with three, or put it out to the three and see what they come back with; she does not want to

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start over completely; staff have picked the top three; and she thinks Commissioner Tobia has a good idea, and she will second his motion.

Frank Abbate, County Manager, stated once the Board votes on that, she asked if they should be maintaining the cone of silence until the next meeting.

Commissioner Smith stated he would have to.

Mr. Abbate stated he just wanted to make that clear.

Chair Pritchett stated she has already closed public comment so if this were to be tabled it would be just for legal to come back with information and then discussion with the Board; and then the Board would be voting.

Chair Pritchett called for a vote on the motion. The Board denied tabling the Item to the May 8, 2018, Regular Meeting.

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

#### **ITEM II.C.1., SYKES CREEK ECOSYSTEM RESTORATION DREDGING PROJECT**

Chair Pritchett advised she would vote either on running this through the three companies that are on the top right now, or for putting it out for a bid.

Commissioner Smith stated he does not think anything will change if there are 11 other bidders; and just for purposes of clearing the air, he would like to give everyone the opportunity to bid again.

Commissioner Tobia inquired if it is for all three bidders or if it is open to everyone.

Commissioner Barfield stated it is open to everyone.

Commissioner Isnardi asked how much longer it will take as opposed to working with only the three if that were an option.

Ms. Rothering stated it depends on what is negotiated with the FIND site; in the Agenda it also states regarding the FIND site, staff would bring that back to the Board for its approval prior to re-bidding this project; once they receive that approval, it will be approximately 60 days for the procurement process; however the Item is in the Agenda the way it is written, that staff bring back that bid after negotiations on the FIND site.

Ms. Barker announced that process will take about 60 days versus negotiations.

Chair Pritchett asked if there is any time difference if they just did the three top bidders or if it is put out to everyone.

Ms. Rothering stated it is about 60 days for both.

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Mr. Denninghoff stated he thinks it is important to remember all of the proposals, at least from those be considered right now, it will require some sort of permitting modification from the Corp of Engineers, FDEP, and possibly SJRWMD; that is going to have to happen one way or another; the County may be shifting that permit level up to the front of the process rather than the back of the process; and the County will have to allow time for that.

Mr. Abbate reiterated whether it is the three or it goes out for everyone, the procurement part with be the same time frame; and the permitting process will be placed at the front.

The Board rejected all proposals submitted for Sykes Creek Ecosystem Restoration Dredging Project, #P-3-18-04 and, subject to below, re-advertise to solicit bids and award a contract to the lowest, responsive bidder. Staff represented it will work with the engineer of record to revise the scope of the Project to include specific additional/alternate spoil management and appropriate offload sites; work with Florida Inland Navigation District (FIND) to secure access to their existing spoil site for use as a muck, de-watering site; and at such time as staff has negotiated a potential agreement with FIND in this regard, staff will bring it to the Board for its consideration prior to going to bid with a revised scope for this Project.

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

**ITEM IV.A., ORDINANCE AMENDING ARTICLE III, DIVISION 2, SECTION 2-73 OF BREVARD COUNTY CODE OF ORDINANCES**

Chair Pritchett called for public hearing on an ordinance amending Article III, Division 2, Section 2-73 of the Brevard County Code of Ordinances.

Frank Abbate, County Manager, stated this involves an amendment to County Ordinance that would reorganize part of the organization to include a Public Safety Group that would be under the direction of a Public Safety Director; it would include the offices of Emergency Management, Fire Rescue Department, Public Safety Services, The Medical Examiner, School Crossing Guards, and Community Corrective Services which includes Probation, pre-trial Release, Pre-trial Diversion, and Alternative Community Services; this would be consistent with Florida Statutes, Chapter 948; and he is seeking Board approval for the modification to the organizational structure.

The Board adopted Ordinance No. 18-09, amending Article III, Code of Ordinances of Brevard County, Florida, amending Section 2-73 providing for the departmental structure of county government; and providing for conflicting provisions, severability, and an effective date; authorized the Chair to execute the amendment; and authorized the County Manager to approve any necessary organization and budget changes within existing budget resources.

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

**ITEM VI.F.4., AMENDMENT TO POLICY BCC-05**

Commissioner Tobia stated this is not just his issue, it is a fundamental right; in 2015 the Board disappointingly reaffirmed its position that it would infringe on County employees Second Amendment Rights; he does not believe employees Second Amendment Rights should disappear when they decide to take a job with the County, especially when the general public's rights are not infringed in those same locations; the Sheriff, Wayne Ivey, has shown great leadership on this issue and advised the citizens who have concealed carry permits to carry them everywhere they can; and unfortunately he was unable to make it today, as he is attending a couple of deputies funerals; but he said, "I'm a thousand percent behind this Policy." He reiterated he has faith in the County employees to act responsibly; and from a financial perspective, this will not affect insurance premiums according to staff.

Motion by Commissioner Tobia, seconded by Commissioner Smith, to implement Policy BCC-05 with the indicated changes.

Commissioner Isnardi stated she is behind this issue 1,000 percent herself; she does not think that because someone works for the County that they should have to give up their rights; if someone has a concealed carry permit, then they should be allowed to carry at work; and she is glad Commissioner Tobia brought this forward.

Chair Pritchett stated she has a couple of requests as this moves forward; she would like County Manager, Frank Abbate, to come back with some parameters; if the County were to give heads of departments some ability, if they have an employee who is under some type of disciplinary procedure or something, that the Director would have the ability to suspend that for that time period; it states an employee with a hand gun must retain control on the person at all times; and she would like to change that to read if a gentleman had it locked in his briefcase or a female had it in her purse it could be locked up in their desk. She continued she would like Mr. Abbate to come back with suggestions to maybe have the ability to address some items that may be unforeseen.

Commissioner Barfield stated he is fine with this; what he would like to see, because there are a lot of questions in his mind concerning a person who carries, especially one who goes out in the field and different places, a list of the job titles that would probably have to be eliminated; he is also concerned on how it is handled mechanically if someone in a County vehicle has to lock up the gun because they are going into a County courthouse; and he reiterated he would really like to know the job titles. He noted it brings up a lot of questions, if someone goes into someone else's house; he understands what Chair Pritchett is saying about the Director level, but he thinks the job titles would help with that based on their job descriptions. Commissioner Barfield recommended this be tabled until that is provided.

Commissioner Isnardi stated the Board has to be very careful when it starts picking and choosing; she understands if someone works with machinery or is going into the courthouse a lot, but she thinks that is a scary legal area if telling supervisors that if there is a discipline issue they do not have the right to carry because if someone is allowed to carry legally then why as a supervisor would someone have that authority over an employee; and if someone is afraid of an

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employee or thinks there is an employee who may retaliate then that employee should not be under that supervision. She went on to say aside from obvious mechanical dangers, she thinks that is where the Board should let it sit because relying on someone's opinion on whether someone should carry is a dangerous area.

Mr. Abbate stated if he is hearing this correctly, the Board is interested in him bringing back a list of staff after it was discussed with this proposed policy change with the various appointing authorities to bring the list back of the positions by classification within departments that would be impacted by the section of the policy that provides the appointing authority the authority to prohibit people in that particular class from carrying a concealed weapon due to, as it is stated in there, the nature of duties or the circumstances of the employees work environment that renders the carrying of such handgun or weapon impractical or unsafe; and he inquired if that is what the Board is saying.

Chair Pritchett stated she thinks what she is hearing is that the Board is going to be real comfortable with this, but she would ask that if Commissioner Tobia would not mind, tabling this to the next meeting so that Mr. Abbate can come back with some suggestions of things that he is thinking; it is in there that it should not be locked in the County vehicles and Commissioner Barfield just came up with an idea; she asked that he also consider that employees could lock it up in their desk too; she thinks that would be something else to consider; and she mentioned it is a good idea and probably needed in this day, but she thinks two weeks are needed to bring it back.

Commissioner Tobia advised there is a motion on the table and a second.

Chair Pritchett commented she was just requesting two weeks.

Commissioner Smith stated he would like this Board to consider contacting Sheriff Ivey and letting him weigh in; he thinks that he would be interested in conducting a training course; he has spoken to him about this, and the concern would be some people that carry get a half hour, and shoot a couple three rounds, and others get an eight hour course and shoot 20 or 30 rounds; he does not know if even that is enough, but it certainly gives a person a little bit more experience as to what they are getting themselves into; and hopefully that person goes out, enjoys what they are doing, goes to the shooting range, and takes every opportunity to get familiar with his/her weapon and fire the gun many, many times and load it many, many times. He mentioned to get Sheriff Ivey involved because this is not just John Q. Public carrying, this is employees carrying, and as the employers have a duty to the public to make sure that they are trained enough, that someone with the experience of Sheriff Ivey and his folks to say this person has been properly trained; and there are no guarantees in life, but as the employer he thinks it would be a good standard.

Commissioner Isnardi stated she does not disagree, that should be an option; this proposal, unless she is reading it wrong, is not a Marshall Program, this is not a bring a concealed weapons because violence is expected, what it says to the employees is that they are valuable and trustworthy, because people who have a concealed weapons permit are law abiding citizens; if someone is comfortable enough to carry, then he or she should know how to handle their weapon; she thinks the Board needs to have more faith in its employees; and it needs to understand this is not some massive program like the School Board. She continued the Sheriff has programs, he has active shooter programs, he has a lot of programs in place, and he has gun safety programs that people sign up for all the time and those classes fill up; she does not want to make it a requirement; she thinks if people have done the work and have had the background check, then he or she has the right to protect themselves; it is unfortunate, but in today's world people just do not know if they are safe going anywhere; and she thinks by allowing people that have the privilege and honor of carrying, and worked to do so, they should



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be able to carry at work, with the obvious caveat that if the job is not safe for them to be carrying. She noted she understands the Board is just trying to encourage safety, but she also thinks that is something to offer employees.

Commissioner Smith inquired if Commissioner Tobia's proposal has restrictions, it states people still cannot carry in the County chambers.

Commissioner Isnardi remarked people cannot do that anyway so that is not a variation from that, it is more of a personal thing, and she thinks when someone starts putting rules in place and the government gets its hands too far in it, it just gets a bit silly.

Commissioner Smith commented he just wanted to throw it out there, it is Commissioner Tobia's motion, so he will let him make that decision.

Commissioner Tobia stated six or eight months ago Commissioner Smith brought a resolution, he thinks to Congress, about other states allowing or recognizing concealed permits, so by saying County employees should not be able to carry on government facilities, but saying they should be able to carry in other states is not understandable and a wide disconnect.

Commissioner Smith responded he did not say that, and that Commissioner Tobia should not put words in his mouth; he made a suggestion that the Board might consider having Sheriff Ivey conduct a program for anyone that has a concealed weapons permit or if they want one, that person can take the course; and he is fully behind this.

Commissioner Tobia stated he thinks Commissioner Smith is a little confused about Sunshine Laws; the concealed weapons permit is exempt from public record, so having to out someone with a concealed permit, by forcing them to take a course with Sheriff Ivey he thinks would be wrong.

Commissioner Smith advised he said it. He commented it is Commissioner Tobia's motion and he can make the decision; he does not need to be lectured; and he did not say that he felt they had to.

Chair Pritchett noted she thinks Commissioner Tobia has his vote; she is just pleading for those couple little changes; and she inquired if the Board votes this through right now, is this what he will bring in as new policy.

Commissioner Tobia explained his understanding with policy is it is immediate and would not require a second hearing.

Chair Pritchett inquired if she could get Commissioner Tobia to waiver on the locking the purse up in the desk drawer.

Commissioner Tobia responded he would like to amend his motion to include Chair Pritchett's suggestion of locking up a women's purse or a man's briefcase or an article of clothing carried directly on that person.

Chair Pritchett stated that could also take care of the gentleman that has to use the County car; maybe not because he has to be in possession of his gun.

Commissioner Barfield stated he can just see a situation sometime where a person is in a County truck or whatever and they get called to go somewhere they were not planning to go or have to do something else and they are going where they cannot carry; he inquired if he wants them locking it up in a County truck or how that will be addressed; and he will vote for this but

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he just thinks it is putting a big burden on Human Resources until these things are really ironed out.

Commissioner Isnardi stated she feels like the Board should wait and see if it becomes a problem; and she inquired why create more rules and bureaucracy for the one in 100 or one in 1,000 cases.

Commissioner Barfield stated Commissioner Isnardi was correct when she said people who have a concealed weapon permit go through the training; he knows exactly what she is talking about; he just does not want to put that person in a situation where all-of-a-sudden he or she questions what to do; and he does not want to put anybody in that situation so it is a personnel issue that needs to be worked out.

Commissioner Isnardi stated maybe that is a decision people should decide before they carry it to work.

Commissioner Barfield stated that is why he mentioned having a list of people so they would not put them in that situation by their job descriptions.

Chair Pritchett stated she thinks the goal here is they want to have a safe workplace, but everyone should have a right to protect themselves; and the perfect thing is if the County could afford the TSA screening in front of every office and have everyone go through those little machines. She advised she does not think that would work either.

Commissioner Tobia stated Section II.B.4 deals with this already; it says clearly, an employee is not permitted to carry a handgun or weapon under the subsection during the workday in which there is reasonable possibility that his/her duties will include being within a facility in which possession of such a weapon is prohibited under law; therefore, if there is reason to believe that someone will be in one of these areas, this would preclude him or her from having that firearm.

Commissioner Barfield inquired how they would know; there are people who bounce around in all kinds of emergency stuff that they deal with; and he mentioned that was his concern because those people that float around to different places.

Chair Pritchett called for a vote on the motion. The Board approved amended Policy BCC-05, Zero Tolerance of Workplace Violence.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Tobia, Commissioner District 3
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.B., PUBLIC HEARING, RE: CODE AMENDMENT TO CHAPTER 62, ARTICLE VI, OVERNIGHT COMMERCIAL PARKING (SECOND READING)**

Chair Pritchett called for the second public hearing on a code amendment to Chapter 62, Article VI, on overnight commercial parking.

Tad Calkins, Planning and Development Director, stated this Item is a request for the Board to conduct a public hearing to approve amendments to Chapter 62, Article VI, Zoning Regulations, to allow non-overnight commercial parking as a permitted use in BU-1, BU-2, PBP, PIP, IU, and

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IU-1 Zoning Classifications, to allow overnight commercial parking as a conditional use in BU-1, BU-2, PBP, and PIP, and also to allow as a permitted use with conditions within IU and IU-1 Zoning Classifications. He went on to say the Board heard this on March 20th and it asked staff to bring it back at this meeting; and since then staff has made the following changes to the proposed ordinance. He stated they have established overnight commercial parking on properties two acres and over as a permitted use with conditions in the IU and IU-1 zoning districts; staff also allows it as a secondary and ancillary use on sites where there is a surplus or have over parking; should they have the parking available to support the secondary use, they would have to be in paved spaces, it could not be put in grass parking; and they also have stipulated if there are shuttle routes to avoid residential areas. He pointed out all of the previous conditions they had in the ordinance still existed.

Chair Pritchett stated she thinks staff has done a good job on this, and she appreciates it; and they were able to come to what the Board asked them to do of going down a different path to accomplish many of the same thing.

Catherin Testa stated she understands they want to put in a lot of parking lots for the cruise terminals; since she is an avid cruiser she understands the need for parking; but there are places for it; and Port Canaveral is a good place. She noted the spaces are already paved; if more of North Merritt Island is paved, there will be more flooding; and there will also be a lot more traffic issues as the parking lots are put close to the bridge. She went on to add they only have one bridge to go to the main part of the Island or over to the Port; as the County adds thousands of cars, they will never be able to get off of the Island, especially in emergencies and they have actually had a tornado up there. She asked if there are a bunch of people who are parking their cars for cruises, with only two lanes in and two lanes out, how do people get off of Merritt Island. She stated she would like parking to be limited or eliminate it completely from these sensitive areas.

Darlene Hillers stated she knows one of the sites that is requesting to do this is right next to the Barge Canal; because it is right next to the Barge Canal, she is concerned with how the stormwater is going to be dealt with, and the traffic issue because it is right there by the Bridge; and it could cause some problems in traffic. She asked the Board to vote yes to approve the amendments to this ordinance; and she stated she feels it is the responsible solution to this issue.

Cheryl McDougall stated she is concerned about the parking; if people have not been on Merritt Island lately, he or she should cruise down there and look at the animal hospital that has totally dumped asphalt fillings, destroyed trees, and they want a parking lot; it will impact the neighbors around them, they will flood; and she wants the Board to be careful in what it is approving and where it is approved. She noted this is an island, it has problems with flooding, and she hopes it does not add more; people come and leave their car overnight who do not live there, it is a two-lane road; she asked the Board to think about what is best for Merritt Island; and she expressed her appreciation to the Board.

Mary Hillberg expressed her appreciation to Commissioner Barfield for his effort in this area; he has taken the front and done the work that would try to protect the residents as much as possible; they know the zonings have allowances for parking lots; they cannot take them away from people, and they would not want to do that; but they would appreciate not allowing non-impervious surfaces rather than all hardened areas. She went on to say there are different parking lots where water can go down into the ground, and they would like to have that added, if possible; but if it is not it is not; the idea of having overnight commercial parking requiring a CUP is a very good idea; and that is the least that can be done. She advised the resident's recommendation is why does the Port not build their own parking garages on their own property, and charge more than they could dream they could ever do.

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Kim Smith stated the Board has heard traffic, flooding, North Merritt Island, so she would like to support the amendment to Chapter 62 to amend the commercial parking; commercial parking belongs in nice commercial areas easily accessible by roadways; and maybe not with a drawbridge in between.

Bill Hillberg stated he normally does not like to come up here and complain about some things, but this is getting to him, almost as bad as the muck; if the Board thinks about where they are initially starting on Merritt Island for these proposed parking lots, it is right in the most inconvenient spot on State Road 3 coming off of North Merritt Island; since they have built those town houses right on the canal where the Bait House used to be, a person has no option but to go under State Road 3, make a U-turn, come back and go wherever a person wants to go; and this is going to add more confusion to that intersection. He stated he has a sore spot against the Port going way back when the Port was kind of built for the enjoyment of Brevard County, he does not know how many more cruise ships they can get in there to make people any happier, but it will not be from the traffic, that is for sure; and now it seems like not only can they put in the structuring for whatever they want, they are infringing on the residents again to park the cars so out-of-towners can enjoy the Port. He stated he believes in everyone having a good time, but kind of stay out of his backyard.

Sarah Hodge stated she wants to support all of the comments of the North Merritt Island residents; and she expressed her appreciation to Commissioner Barfield for his protection of the residents.

John Schantzen stated he wants to support Commissioner Barfield's amendment to the ordinance; the big thing is the property rights of the adjacent homeowners and the property rights of the homeowners behind the pet business that will have two parking lots built up, and it will lower the property values of those.

Jack Ratterman stated he supports Commissioner Barfield on the amendment to the ordinance; in that area where they are going to put the parking lot, there are five lights within 2,000 yards; and one of those lights is the wild card, the Barge Canal Bridge, which opens 350 times a month. He went on to add that is 70 minutes of traffic not going across the Barge Canal; now the parking places are going to be put there; with the congestion that is already there, he is worried about the compliance of these parking places, the one on North Banana River, already have problems with Code Enforcement; and there are vehicles parked there illegally already. He stated it is a forewarning of what the North Merritt Island residents are going to get. He asked the Board to go with Commissioner Barfield's recommendation.

Gina Lindhorst stated she supports Commissioner Barfield's recommendation for the CUP's for all potential parking lots in North Merritt Island; large parking lots in North Merritt Island will burden the already high traffic residential areas; large parking lots decrease property values and the quality life of the property owners from the traffic and lights; non-residents unfamiliar to the traffic conditions, it is a bad choice for the area; and each potential should be evaluated individually with the CUP.

Carolyn Alvord stated she supports this proposal; and she hopes they do not get too much more traffic.

Tamy Dabu stated she is here in favor of this parking ordinance; however, from a property rights standpoint, as she heard at the last Board meeting, there is a concern about property rights; she looked into property rights, and in particular what the Board had asked the proposer to do; and it was modified where people with less than three acres would not be fair. She went on to say she took her time to look into costs; the costs of placing a parking lot anywhere in the County is cost-prohibitive to a person who has less than three and one-half acres; it cannot feasibly be

done, and she has spoken with many large entities regarding parking; and these entities such as, Canaveral Port Authority, Disney, Orlando International Airport, and the local competition. She noted if all of these entities are making money off of their parking lots, all of these parking lots are greater than three and one-half acres; from her property rights, and these folks who are here today, they are saying it does not matter; what matters is they are in Brevard County, and they want a parking ordinance to save them all, to provide stormwater, provide traffic studies, prevent flooding, provide drainage, provide setbacks, and to provide landscaping; and any smaller parking lot, will not survive and will be a derelict, abandoned space, which is not needed in the County as it is encouraging growth and development. She stated it needs to be done wisely. She stated she has different cost information, but one in particular, it is not just the vehicles, the maintenance of those vehicles, the workers, and other things; in order to run a successful parking generating lot, a person needs a particular parking program; and that in and of itself, if they want to do it right and succeed, is cost prohibitive for the little guy. She noted from her property rights standpoint, she is asking the Board to not only approve the ordinance with conditional uses and a study for traffic, stormwater, flooding, landscaping, aesthetics, and so forth, but also to return it to three acres and greater.

Cindee Schwartz stated she supports Commissioner Barfield's work; they worry about the roads, because of the structure, North Merritt Island cannot accommodate much more traffic than it currently has; they know about the bridges; and they are concerned about the wear and tear of infrastructure. She went on to add there are more and more buses from more cruise ships coming in; they see more buses going across and heavy equipment going across all of the time; they want to make sure during hurricane season an evacuation scenario is they are able to get off of the Island as needed; and they not only believe it is of the highest importance to regulate and limit such development, but they stand totally against any and all of such projects that would degrade the already limited ingress and egress of traffic on and off of the Island for both safety, property value, and the quality of life concerns. She explained further the creation of these lots will result in the clear cutting, and already have, and marring of the national local beauty affecting drainage, wetlands, and stormwater runoff. She stated if the Board Members have time to go by where the acupuncture center was, there is the vet place now, and it has a large parking area there, to look at what they have done to the beauty of that land and how it will impact the lands around there.

Colleen Houseman stated she goes through the intersection of Grant and Smith Road that intersects with Courtenay, and then directly over the bridge; she is in that hot spot that she has to go through at least two to three times a day, because she takes her grandchildren to and from school; and there are accidents, there is a U-turn there with a light, people line up for the U-turn, and there is not enough room for all of the cars to get into the U-turn area. She went on to say what they do is people start jumping the curbs because they do not want to wait; the cars back up for a least a couple of miles at around 3:00 to 3:30 p.m. every day; and in the middle of all of this, in the morning, with the bridge going up, and everyone making U-turns, it is a mess. She stated adding people from these parking lots in the middle of all of this who are not aware of the traffic situation; there will be a bigger mess and more accidents. She noted it may cause ambulances and fire trucks to not be able to get through during emergencies or get off of Merritt Island because it is all backed up; and these people who park in the lots, do not know the traffic patterns. She asked the Board to help the residents keep control so that people who live on Merritt Island do not have to suffer, or who are at the hands of complete strangers who come to the area.

Commissioner Tobia stated he is going to speak for the 1,858 folks who within a 10-mile radius will see their property values decrease because of this; these individuals have not been given notice, nor had the opportunity, to air their grievance; and as a conservative he believes government's job is to encourage business growth, not infringe on property rights. He pointed out he believes Commissioner Smith said it best when he said, "I don't think it's necessary for

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anybody who wants to open a parking lot that they have to come to the Board. If people want to open up parking lots, they should be allowed to do so by just going through the permitting process." He stated he could not say it any better, and he will be voting this down.

Commissioner Isnardi stated she thinks she has made her comments known; it is a property rights issue; and rather than criticize the work Commissioner Barfield did for the constituents that are the most vocal about this, he has done his job and done it well, if people did not do parking lots less than three acres, because most people cannot afford to do three acres, this would not need to be changed; it would just be eliminated all together; and they actually have one now being permitted through the County. She advised she will be voting no.

Commissioner Barfield expressed his appreciation to Tad Calkins, Planning and Development Director, for coming back with what was discussed by the Board the last time with the different types of permitting with conditions, and a Conditional Use Permit (CUP) as well; he stated he captured everything he asked him to do; and he appreciates that. He added he is beating a dead horse because this is a major concern; the traffic is going to be worse with what is going on with the Space Center and the timing; property rights can be talked about, but these people have property rights as well; and that works both ways. He noted this is the best thing that can be done right now; there is a public safety issue that is very evident when a person sees the traffic and what is happening when people are coming in out of the area and leaving at the same time, there is a lot that needs to be addressed; the traffic studies need to be done; and all of this covers that.

Motion by Commissioner Barfield, seconded by Chair Pritchett, to approve Code Amendment to Chapter 62, Article VI, Overnight Commercial Parking, for discussion.

Chair Pritchett stated this is mainly affecting Districts 1 and 2; when this was first discussed, she got with staff to make sure it would not do any harm to District 1; this is only affecting a couple of properties; it is not affecting business, it is just overnight parking; and it is a type of business that can go into an area that is a need. She pointed out this is not making it where it is not allowed, it is going to have to be reviewed through the Board or a permitting process; she thinks this is a good compromise; and she is comfortable with this.

Commissioner Smith stated for him it is a free market deal; he would be surprised if that area fills up with parking lots; if Port Canaveral realizes there is money to be made, they will build a parking garage and that will take care of that problem; small business owners want to make money; and unless they feel like they can make a lot of money there is no point in investing in a parking lot that just sits there and hoping someone will show up to fill the parking lot. He advised he appreciates Commissioner Barfield's concern, and the North Merritt Island residents' concerns, but he does not think it will be a problem going forward.

Commissioner Barfield stated it was mentioned about another parking lot in place now off of Banana River Drive and Sea Ray Drive; he provided pictures of that area when they are staging, and he distributed those to the Board; he showed where they were lining up to get in waiting for the other cars to get out; and he advised the Board it is an issue. He went on to say this is a public safety issue, and he is not backing down from it.

Commissioner Smith stated this is a problem waiting to happen; he asked if there is some way the County can prevent the overflow from just being parked on the side of the road.

Commissioner Barfield replied yes, with an ordinance; signs can be put up, but it will happen anyway; this will require to look at the staging and make sure a person is not in traffic or on the side of the road; when looking at 700 or 1,000 cars, think of what that means; people will be

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waiting for the other cars to get out due to transfer of ships; and there are five ships coming in now and they are adding three more.

Commissioner Smith inquired if this is a no parking zone, why would the policing authority not be ticketing all of these cars.

Commissioner Barfield replied because people will move them, it is a staging thing; they are waiting for the other cars to get out so he or she can get in.

Commissioner Smith stated to him it seems like the County already have more ordinances and laws in place that would take care of this.

Commissioner Isnardi stated if the parking is restricted even further and require them to have three acres to park, then he or she would need a piece of property that large; and she does not understand the logic, and why more parking would not be allowed to accommodate those people. She stated if the County is limiting the amount of places where parking would be open, because this is not the only place to park; she finds it interesting Commissioner Barfield supplies the parking picture when he finds out he does not have the support for the ordinance; and it could have been handed out to the Board before, and it could have been discussed.

Chair Pritchett advised Commissioner Barfield handed it out before the vote.

Commissioner Isnardi stated if the County says it is restricting parking by saying there has to be three acres, it is limiting the number of parking businesses that can be opened; a person is not going to open a parking space that is one-quarter of an acre; and she does not understand the logic because the traffic will be in two areas as opposed to five areas that may be two acres. She noted she is not saying it could not potentially be a problem.

Commissioner Smith stated when he drove up there he saw this as well, and he thinks that is a simple problem to fix, to just get the policing authority to go out there.

Commissioner Isnardi advised people do that at soccer fields.

Commissioner Smith stated soccer fields is one event a day, this could potentially be all day; and if they do not have any incentive to keep the cars off of the road, he or she will just keep doing it.

Commissioner Isnardi stated 'no parking' signs can be put up.

Commissioner Smith stated to put 'no parking' signs up and the policing authority shows up, and the parking lot is either going to go out of business or they need to make sure people do not park out there.

Commissioner Isnardi stated the Sheriff's Department will be writing a lot of tickets.

Chair Pritchett stated Mr. Calkins picked three acres as the appropriate size.

Mr. Calkins responded what is there is when looking at the site the Board is discussing now, he believes it was actually two and one-half acres, which was one of the items the Board looked at last time from the zoning standpoint; and it said it is industrial zone, even though it was under the three acres. He added the last time there was a concern about the properties where they were existing and if they were less than three acres, if they were under that cutoff, they would be grand-fathered and would not be allowed to expand; and there was a concession made at the last meeting to go to two acres with industrial zoning. He pointed out the concern is they

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have a site where they see they are outside of their boundaries to make it work; their parking lot, they are staging cars in the right-of-way, they have stacking issues on Sea Ray Drive, and they looked at the size that three acres would allow, perhaps all of that to occur on site. He stated it provided for traffic studies to show they have the queueing and they have adequate storage on site where they do not do that in the right-of-way; and the ordinance provides a solution.

Commissioner Isnardi stated there is no guarantee that if that was a three-acre parcel that there would not be staging out there with other cars; to her, what it sounds like, is it is probably a good time to go into business with a parking lot; and it would be a smart business choice if the parking is needed. She asked if there is a potential that there could still be staging with one-half acre.

Mr. Calkins replied potentially, yes, there will always be someone to do something he or she is not supposed to.

Commissioner Smith stated that was his point exactly, if a person has a three-acre site, there is no guarantee a person will fill it up with five acres of cars; if a person can cheat, and a person is allowed to cheat, which means staging cars out on the street, he or she is going to cheat; and that is human nature for some people. He pointed out he does not see how making the lot larger makes someone dishonest; the only answer is to make it illegal to park on the side of the street period; and that eliminates the problem regardless of the size of the lot. He noted if business is really good a person will put as many cars out there as he or she can, and it would be 10 and one-half acres of cars out there, so he does not see that makes any difference.

Chair Pritchett stated the Board would pretty much agree no matter where it is in the County, that just filling the place up with parking lots right now with the mess of the bridge and the traffic situation would probably not be best for the area; she gets all of the arguments going on; but this is just changing the plan moving forward of trying to get a handle on a situation the County has going on in an area she thinks is just kind of something the Board should do as it is something it can do; and at such a time as this, it may be appropriate that the Board is looking to give a little bit of direction in this area to protect some of the homeowners and the existing businesses.

Commissioner Smith stated if someone can tell him that increasing the minimum lot size to three or five acres would eliminate that staging out on the road, he would vote for it; and it is human nature, and a person is going to stick cars out on the street no matter what size lot it is.

Chair Pritchett stated the thought is at least if the Board does this, cars will not be just scattered all over the area because there will not be many one-acre lots.

Commissioner Smith asked how big that lot is.

Mr. Calkins replied about two and one-half acres. He went on to add there are more smaller lots than there are larger ones, so as those electively coming together, if there were five one-acre parking lot facilities developed individually, then there would be five different driveway cuts, five different traffic scenarios to regulate and make sure they were going in with minimal impact; by having a larger lot, there is one area, one traffic ingress/egress point; and it is easier to moderate, look at, and provides more area onsite for stacking. He asked if the concern is just the size of the lot or is it with the proposed ordinance.

Commissioner Isnardi responded her concern is not just the property rights of the people who own that property, her concern is the logic behind it; unless staff is telling her there are five people right now that want to build one-acre parking, the County would be in search of a problem; and the traffic study would come back that it is not feasible to put a cut for a driveway



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there. She advised if the five one-acre lots potentially and hypothetically were split up it may be better than having a three-acre mass parking lot with however many hundreds of cars. She stated there are pros and cons to both; Mr. Calkins is the traffic expert; and the Board is in search of a problem that does not exist yet in her opinion. She added she hesitates to infringe on other people's property rights because of it.

Commissioner Barfield stated he thinks Commissioner Smith was talking about the staging area; when they do the traffic study, they have to show where the cars will be, and there is an internal staging area; that is part of the permitting process; they have to show they will not be on the side of the road; and if there are any turn lanes with anything on the side, they have to design that and take care of that. He went on to say it prevents the traffic issues and that is all he is asking; he is not asking to eliminate; they are asking to put some common sense on how these parking lots are being dealt with; and with three more ships added, there will be parking issues.

Commissioner Smith stated he can see the need for more turning lanes, because he drove out there; that is a busy road; and there can be pile ups. He asked is this going to provide for turning lane requirements, is there a stipulation in there, and does it require staging areas be done internally and not permitted outside.

Mr. Calkins replied yes, the provision staff has for the traffic report is they provide the traffic study with the conditional use that the applicant is responsible for all necessary improvements; the site plan will be designed and constructed to facilitate peak hour trips so there is no queueing in any public right-of-ways; and that would all take place onsite.

Commissioner Smith inquired if this parking lot is required to do a staging onsite, and he does not do it because he wants to maximize the profits, what is the recourse of the Board.

Mr. Calkins replied the recourse is the Board would have Code Enforcement available and if it were a continuing problem, it would have the ability to rescind the CUP.

Commissioner Smith advised Commissioner Barfield won him over.

Commissioner Isnardi stated he knew what to do to get you there.

There being no further comments, Chair Pritchett called for a vote on the motion. The Board adopted Ordinance No. 18-10, amending Chapter 62, "Land Development Regulations", Code of Ordinances of Brevard County, Florida; amending Article VI, Division 4, Subdivision VI, "Commercial"; specifically amending Sections: 62-1482. General Retail Commercial, BU-1 and 62-1483. Retail, Warehousing and Wholesale Commercial, BU-2 Zoning Classifications to remove "Parking Lots (Commercial)" from the list of permitted uses, to create "Non-Overnight Commercial Parking Lot" use as a permitted use and to add a Conditional use for "Overnight Commercial Parking Lot" use within these Commercial Zoning Classifications; amending Article VI, Division 4, Subdivision VIII, "Industrial"; specifically amending, Sections: 62-1541. Planned Business Park, PBP, 62-1542. Planned Industrial Park PIP, 62-1543. Light Industrial, IU and 62-1544. Heavy Industrial, IU-1 to add a Conditional Use for "Overnight Commercial Parking Lot" use within these Industrial Zoning Classifications; creating Article VI, Division 5, Subdivision III, "Conditional Uses"; specifically creating a Conditional Use Permit under Section 62-1941.3 titled "Overnight Commercial Parking Lot" and establishing conditions for said use; for providing for conflicting provisions; providing for severability; providing for area encompassed; providing an effective date; and providing for inclusion in the Code of Ordinances of Brevard County, Florida.

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

**ITEM IV.C., PUBLIC HEARING, RE: ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM PROHIBITING ANY AND ALL OVERNIGHT COMMERCIAL PAID PARKING LOTS (SECOND READING)**

Chair Pritchett called for a public hearing to consider an ordinance establishing a temporary moratorium prohibiting any and all overnight commercial paid parking lots (second reading).

There being no comments or objections, the Board conducted the second public hearing for an ordinance establishing a temporary moratorium prohibiting any and all overnight commercial paid parking lots within the unincorporated areas of Brevard County, but took no action as the Board enacted an Ordinance regulating overnight commercial paid parking lots.

**ITEM V.A., SEPTIC SYSTEM MORATORIUM**

Eden Bentley, County Attorney, stated this Item relates to the feasibility of a septic tank moratorium; a moratorium is short for a short-term hold or pause on an item being regulated, it is temporary in nature, to give staff time to come up with land use regulations of a permanent nature to address the issue; in this case the Board inquired whether or not to enact a moratorium on new septic systems also known as onsite sewage disposal systems; this Item has been returned to the Board on a fast track basis in case the Board wishes to take action on a moratorium before June; and a moratorium must be advertised prior to adoption, and multiple hearings are required. She went on to say in this case, ads would be needed to be run before the end of this week; typically a moratorium requires factual and scientific evidence of public harm and how the benefit of the moratorium outweighs the potential rights of the property owners; while staff has not had time to conduct or obtain studies on all areas in the County or all areas where there may be issues with septic systems; Natural Resources staff noted that the Save Our Indian River Lagoon Plan (SOIRL Plan) contained studies analyzing septic system impacts along the Indian River Lagoon System; and in short, there are existing studies which could be used to support a narrow moratorium. She pointed out more studies could be obtained later, which might provide support for a different approach at a subsequent date; today's discussion is in the nature of a phase 1 response based on these existing studies. She clarified by saying the studies indicate nitrogen is contributing pollution to the Lagoon; the studies indicated that septic systems are a contributing factor to that nitrogen going into the Lagoon, particularly in the 50 meters next to the Lagoon; conventional septic systems do not remove nitrogen apparently; and there are enhanced septic systems that can remove 65 percent of the nitrogen. She added accordingly there appears to be a basis for a moratorium for a short-term on new conventional septic systems within the 50 meters of the Lagoon; if the Board chooses to do so it could consider a moratorium prohibiting the new conventional systems and systems that do not provide a minimum removal of 65 percent of the nitrogen; in this situation, people can continue to build septic tanks in this 50 meter area, but they would have to construct enhanced septic systems; and staff indicates it would take about five months to develop proposals for permanent regulations. She noted on page 2 of the attachment to the Agenda, there is a list of options for the Board; Option 1 is to advertise a five-month moratorium, and the word needs to be added on installation of new conventional septic systems or any system which does not provide a minimum of 65 percent total nitrogen reduction within the 50 meters adjacent to the

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Indian River Lagoon and connected waterways in the unincorporated area; Option 2 is authorize advertisement of a five-month moratorium on conventional septic systems or any system which does not provide a minimum of 65 percent total nitrogen reduction within the 50 meters adjacent to the Indian River Lagoon and connected waterways countywide; Option 3 is to direct staff to conduct further studies regarding the impact of the septic systems; Option 4 is to take no action; and Option 5 is to table for further discussion.

George Rosenfield stated he is an environmental scientist retired; he did not know the Board was considering a septic moratorium; he is not involved in any loops; and he is out of all of them. He stated at the January meeting of the Citizens Oversight Committee, which he attends as a public observer, he brought up the issue of the Board sabotaging the Indian River Lagoon; if there is a moratorium the shoe will not fit, so do not put it on; but it fits in some other things. He stated by approving the new development in North Merritt Island where a 25-acre plot will be comprised of 40-plus houses all on septic tanks; the plot is partially wetlands; and the area and residences are rural, not zoned for development. He advised the Transportation Planning Office (TPO) already has plans to enlarge the new Heritage Parkway in South Brevard because they anticipate future development of a plat lands similar to Duda; and these will probably also be on septic tanks. He stated these items have opened discussion about what happens to the COC actions if they even reach the County Commission, and what after, maybe nothing; at the recent April meeting of the Indian River Lagoon Coalition Advisory Council he brought up that the *Florida TODAY* newspaper had complaints about muck from the Indian River Lagoon and sludge from the sewer treatment plants being used in the agricultural area west of the East Florida Ridge, essentially on I-95; sludge has been always used in agriculture and horticulture; and he used it himself in 1953 at Fort Bellville, Virginia, to improve the clay soil using sand and sludge to provide landscaping capability for the area. He went on by saying also in the *Florida TODAY* newspaper he read that the County or the State plans to inject Class 3 processed effluent from the sewage plants into the aquifer to provide water to all of the added future population in Brevard County and Florida; Class 3 treated effluent is not potable water; it is Class 4 treated water that is drinkable; but it is not done, and in modern times, even Class 4 is questionable with the viruses and drugs possibly still being in the water. He stated this also started a discussion about items not within the purview of the COC and how do they get brought up to the Board. He stated Saturday there was a letter in *Florida TODAY* by Professor Tom Bellinger of Florida Technology that septic tanks are not the smoking gun that many believe; a few years ago he attended a seminar at Fern Street Park building in Melbourne; a professor from Florida Technology explained a study he had made of septic tanks installed in the previous five years; more than 90 percent of them were properly functioning; and he commented then that one could expect septic tanks of five years age or less to be properly functioning. He stated he came here in January 1957 for the first time; that year the missile range brought 17,000 people into the County; there was no place for them to live; they built rinky dink houses for them with rinky dink septic tanks; and he dares to say, the majority had not been maintained since. He pointed out the septic tanks are a major part of the problem; now he cannot find his notes from that meeting; fertilizer is a problem as is releasing raw sewage from the treatment plants; and he expressed his appreciation to the Board.

Mary Sphar stated it is a great idea to have a moratorium that would force new septic tanks to use the latest standards, NSF 245, which would eliminate excess nutrients from getting into the waterways; but she thinks the Board should do a lot more actually; new subdivisions should be prohibited on septic tanks; and to do that with a Comprehensive Plan amendment. She went on to say the Board may not think this is necessary; there was recently a re-zoning for North Merritt Island; it passed the Commission; the applicant said he was going to put the development on sewer; but there was nothing in writing, so people do not know if he will or not. She stated one is coming up on May 3<sup>rd</sup> where the applicant actually says he is going to put 80-plus homes on septic on North Merritt Island; and this should not be happening. She pointed out he says he may use the latest technology; but she inquired what happens if those properties are

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underwater; there was a case several years ago where the only way of forcing a subdivision currently in the County to get on sewer, it was near the City of Cocoa, and the City said they would not provide them with water unless they put the development on sewer; and it can happen as there is nothing in the Comp Plan that forbids it, so that should be done in addition to the moratorium. She stated she started looking to see if this was consistent with State Law, because the County Attorney's memorandum says that the County regulations have to be consistent with the State Law; the first thing she found out was the City of Cocoa Beach has such a Comp Plan policy; and they do require that all new development be on sewer. She stated almost all of the municipalities require this; in fact, in the City of Palm Bay, around 2009, they were requiring all of the new developments to hook up to sewer; and it may be informative to find out if all of the municipalities are onboard in that regard, because it is a great idea to do something Countywide. She noted the County needs to partner with cities with the septic and sewer problems, and it is not just the unincorporated areas; she is totally in favor of that. She stated with the Agenda Item, this is the fourth time since the middle of April that she has heard of the Bert Harris Act, and she would really like the Board to get a reality check on the extent to which the Bert Harris Act is actually a treat to the County; she asked if it is something to scare people from new regulations or what; she stated she sent a few questions into Natural Resources Management Department; and hopefully they will filter down to the County Attorney's Office. She stated she would like to know if one or more Bert Harris claims have been filed in Brevard County since the act was passed in 1995; and if so, what was the outcome. She inquired does the County Attorney's Office think the Bert Harris claims in lawsuits are common or not; are most claims resolved eliminating the need for lawsuits; and she stated the Board really needs to get a handle on if this is really a threat to the County, because the Indian River Lagoon needs to be protected and the Merritt Island homeowners.

Commissioner Barfield stated the Board has to take some positive steps to prevent that new septic tanks going in at least are efficient; it needs to plan something it can actually look at what the options are, Comprehensive Plan amendment or whatever; and the best way to do it is to put a pause on this right now so the Board can get a handle on it. He went on to say it has been talked years and years about septic tanks at the Board level; this gives it a positive way to step up and begin addressing it; and he is going to hold off making a motion so he can hear the other discussion.

Commissioner Tobia stated he wants to commend the County Attorney; the Board just made this motion, and she produced a comprehensive background into moratoriums on septic tanks; and she did it in an expeditious fashion. He pointed out Ms. Bentley came by his office to explain it; and the work product is absolutely fabulous. He stated a moratorium is a short-term solution; he thinks there is a long-term solution here; and provided some of the information out of the County Attorney's report, as well as permitting information, he would like to present an alternative that he thinks will render a moratorium useless yet have the exact same impact of helping to continue to cure the Indian River Lagoon. He advised it was noted in the report the difference between a regular unit and a unit that actually scrubs the nitrogen is between \$3,000 and \$5,000; the purpose of what is being considered is to prevent nitrogen from seeping into the Indian River Lagoon; the Board has voted to potentially provide cost sharing through the Save Our Indian River Lagoon funds to citizens as part of smoke testing program in Satellite Beach, and now the South Beaches; and this does make sense. He explained this does not increase the value of individual homes, does provide a benefit to the entire community by preventing pollution of the Lagoon. He stated the Board has decided to pay for some septic/sewer conversions out of SOIRL; the Board should be consistent; requiring advanced systems provide no individual benefit to homeowners; however, it does provide a community benefit through the Lagoon; and the difference between the expense of a conventional system and an advanced system can be provided through the SOIRL. He asked what is that difference and how much will it cost if the SOIRL is to pick it up; the Natural Resources Management Department could not get that information to them; but thankfully, he has a very diligent staff; they found out there

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have been 201 permits filed, which was in the report; and they did not know how many of those permits had been filed within that perimeter of 50 yards of the Indian River Lagoon. He noted they pulled all of the permits, they plotted them on Google Maps, and they found out roughly five percent, a total of 40 of the septic permits were actually in that very dangerous 50 yards of the Lagoon; 40 units over the course of a year, worst case scenario \$5,000 a unit, would be in the neighborhood of \$200,000; the Save Our Indian River Lagoon Plan has over \$60 million in this septic to sewer plan; and if the County were to provide the cost sharing, it would not be an infringement on property rights, would not require tax increases, and it would be totally consistent with the purpose of the one-half cent SOIRL sales tax that voters approved. He summarized by saying the County just looks at the areas that provide the greatest nitrogen loading, that being less than 50; the homeowner pays the conventional price; and the difference is then made up by the Save Our Indian River Lagoon. He reiterated this would amount to about \$200,000 per year, less than one percent of what the County is spending in just this year alone.

Commissioner Isnardi stated it is interesting; she does not know if she 100 percent agrees with that only because she thinks although they are not receiving an individual benefit, because it is a community benefit, the argument could be used when it comes to people who pay impact fees when they build a new home, so it is not really an individual benefit to pay that fee, however, it is a benefit to the whole community; and someone paying a little more, she would rather if the Board is talking about giving money to homeowners that it does not give them a direct property value benefit, she would rather have their 50 year old pipes fixed that are leaking during the smoke testing. She went on to add she is not just talking about Satellite Beach, but that to her would be a better use of money. She stated she is not opposed to the 50 meter thing for waterways that lead to the Lagoon, it is just smart; but she likes the idea of the enhanced system; she knows she had someone in her office who has a project coming up who had offered to do that after speaking with staff because he wanted to be a friendly developer; she would be in support of the 50 meters limitation with the septic tanks; she does not think a moratorium needs to be done; and the Board could have a policy that it only would deal with the enhanced systems, which would be an easy decision. She pointed out not allowing anyone to do anything for five months is just hurting development and could ultimately hurt the tax base, because if septic tanks are not allowed anywhere until the Board comes up with some perfect government language for the new ordinance, she does not want to hinder anyone else's development that may not have anything even close to a waterway. She stated the Board talks about property rights, but she does not care what anybody says, if a person has their well in their front yard and septic in the back, it is not a good thing for the soil and water.

Commissioner Barfield asked if that is new homes or replacements.

Commissioner Tobia replied his staff just pulled all 801 permits that had been filed, so his understanding it could be replacement; but either way, he thinks the County should tackle as many septic tanks that go in close to a body of water whether it is new construction or not.

Commissioner Barfield stated if it is new construction, it can be figured into the price of the house; but it is the replacements that is the biggest impact for somebody; he would like to see conventional septic tanks prohibited anywhere on the barrier islands, because the water is so close with high water tables; they deal with drainage and swale's that fill up; there is so much more to it; and he reiterated that septic tanks should be not allowed on the barrier islands, and that for the mainland it should be 50 meters from the water.

Commissioner Smith pointed out it is not just the Indian River Lagoon, the statistics show that any body of water whether it be Crane Creek or any tributary, 50 meters seems to be the key; the phosphorus and nitrogen that seeps into the waterways is a huge pollutant factor; a lot of people told him that in the Florida Keys where they mandated the money be spent on septic to

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sewer conversion throughout the Keys, that the fishing has improved immensely in the five or six years it has been completed; and he thinks it is a big plus. He stated if the Board were to restrict it on the barrier islands, so anyone on the barrier islands had to get a retrofit because their system failed, he or she would have to get an advanced treatment unit; and that should be true along any waterway whether it be Turkey Creek, Crane Creek, Otter Creek, or the Indian River Lagoon. He added any new construction along those areas would have to be as well; he likes Commissioner Barfield's thoughts on if it is new construction it should be part of what they are doing; but if it is a retrofit, the County can help them.

Chair Pritchett stated Ms. Bentley was recommending a moratorium so staff could come back with something for the Board that is workable as far as the upgraded systems.

Attorney Bentley responded it gives staff time to create the regulations, this is just a pause on only the conventional systems, the enhanced systems would be able to build with those under this proposal; the Board can change the proposal; but this is what staff has support for at this time.

Chair Pritchett stated this is what the Board has to do; she would like to get to a place where the County does not have to do any septic, that everything is being treated; new technology is such a good thing; there is only so much water; and people need to be careful with the water. She stated the Lagoon is still leaking into the aquifer; and the water is kind of important. She asked Attorney Bentley if she is asking the Board to give her the five-month period of time to come back and work with the Board.

Attorney Bentley explained she discussed it with staff and they feel they can come up with the regulations in five months; for the additional areas that is a much bigger project to get all of the departments coordinated and all of the information in.

Chair Pritchett stated everyone who is currently permitted with their houses, they are fine.

Attorney Bentley advised this will only be for new installations.

Commissioner Smith asked what if during that five-month period someone's system fails.

Attorney Bentley replied they would need to replace with enhanced.

Commissioner Isnardi noted if staff can get it completed in less than five months, it seems like an awfully long time, because the Board will modify it anyway when staff brings it back.

Attorney Bentley stated staff can write the moratorium to where it expires when the land development regulations come forward, so if they get it done earlier, the moratorium ends earlier.

Motion by Commissioner Barfield, seconded by Commissioner Isnardi to authorize advertisement of a five-month moratorium Countywide on installation of conventional septic tank systems or any system (new or replacement) which does not provide a minimum of 65 percent total nitrogen reduction for the Barrier Islands and within the 50 meters adjacent to the Indian River Lagoon or any connected waterways; to direct staff to come back to the Board with regulations and studies on phosphorus that need to be removed and how to implement this, and any studies that show that the Board needs to take into consideration; and to direct staff to come back to the Board with the status within two months.

Commissioner Isnardi stated as a side, perhaps the Board can look at a program with the Indian River Lagoon funding about people either replacing their system or hooking up to sewer, and

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maybe using some of that overage of funds and where there could be an application process for residents, if the Board is fine with that, she would like to see what that would look like.

Commissioner Smith asked if there are any advanced treatment systems that would do more than just nitrogen.

Virginia Barker, Natural Resources Management Director, replied there are extra cartridges that a person can add to some advanced systems that would address phosphorus, but it is a media that absorbs so much phosphorus and then it is full, so it has to be switched out fairly regularly; and it does exist, but it is a high maintenance option.

Commissioner Smith stated his thought is if the Board is going to try to fix this problem, the whole problem needs to be fixed, not just the nitrogen part, because the phosphorus is also a big killer of the environment; if they have to do maintenance, his advanced treatment unit requires maintenance as well, so that is part of the program; and he asked if advanced treatment systems include phosphorus as well as nitrogen.

Commissioner Isnardi advised she will pull her second if that is the case.

Commissioner Smith advised half of the problem is not going to fix anything.

Commissioner Isnardi pointed out it is fixing a big part of it at 65 percent.

Commissioner Barfield stated he would like them to pick that up in their studies; he will amend it for staff to come back to the Board with regulations and studies on phosphorus or any other contaminants that need to be removed and how to implement this, and any studies that show the Board needs to take into consideration.

Chair Pritchett called for a vote on the motion. The Board authorized advertisement of a five-month moratorium Countywide on installation of conventional septic tank systems or any system (new or replacement) which does not provide a minimum of 65 percent total nitrogen reduction for the Barrier Islands and within the 50 meters adjacent to the Indian River Lagoon or any connected waterways; directed staff to come back to the Board with regulations and studies on phosphorus or any other contaminants that need to be removed and how to implement this, and any studies that show that the Board needs to take into consideration; directed staff to come back to the Board with the status within two months; directed staff to look at a program where people can replace their system or hook up to sewer using some of the Indian River Lagoon funding, and to have an application process for residents to see what that looks like; and the moratorium to expire when the land development regulations come forward if staff completes them earlier.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Kristine Isnardi, Vice Chair/Commissioner District 5
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
<b>NAYS:</b>	John Tobia

\*The Board recessed at 1:45 p.m. and reconvened at 1:55 p.m.

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## **ITEM V.B., STATUS OF COUNTY OPERATED GOLF COURSES**

James Liesenfelt, Assistant County Manager, stated at the March 20th meeting, the Board made a motion and gave staff direction to work with Golf Brevard to draft an operating agreement, work on a good faith date prior to October 1st, get the County out of the golf liability business, and directed staff to write all updates to the Board and to bring it back at the next meeting; staff did not make the next meeting; Tom Becker, Gerald Thompson, and Steve Proctor are representing Golf Brevard; staff had quite a number of meetings with them to craft an operating agreement that they can bring back to the Board for its consideration; and if the operating agreement is approved, there is a list of candidates for confirmation for the Golf Brevard Board as well.

Frank Abbate, County Manager, suggested if the Board is interested, it may want to move up Item VI.F.6., which is a related Item on the Agenda.

Chair Pritchett stated she would like to move that Item up, with the Board's indulgence, to right after this Item. She stated she went through this, and Mr. Becker seemed to take care of all of her concerns; she thinks the Board has come a long way with this with meeting the County; and she commended Golf Brevard for all of their work and bringing this proposal to it.

Tom Becker, Golf Brevard, Inc., expressed his appreciation to County staff for the collaborative nature of their sessions in developing an operating agreement; Mr. Liesenfelt, Mary Ellen Donner, Parks and Recreation Director, and Assistant County Attorney Matt Soss gained their confidence and admiration as they worked together through the many issues that there were to get to an agreement; they welcome any remaining questions the Board may have; and they are prepared to begin the task of preserving Spessard Holland Golf Course and Habitat Golf Course for the benefit of Brevard County residents.

Commissioner Isnardi expressed her appreciation to Mr. Becker for the many hours and meetings he had with her and her staff; she thanked County staff for working so hard on this, and for giving into the few requests the Board had; and for everyone being willing to bend a little bit to start as early as possible. She advised everyone seems eager and passionate about making this work; she has faith they will do it; and she is glad they were able to not just keep the golf courses in the community, and to see the money reinvested in those courses Golf Brevard is taking over. She thanked Vic Luebker in her office for being her lead man on the issue.

The Board executed Golf Course Properties Agreement with Golf Brevard, Inc. for operation of Spessard Holland and Habitat Golf Courses.

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

The Board approved Golf Brevard Board of Directors, as follows: Thomas W. Becker, William Drudo, Gail O. Myers, Rick Ostor, Steve Proctor, Gerald Thompson, and Frank Vega.



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

**ITEM VI.F.6., RESOLUTION, RE: DIRECTING STAFF TO TAKE CERTAIN ACTIONS IN THE EVENT OF DEFAULT OF PROPOSED AGREEMENT OF GOLF BREVARD**

Commissioner Tobia stated at a July 13th workshop, the Chair said she just got a general perspective on golf courses of being money pits, they could get them back on the tax rolls, she does not know why County Government is in the golf business; he thinks Chair Pritchett is correct; and he hopes Golf Brevard succeeds. He went on to say if Golf Brevard succeeds overwhelmingly, this resolution will not be needed; however, should something happen unforeseen, this resolution would make sure the Board is not in the current circumstance it is in; it directs actions in the case of default by Golf Brevard; it puts a Request for Proposals (RFP) out for the courses; if no advocate responds to the RFP, it converts Spessard Holland to a park; and Habitat land would go to the airport. He stated the resolution does not in any way make it more likely that Golf Brevard would either succeed or fail; if for any reason the agreement with Golf Brevard does not work out, this would not prevent the County from continuing to have distained losses from these courses; it stops the Board from getting in the same situation it is in now; and that is the resolution.

Motion by Commissioner Tobia to adopt resolution directing staff to take certain actions in the event of default by Golf Brevard, Inc.

The motion fails due to the lack of a second.

Commissioner Isnardi stated she could speak on the concerns she has, but since the motion failed, it is sort of pointless.

Chair Pritchett stated she actually does like the first part of this, because it is meeting the criteria the Board requested that if this did not go forward, the Board would have the ability to sell; she would not mind putting this though with item action 1, but leaving item action 2 up for the consideration at the time if it does not sell.

Commissioner Isnardi stated this is another law for the books that is probably unnecessary; if they default the Board has the power to act; she does not know if it needs a resolution to do that; she is not opposed to it; however, trying to make a statement is just that; and the Board has the power to make it into a park if they default.

Commissioner Tobia stated the Board does have the power to act; the problem is it just does not; the Board does not make definitive decisions; it has been dealing with golf courses for eight months; and if this Board were apt to making decisions one way or the other, it would not need this. He went on to add what this does is the Board goes by the guidelines that are set forward and puts it in staff's hands, because things get bogged down in bureaucracy; it actually gets bogged up here at the Board; he understands he does not have a second; but should Golf Brevard go bad, he looks forward to another eight months dealing with these courses because this does not pass.

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Commissioner Isnardi reiterated because the Board failed to act, he or she is answerable to each other and to the people the Board Members represent; and she does not see that as an excuse to create another law.

Chair Pritchett stated if this was only Item 1, she would probably vote in favor of it, because it was the end result the Board had discussed.

The Board acknowledged the resolution directing staff to take certain actions in the event of default by Golf Brevard, Inc., but took no formal action.

#### **ITEM V.C., BOARD DISCUSSION, RE: JETTY PARK**

Frank Abbate, County Manager, stated on this particular Item, the request was to have a Board discussion on Jetty Park; he wants to provide the Board with the latest update, which some information has been distributed; on March 9, he did send a letter that was copied to all of the Commissioners as well as the Port members of their board setting up parameters for the sale that the Board feels would solve the issue of the sale of Jetty Park property, which is County owned; and subsequently, the letter requested a response by the beginning of April. He went on to say towards the end of March he had the opportunity to speak with Captain Murray, who is the Port Canaveral CEO; he reiterated the request that the Board receive something in writing from the Port during the first week of April; and he did not receive that until this morning. He pointed out he did have the opportunity to speak briefly with Captain Murray during the Board meeting this morning, and he thought he would follow up with a letter at the end of this week because they have a board meeting tomorrow; he did, about an hour ago, submit an email and an accompanying attached letter dated April 24th that has been sent to all Commissioners; and staff did take the opportunity to make copies of that letter, which have been distributed to the Board Members. He stated that letter reaffirms the Port Canaveral board's prior position, which basically indicates while they say they want to work with the County; their interest is in continuing to lease or enter into negotiations for a new lease arrangement where they would continue to utilize the County's property as part of a park.

Commissioner Barfield stated this has been going on for a long time; what the Board is asking is what the taxpayers paid for that property for the Port to pay that amount; and they do not want to pay that amount, so they want the taxpayers to foot the bill. He noted the Port is not funded by taxpayers; he believes this is a fair opportunity; he thinks it is inappropriate to send an email and letter while the Board is in session; the Port can see the Agenda and exactly what is going to be on there; and they waited until now to send an email. He stated they have known the Board wanted a response back by April 1, and it is unconscionable that someone would do that. He stated they have a meeting tomorrow and they will have to make that decision; and if they do not want to accept this price, the Board will have to look at other means of divesting of this property.

Commissioner Tobia stated he thinks the Board was more than clear when it said it was not interested in continuing a lease with the holdover tenants.

Motion by Commissioner Tobia, seconded by Commissioner Barfield, to direct the County Attorney's Office to bring back options to the Board to begin taking corrective actions to secure taxpayer interest in the property at Jetty Park; and to direct the County Manager's Office to provide the holdover tenants notice of this direction.

Commissioner Isnardi stated Commissioner Barfield expressed it well, the lease expired with them in 2015; and what the Board is asking for is the \$862,000, which is basically the acquisition costs, and the property is worth three times that. She explained they can talk about all of the money they have invested in the park, they also have had the luxury of using it; that

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would be like her selling her home and saying a person should pay her more because she painted it twice and put on a garage; she agrees the Board should look at options; she thinks it is lame that in this letter from the Port Authority Manager, it says he brought it to his board at the end of February; and the Board sent him a letter at the end of March asking for a response in one month, and then he waits until the Board is in session before he responds with this very curt and non-friendly letter. She advised the Board needs to protect the taxpayers interest and move forward on this; and the Board is being more than generous in what it has offered in return for over nine acres over there.

Chair Pritchett stated if the Board bought the property over 20 years ago for \$862,000, multiplier of 4.38, which is at 1.5 percent interest, and it is \$1.3 million in today's dollars; they are really getting a bargain, because if that had been invested into the open market, it would have grown in funds; and they have gotten the use of it. She advised the County loves the Port and what they are doing, but it has to get the taxpayer funds that were maybe loaned to the Port for this project back into the right avenue of what should be done. She stated she thinks Commissioner Tobia's proposal on this is a fair one, and maybe it will give the Port time to think about it and to work expediently to ascertain this property is they would like to use it.

Chair Pritchett called for a vote on the motion. The Board directed the County Attorney's Office to bring back options to the Board to begin taking corrective actions to secure taxpayers interest in the property at Jetty Park; and directed the County Manager to provide the holdover tenant notice of this direction.

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

#### **ITEM V.D., LABOR AGREEMENT WITH IAFF LOCAL 2969**

Frank Abbate, County Manager, stated this Item involves the Collective Bargaining Agreement with the Brevard County Professional Firefighters Local 2969; negotiations began during early 2017; towards the end of 2017, the parties reached an impasse and brought on a special magistrate, consistent with Florida Statutes; as part of that process both parties were interested in trying to continue efforts to resolve the agreement while that process moved forward; and he acted as a mediator and framed an agreement that without his assistance, the parties were unable to reach. He went on to say that agreement is before the Board requesting ratification; it involves a three-year agreement that would commence on October 1, 2018; that agreement has a wage re-opener in year three, but it does cover year one and two; the parties worked very diligently; staff, both from the union's leadership during the last several months and the County Attorney's Office, Human Resources, and Fire Rescue leadership team, to get this in front of the Board so it could try to resolve the outstanding issues and move forward. He pointed out there was give and take on both sides on a variety of issues; and he is pleased to recommend and ask for the Board's approval on this agreement. He noted he was notified yesterday the firefighters did ratify the contract overwhelmingly, so if the Board ratifies it today there will be a new three-year agreement in place.

Motion by Commissioner Smith, seconded by Commissioner Barfield, to ratify the tentatively agreed upon modification to the various articles in the collective bargaining agreement presented; and to authorize the County Manager to execute the said labor agreement as provided by Florida Statute Section 447.309.

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Commissioner Isnardi stated she would encourage in the future to work with the Board a little bit; she is pleased with how it turned out and with the work the leadership did on both ends; but the firefighters do not need to publicly bash the Board saying it does not care about public safety or it does not care about the firefighters, because that is not true; the Board wants the firefighters to do well and stay in the County; and the Board cares about the fire department more than they often give it credit for. She advised they do not need praise or accolades, but telling the public the Board does not care about the firefighters safety is probably not a good idea, and it does not help the relationship with the Department; there are firefighters who do not look at her now when they pass in the hallway because of that very negative thing that happened between the members of the Board and the union; and she does not think it is fair. She pointed out the Board is here and not the enemy; it wants to work with them and take care of them; but the offers have to be reasonable. She expressed her appreciation to the firefighters for their hard work in the community.

Chair Pritchett called for a vote on the motion. The Board ratified the tentatively agreed upon modification to the various articles in the collective bargaining agreement presented; and authorized the County Manager to execute the said labor agreement as provided by Florida Statute Section 447.309.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Curt Smith, Commissioner District 4
<b>SECONDER:</b>	Jim Barfield, Commissioner District 2
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
<b>NAYS:</b>	John Tobia

**ITEM VI.A.1., BOARD CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR KATHY A. SICHAK (15CE-02340)**

Kathy Sichak stated she is not quite sure why she is here.

Tad Calkins, Planning and Development Director, stated this Item is a request for the Board to consider the Special Magistrate's recommendation to reduce a fine from \$13,304 down to \$4,756, and release the lien upon payment in full, for Code Enforcement Case at 3915 West Ridgewood Drive, Cocoa.

Ms. Sichak stated this originally occurred due to an act of God in December 2015; there was a terrible thunderstorm and lightning hit one of her trees, it dropped a branch in her neighbor's yard; the next day she got some folks together and they got the branch down and out of there; the neighbor made a big stink about it; and she has lost three trees and \$7,000, including an attorney. She went on to say originally when they came in and said she had to cut the trees down, there were two trees on the property line; one of the trees was responsible for the branch that came down; but they said she should take both of them down; and after some back and forth with different things, she said it was fine, and took them down. She pointed out then the inspector came into her yard and said she needs to take a third tree down which was approximately 20 feet to the east and 20 feet from the fence line. She noted she did not understand why it needed to be done, she took the trees down that had anything to do with the original complaint; it was her idea that she thought people were supposed to keep all the beautiful trees as much as possible; and at one point, when a person cleared land, he or she had to replant the trees back after building the houses. She stated she was told she had to remove this other large Laurel Oak Tree; she called the head of the Department at that time which was Robin DiFabio and asked for an appointment with her to find out why she had to take

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this third tree down; after a length of time she finally got an audience with her, spoke to her, she said she would get back to her, and she never heard another word; and she assumed the matter was settled. She stated close to a year later in 2016, she received a letter from the County stating they had put a \$13,000 lien against her home due to non-compliance; she sought an attorneys assistance at a great deal of cost to her; she has spent well over \$7,000; and she is a senior citizen on a fixed income, not to mention what the storm damage did to her the end of last year, which she is still trying to pay for that. She stated she did as she was told, took the tree down, then she was told she still owed the County \$5,000. She noted she does not understand this; she does not have that kind of money; she did what she was told in the first place; and for two and a half years she has been living in a nightmare. She stated she would like to get this straightened out, and she does not think she owes the County money anymore.

Chair Pritchett stated Mr. Calkins told her what had happened was the wrong tree came down.

Mr. Calkins advised there were two trees pretty close together, one was cut down, and the other one is the one the officer thought should come down.

Ms. Sichak stated she cut two down and she has the proof; she has a receipt from the tree company; it was on the fence line, which was the one that dropped the branch from the lightening; and the other tree is 20 feet to the east and at least 20 feet from the fence, which had nothing to do with it. She pointed out when she did cut the other trees down she made sure there were no branches extending from that tree into the side of the yard.

Chair Pritchett stated the conflict she is having with staff is staff did feel like Ms. Sichak was trying to work with the County, but she cut down the wrong tree.

Mr. Calkins stated there were two trees very close together; one tree was cut down; and the other tree was not down.

Ms. Sichak stated there were two trees on the property line right next to each other; one of those trees was responsible for the limb coming down; and that one in the back of the yard had nothing to do with it.

Chair Pritchett stated Ms. Sichak tried hard to get this done, and she thinks there was a little bit of confusion; she does not think there was any hesitation on her part not to try to do this; and she asked if this fee can just be waived.

Commissioner Isnardi stated she read this and it looks like there was a miscommunication; she understands Ms. Sichak went to the Special Magistrate and asked for an elimination of the fee; she is sorry she had to pay the attorney's fees; and the attorney's fees are more than punishment enough for taking down the wrong tree.

Motion by Commissioner Isnardi, seconded by Commissioner Barfield, to waive the accrued fine for Kathy A. Sichak, 3915 West Ridgewood Drive, Cocoa.

Commissioner Tobia stated he read the Special Magistrate's opinion; this is an individual who has a much more in-depth knowledge than the Board has; the opinion of the Special Magistrate was this was the complete responsibility of the applicant; the applicant complains there were five months of delay in cutting the tree down, and it was not her fault; and that seems a little bit ridiculous. He stated he finds it a little disingenuous; it sets a very bad standard; the Board pays as does the applicant for a Special Magistrate to make decisions; and the Board, for one reason or another, get up here and change those recommendations. He asked if the Board reduces this \$13,000 fine to zero, and he will be voting against this, that it reduce everyone's fine to zero; and he would make a motion that the Board no longer has fines, that it just says continue

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to go against the Codes and pay to see a Special Magistrate, and the Board will drop it down to zero. He expressed his appreciation to the applicant for going through the process; but he stated whether it is lowering the fine or moving it down to zero, it does everyone a disservice; everyone to be treated fairly and equitably; and by setting a standard for no fine for what a Special Magistrate found as complete responsibility of the applicant is just completely wrong.

Commissioner Isnardi stated she completely disagrees with that statement, because the Board has waived permitting costs for a veteran who stood before it; and by complete responsibility it is a circle on the Special Magistrate's form; the reason why there was a \$13,000 fine is because the County's fines are absolutely egregious at \$100 a day; that is to get people into compliance, which she clearly did; and she understood her to say the five months she waited was for her appointment with Ms. DiFabio. She pointed out this is a rare circumstance; she thinks it was a miscommunication; this was not deliberate on Ms. Sichak's part; and that is why these come before the Board so it can use its judgment on this.

Commissioner Tobia asked what the actual County costs were for this fine; and if were to be zeroed out, how much taxpayers would be burdened with because of the applicants fines.

Mr. Calkins replied \$2,096 is the remaining costs.

Commissioner Tobia inquired if that is fair to say that \$2,096 burden would be spread across the rest of Brevard County's taxpayer's base.

Mr. Calkins responded that money goes to his Department, so it would be Planning and Development.

Commissioner Isnardi stated that is like suggesting that the government never makes a mistake, because obviously there was a miscommunication about what trees needed to be removed.

Ms. Sichak stated she never heard another word until almost a year later when she received the letter that said they put a lien against her house, she was shocked; and that is why she went to an attorney.

Chair Pritchett called for a vote on the motion. The Board considered the Special Magistrate's recommendation to reduce the accrued fine for Kathy A. Sichak, 3915 West Ridgewood Drive, Cocoa, Case 15CE-02340; waived the fine; and approved release of the lien.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Kristine Isnardi, Vice Chair/Commissioner District 5
<b>SECONDER:</b>	Jim Barfield, Commissioner District 2
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
<b>NAYS:</b>	John Tobia

**ITEM VI.A.2., BOARD CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR NEW OWNER, GENE BLAKEMAN (11CE-01102)**

Tad Calkins, Planning and Development Director, stated this Item is for the Board to consider a special magistrate's recommendation to reduce the accrued fine from \$8,890 to \$3,093, and release the lien upon full payment for a case at 2472 Kingswood Drive, Mims, Florida.

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Gene Blakeman stated he obtained the property from a friend of his, which is not anymore; he told him about the back taxes, which he paid; and then he found out later there was \$16,000 in Code Enforcement liens. He noted he paid he thinks \$2,000 already, and he is present to see what happens today.

Chair Pritchett stated there is a new owner; and she thinks the special magistrate's reduction is fair.

Commissioner Tobia asked if Mr. Blakeman is a veteran, and expressed his appreciation for his service.

Motion by Commissioner Tobia, in lieu of this person's service to the country, that the Board does not accept the recommendation of the special magistrate, and it be reduced to zero.

Motion dies due to lack of a second.

Commissioner Barfield stated he would be fine to reduce it to the actual cost, which is \$1,315.

The Board considered the Special Magistrate's recommendation to reduce the accrued fine for Gene Blakeman, 2472 Kingswood Drive, Mims, Case 11CE-0102; reduced the accrued fine to the actual costs for the case of \$1,315; and approved release of lien upon full payment.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Kristine Isnardi, Vice Chair/Commissioner District 5
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
<b>NAYS:</b>	John Tobia

**ITEM VI.A.3., BOARD CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR NEW OWNER, SKY TAX INVESTMENTS, LLC (11CE-01010)**

Tad Calkins, Planning and Development Director, stated this Item is to consider Special Magistrate's recommendation to reduce the balance of an accrued fine from \$3,452 down to \$1,923, and release the lien upon payment in full for a case at 6105 Degan Road, Cocoa, Florida.

Ronald Wallen stated the previous owner of the property passed away; there is a dead tree on the property that they accrued \$100 a day on; his client bought it at a tax deed sale; they have developed the property and removed the tree; and they have a new home with a new tax base started with the property. He asked the Board to accept or further reduce the Special Magistrate's decision if possible; he stated a significant portion of the fine has been paid through the tax deed sale.

Chair Pritchett stated he has already paid \$10,500 towards this property; these have to be heard individually; on this one, the \$10,500 includes the reduction; and she thinks this one should be done at this point.

Commissioner Isnardi stated she was going to suggest the same thing; the fine was horrifically egregious; she understands that is what is on the books; the County has already received

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\$10,547.64; and this Code violation has been beat on enough. She stated the goal of Code Enforcement should be corrective; it should not be to make money off of residents.

The Board considered the Special Magistrate's recommendation to reduce the accrued fine for Sky Tax Investments, LLC, at 6105 Degan Road, Cocoa, Case CE-01010; waived the fine; and approved release of lien.

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

**ITEM VI.A.4., BOARD CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR NEW OWNER, GENE BLAKEMAN (11CE-00932)**

Tad Calkins, Planning and Development Director, stated this Item is to consider Special Magistrate's recommendation to reduce the accrued fine from \$4,625 to \$2,090, and to release the lien upon full payment for Code Enforcement case at 2472 Kingswood Drive, Mims.

Chair Pritchett stated this is another gentleman who bought new property, and she was considering the Special Magistrate's recommendation.

The Board reduced the accrued fine to the actual cost of \$1,165, and approved release of lien upon full payment on 11CE-00932 at 2472 Kingswood Drive, Mims.

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

**ITEM VI.A.5., BOARD CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR NEW OWNER, GOD PLEASING (14CE-00308)**

Tad Calkins, Planning and Development Director, stated this is a request for the Board to consider the Special Magistrate's recommendation to reduce the balance of an accrued fine from \$4,056 to \$1,809, and to release the lien upon full payment for Code Enforcement case at 6745 Colony Park Drive, Merritt Island.

The Board approved reducing the accrued fine to the actual cost of \$998, and approved release of lien upon full payment on 14CE-00308 at 6745 Colony Park Drive, Merritt Island.



<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Kristine Isnardi, Vice Chair/Commissioner District 5
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
<b>NAYS:</b>	John Tobia

#### **ITEM VI.B.1., FIRE ASSESSMENT RATE INCREASE**

Chief Mark Schollmeyer, Fire Rescue Director, stated this Item is a request asking the Board for direction for two proposals for an increase in the fire assessments fees; as the Board is aware Fire Rescue Operations is comprised of two funding sources, they are split between fire and EMS; and what they are talking about is Fire Operations which is that portion to the left of the chart. He went on to say the revenue sources are comprised of the fire assessment and the Multiple Service Taxing Unit (MSTU); and the fire assessment is appraised of about two-thirds of the funding source for Fire Operations. He added the second slide shows the two pie charts with a 10-year look back at operating revenues for EMS and Fire, but in particular they are looking at the fire assessment and MSTU; the MSTU has remained flat over the course of 10 years; and the fire assessment has decreased over time. He stated the fire assessment they are talking about funds 22 fire stations, 17 fire engines, five ladder trucks, the brush units, hazard materials truck, and the technical rescue truck; and by looking at the workload over the last 10 years, they have seen a significant workload for the fire apparatus in which the fire assessment and MSTU both pay for. He asked why are they here today; he stated the answer is the fire assessment which was originally developed by Burton and Associates in 2008 for Fiscal Year 2009, those revenues were reduced by 15 percent for the purpose of drawing down the Reserve funds, which exceeded about \$14.5 million; the fire assessment was supposed to be addressed in 2012, but due to the economic recession, the rates have not been adjusted since FY 2009; the Reserve fund balance for FY 18 is \$2.1 million; and Reserves are being depleted on an average of \$1.1 million annually due to the fact they are using Reserves for operating. He stated by looking at the chart showing fire operations revenue versus expenditures, it shows the Board in color; it is not a good idea to use Reserves for operating for the long-term, it is not sustainable; and that is where they are at now.

Joshua Madsen stated he appreciates the Board passing their contract; they know they worked diligently with the Board with all of the give and takes; and they do support the Board and they know the Board supports them. He stated they do their jobs to take care of the citizens. He stated there were three recommendations when this originally was brought up by Burton and Associates; one, was a 15 percent reduction, but with the following year in 2011 going up 3.4 percent that year and every year after; they did not go with that option, they went with reduce it by 15 percent with zero going forward from there; and their call volume has risen by 50 percent since then, new units have been put in service, they have cut station replacements, they have numerous issues with mold and aging fleet and buildings, trying to work on competitive compensation and benefits, and they also have new units put in service for the large population growth. He stated the County continues to grow; they are asking the Board to take care of its citizens just like the firefighters take care of them; and make sure it can be afforded to do it. He advised they have tried to live off of Reserves; they have reduced replacing stations, equipment, and those are things that directly help service the public; and they ask for the Board to approve Option 1 and the 15 percent.

Chief Schollmeyer stated a 15 percent increase over the Fire Operations budget, because part of it is funded by the MSTU, does not equate to a 15 percent increase in the overall Fire

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Operations; and a 15 percent increase to the Fire Assessment does not mean a 15 percent to Fire Operations budget.

Commissioner Tobia stated this fee increase is a way to avoid claiming that the Board has once again raised taxes by putting them below the line; make no mistake for a homeowner, this is a tax increase; this tax increase will be directly used to pay for labor, which is counter to the conservative belief of treating unionized labor better than non-unionized labor because that is exactly what will be happening here; some time ago a member of this Board asked it to be made clear that letters he sends to municipalities with his signature on it not be approved by the Board even though they were signed by him and written in the first person; and he feels the same here. He went on to say he wants to make it clear should this pass, that not all members of the Board raised this fee, or tax, 15 percent; it is his understanding that counsel has informed the Board it will have to send out a sample letter informing taxpayers it is raising taxes; he has a sample draft that would, instead of saying the Board, that it be delineated who actually is in favor of this as the lead taken by the Chair previously; and that is attached, and he hopes, should this pass, the Board can be honest, forthright, and very clear with the taxpaying citizens.

Chair Pritchett stated if the Board does not do the ladder, Commissioner Tobia will find a way to let people know who voted for it and who did not. She asked if the Board increases the fire assessment, she likes the prorated, and it does six percent, what the average payment to the homeowners would be.

Chief Schollmeyer replied there is an Option 1 and Option 2 for the residential homes; the fire assessment is broken out into bins; each bin is assigned a rate; and they put what a 15 percent increase would be versus a six percent increase. He stated if the Board wants to use a 1,600 foot home as average, currently they are paying \$177.87, which he pays right now; a 15 percent increase would be \$26.68 increase for a total of \$204.55; and then that same home with a six percent increase would be \$10.67 increase for a total of \$188.54.

Chair Pritchett stated the Board needs to do the best it can to be frugal with the funds, but the costs are going up, the Department is losing the ability to do its job, and from the moment she met the Chief, he has been letting her know he is about out of Reserves. She advised she is probably going to be more comfortable with Option 2, and at the end of the year it can look to see how it did with it.

Commissioner Barfield stated if the Board does the six percent it is not really sustainable, and in three years it will be back in the same place.

Chief Schollmeyer advised they have been using \$1.1 million in Reserves just to meet operating; what that means is whatever Option the Board picks, to take \$1.1 million off the bat, and then replenish Reserves; and then there are capital purchases on top of that. He stated what has not been said is what a fantastic job they have done over the years in stretching those dollars; they never receive those thanks; and they have not had to come back before the Board. He stated he is now asking the Board to make a decision to give them a little direction so they can carry on their operations.

Commissioner Barfield asked if the Board votes against this, what the service impacts would be.

Chief Schollmeyer replied service-level impacts could mean, right off the bat 75 percent of their costs is labor, so what that would mean would be downing the staffing on fire engines; what that eventually means is downing fire stations, which leaves a gap in coverage; and what that leads to is longer response times, which is a trickledown effect. He noted it means not being able to purchase the capital they need to replace the aging fire engine fleet, which the Board has seen

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countless times during the budget process; he does not want to say right off the bat they are shutting down stations if nothing happens, but eventually that is what it leads to.

Commissioner Barfield asked in three years, if the Board chooses Option 2, it could potentially be in the same scenario.

Chief Schollmeyer responded there is \$3.5 million in Reserves, and in a couple of years they will be there with not doing anything right now.

Chair Pritchett asked if the CPI increases have been done over the years.

Chief Schollmeyer responded no.

Chair Pritchett stated the Board increases it over a period of time, she would think eventually it would get caught up.

Chief Schollmeyer replied yes, depending what the CPI is.

Chair Pritchett noted even if the Board did not do the CPI it just determined over the next few years it would increase it three percent until it hit the 15 percent.

Chief Schollmeyer advised that would be the pleasure of the Board.

Frank Abbate, County Manager, stated Fire Rescue has done an admirable job; they have gone five years longer than what was initially anticipated; and they have done that to the detriment of a variety of infrastructure and capital improvements, so they have done the best they can with the resources they have. He went on by saying staff would not have put forth both of these options if they did not think they could at least minimally continue to providing the level of service currently provided with all of the costs being projected over the next three years; however, what they would not be able to do is make some of the incremental improvements they would like to be seeing in terms of what the needs are from fire equipment and other supporting capital purchases that they need; and they have been frugal trying to be sure they only spend what they need to so they can continue to maintain some sort of Reserves. He pointed out the amount being talked about is over the last eight years to get to the current Reserve numbers, he thinks they were at a little over \$14 million; they have been drawing down; and they waited as long as they possibly, reasonably could without jeopardizing what needed to be done. He stated obviously Fire Rescue staff would be happier if they were able to get the 15 percent, but if that is not something that is not within the purview of the Board, they will not be as far along as they would like to be, but that is why the second option was put before the Board for its consideration. He noted they did include in the Agenda Request, with the assistance of the County Attorney's Office, to put the sample letter together, which is required when there is a change in the fire assessments; and that is why they need the Board's direction today, because anytime it is going to be increased, if they know what the potential increase is, the notice will be sent out once now and it will cover the period of time up to the 15 percent being achieved, or if the Board chose Option 1, then obviously staff would put the notice out once and the rate would not change over the period of time. He stated when they took that 15 percent discount, when the Board approves either option today, what it is really doing is making up the difference; this would be getting back to where, at least when the assessors came in and did the assessment, it will bring it back to that point they said the County needed to be 10 years ago; as the Board has seen in the presentation, they try to keep it as brief as possible; services being provided by the firefighters and the staffing that is necessary has only increased during that 10 year period thanks to the growth occurring in the County

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Commissioner Smith stated he has looked at both of these numbers; he pays taxes like everyone else; it would be nice if people did not have to pay any more taxes; but the reality is things need to be replaced and fixed; and there is mold in some of these fire stations. He added he does not think the County needs to be making the firefighters being whipping boys for the rest of the County over the difference between 15 percent and six percent; he thinks they should be funded to the fullest extent, the 15 percent, and the Board should do it and be done with it; and no one in the County wants to have a heart attack at 2:00 a.m. and have a firefighter say they are short-handed and they cannot be there for 15 minutes. He advised if a person has an accident, people do not want to hear the firefighters are doing the best they can but they cannot get there for another 20 minutes.

Motion by Commissioner Smith to approve Option 1, to increase the fire assessment rates by 15 percent.

Motion dies due to lack of a second.

Commissioner Isnardi stated she does not know what she is open to at this point; there was a lot of push back when the ambulance rates were increased quite a bit; it makes her nervous about asking people to pay more; she has 40 percent of the City of Palm Bay; they were just hit with additional water fees for the average home at \$177 for the year; and it is how much can be piled on and still take care of the guys. She noted it is a shame that since 2008 the Department has not been funded; she does not know who owns that responsibility; but it is a shame this Board is being asked to make up for all of that; and she knows Chief Schollmeyer is just doing his job. He stated this Board should not be responsible for entirely trying to fund the full 15 percent; she is not opposed to some kind of increase; but she asked who bears that responsibility. She asked if this was ever brought to the Board by former County Manager Stockton Whitten; and she stated to expect a Department to operate with Reserves is irresponsible and really sad.

Commissioner Tobia advised he is down on this, but he asked if the Board goes with the six percent, which is closely tied to the labor contract the Board just voted for, would the six percent cover the better part of that labor increase; and he further inquired at what time the Board hits a critical point.

Chief Schollmeyer replied yes, it would fund it; and in terms of a critical point, probably two or three years. He stated not to forget there are the CPI increases after that as well, which is also helping.

Commissioner Tobia asked the six percent with the CPI it would still cover the full three years for the labor contract.

Chief Schollmeyer responded affirmatively.

The Board accepted Option 2, to increase the Fire Assessment revenue to \$1,350,000 in FY 2018/2019, with annual increased revenues (assuming 2 percent CPI) of an estimated \$450,000 in the following three subsequent fiscal years; and approved advertisement of a public hearing to modify the Special Assessment Resolution to reflect the updated user fees.

**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 VI.E.1., CITIZENS RECOMMENDATIONS FOR GREATER EFFICIENCY AND EFFECTIVENESS (CEER)**

Frank Abbate, County Manager, stated under the County's Charter Section 2.9.10, annually citizens submit recommendations for enhancement of the effectiveness and efficiency of Brevard County government; as part of that process, County staff is tasked with reviewing and evaluating each recommendation and bringing those recommendations before the Board for its consideration; the Charter provides that the Board is required to take a vote to either approve, reject, or revise and accept each recommendation; and this year five recommendations have been submitted for the Board's consideration. He advised the first recommendation is CEER 2018-001; that recommendation asks the Board to address a perceived problem of inmates at the Brevard County Jail sitting with no information of what they are being held on; upon review and consultation with the County Attorney's Office, this recommendation was forwarded to the Public Defender's Office on February 6, 2018, as it is not within the jurisdiction of the Board; and the Public Defender concurred this was the proper way to handle this recommendation. He added as a result staff would recommend that CEER 2018-001 be rejected by the Board.

The Board rejected Citizen Efficiency and Effectiveness Recommendations (CEER) 2018-001.

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

Mr. Abbate stated the next CEER is 2018-002; this recommendation addresses technology and locating pipe lockage's in the utility system; the recommendation asked to address a shared sewer line by Adamson Creek Subdivision and solid waste; the request was for a separate line to be installed; staff reviewed the request and determined sufficient capacity assists in the current line; however, Solid Waste, after learning of this concern, conducted testing and identified a technology product descender, which provides the opportunity, a solution, to the blockage problem that did exist in that system. He stated staff is recommending CEER 2018-002 be revised to incorporate this solution and allow Solid Waste and Utilities to monitor the situation to assure that the problem is resolved.

The Board revised the recommendation of CEER 2018-002, and accepted it as set forth.

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

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Mr. Abbate stated CEER 2018-003 addresses a Brevard County Ordinance No. 06-31, Sexual Offenders; it is important to note that particular Ordinance was sponsored and drafted by the Sheriff's Office; recognizing and respecting that the designation of an offender, as either a sex offender or sex predator, is completed by the authority of the courts; and taking into account the expertise and the statutory responsibility of the Sheriff's Office has in policing such offenders, especially the expertise the Sheriff has in his Criminal Investigative Services section that is responsible for sex offender registration and tracking digital forensic victim services, this CEER recommendation was forwarded to the Sheriff's Office for their review and consideration. He pointed out as a result staff recommends that no further action should be taken by the Board, and that this recommendation should be rejected. He advised staff consulted with the Sheriff's Office on this.

The Board rejected CEER 2018-003.

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

Mr. Abbate stated CEER 2018-004 and 2018-005, which is duplicative, addresses blocked sewers and sewer pipes that are due to grease that is poured down the drain, and recommends recycling; in the first part of the recommendation it addresses cafe's at government complexes and the County Jail; in fact, the Complex Cafe does recycle their oil to a company that uses it for bio-fuel; the Jail only broils, bakes, steams, or pan fries, so they do not generate grease to recycle; as a result, they are already doing that part that was recommended; the second part recommends telling residents to stop using garbage disposals and to stop installing them in new homes; and new construction is governed by the Florida Building Code under board ordinances, and staff recommends it continues to adhere to the Florida Building Code in that approach. He went on to say it was also asking that Florida advertising on buses and vehicles be enhanced to address recycling and support recycling; the advertising currently being done on buses generates revenue to support the transit system; and rather than being for non-revenue generating purposes, Transit Services would like to continue using those resources as they currently are being generated and appropriated to the Transit System. He advised staff recommends rejecting this portion of the recommendation.

The Board rejected CERR 2018-004 and 2018-005.

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

Mr. Abbate stated CEER 2018-006 addresses food bags from animal shelters that are currently going to the landfill; the recommendation asks that the empty bags be made into tote bags by prisoners and distributed in various ways; Animal Services and prisoners are outside the Board's purview as they are currently handed through the Sheriff's Office; and Solid Waste staff did look at the current waste stream that exists for these products, and in order to do what was required, it would require a material recovery facility, which would not be cost effective. He

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asked that the CEER 2018-006 be rejected and move forward providing this to the Sheriff's Office for their consideration.

The Board rejected CEER 2018-006.

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

#### **ITEM VI.F.1., BREVARD COUNTY COMPREHENSIVE ANNUAL FINANCIAL REPORT**

Frank Abbate, County Manager, stated Steve Burdett, County Finance Director, indicated this Item could have been on the Consent Agenda, and the Clerk's Office put it under New Business.

The Board acknowledged the Brevard County Comprehensive Annual Financial Report for the Fiscal year Ended September 30, 2017.

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

Commissioner Tobia stated in the future he would like to make sure this is put on the Consent Agenda so staff does not have to sit in the audience for six hours.

The Board directed staff to place the Comprehensive Annual Financial Report on the Consent Agenda in the future.

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

#### **ITEM VI.F.2., INNOVATIVE SOLAR ENERGY RESOURCE WORK GROUP**

Commissioner Barfield stated the Board has had two other things come up on solar; one of the things that came out of it was that the County does not have a way to look at using innovative solar energy resources; this was brought to him; and he think it is something for the Board to consider.

Leslie Maloney, Chair of the local Sierra Club Group, stated they are working with other solar partners to get these types of boards throughout the cities; they are thrilled this working group will be focusing on solar energy and extending out there to clean energy will get formalized and will collaborate with what is going on with the County, because there is wonderful activities

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happening with the different cities and different boards they have created; and this shows the Board is forward thinking and looking out for the County's best interest. She advised they look forward to working with the Board in any way they can; there is a whole group of them who is trying, once the working groups are formed, to give resources so they can be effective, because there are a lot of things they can do; and she sees this as part two of the Lagoon referendum by helping the environmental in general and impact the Lagoon as well.

John Saathoff expressed his appreciation to the Board for bringing the resolution forward today; citizens of Brevard County are showing an increased interest in solar energy; solar will save a lot of money and improve the quality of life; it is like having a generator on a person's roof that uses no fuel; and it also means less stuff in the air that can make its way into the lungs and into the Lagoon. He added at the last Board meeting the Commissioners suspended the solar installation permit fee, he appreciates that, and it authorized the PACE Program; and just recently the Public Service Commission authorized the leasing of solar equipment, a big breakthrough for the State of Florida. He stated it sends a loud message that people want this to happen in Brevard County and throughout the State of Florida; today's resolution is the next logical step in the transition, now that the financial obstacles are falling by the wayside; and right now the cost of distributed solar is six cents per kilowatt hour, the average cost over 20 years. He pointed out that is about one-half of the 12 cent rate on his electric bill; and the rate is lower around the globe. He stated what the advisory board would do is to crunch the numbers for the County and put it into a cost benefit analysis as called for by the resolution; they are confident the Board will like what it sees; not long ago a member of the Florida Senate said the Sunshine State is a nice license plate slogan; they did not mean it kindly; while Florida does have more solar energy potential than any state east of the Mississippi, now Brevard will not have to wait for Tallahassee to see the light; and already five out of 16 Brevard County cities have sustainable and clean energy boards in place, and that is just in the last six months. He advised it is good news the Board is giving this serious consideration; and today would be a great opportunity for the County to take the first step to establish a solar energy advisory board.

The Board adopted Resolution No. 18-056; and directed staff to come back to the Board with a report on how to implement the Work Group.

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

Commissioner Isnardi stated she is not opposed to the board, the County has so many boards; she wants to see something a little different; and she thinks it would have been beneficial to bring the ideas to one of the existing boards. She reiterated she is not against the board; she thinks it is important what they are looking to do; but she is hesitate to add yet another board, because there are so many vacancies to fill. She stated she noticed it said in the Resolution from each District; and she asked if staff would come back with a report regarding that.

Chair Pritchett stated there are a lot of these boards being formed in the municipalities so this is like a complement to what is already going into the community and it will be a good place for conversations for the citizens.



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**ITEM VI.F.3., CITIZENS REQUEST, RE: CODE VIOLATION LEIN PREVENTION OF FINANCING**

Curtis Loucks stated he is requesting the County assist him eliminate some Code Enforcement violations from a previous owner; he purchased the property in U. S. Bankruptcy Foreclosure; and it had two Code violations against it from the previous owner. He went on to say they went through the Special Magistrate process, and there are liens against the property; when he took on the property it was his intention to cure everything; and he did everything he could as quickly as he could. He advised one of the items was curing the fence around the parameter to make sure it was safe and away from the pool, the other was to take care of overgrowth, and the third item was the correction of a roof repair; in order to do that, he has been working with the Code Enforcement Officers of the County, as well as the Planning and Development staff; and due to it being in a fire, this requires a general contractors package for permitting to address all of the major components, not excluding the roof. He noted he has gone through that process; on the fourth page there is a timeline of what he has addressed up till today; and what he is trying to do is to bring the property back from a burnt condition to an active property back on the tax rolls. He stated the next couple of pages are an estimate and current expenses; he needs financing; in order to obtain financing, he needs to go to a lender; and the County liens are taking first position, and the lenders will not give him financing to finish the project. He stated he has gone as far as he can go; he spoke with Code Enforcement Agent Shaun Donovan, and he informed him they have moved the violations into his name now so he can address them with the Special Magistrate; and he is asking that the previous homeowners violations be eliminated so he can obtain the financing to fix the property.

Chair Pritchett stated she asked a lot of questions and did some research; she thinks Mr. Loucks needs to get into compliance, go to the Special Magistrate, and get them to do that for him; in all fairness, he got it for a good price, for the lien price; that area has a market value of \$140,000; the Special Magistrate already brought down the fines to get a lower cost; and if he goes back, the Magistrate will hear him and address those reductions. She advised she does not feel the Board is in the place to try to sidetrack that procedure; if he does that, he will get relief for some of it; but she reiterated pulling it out of the process is not something she will be comfortable voting on today.

Mr. Loucks stated if he understands Chair Pritchett correctly, her recommendation is to go back to the Special Magistrate.

Chair Pritchett noted because it is now in Mr. Loucks name, and maybe they will give him some remedy after he has come into compliance. She asked if he had taken care of all of those problems from the previous fines.

Mr. Loucks stated that is the issue; in order to work the general contractor's package and follow through with all of their requirements, the timeline gets stretched out because they have to be addressed in the order to remedy the property; and that means the interior work, plumbing, electrical, and air conditioning. He pointed out the roof is like the last, and that is the item he needs to repair, and in order to get all of those other things done and get to the roof he needs financing; and that is where he is stuck, because the financing requires a first position hold on the property.

Commissioner Barfield stated he needs to follow the process and go back to the Special Magistrate and let him do the reduction; that is the way it works; and then it comes back to the Board. He noted the Board can then accept it or make the fine less; that is the process the Board uses; and he thinks that is the correct procedure.

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Mr. Loucks stated he made that recommendation originally to go back to the Special Magistrate and he was told because the previous owner had met with the Special Magistrate that he was no longer able to go before the Special Magistrate.

Chair Pritchett stated it is moved to his name now and it is different.

The Board acknowledged Citizen Request of Curtis Loucks for reduction of Code Violation Lien Prevention of Financing, but took no formal action.

**ITEM VI.F.5., BOARD DISCUSSION, RE: SUN-SETTING OF TWO ADVISORY BOARDS**

Commissioner Tobia stated on March 6th, Commissioner Isnardi expressed her concern that the Board has way too many advisory boards; that was the reason he voted down an additional one; any of the Board Members would be hard-pressed to come up with the total number of boards the County does have; and the best count was 54 advisory boards. He stated he directed a couple of folks on his staff to locate some boards that whatever rubric they used maybe they did not meet that often, maybe there were a lot of vacancies, and to at least look at sunseting some of these boards; he asked them to start in District 3, his District, so they would not think he was targeting anyone; the Melbourne Beach Public Library Advisory Board, according to the Clerk's Office, it has only one member right now, and another member has been vacant for 10 years; and staff said there is an interlocal agreement prohibiting him from doing this. He noted the other board was Onsite Sewage Disposal Advisory Board, which meets once a year. He stated instead of him choosing it would be better for staff to give the Board a look at some of these boards, and to suggest some of the ones the Board does have the ability to sunset; maybe sunset provisions could be added to some of these; but he would certainly like someone with a legal background to look at what boards are tied to what agreements, State Statutes, and so forth.

Commissioner Isnardi stated she would like to see if any of the boards can be consolidated, so if there is value in one board, maybe those policies can be consolidated with another board already in place.

Chair Pritchett advised on the Melbourne Beach Public Library Advisory Board Resolution could be amended and remove the County part off of it.

Commissioner Tobia stated it may be a little more objective if it comes from staff.

The Board directed staff to bring back to the Board options for immediate sunseting, sunseting in the future, or to see if any of the advisory boards can be consolidated.

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

**ITEM VII., PUBLIC COMMENTS**

Charles Tovey stated two things he forgot last time he spoke was Indian Harbour Beach had a process treatment center there; people are wanting to put another one in there to treat the sewage there; there was one behind the skate board ramp, but it is gone; and these decisions that are made to do things, the Board may not want to do it so hastily. He stated by looking

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towards the future, the Board may want to reflect on its decisions today. He went on to say Commissioner Tobia, some of his captains wanted to thank him and acknowledge his work for the County; and they are concerned about how the expenses are being used. He stated he wrote on his card about his landscape buffer, he has no security, no privacy, and no way to resolve his issues of living in privacy and security in peacefulness; he is looking for a landscape buffer the Board would approve; and he asked if he has to go through Town of Palm Shores, or what he would do. He stated the last he heard is he is not allowed to put a door on the front of his house; for 10 years since the fire and the grand opening of the building across the street, he has not had a door; he asked why do anything when he cannot even have a hedge, cat, or put his door on; he paid all of his fines and fees that he knows of; and the only thing he is aware of are the liens on his house from the fire from the arson and the liens on his boat. He stated a County employee took his boat by accident, they put a big hole in it, and then he gets fined the same as with the arson and all of the other things; he complied every time and he paid all of his fines and fees, but there was more and more; and now he cannot have privacy from the lights. He advised they can put a lumber yard with a truck stop at the end of the road, boat storage, and destroy the lakes and springs and everything that was there; he asked where he moves to, to go to another county and have the same; he stated it was not that way before Palm Shores; and he is the only thing not in Palm Shores. He pointed out they are proud of the development, but it was environmentally destroyed.

**ITEM VIII.F., REPORT, RE: KRISTINE ISNARDI, DISTRICT 5 COMMISSIONER/VICE CHAIRMAN**

Commissioner Isnardi expressed her appreciation to District Chief Ricky Conner; there was a flood in her office, the second floor, the water pipe burst; she was moving her mother from one location to the other and could not get there quick enough; and they are calling her, Danielle Stern, and then her husband. She stated he was quick over there with his unit, Engine 83; all of those guys went over there and secured the place, took all of the computers off of the floor, and covered everything in plastic; and they even took Brevard Cultural Alliances art off of the wall because there was expensive art up there. She noted they went back to make sure because the water came up almost to their door; those guys stepped up and made sure their office was secure; and she stated she appreciates that more than they know. She stated it is Firefighters of Engine 83, District 80, C Shift, and Ricky Conner, for following up over and over again to make sure they were okay. She advised Chief Mark Schollmeyer, Fire Rescue Director, called her personally; he was the first phone call she received; and she cannot say enough about County staff.

**ITEM VIII.G., REPORT, RE: RITA PRITCHETT, DISTRICT 1 COMMISSIONER/CHAIR**

Chair Pritchett stated Commissioner Barfield and she went to Washington, D. C. with the Economic Development Corporation team last week; the hard work they put into this and what they put together was amazing; they had back to back meetings with Generals, heads of government departments, Senators Bill Nelson, Marco Rubio, and Bill Posey, heads of space corporations, and SpaceX; and it was a fascinating, exhausting few days. She stated they met with the Secretary of the Air Force; it was quite an experience; and she was impressed that everywhere they went they all know Lynda Weatherman by name, they are excited to see her and what she has to say and she is quite the treasure in this area. She noted the Air Force has adopted a mission statement of Space is a War Fighting Domain; on that, the military Navy and Air Force are upping their game in the Space Coast area, so there will be a great moving in of Air Force and Navy families coming in; they begged them to get busy on housing and trying to work on licensing; they also wanted to toot their horn they are the guys responsible for the GPS they have, a \$70 million project ran by four guys out of Colorado; and she expressed her

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appreciation for all of the improvement made due to investing in the military. She stated SpaceX is fascinating; they have gone from making the cost of a launch from billions to \$7 million per flight; they also wanted to warn them that Alabama is trying to stop the public/private partnership, because they want everything going to their state instead of Florida; there will be doing 26 to 30 launches, their goal is to launch every 13 days; they will be flying the Falcon 9 and Falcon 5; and by the end of this year they plan on having a man on a launch by December. She expressed her appreciation to the EDC and everyone who is working so hard to really bring a great increase into the economy.

Upon consensus of the Board, the meeting adjourned at 3:38 p.m.

ATTEST:

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SCOTT ELLIS, CLERK

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