

Tammy Rowe

To: Knox, Scott L
Cc: Lewis, Sally A
Subject: August 9, 2016 Regular Meeting Minutes

Attached are the August 9, 2016, Regular Meeting Minutes for your review and recommendations. The Board will consider them for approval at its November 1, 2016, Board meeting.

Tammy Rowe, Supervisor
Clerk to the Board
Brevard County Clerk of Courts
tammy.rowe@brevardclerk.us
321-637-2001 Ext. 49056

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 August 9, 2016 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
Robin Fisher	Commissioner District 1	Present	
Jim Barfield	Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Vice Chairman/Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

INVOCATION

The invocation was given by Pastor of Students John Leathers, Church of Viera

PLEDGE OF ALLEGIANCE

Chairman Barfield led the assembly in the Pledge of Allegiance.

MINUTES FOR APPROVAL

The Board approved the May 17, 2016 and July 12, 2016 Regular Meeting Minutes.

ITEM I.A., RESOLUTION, RE: RECOGNIZING MARSHALL REEVES FOR HIS COMPLETION OF THE RACE ACROSS AMERICA

Commissioner Anderson read aloud, and the Board adopted Resolution No. 16-115, recognizing Marshall Reeves for his completion of the Race Across America.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Curt Smith, Vice Chairman/Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM I.B., BOARD RECOGNITION OF TRANSIT SERVICES EMPLOYEE TARA COTTON, RE: "BREVARD'S BEST" AWARD

The Board recognized Transit Services employee Tara Cotton as a recipient of the 'Brevard's Best Award'.

ITEM I.C., PRESENTATION, RE: VOLUNTEER RECOGNITION INITIATIVE: VOLUNTEER STARTS LIGHT UP BREVARD

The Board acknowledged presentation by Allison Matteson, Brevard County B.R.A.V.E. Volunteer Coordinator; and Robin DiFabio, Planning and Development Director, recognized Mike Powere who volunteers with the Code Enforcement Office.

ITEM II.A.2., SUBORDINATION OF UTILITY INTEREST CONVEYED FROM FLORIDA POWER AND LIGHT, RE: THE VIERA COMPANY TRASONA AT ADDISON VILLAGE PHASE 4

The Board executed the Subordination of Utility Interest conveyed from Florida Power and Light necessary for the Plat process related to The Viera Company, Trasona at Addison Village Phase Four.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Curt Smith, Vice Chairman/Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.A.3., RESOLUTION, WATER LINE AND INGRESS/EGRESS EASEMENT AGREEMENT, AND BILL OF SALE IN FAVOR OF CITY OF COCOA, RE: VETERANS MEMORIAL PARK EXPANSION PROJECT

The Board adopted Resolution No. 16-116, authorizing conveyance of real property interest by the County; approved the Water Line and Ingress/Egress Easement Agreement; and executed Bill of Sale in favor of the City of Cocoa for the Veterans Memorial Park Expansion Project.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Curt Smith, Vice Chairman/Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.B.2., RESOLUTION, DESIGNATION OF SIGNATURE AUTHORITY, GRANT APPLICATION, AND USE OF TOLL REVENUE CREDITS, RE: FY 2017 SPACE COAST AREA TRANSIT (SCAT) CAPITAL AND OPERATING ASSISTANCE GRANT FROM FEDERAL ADMINISTRATION

The Board adopted Resolution No. 16-117; authorized the Chairman to execute the Designation of Signature Authority allowing staff to submit the grant electronically; authorized the use of Toll Revenue Credits for FY 2017 SCAT Capital and Operating Assistance Grant from Federal Transit Administration; authorized the Chairman to execute the Grant application; authorized the Transit Services Director to execute and submit the Grant Agreement electronically, contingent upon County Attorney and Risk Management approval; and authorized the Transit Services Director to execute any additional follow-up documentation and amendments necessary to secure these funds.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Curt Smith, Vice Chairman/Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.B.3., APPROVAL, RE: RENEWAL OF BOARD POLICY BCC-14, DRUG AND ALCOHOL TESTING OF SPACE COAST AREA TRANSIT (SCAT) APPLICANTS AND EMPLOYEES

The Board approved renewal of Board Policy BCC-14, Drug and Alcohol Testing of SCAT applicants and employees.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Curt Smith, Vice Chairman/Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.D.2., ACKNOWLEDGE RECEIPT, RE: ANNUAL AUDITED FINANCIAL STATEMENTS OF THE MONTECITO COMMUNITY DEVELOPMENT DISTRICT FOR FY 2014-2015

The Board acknowledged receipt of the Annual Audited Financial Statements of the Montecito Community Development District for FY 2014-2015.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Curt Smith, Vice Chairman/Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.D.3., ACKNOWLEDGE RECEIPT, RE: ANNUAL AUDITED FINANCIAL STATEMENTS OF THE MELBOURNE-TILLMAN WATER CONTROL DISTRICT FOR FY 2014-2015

The Board acknowledged receipt of Annual Audited Financial Statements of the Melbourne-Tillman Water Control District for FY 2014-2015.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Curt Smith, Vice Chairman/Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

August 9, 2016

ITEM II.D.4., STIPULATED FINAL JUDGMENT IN THE AMOUNT OF \$176,000, RE: BREVARD COUNTY VS PREMIER INVESTMENTS INC., ET AL, 05-2013-CA-071539, PARCEL 102 (PREMIER)

The Board approved Stipulated Final Judgment in the amount of \$176,000, less amount previously deposited for land value, expert witness fees, costs, and attorney's fees.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Curt Smith, Vice Chairman/Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.D.5., AGREEMENT WITH PROPERTY APPRAISER, RE: DEVELOPMENT AND MAINTENANCE OF AN EXPANDED USE CODE FOR NON-AD VALOREM ASSESSMENTS

The Board approved a three-year Agreement with the Property Appraiser for development and maintenance of an Expanded Use Code for Non-Ad Valorem Assessments.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Curt Smith, Vice Chairman/Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.D.6., PERMISSION TO PARTICIPATE AND ACCEPTANCE, RE: FDLE FISCAL YEAR 2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

The Board granted permission to participate in and accept the FDLE Fiscal Year 2016 Edward Byrne Memorial Justice Assistant Grant Program; designed the Brevard County Sheriff's Office as the point of contact; and authorized the Chairman to execute the grant documents, Letter of Support, and any necessary budget amendments.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Curt Smith, Vice Chairman/Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.D.7., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

The Board appointed/reappointed **Bill Klein** to the Parks and Recreation South Service Sector Advisory Board, with term expiring December 31, 2016; **Sheryl Denan** and **John Stone** to the Planning and Zoning Board, with terms expiring December 31, 2016; and **David Hosley** to the Titusville-Cocoa Airport Authority, with term expiring December 9, 2019.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Curt Smith, Vice Chairman/Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEMS PULLED FROM CONSENT AGENDA

Commissioner Infantini pulled Item II.B.1., Authorization to Apply for State of Florida Public Library Construction Grant, Re: Construction of the New Mims Public Library; and Item II.C.1., Board Approval, Re: Renewal of Certificates of Public Convenience and Necessity (COPCN), from the Agenda for discussion.

ITEM II.B.1., AUTHORIZATION TO APPLY FOR STATE OF FLORIDA PUBLIC LIBRARY CONSTRUCTION GRANT, RE: CONSTRUCTION OF MIMS PUBLIC LIBRARY

Commissioner Infantini stated Item II.B.1. addresses the construction of a new library; the existing library in Mims is not in good shape; if the Board were to keep a library in Mims, there is no doubt it needs to be replaced because it is in sad shape; but just like the library in Mims, there is a library in Melbourne, which is underutilized; and she cannot see replacing and spending \$2 million to build a new facility that currently is very underutilized, just like the library in her District. She stated perhaps now is a good time to divest and not keep building more structures when the County does not have enough money to replace and repair the existing structures it has; she is not a proponent of adding new structures to the burden without being able to adequately air condition and keep good roofs on the existing libraries; it is not a long distance to get to the next library; and in the South Beaches area people had to go about 16 miles to get to the nearest library. She advised the Board she is not in favor of spending \$2, she would rather save that money and use it to shore up the existing libraries the County has.

The Board granted the Library Services Director permission to apply for grant funding from the State of Florida Public Library Construction Grant to help fund the construction of the Mims Public Library; and authorized the Chairman to execute all associated documents.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
NAYS:	Trudie Infantini

ITEM II.C.1., APPROVAL, RE: RENEWAL OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY (COPCN)

Commissioner Infantini stated part of the reason she was not in favor of the first pulled Item was similar to the reason she is not in favor of this one; the Board has not yet approved its budget; and to be approving something to spend \$2 million on a new building before it has been determined there is sufficient funding, without going back to the taxpayers asking for more money, she is trying to say to fix what the County has before it building new, which is why she was against the first Item. She went on to say the second one deals with the ambulance service; right now Brevard County holds kind of a lock on the ambulance rides; it gets to handle almost all of the ambulance rides; right now the Board is still in budget talks and in a lawsuit with

August 9, 2016

the Fire Department; and until it has been determined it has enough funding to keep running all of the ambulance services, it is time to turn over ambulance services back to the cities. She stated until the County's budget has passed, she cannot be in favor of these services.

The Board executed the renewal of Certificates of Public Convenience and Necessity (COPCN) with Brevard County Fire Rescue (ALS, BLS, and ALS Non-Transport), Cape Canaveral Volunteer Department (ALS), Coastal Health Systems of Brevard, Inc. (ALS and BLS), Kennedy Space Center (ALS and BLS), Canaveral Air Force Station (ALS and BLS), City of Palm Bay (ALS), Health First-Holmes Regional Medical Center, Inc. d/b/a First Flight (ALS), City of Titusville (ALS), City of Cocoa (ALS), City of Cocoa Beach (ALS), City of Melbourne (ALS), City of Satellite Beach (ALS), City of Indialantic (ALS), and City of Rockledge (ALS).

RESULT:	ADOPTED [4 TO 1]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
NAYS:	Trudie Infantini

ITEM III. PUBLIC COMMENTS

Larry Vavroch expressed his thanks to staff for providing him with the Joint Planning Agreement (JPA) from the last meeting; he stated he is following up on the location of where a former pit mine has been inactive for five years and had been reclaimed in environmental permits for mining; and mining in that location expired five years ago, and there has been no activity. He went on to say this now has been an application to be annexed into Palm Bay and being a pit mine; rural, single-family, and future use requests were changing the zoning from agriculture to agricultural residential of Brevard County to general use; the changes in the Conditional Use Permit (CUP) is now a seven times larger mine than the 17 acres that was presented to Planning and Zoning; and there is now a rock crusher onsite that was explicitly said not at the Planning and Zoning for Brevard dust to dawn operation. He stated the two slides being shown are just showing the differences; and now that this is going across City limits, the impacts on the neighborhood do not understand City limits such as noise and dust, and the impacts to aquifer, groundwater, surface water do not suddenly stop because there is a City limit between the residential neighborhood north of it and the pit mine. He believed if there ever has been case or will be a case that the JPA applies to, this is it a 128-acre mine next to a residential community; and he asked the Board to exercise the JPA and make comments to the City of Palm Bay requesting that the zoning stay like it is now to be rural residential and that the CUP for 128-acre pit mine adjacent to that residential community be denied.

Commissioner Infantini stated she was not sure if Mr. Vavroch knows that this case in 2011 has already been turned over to the County Attorney; this specific pit mine has been coming before the Board for years; for years this very Board has turned it down; she explained what is in question is a property owner would like to build a big burrow pit which they currently have one, but it is wanted to be expanded; it is located in unincorporated Brevard County; and this gentleman lives in a residential community that abuts the property where they would like to expand the burrow pit. She went on to say if the burrow pit was far enough away from other residences, she would not have a problem with it because that is where the County gets a lot of rocks and dirt; the problem is it abuts their property and the property owner is trying to annex into the City of Palm Bay, so those property owners would be in unincorporated Brevard County, and that new property owner would be in Palm Bay; and right now there is ability to issue a letter stating that the Board objects to the use of the CUP for the burrow pit to be expanded.

August 9, 2016

She went on to say there was a Finding of Facts done in 2001, which actually stated the applicants request to expand the rock mining operating is not compatible with the character and existing land uses of adjacent nearby properties, it would result in substantial and adverse impact on adjacent properties due to noise, dust, increased traffic, and nuisance; and she asked the Board, pursuant to a JPA with the City of Palm Bay so if they annexed property, they would not do so that it would be detrimental to the adjacent property owners, and that the Board could weigh in on the decision. She is encouraging and making a motion that the Board weighs in and staff is asked to attend the Palm Bay meeting, and allow them to know that the Board is not happy that they are planning on giving a CUP to expand the burrow pit operations to the detriment of this community; the Board is their elected officials and is the only voice that they have; and for the last seven years the Board has stood up and behind them; and once this property is annexed, they are not going to have much of a voice anymore.

Chairman Barfield stated he has a Point of Order to ask Scott Knox, County Attorney, because when a public comment comes up he does not believe that the Board can make a motion on something effective, it has to be put on an Agenda.

Commissioner Infantini stated she does not think the Board has to put in on an Agenda.

Chairman Barfield inquired if that is correct. Attorney Knox responded pursuant to Resolutions for governing procedures, it is not normally done; but those may be waived if the Board wanted to.

Chairman Barfield advised that the Board needs to waive Policy first.

Commissioner Anderson stated this goes back to the Home Rule issue and he does not want to set precedence for other cities so he is not going to vote in favor; he suggested if any individual Commissioner wants to send a letter citing their concern, that is fine; but it should not be done as a Board.

Commissioner Infantini stated it is actually not really a Home Rule, they are within and he is asking the Board because right now the property has not yet been annexed; what the City of Palm Bay did was they rezoned they property that is adjacent to Mr. Vavroch's, prior to even annexing it; and she does not know how it could be rezoned that one does not own, but they are doing that. She advised this is Mr. Vavroch's last course of action before the meeting on the 16th.

Commissioner Smith stated he will second the motion because he would like to hear more comments from Board members that were here in 2011; he agrees with Commissioner Infantini that Mr. Vavroch should have some voice, but he also understands Commissioner Anderson's concern of Palm Bay deeming it is necessary, or to their advantage to annex it then it is really the City's issue; and he reiterated that he would like to hear what the Board members have to say regarding this.

Chairman Barfield advised there are two more comments for the same issue.

Motion by Commissioner Infantini, seconded by Commissioner Smith, to voice opposition to the burrow pit expansion and require the property to stay zoned as is.

Commissioner Fisher stated he would like to hear the other comments before voting.

Deborah Bohnsack stated Mr. Vavroch is her neighbor in Deer Run; the folks in the community have been through a lot; they have been heard by Brevard County Planning and Zoning Board in 2010, which rejected this mine; they have been heard by this Board in 2010, which rejected

August 9, 2016

the mine; in 2015 the Planning and Zoning Board and staff wrote extensive notes and this motion was also denied by the P&Z Board in 2015 by a 7:1 vote; the Board has plenty of research already on hand that was completed by staff; and the Board had agreed that this mine's location is inconsistent with the Comprehensive Plan. She went on to say there normally is an attorney and a certified planner present with her, but they are not present today; she read aloud a statement, "The recently adopted Joint Planning Agreement between Brevard County and the City of Palm Bay has a paragraph that I would like to call to your attention, because it relates to the use and enjoyment of my property, and that of my neighbor's in the Deer Run equestrian subdivision located in unincorporated Brevard County. On page eight, paragraph two it reads within the joint planning area all development orders granted by the City or the County, shall be consistent with this Agreement if the land uses, densities, and intensities permitted by such order are found to be compatible with and further the goals described in both the City and County's Comprehensive Plan." She added, the Board absolutely has the power to interject without any money or further research; and it has already been done for the Board. She continued to read aloud, "All can agree that a Conditional Use Permit (CUP) to operate a mine, and you might also call it a land alteration is in fact a development order. In November of 2015 your Planning and Zoning Department heard an application for a Conditional Use on this parcel. It is adjacent to our Subdivision in unincorporated Brevard among the evidence presented in this case was a lengthy staff report from your Planning Department. And while it is not your custom to receive recommendations of approval or denial from your staff, the staff report set forth an extensive analysis of the application based upon the County's Comprehensive Plan. The application filed by Roy Yates received a recommendation of denial by a vote of 7:1. Under ordinary circumstances an application of this type would have been forwarded to the Board of County Commissioners for final action, but not in this case. The applicant chose to go permit shopping, by filing four distinct approvals with the City of Palm Bay, an annexation, a Future Land Use element amendment, a rezoning, and finally the Conditional Use Permit for the mine. The council had conducted its first readings on all three and has voted unanimously to precede the second reading on August 16 a very short time away. On Wednesday, the 3rd Planning and Zoning Board in Palm Bay voted to deny the Conditional Use Permit with a tie vote of 3:3. The Conditional Use Permit to operate the mine will now join the other three applications in the hearing on the 16th." She asked the Board to remember this property that she is talking about is located in Brevard County; throughout this process, she is profoundly disappointed that Brevard County has not stood up for the residents in unincorporated Brevard County; it had been done in the past; she inquired what has changed; and she stated she has watched as Palm Bay has pursued the annexation of the Ace Property, and watched as their staff has actively asked and enabled a breathtaking expansion of the mine. She added, the Board denied a 30-acre mine with no rock crushing by it being incompatible with surrounding areas; it has now been expanded to 128 acres with rock crushing, but has remained silent. She stated the Board may wonder why she is so passionate about this case, it is because she lives in an equestrian community with horses that will be started by the noises coming from the site from dawn to dusk, six days a week; she is concerned about the silica dust, traffic, and water pumping that will affect individual wells that is relied upon for water; and she provided the Board with a copy of the staff report from its November Planning and Zoning meeting to look at the analysis that is already prepared regarding the Comprehensive Plan. She asked the Board to look at the ratified paragraph of the JPA these past few weeks; she stated this mine does not further the goals of the City's and the County's Comprehensive Plan; JPA specifies that development orders must coincide with both City and County Comprehensive Plans; this does not advance Brevard County goals; as a citizen and a voter of unincorporated Brevard County, she is not asking for a snap decision about the consistencies of this development; and she asked the Board to send a letter of objection to the Palm Bay City Council relating the mine until the Board can sit down to go over the plan together. She added, it is very disappointing to her and she is a fairly new resident in Deer Run to send a letter, or see one of my neighbors letters addressed to her Commissioner, and have an written reply by a staffer saying sorry it is out jurisdiction; and by Statute they

August 9, 2016

cannot help her; and she realizes that Commissioner Anderson has taken a job with the City, and there is probably a large conflict of interest here.

Commissioner Anderson stated he takes exception to that because he is the Economic Development Director and he has nothing to do with Planning and Zoning; if this was Cocoa he would object; the Board knows in 2008 he ran because of Home Rule issues when the County was interjecting with municipal concerns; and Ms. Bohnsack may not have been here then; but a lot of Commissioner's know why he is so passionate about Home Rule, even if not in his district he would fight for the City because in the past previous commissions ruled with an iron fist over the cities, and that is one reason that he ran for office.

Ms. Bohnsack stated she is not in the City nor is she being annexed into the City; the item she is speaking about here affects his constituents in unincorporated Brevard County.

Commissioner Anderson stated the Board can certainly send a letter, because under Florida Statutes through the County Attorney; the annexation is not going to stop.

Ms. Bohnsack asked Commissioner Anderson to read the JPA that was only signed last month and goes over it, and issue this letter; the Board has basis in the agreement to stop this mine because staff has already determined that the mine would be inconsistent with its own Comprehensive Plan.

Commissioner Anderson advised that he does not have a problem with a letter being issued.

Arlene Murray stated everyone knows this has been going on for 10 years; she has lived in Deer Run for 22 years; she has a petition that was signed by the residents and it says, petition summary Deer Run Equestrian community residents felt the effects of the mining and de warning next door in 2006; water levels in ponds dropped, water wells suffered as a result, and hers went dry; there has been increased water problems, all day noise and dust, ground vibration, traffic, Babcock Street is almost a dirt road, and it is unsafe to ride the horses next to this active mine; and the value of homes will diversely effected and they do not allow mining next to a residential equine community, as they are not compactable. She added, she has 190 signatures that she will provide to the Board.

Commissioner Fisher advised he has always had a bit of concern of Home Rules and he expressed his appreciation for the professionalism of Mr. Vavroch letter and comments addressed to the Board; he is supportive of the Board writing a letter to the City of Palm Bay, providing them with all of the research done by Brevard County up to this point, and how the County came to its conclusion; the Board does have a concern about the mine being located next to residents; these residents will become the City of Palm Bay neighbors at some point in time if that annex happens and the City needs to be able to answer to all of the residents of Palm Bay; but he not supportive of the motion on the floor. He advised he is not saying the City has to do anything but he thinks they need to be noticed of the Board's concern about the change; and it is on the record having a concern about it; and to provide the research and the data, and all the backup files as to why the Board made its ruling at the time. He thinks the Board as a County that it can put a strong letter together with the research and findings; and that would be a motion that he would make, if the previous motion dies.

Commissioner Infantini advised affecting Home Rule Charter and Commissioner Anderson, this property is currently within the confines of Brevard County; it is part of unincorporated Brevard County; they are stepping in to Brevard's Home Rule and are circumventing Brevard's rules by all ready changing the zoning when the County disapproved a 30-acre borrow pit; Palm Bay has already approved a borrow pit of 100 acres; she sees inconsistency and if looking at Home Rule Charter is wanted to be talked about, there trying to circumvent the process by annexing

August 9, 2016

property to allow a use that would otherwise be unpermitted; and that is why it is being annexed. She stated a letter is not necessarily strong enough; according to the JPA, the County has the right to tell Palm Bay that this is a non-compatible use and to be able to stop it for at least two years; going forward, it will give the residents some time to seek some other type of legal remedy; but she is not in favor of changing her motion at this time.

Commissioner Anderson stated he will support Commissioner Fisher's motion with providing the backup material of the finding of facts; under the Statutes in planning if the Board objects legally, it has to have a joint meeting with the Palm Bay City Council; and if the County does not prevail, it is responsible for all legal fees.

Commissioner Smith stated in light of what has been talked about here, he is concerned for the folks who live in Deer Run, the rights of Palm Bay, and Brevard County; he does not know a whole lot about this issue, but he does know about it; he withdrew his second; and he stated he would like the opportunity that the time frame would afford him to look into this a little bit more, and maybe come back and support Commissioner Infantini wholeheartedly.

Commissioner Infantini stated the problem with that is the City's meeting is going to be on the 16th; there is not another Board meeting before Palm Bay has a vote; that is why this is so critical, that these speakers came and did it under Public Comment because they did not have enough time to get all of this wrapped up; and without a seconder, she will have to go forward with just a letter. She went on to say safeguards were put in place and the County is not willing because it is afraid of legal fees; and she will stand behind any decisions she makes and feel that the courts will honor the Board's decision.

Chairman Barfield inquired if the letter will have all of the background information of all of the previous meetings and everything else that comes along.

Commissioner Fisher stated his motion would be to ask the City of Palm Bay to reconsider the planning decision made on this property, asking them to consider withholding any decision made until it has researched the provided information from the County's Finding of Facts and that it is inconsistent for the neighborhood; giving the City all of the notes and documentations available; asking that they reconsider its decision and to work with the residents of Deer Run who is going to be the neighbors; and to not make a decision at the August 16th zoning meeting.

Attorney Knox advised there is very little, in fact there is nothing that the City can do if the City decides to annex a piece of property that abuts the City limits of Palm Bay; the JPA he has not looked over thoroughly, so he does not know if there is a problem with that or not; if the City annexes the property, the Board will have the JPA to fall back on if there is something in the JPA that allows the Board to exercise those kinds of positions that he is not aware of right now; and he will take a look at that and hopefully by the end of the day, he will have some idea of where the Board stands. He stated he has already instructed his staff to get a copy of the JPA for him to review.

Commissioner Fisher reiterated that he think sending the letter now is putting them on notice that the Board has a concern, and giving them all the findings before them going into their 16th meeting, they will know the whole entire history, why the Board had a concern with it, and ask them to think this through just a little bit more.

Attorney Knox advised that certainly can be done; they can certainly chose to follow the letter advise or they can chose to ignore it; he thinks the ultimate issue is whether the JPA has any impact on this decision that they may or may not make on the 16th; and that can be decided at a different meeting by this Board, because the JPA is still going to be there after the annexation,

August 9, 2016

if that takes place on the 16th, so there is another day that the Board can come back to consider this.

Commissioner Fisher stated if Palm Bay hears its Council, they might take a more serious look at it.

Stockton Whitten, County Manager, inquired if the letter will be written for the Chairman to sign and to approve it without having to coming back to the Board. Commissioner Fisher responded affirmatively.

Chairman Barfield stated the motion is to send a letter with all the background information, delay of the decision on the 16th, and that the Brevard County Board of County Commissioners' objects to the mine.

The Board authorized staff to create a Letter of Concern to send to the City of Palm Bay informing them that the Brevard County Board of County Commissioners are in objection to the mine, and for the concern of the Deer Run community annexing property that is abutting the City limits of Pam Bay, and to provide all County background information in Finding of Facts to help delay the City's decision at its August 16, 2016, City of Palm Bay Regular Council meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Curt Smith, Vice Chairman/Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM VI.A.2., RESOLUTION AND CONTRACT FOR SALE AND PURCHASE (PARCEL 101) WITH CANAVERAL CROSSROADS, LLC (BUYER), RE: SALE OF COUNTY OWNED PROPERTY

The Board adopted Resolution No. 16-118, authorizing conveyance of property interest by the County and providing conditions of the Sale; approved the Contract for Sale and Purchase of Parcel 101 with Canaveral Crossroads, LLC; executed the Contract for Sale and Purchase of the property; and authorized the County Manager to execute any documents associated with the closing.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Curt Smith, Vice Chairman/Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

August 9, 2016

ITEM IV.A., RESOLUTION, RE: PETITION TO VACATE PARTIAL PUBLIC UTILITY EASEMENT - FIRST ADDITION TO NORTHGATE MOBILE RANCH, MIMS - SUSAN CADDICK

Chairman Barfield called for a public hearing to consider a resolution to vacate a partial public utility easement in First Addition to Northgate Mobile Home Ranch in Mims, as petitioned by Susan Caddick.

There being no comments or objections, the Board adopted Resolution No. 16-119, vacating a partial public utility easement in First Addition to Northgate Mobile Home Ranch in Mims.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Andy Anderson, Commissioner District 5
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM VI.D.1., APPROVAL, RE: VIERA DEVELOPMENT OF REGIONAL IMPACT (VIERA DR) LETTER OF CREDIT RELATING TO BARNES BOULEVARD WORK DUE UNDER RESOLUTION NO. 14-120; AND REQUEST MTO REDUCE AMOUNT

The Board granted approval for the reduction amount of \$3,881,987.48 in the Viera DRI Letter of Credit relating to Barnes Boulevard Work due under Resolution No. 14-120; and authorized the Chairman to execute the Letter consenting to the reduction.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Trudie Infantini, Commissioner District 3
SECONDER: Andy Anderson, Commissioner District 5
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM VI.E.1., RESOLUTION, RE: APPROVING THE ISSUANCE BY BREVARD COUNTY HEALTH FACILITIES AUTHORITY OF REVENUE NOTE, SERIES 2016 (BUENA VIDA ESTATES, INC. PROJECT)

The Board adopted Resolution No. 16-120, approving the issuance by Brevard County Health Facilities Authority of Revenue Note, Series 2016 (Buena Vida Estates, Inc. Project) in an aggregate principal amount not to exceed \$27,000,000, to refund the outstanding Series 2007 Bonds issued in connection with the Project, finance the cost of constructing and equipping of certain capital improvements to the Project; and pay the cost of issuance of the tax exempt note.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Trudie Infantini, Commissioner District 3
SECONDER: Robin Fisher, Commissioner District 1
AYES: Fisher, Barfield, Infantini, Smith, Anderson

August 9, 2016

ITEM VI.F.1., CITIZENS REQUEST BY KAREN JAMES AND JACKSON SCOTT, RE: FAILURE OF DRAINAGE SYSTEM BETWEEN BARCLAY DRIVE AND JERSEY STREET, PORT ST. JOHN

Karen James stated her house was purchased by her father back in 1963, and it has been in her family ever since; they live in Brevard County, but they feel a little overlooked in Port St. John these days as they see all of the things going on in Viera and other places; and they are here to talk about the drainage problem on their street. She went on to say their property is the most affected because the drain from the street goes down the west side of the property into, it used to be an open ditch behind the house, and somewhere along the line in the 1980's, the County came along and put pipes in the ditch, covered it over, and made an easement that said that the community could move their fences back if they wanted to. She stated everyone up to their house moved their fences back; people to the east of them chose not to, which has created an alley behind the properties; and now the drainage system is failing.

Jackson Scott stated Commissioner Fisher came to their house, and many months later nothing has been done.

Ms. James stated in the picture there is a barricade they put up to keep people from falling in the hole. She went on to add they built a temporary shelter on the side of their yard for their boat, and another sink hole is now forming underneath the shelter because the site pipes are failing as well.

Mr. Scott stated they reported that in January and no one has come back; he showed Commissioner Fisher when he was at his home; and no one has come back to assess that hole. He stated this pipe was sleeved 20 years ago and said they were waiting for money at that time to replace that drainage system.

Ms. James stated someone told her father who died in 2010 at the age of 92 that there was no money then, and that is the answer they continue to receive. She stated they are not asking for that much; they are not asking for someone to put in a whole new drainage system; and they just want the one that is there to work. She went on to say if a hurricane comes through, all of the property in the area is going to flood; her property is the most affected; but her neighbors pool is going to crumble because the ground is shifting. She pointed out she wants to bring it before the Board so this is public record; they have written letters to Commissioner Fisher and Stockton Whitten, County Manager; and they have done everything they can in their power.

Mr. Scott stated he understands the County has a lot of problems; Commissioner Fisher bowed up in his face and told him if he would ask kindly the problem would be fixed; he told Commissioner Fisher he was asking him kindly; and Commissioner Fisher tried to get him in a fight. He noted all they are trying to do is get stuff fixed, and they just keep getting ignored.

Ms. James stated her husband is very emotional, and when he believes in something he goes all out; and that is why she is here today.

Commissioner Infantini inquired if Ms. James would show her which property is theirs.

Mr. James stated by looking at this picture, they just mowed a month ago; and they knocked his neighbors fence down, and he called and they came and replaced the slats. He went on to say a representative from Road and Bridge says the County cannot cut this because it is so dangerous they may fall in; they pulled a Bush Hog back through this area; and they could not come to this area because it may collapse. He pointed out a string trimmer or lawn mower could be used to cut this area; and this is out of control.

August 9, 2016

Stockton Whitten, County Manager, stated the men and women of Road and Bridge are putting in 40-plus hour weeks; but staff can give the Board their side of the issue.

John Denninghoff, Public Works Director, stated the right-of-way in question is a drainage right-of-way that has existed from the time that Port St. John was platted; Ms. James was correct when she said it was piped as it was originally an open ditch; it is a 24-inch metal pipe, which has now rusted out, is what it has boiled down to; and in order to replace it, the cost would run over \$300,000, and to return it to a ditch condition would cost approximately \$130,000. He went on to add there are a few sheds in the drainage right-of-way; they are not there legally; they were not placed there with benefit of any kind of permit or any sort of authorization by the County; in addition, the comment about the pool, he has not examined it carefully so he cannot give a professional opinion regarding that matter; and the pool situation is unlikely to be associated with the pipe. He pointed out the cost of such a pipe, when the County has others that are under roads that are failing that would inhibit transportation, it does not rise to quite the same level of priority as those types; there are many pipes throughout the County that staff has had to replace without advanced warning that the pipe was going to fail; and staff has done about 15 of those throughout the year, as well as the ones that are already planned. He went on to say putting together a budget to cover a \$300,000 expense is a rather difficult matter.

Commissioner Infantini stated at one point in time the County had roughly \$10 million to spend on roads, drainage, and things; the applicants explained this issue has been going on for a long time; and she inquired why, when the Board had the \$10 million to be spent on District 1, that it was not appropriated at that time.

Mr. Denninghoff replied the condition of the pipes is not always well known; in this particular case, the functioning of the drainage system is still there; assertions that somehow the homes are going to flood are not well founded; and he is just dealing with facts and little emotion. He noted his men work at least 40 hours a week, and they do a good job; he stands behind his staff; and they do the best they can with the resources they have. He pointed out the pipe is still functioning, but it is in serious condition; and it will reach a point where it will not function properly. He stated at that time, something will have to be done.

Commissioner Fisher stated if anyone has fixed pipes and roads in the County, it is probably he in his District as he has paved over 400 streets, and the County spent over \$10 million on paving roads in front of people's homes who had not had their road paved in years. He stated he will not apologize for that. He stated he probably has a \$40 million need with \$10 million; never having enough money to take care of the needs, and County staff tries to get to them as soon as they can; he acknowledges Ms. James and Mr. Scott's pipe is a problem; and what has escalated this issue is there are sheds in the way that actually should not be there. He stated they will be prioritized and be replaced as fast as possible.

Chairman Barfield inquired if there is a way to keep that pipe from caving in and causing a major drainage problem until the funding can be obtained to replace the pipe.

Mr. Denninghoff responded staff has performed isolated or spot repairs at a number of locations on this part of the system, and staff can continue to do that; it is not the most efficient way to go about it, but it helps secure it; but it relies on being able to find reasonably good condition pipes somewhere in the proximity of the area that has actually failed. He stated it is difficult to estimate the expense associated with those; in this case staff would wind up going in and pulling out a section of pipe, putting in a new piece, and doing that at a variety of locations; and to do that would be very costly, but when staff came in to do the complete repair they would take almost all of that newer pipe out as well. He pointed out they use concrete pipe now, which has a much longer life span; and when there is a spot repaired, they can find good concrete

August 9, 2016

very close by. He stated this is a result of using less expensive materials in the past; and the County is paying the price.

Commissioner Fisher stated there is going to be a budget approval soon; he thinks his Municipal Service Taxing Unit (MSTU) even though there is a decreased tax rate; that could help fix the backlog of all of the things District 1 has; but if he gets Commissioners fighting him on budgets, it does not allow to do the things this lady and gentleman wants to do with MSTU's and stuff; and he thinks his MSTU will be increased.

Chairman Barfield explained the Board is discussing the budget right now; it will be approved by the end of September; at that point it will know exactly what is there; and someone will get in touch with the citizens regarding this issue.

The Board acknowledged the Citizen Request by Karen James and Jackson Scott; and directed the Public Works Director to contact Karen James and Jackson Scott at a later date to discuss failure of the drainage system between Barclay Drive and Jersey Street in Port St. John.

ITEM VI.A.3., REVIEW AND ADOPTION, RE: SAVE OUR LAGOON PROJECT PLAN AND IDENTIFICATION AND APPROVAL OF FUNDING SOURCE(S) TO INCLUDE CONSIDERATION AND APPROVAL OF A REFERENDUM FOR NOVEMBER 8, 2016

Stockton Whitten, County Manager, stated the Space Coast Room, which is on the second floor, available for overflow; it has television monitors; and it is like sitting in the Board Room.

Chairman Barfield stated the County had the massive fish kill; and it is an indicator of what has happened over many years. He went on to add the Board looked at what it could do; he got with the County Attorney and said the County did not have the necessary funds to take care of this issue; and he asked the County Attorney what could be done. He stated he knew there could be a separate taxing authority; it has to be brought before the Board to be put on the ballot; and the voters make that decision. He advised after the County's legal staff looked into it, they found out the Board could do a half-cents sales tax; it has to go before the Board; and it has to be put on the ballot and voted for by the public. He pointed out a percentage of the cities have to approve it. He went on to say along with that, it is required that before the Board put anything on the ballot, it must have a detailed plan with costs, projects, and a plan over 10 years; along with that, the Board needs a clearly identified oversight committee, technical people who can oversee what the Board is proposing to do; there will be changes and new things come up; and all of those things have to be vetted, and the best place to do that is with an oversight committee, technically responsible people who understands this. He noted those changes would be brought to the Board, and it would have to approve those changes. He stated so far he has over 60 cards, but when a person gets up to speak, to please give the Board something new; but he asked everyone to try to keep it as distinct and short as possible.

Virginia Barker, Natural Resources Management Director, stated this plan was developed as a catalyst for mobilizing scientific financial and human resources to address the complex and rapidly changing challenges of the Indian River Lagoon in Brevard County; and the purpose is to restore Lagoon health, revitalize Lagoon-dependent economic vitality, and preserve the Lagoon's significant contributions to the quality of life. She went on to say as an outline for today, she is going to give a brief introduction, and there are a number of speakers here; staff is going to try to take everyone through this as quick as possible; but all of the bases need to be covered because of the importance of the Item. She stated she will introduce the other speakers as it comes their turn to speak, but they are talking about the economic importance of the Lagoon, the science-based targets they have set for the plan, the impacts and economic significance of muck in the Lagoon, data-driven project selection in this plan, and how they want to ensure transparency, accountability, and adaptability as staff proceeds with implementation,

August 9, 2016

funding options, and acknowledgements of the many folks who have assisted the County in implementing the plan. She noted for the last five years staff has been managing crisis after crisis in the Lagoon starting with the 2011 algal super bloom, which was immediately followed by secondary bloom that took up most of the rest of the Brevard County portion of the Indian River, the 2012 and 2013 brown tides, those lead to unusual mortality events for Dolphins, Manatee, and wading birds, in 2014 they hoped things would turn around but that did not happen, and the winter of 2015 into 2016 the worst bloom the County ever had was experienced during a winter/spring time frame, which lead to the most extensive fish kill that they have ever had during the spring time of any year; during this time frame they have measured a loss of at least 60 percent of the sea grass beds in the Lagoon; and as a result of the March fish kill, the Board met in April and voted to send a letter to the Governor asking for his assistance. She went on to say the Governor sent multiple heads of his environmental agencies to meet with staff; and they discussed the problems of the Lagoon and potential solutions. She pointed out they were directed that they wanted to help but in order for them to assist, they did not just hand out money, a plan was needed, projects were needed, and then they could look at what they could assist the County with. She stated they also met with the Florida Legislative Delegation; they echoed those same sentiments; and they worked with federal permitting agencies to request faster permitting review, especially for muck removal projects. She noted those federal agencies are working towards expedited processing procedures for the County. She went on to add in May the Board directed staff to develop the project plan staff is presenting to the public today, and asked staff to also work on referendum options that have been developed by the County Attorney's Office. She stated in the first panel in the slide, on the left, is phosphorus inputs have been too great for the Lagoon; for the last five or six decades people have been putting too much nitrogen and phosphorus into the Lagoon; nitrogen and phosphorus alone are not necessarily pollution, they are the building blocks of life; nitrogen and phosphorus are naturally occurring elements and they break down from organic material along the lands, they have higher amounts of them in coastal areas, and it is part of that food that makes coastal areas and estuaries so abundant with life that supports the people; and the problem is not that there is nitrogen and phosphorus, it is there is too much of both. She went on to say initially the Lagoon was able to absorb the additional inputs of nitrogen and phosphorus, but after time it could not take anymore; and the excess nitrogen and phosphorus has accumulated in multiple different forms, but primarily it is now accumulated in muck deposits smothering the bottom of the Lagoon. She noted the muck is smothering the sea grass, it is using up oxygen supply, it is stirred up and shades the sea grass blocking light, and it causes many different problems. She advised the Board the first thing needed is to put the Lagoon on a healthy diet; the incoming load needs to be gotten down to healthy portions; the next thing to be done is to make up for the decades of obesity that has resulted from the over feeding; and that is what the muck removal is all about. She noted the natural filter feeders of the Lagoon need to be restored; oysters are called the liver of the river, because it restores the filtration capacity. She pointed out the entire Indian River Lagoon stretches along five counties; even though half of its length is in Brevard County, 71 percent of its surface area is in Brevard County; and it is over 157,000 acres. She provided the Board with a slide that shows black arrows to show the net transport of water and nutrients in and out of the Lagoon; there is net transport out of every single inlet; and the Board can see that inlet distribution is mainly towards the south end of the Lagoon. She stated those Lake Okeechobee discharges get out the southernmost inlets, and the water from Lake Okeechobee does not make it up to Brevard County; the net flow from Brevard County is to the south, either out Sebastian Inlet or into Indian River County; and what that means is the pollution in Brevard County was primarily put there by the people of the County. She noted that also means Brevard County can affect its own destiny; if Brevard County cleans up its act, no other county's pollution is going to undo its good deeds. She stated the Indian River Lagoon as an estuary requires a very delicate balance; it is an estuary of national significance; to the County locally, the river provides a wealth of cultural, recreational, commercial, aesthetic, and economic benefits; its diversity and abundance, the safe passage it has provide to boaters, has imprinted the history and continues to shape the

August 9, 2016

community culture; the County needs to handle more extreme weather; the system needs to be healthy and strong, not fragile; the County has one of the greatest diversity of plants and animals in the nation because the County is on the ecotone boundary between temperate America and sub-tropical South Florida; and all of those creatures intermingle and intermix in the County's estuary. She stated that balance has been disturbed by excessive pollutant inputs to the Lagoon that have accumulated in harmful muck deposits and are exaggerated by the loss of natural filtration systems. She stated for planned development staff wants to address the remaining major sources of pollution and get down to a sustainable diet; they want to achieve that at a minimal cost; they want to achieve regulatory compliance and healthy conditions; they want to maximize the benefits of the Lagoon to the community; and they want science and data to drive that decision process to minimize the future risks, optimize the return on investment, and allow for innovation and adaptation moving forward. She went on to add sustainable funding will encourage individuals, businesses, and organizations to participate along the way. She stated she wants to turn it over to Al Vazquez to present the economic importance of the Indian River Lagoon; Al Vazquez is Managing Partner of Closewaters LLC; he received a Bachelor's of Science from California Institute of Technology, MBA from the Harvard Graduate School of Business, he has been a Management Consultant for over 20 years to Fortune 500 Clients and Governments, and his specialties are performance improvement, management of rapid change, and return on investment; his personal clients include IBM, Johnson and Johnson, Nabisco, Baxter Healthcare, Sumitomo, Marubeni, and Cargo; and his government clients include the Natural Resources Department of Canada, the National Forestry Commission of Mexico, the Florida Department of Revenue, and now finally Brevard County, his home for 28 years.

Al Vazquez stated he is going to review the economic aspects of the Plan, looking at impacts both good and bad. He went on to say the economic model he is going to review today was vetted outside of the project team, the Budget Director and Assistant Budget Director for Brevard County and Dr. Michael Slotkin of the School of Business of Florida Institute of Technology (FIT), because they wanted others to ensure the analysis was valid; on the beneficial side, if the Lagoon is restored, it would be a beneficial \$2 billion impact on the County; and by County, he does not necessarily mean \$2 billion of taxes flowing into the County coffers, it is \$2 billion that would accrue to the residents of Brevard County. He pointed out the way the model was developed was they consulted with literally hundreds of subject matter experts in these various areas in tourism, property value, and fishing, and they asked them to assess the impact of restoring the Lagoon and also what would happen if the Lagoon was not restored; and they took those impact assessments and applied them against the most current numbers they could find for values in each of those areas. He stated looking at the annual benefits, there were three categories they quantified, the impact they were able to quantify, the impact on tourism and recreation, so that is both people visiting the area as well as recreation by the residents; that had an impact of \$95 million a year if the Lagoon was restored; the impact on property value, which makes sense, this assessment was done with the Space Coast Association of Realtors, they had a survey responded by 171 realtors that were familiar with the market in Brevard County; they gauged they could increase property values over a five-year period by \$81 million in annualized benefit; and finally experts in commercial fishing with a long history of commercial in the County, which is not in good shape right now, felt that over about a 10-year period, if the Lagoon were restored, they would be able to restore commercial fishing. He went on to add commercial fishing is important, not so much because of the livelihoods and the \$15 million, but commercial fishing that is part of the brand that is the Indian River Lagoon and Brevard County; if they were able to restore the ability of restaurants and markets to sell the fresh fish and shellfish, that would have a leveraged impact on tourism, which would be beneficial; and those annualized benefits, in order to compare them to the \$302 million cost of the Plan, they developed something called present value which summarized and discounted those back to present day. He noted when they do that, taking into account \$95 million for a period of time, \$81 million for a period of time, and \$15 million for a period of time, they came up

August 9, 2016

with the present value of that future stream of benefits; tourism, recreation, and property value is just under a billion dollars of present value; commercial fishing would be worth about \$159 million worth of present value; and the total of those is the \$2 billion of present value of benefit that compares directly to a \$302 billion number. He noted they were not able to comfortably quantify certain things like the benefits of having a healthy Lagoon where people could swim and recreate without having to worry about pathogens; and they also did not include any collateral, beneficial impacts on the brand that is Brevard County and the Indian River Lagoon. He stated there are no benefits in here that would flow over to any beach tourism at all, so those numbers are not included in these numbers. He went on to state if they in fact fail to restore the Indian River Lagoon, these are impacts that would occur, they modeled it at five years from now for tourism and recreation, but only two years out basically for the end of commercial fishing in Brevard County; the annualized loss numbers are tourism associated with the Indian River Lagoon, this is not talking about any impact on beach tourism; and the reason he says that is they have all read what is happening in Martin County. He went on to say he has been on the telephone talking with the Department of Tourism for Martin County a lot; they are going through a lot; their beach tourism was seriously impacted by what happened with their algae blooms in the Indian River Lagoon; and aside from that, even land-based tourism has been impacted. He stated that is not included in these numbers. He added the numbers that are not included, if the Indian River Lagoon is not restored, are the regulatory fines by Department of Environmental Protection (FDEP) or Environmental Protection Agency (EPA) for non-compliance, and the risk of a pathogen outbreak. He stated they did a lot of research on pathogen outbreaks as a result of Harmful Algal Blooms (HAB), and the fact there is an acronym for that is disturbing, because the EPA said HAB are a major environmental problem in all 50 states right now; and this is not something the County is going through alone. He noted some of the possibilities of pathogen impacts on people and algal toxins that could impact people, accidentally swallowing or swimming in water affected by a HAB can cause serious health problems including rashes, stomach or liver illness, respiratory problems, and neurological effects; those impacts are not quantified in this model; and they contacted everyone from the CDC to the health department and found no way of quantifying those as a dollar number, but he wanted to make sure everyone was aware of that as a possibility. He pointed out taking the annual losses projected, five or two years out, the expected present value of these impacts would be a potential loss of some \$4.3 billion in present value. He stated the entire team worked hard in maximizing the return on investment; the \$6.3 billion benefit, with the \$2 billion upside and the \$4.3 billion loss avoidance benefit, is a substantial number; the plan cost \$302 million is the projection that has been developed; dividing those numbers, apples to apples, it is a 20 to one benefit cost ratio; and in all of his years of consulting with companies that is making a lot of money, his commercial clients and business entities, he has never seen a benefit to cost ratio that good. He noted this is a beneficial project for the County. He went on to add the other thing to note is that every year that they delay, and these impacts would probably hit two to five years out, every year delayed after that is very costly, because what is happening is what they are basically delaying is a \$6.3 billion, or at least the \$2 billion gain to the County, every year they delay; the overall annual impact, by looking at the annual benefits both on the upside and the downside, is \$526 million a year; and the point is that time is money, and the plan should be implemented as soon as possible. He stated for a number of reasons the plan is structured as a two-year plan; if the plan can be executed and implemented in five years instead of 10 years, it more than doubles the return of investment from a 10 percent return to a 26 percent return investment; and every year they can accelerate it less than five years would be more substantial. He pointed out the County would need, and he sent a memorandum to the Director of Natural Resources Management, some structural and systematic changes to be able to execute the plan in less than 10 years; but it is a possibility, and the motivator is \$526 million a year in benefits. He went on to add the other question is regarding where the money comes from; he does not think anyone in the room wants to pay more taxes; by looking at the discretionary part of the County Budget, which is called the General Fund Budget, it is about \$220 million; some of the items in that discretionary part of the Budget are Parks and

August 9, 2016

Recreation for \$12 million, Central Services for \$8 million, General Government Services for \$4.8 million, Housing and Human Services for \$2.5 million, Information Technology, Transit, County Attorney's Office, County Manager's Office, Human Resources, Budget Office, and these are all on the order of one-half a million or less, Natural Resources is \$355,000 of the annual Budget, Planning and Development, and these are all critical parts of County government; and not only are they critical, but even if all of them could be eliminated, it is not enough money to fund the plan. He pointed out in his view from someone who has done a lot of economic analysis, there is no way the County can fund \$302 million from the current Budget by any stretch of the imagination. He stated this has to be new funding; one good benefit of new funding is that if the County is able to fund \$302 million plan, it would be able to leverage matching funds from other organizations, which will come from the taxes ultimately; but it will allow to improve on the bare bones plan; and the \$302 million was just designed to reach regulatory compliance to reduce nutrient levels to the point where it would be beneficial to the Lagoon and where it will be compliant with FDEP and EPA levels of nutrients in the Lagoon. He stated if the County can exceed that level and reduce nutrients more, it increases the likelihood it will be successful and it will have a Lagoon that is relatively free of the large algal blooms and other impacts that have been seen. He advised the Board they used a discipline called decision science to drive the sequence of projects and to select projects in the Lagoon; and he will let Ms. Barker and the Water Engineer talk about this further. He noted the last slide he has is he sat down with a lot of the scientists that have a great deal of experience and science associated with the Lagoon, and he asked them to measure or make a subjective assessment of what they thought the odds were that there would be a healthy Lagoon at various levels of nutrient reduction; because it was not science, most of them felt somewhat uncomfortable but fortunately they did it; and the result was this understanding of how the Lagoon is probably going to behave. He stated the vertical access represents how healthy the Lagoon is; is it going to have more algal blooms or fish kills; there will be a few smaller ones; there is a critical point of nutrient reduction that this plan is designed to achieve; and they have to achieve that point of nutrient reduction in order to get any significant benefits at all. He went on to say anything less than \$302 million is very likely to not be beneficial and it would be a waste of money; it is important to get to that point; and this bare bones plan does get to that point. He stated if matching funds could be gotten from the federal or State government or from private grants and increase the number of projects done, it moves up the curve and it increases the chance there will be a healthy Lagoon.

Ms. Barker stated she wants to go quickly through the science-based targets for the Lagoon, the metrics they are using for targeting their success; it is impossible to over emphasize the importance of sea grass to the Indian River Lagoon; the important of that under water rain forest to provide food, shelter, and nursery to the incredible diversity and abundance of critters in the Lagoon; in order to set that sea grass metric, how much sea grass is enough; and they looked at all of the data collected and analyzed by the Water Management District, all of the mapping of sea grass over the decades, and staff picked the highest four years, and took the average of those best four years; and it exceeds the sea grass that was mapped in 1943. She pointed out that is the target for sea grass. She stated if the County reduces nutrient pollution enough to achieve that sea grass target, it will at the same time achieve much improved water clarity; algal blooms should be rare, fish kills should be even rarer, the bottom should be visible, dissolved oxygen levels should be sufficient that fish kills are very uncommon, and when they look through the water and can see the bottom it should be clean, white, sandy sediment. She stated muck would be limited to a few deep pits and purposefully located sumps to collect that material and the future.

Chairman Barfield inquired if Ms. Barker is saying that is basically the vision of the Indian River Lagoon.

August 9, 2016

Ms. Barker replied affirmatively. She went on to say they want the entire volume of the Lagoon to be filtered at least annually by restored filter feeders. She stated the County partnered with all of the cities in Brevard County five years ago to study what the sources of nitrogen phosphorus pollution, where they were coming from, and what could be done about it; the pie charts are sources of phosphorus; the purple at the top accounts for one or two percent of the nitrogen and phosphorus in the Lagoon; that is point sources; and that is what is discharged from industrial facilities and wastewater treatment facilities. She went on to say in the 80s, there were over 40 different direct discharges of pollution to the Lagoon; they realized that was not sustainable; they passed a \$90 million bond in the 80s to take those water treatment plants offline, and to process that water and use it for reuse, irrigation, and other useful purposes; and the majority of those pollutants are no longer discharged to the Lagoon. She stated in many estuaries around the country, when there is a water quality problem they look at the point sources, and clean them up. She noted the Lagoon is especially fragile, it requires more effort than other places. She stated 30 years later after disconnecting those direct discharges, there is an aging infrastructure; the Board recognized that, and in 2013, it passed another bond issue to address the aging infrastructure; and for several years now, the County's Utility Department has worked on replacing that aging infrastructure to reduce that risk of failure. She stated there is a \$134 million bond effort underway; the projects are itemized in this year's approved budget, and next year's proposed budget; and that work is underway, is not a part of this plan, but is an important part of the discussion today. She stated the blue part of the pie is the pollution that is reaching the Lagoon through stormwater runoff; the County knows it needs to do more stormwater treatment; the red section is something the County learned in the last few years, and that is nitrogen and phosphorus pollution that is delivered to the Lagoon through groundwater base flow; and in order to make it more livable, it was ditched and drained. She pointed out those ditches were purposely cut below the water table; they are constantly draining groundwater from the land, and exporting it to the Lagoon; and unfortunately, the groundwater is polluted. She noted the last piece of the puzzle is atmospheric deposition; all of the things that are done to make people comfortable, such as vehicles and air conditioning in people's homes, creates air pollution and part of that rains back down and onto the Indian River Lagoon. She pointed out the good news on atmospheric deposition is that is regulated by the federal government; the new 2020 standards are reducing that pollution; and in the last 10 or 15 years, the County has seen a 10 percent decline in the amount of nitrogen pollution falling onto the Lagoon from the sky. She stated about two years ago, the Florida Legislature funded Brevard County to work with Florida Institute of Technology (FIT) on the impacts of muck on the Lagoon and on understanding the economic benefits of removing muck from the system; staff knew muck was bad because it was smothering the seagrass; what was not understood until this study was the extent that as muck decays, it releases nitrogen and phosphorus that dissolves and gets taken back up into the water column above and feed algae blooms; and when looking at the scale of the nutrient flux as muck degrades, and compared to that to all the external loads, muck is the biggest single contributing factor of nitrogen and phosphorus into the water column. She stated what is polluting the stormwater and groundwater are multiple sources, fertilizer, and the effort taken to take the point sources and disconnect them from the Lagoon and use the water for irrigation, the County cleans that water and makes it safe for humans, but all of the nutrients are not all scrubbed out; by pushing all of those nutrients out to the irrigation lines, it is sprayed all over people's yards; and that is having an impact that can be addressed. She stated one of the things about septic tanks is they have these human health concerns; the most expensive project type recommended in the plan are septic retrofits, septic hookups; but there is an extra benefit that by addressing the septic tanks, the County is also addressing the pathogens, viruses, human health concerns, hormone disrupters, and that is the additional benefits. She provided a graft to show the public the many projects built with the stormwater fees over the past several decades, and the progress that has been made; she stated it simply is not enough to get the Lagoon onto a sustainable diet it needs; and it certainly does not address the decades of accumulated excess nutrients in the muck. She pointed out the project plan is organized around four subject areas, reducing the pollution down to a sustainable diet,

August 9, 2016

reducing the primary sources of pollution, excess fertilizer, poorly sited or maintained septic systems, highly concentrated reclaimed water, and untreated stormwater; then there is the remove buck, to remove the historical pollution that has accumulated in muck that smothers seagrass, clouds the water, and releases nutrients, and consumes oxygen; to restore the natural stabilization and filtration systems of the Lagoon; and to respond to measure the progress. She stated she is going to hand this over to Dr. John Windsor to talk about the impacts of environmental muck dredging; and Dr. Windsor was born in Chester, Pennsylvania 69 years ago, grew up along the Delaware River, he has a BS from Chemistry from Widner University, MA and PhD in Marine Sciences from William and Mary, he did his post doc at MIT, he is a support services contractor for US UPA RPT and NC, he is a professor and program chair of Oceanography and Environmental Sciences at Florida Institute of Technology (FIT), and he served as the first Chair of the Indian River Lagoon National Estuary Technical Advisory Committee for 20 plus years.

Dr. John Windsor stated he grew up in an environment that was pretty nasty; the Delaware River was awful; he tried to get a job when he got out of college dealing with water quality issues; and every single company along the Delaware River said to him in a negative response that they did not need to hire anyone like that because they did not have any problems. He went on to say he thinks about people who deny they create or contribute to a problem. He stated he has been at FIT for over 20 years; he is officially retired now; his first week of retirement he spent getting ready for this meeting; and he expressed his appreciation to the Board for allowing him to spend his retirement with it. He stated redundancy works better in the classroom than showing something one time; there were a couple of things that jumped out at him from a slide that Ms. Barker showed; Dan Billows came to his office about 30 years ago asking him what one of the biggest problems of the Indian River Lagoon was; and he said too many nutrients. He stated there are too many nutrients getting to the Lagoon; this is a consensus opinion that was developed over many years; and from a management perspective, they need to figure out where to get the biggest bang for the buck in controlling the sources going to the Lagoon. He noted Ms. Barker mentioned the nitrogen contributions to the Lagoon were almost 40 percent for muck and phosphorus a little over 40 percent; it is over 600 tons of nitrogen a year from the muck; and the muck came from the residents of the County. He advised the Board the Indian River Lagoon muck is not the same as in the Great Lakes, it is way different; of the dried material that is left is mostly silt and clay; and silt and clay comes in large part from the land management practices being used in the past. He stated when a person sods their yard, when it comes there is soil that runs off; they used to clear cut large areas of the County in preparation of large housing developments going up; and the first storm that came along, massive quantities of materials moved down stream. He pointed out there is not much sand in the muck, but it is mostly silt and clay. He went on to add there is organic carbon associated with the organic matter, and there is organic nitrogen in that as well; most of the organic nitrogen in the muck is in the form of ammonia; and it is dissolved in the water. He stated a muck core is where a tube is set in the bottom sediments; they put a rubber stopper in the top of the tube; they pull the tube out; and just by vacuuming the tube, there is a chunk of sediment. He provided a picture of a core of muck from the Indian River Lagoon. He noted what happened to change the sediments over the years is population growth; it went from around 20,000 to over one-half a million; and in 1950 for every one person there, there are 20 more people now. He stated it increases the tributary in the Lagoon; if a person has moved their hand over the muck, or watched a boat after it moves over a mucky area, the muck moves very quickly and creates cloudiness in the water; the sun does not get through; and if the plants do not grow well, a lot of bad things happen. He pointed out it depletes oxygen in the water column; bacteria lives in the muck; and the stuff they put out that is left behind, finds its way into the water; and it can consume the oxygen in the water. He went on to say if the muck is removed it should decrease turbidity, sea grass growth should be enhanced, oxygen conditions should improve, it should restore the natural bottom, and all of those things are things that need to be achieved, but it is no longer a source for nutrients. He noted removal of muck is kind of

August 9, 2016

like liposuction. He added something that has not been discussed and is a great concern to him is where they have repositories of muck right now they are fairly confined, and it can be cleaned up; if there is another year like 2004 and 2005 with the hurricanes, there will be a lot of redistribution of muck; and it can easily be moved and cover other areas that were not impacted by muck before. He stated it is a ticking time bomb; and removing the muck is important. He advised muck removal has been part of a management strategy for a while; when he came to FIT in the 1980s, he worked with the Florida Tech's Speakers Bureau, and he had faculty that talked about research work they did; down in the corner of page 10, it states to remove the muck out of the Indian River Lagoon; and since then those muck targets for management include the Indian River Lagoon National Estuary Program their Conservation and Management Program, the Surface Water Improvement Management Program, and even in the County the Brevard County Comprehensive Master Plan, DMP3, and all of these plans have been driven by public input, listening groups, oversight public vetting of the projects, and they are on the books as being recommended. He noted muck dredging is to vacuum the bottom of the Lagoon floor, kind of like picking up dust with a vacuum cleaner; and the water and muck are pumped off to a holding facility for treatment. He stated there has been a lot of discussion of how much money has been spent in the plan on dredging, and dredging should not be done, to just focus on upstream inputs; the current hydraulic dredging practices are not perfect but they are a really good place to start; and something like a dedicated funding source could be generated for supporting these projects in the future. He stated this group at FIT that is working on environmental muck dredging research was given money by the Legislature through Brevard County to focus on that goal to determine the impacts of environmental muck dredging in the Indian River Lagoon; they are not finished with the first dredging project yet; and there are 10 facility, six research staff, and dozens of graduates and under graduates students collaborating with County staff, the Water Management District, FDEP, and they even have external reviewers checking their steps along the way. He stated the more biodiversity in the Lagoon, the more ecologically valuable it is, but the most economical valuable that is. He stated people maybe be asking what is muck flux; he showed billions of molecules of nitrogen and phosphorus in the muck; they are coming from the decomposition of the organic matter in the muck; and as that decomposition occurs, more and more nitrogen compounds, mostly ammonia, and more and more phosphorus compounds are dissolving into the water, concentrations are increasing, and when the concentrations increase in the muck, and they are low in the underlying water, the physical processes that take place cause those molecules to move from a higher concentration area to the lower concentration areas. He pointed out that process is called diffusion and also called flux. He stated there is a lot of other work being done that includes looking at upstream inputs, trying to stop upstream inputs, and what role septic tanks play versus other sources for nutrients in the Lagoon.

Ms. Barker introduced Marcie Frick, Senior Water Resources Engineer with Tetra Tech's Water Resources Group in Tallahassee; she has more than 13 years of environmental science, natural resource planning, committee facilitation, water resource management, water and wastewater infrastructure planning experience; she has supported the Total Maximum Daily Load (TMDL) implementation throughout Florida, including the development of Base and Management Action Plans for the Indian River Lagoon; and she has been a very familiar face to the community for multiple years.

Marcie Frick stated as both Ms. Barker and Mr. Vazquez mentioned they tried to be very smart in selecting projects; they wanted to maximum those nutrient reductions to achieve the water quality targets; and at the same time, they wanted to make sure those were the most cost-effective projects so the costs could be minimized and the dollars raised. She went on to say they organized the projects to implement those that could have a quick benefit to the Lagoon so the lag time could be shortened between the nutrient reductions and the response in the Lagoon itself; and they did their best to reduce the risk of implementing such a large scale restoration plan while optimizing the return on investment. She pointed out the first type of project they

August 9, 2016

tackled were those external sources for the Lagoon, and they are looking at reducing those to continue the analogy, the diet they are putting the Lagoon on; the first external source they looked at was excess fertilizer; these are billboards and ads the Board is most likely familiar with; there has been an ongoing education campaign by the County and its partners to raise awareness of what the excess fertilizer is doing to the Lagoon system, and to education the people about the Fertilizer Ordinance in the County; and the Ordinance does require that there is zero phosphorus in the fertilizer, and that at least 50 percent of it is slow release nitrogen, as well as a summer ban. She added they were looking at data from the Florida Department of Agriculture and Consumer Services; they track fertilizers by county; while it is important to note that not all of the fertilizer sold within the County stays within the County, it is kind of the best estimate of what is being used within Brevard County; they looked at the total nitrogen and phosphorus sold within Brevard County and compared it to the period before the Ordinance was adopted and after the Ordinance was adopted to see what impact the public education campaigns to date have had; and they also applied a attenuation factor, because the fertilizer being applied is being taken up by plants, so all of the fertilizer has that potential to leach into the groundwater and contribute to loads into the Lagoon. She went on by saying the numbers in the table show the excess fertilizer beyond what is being taken up by the plants; the first column for FY 2013/2014, shows what was being sold in the County before the Ordinance was adopted; and the second column with the FY 2014/2015 shows what occurred after. She noted what can be seen is reductions to date from the education campaign is almost 46,000 pounds of nitrogen, and a little over 9,000 pounds of phosphorus; as part of the plan they wanted to continue the campaign and build upon it, to continue to educate the public about the Ordinance, to make people aware of what fertilizers are compliant with the Ordinance that promote the slow release nitrogen, as well as make them aware that if a person is re-irrigating their lawns with reclaimed water, as they already have nutrients, he or she does not need to fertilize as much. She stated the goal through the education campaign is to increase the compliance with the Ordinance by another 25 percent by implementing the campaign over a five-year period; and based on this, they estimate another 6,000 pounds of nitrogen and 800 pounds of phosphorus can be eliminated. She stated this was found to be a cost-effective project; it costs about \$100 per pounds of nitrogen removed and a little over \$700 per pound of phosphorus removed. She went on to say another source she just mentioned was excess nutrients in reclaimed water; as Ms. Barker discussed, historically there were more than 40 wastewater discharges directly to the Lagoon; and taking those discharges out and making them into a water source for the County is a great way to handle that discharge. She added while there are limits for pathogens and metals that are put into reclaimed water, there is not a limit for nutrients; in doing research they found that the University of Florida Institute of Food and Agricultural Science recommends that nine milligrams per liter is the ideal amount of nitrogen for maximum turf grass growth, assuming a person is not over-irrigating; and the red line shows that. She advised for all of the facilities except for the first one, they were targeting a six milligrams per liter of nitrogen, the first facility, the City of Palm Bay, they already had a design in place for a facility that would achieve seven and one-half milligrams, so that one is not quite as low; they sorted from the most cost-effective to the least cost-effective based on the cost per pound of nitrogen removed; and the green highlighting shows the ones that are the most cost effective. She stated another source of external loading to the Lagoon is septic systems; they have information from the Florida Department of Health that there is an estimating 70,000 septic systems within the County; when staff went through that file along with staffs from the cities, they found about 10 percent of these septic tanks have already been connected; that leaves about 60,000 septic systems within the County that are on the IRL site of the great divide that go to the Indian River Lagoon and not to the St. Johns River; and while it would be ideal to take care of every single one of those, there is a cost, and upgrading all 60,000 septic systems is not the most cost effective. She stated each septic system on average can contribute 27 pounds per year to the Lagoon. She stated in determining which ones they actually wanted to connect to the sewer system, they looked at various neighborhoods throughout the County that had infrastructure that could make it a relatively short-term project to extend the sewer lines and connect some

August 9, 2016

systems; in this case, they looked at all of the lots in the neighborhood; they did find that in order to be most cost-effective, at least 50 percent or more had to be within the 55 yards or 165 feet of a major water body; and the estimated cost to connect to the sewer system is about \$20,000 per lot. She continued by saying everything on the slide outlined in black is a neighborhood they evaluated for connection, and those outlined in green are the most cost-effective and are recommended as part of the plan; by connecting these systems to the sewer system, they can remove about four percent of the existing septic systems that drain to the Indian River Lagoon; that is about 2,300 lots; and approximately 50,000 pounds of nitrogen at an average cost of \$840 can be reduced. She stated for those areas that were not most cost effective to connect, they did have some septic systems they were concerned about and they were looking at upgrading them so they got greater nutrient removal, and in order to do that County staff used a series of criteria; they looked at the age of the system, the type of soil in the area, the depth to groundwater, the septic system density, and the proximity to surface waters; and these criteria were used to identify those that had the worst conditions and could have the biggest impact on the Lagoon. She noted the wastewater is funneled from the house to a septic tank, and then it leaves the septic tank and goes to a drain field for treatment; what they are proposing to do with the upgrades is to add another treatment, an additional filter, using what is known as bio-absorptive activated media that help increase the nutrient removal; and it is mostly for nitrogen because phosphorus does not travel quite as far. She stated when looking at this they found about 2.3 percent of the septic systems that they are not proposing to connect hide really the worst; they are proposing to upgrade them as part of the plan; there are about 1,400 of these lots; and the cost to upgrade is about \$16,000 depending on what technology is used. She pointed out sea grass growth is the largest from January to May, which is also the driest period. She stated the County has divided the whole area into about 2,500 stormwater basins, and they prioritized those based upon those with the highest base loads, because they were trying to target that peak sea grass growing season; and that is how they came up with the number of basins needed to be treated in each area. She noted the estimated project costs vary depending upon the size of the basin; these are also very cost-effective on average, at only \$88 per pound of nitrogen removed and \$612 per pound of phosphorus removed; and they are estimating they can remove over 118,000 pounds of nitrogen and 17,000 pounds of phosphorus with these projects. She advised the areas are spread out throughout the Lagoon system. She stated once the Lagoon has been put on the diet, with the proposed projects with the plan, they can shrink the nutrient input by about 25 percent. She stated the next step after putting the Lagoon on the diet is the liposuction phase of the project, which is muck; the maps highlight the areas with the deepest muck deposits within the Lagoon; the plan is to remove the deep pockets of muck, not from every single canal and ditch; and they want to focus on the excess nutrient loading that has built up in the Lagoon over time. She pointed out the locations vary from the Mosquito Lagoon to the south of the County; this is the only project component that has a project in the Mosquito Lagoon; Brevard County does not have any stormwater outfalls in that region; but there are muck pockets to be tackled. She stated it will cost about \$400 per pound of nitrogen removed by dredging that muck. She stated oysters are the liver of the river; they have gotten questions if now is the time to start restoring the oysters knowing the Lagoon itself is not quite healthy; the map shows the oyster gardening program; and there are already more than 900 areas in the Lagoon where oysters are thriving. She went on to say the goal is create oyster bar living shorelines; the goal of the oyster bars is not to restore every historical oyster reef, but really to provide the filtration, give it more shoreline stabilization, and to meet the goal of trying to filter the volume of the Lagoon water annually. She noted they are estimating in order to filter the Lagoon annually, they would need about 20 miles of oyster bars, which would be about six feet wide, and it would cost about \$10 million; by doing this, they can achieve about 21,000 pounds of nitrogen removal and a little more than 7,000 pounds of TP reductions; and the best information they could find was from Chesapeake Bay, but they are expecting better results due to the warmer water, in the Lagoon. She pointed out it would cost about \$85 million to reduce the nutrient inputs and put the Lagoon on a diet, \$198 million for the liposuction, then \$10 million to restore the liver functions through the oysters, and throughout that they want to

August 9, 2016

dedicate about \$10 million of project funding to help measure progress, benefits, and adapt as needed to make it the most cost-effective plan. She stated they have developed a proposal for a citizen oversight committee; the purpose of the committee is to make sure the process is transparent and being evaluated on a regular basis; and to be able to adjust if something is not as cost-effective as they thought it was. She went on to add they want to form a volunteer citizen oversight committee called the Steam Team; there are seven categories of volunteers they would be looking for; and from this they would have a committee of seven members to represent those items as well as seven alternates. She stated the League of Cities will nominate half of the Steam Team, and the Board will nominate the other half; and volunteers would submit applications to be part of the team. She went on to say people that will then be appointed to the team who are selected will serve a two-year term to help guide the plan, receive updates on the new data of the new technologies, and provide feedback on how the plan should be updated annually. She summarized by saying this is about a \$302 million plan, and from that they can reduce almost 762,000 pounds of nitrogen and almost 99,000 pounds of phosphorus; they have selected the most cost effective options to achieve these; the wastewater upgrades can be done fairly quickly, so those are staged first; the City of Palm Bay project can be done in a year; and the City of Titusville one, which is what they are proposing they are planning on three years to give some time to design, bid, and construct. She noted they will continue the fertilizer management and education outreach campaign, they are proposing for a five-year period; both the stormwater treatment projects, as well as converting the septic systems to the sewer systems will take about eight years; upgrading the septic system, removing the muck, and restoring the oysters will be about a 10-year period; and then throughout the 10-year proposed period they want to continue to monitor, measure, and gather additional data.

Ms. Barker stated they talked about the plan, and now she will talk about how to fund it. She advised the Board dedicated funding will allow smart planning and smart permitting, it will allow coordination of bidding of projects so better prices may be obtained, it will allow to spend less funding on mobilizing and demobilizing, and the benefits of economies of scale can be gotten; and they also want dedicated funds to help drive innovation so better opportunities can be come up with going forward. She stated there are a number of funding options that would provide a dedicated source of funds, specifically for funding this plan; all of these will be voter-approved and be put on the ballot in November; and they will be Countywide. She stated the first one will be an Ad Valorem levy on property taxes through Countywide Save Our Lagoon special taxing district; the levy will be one mill, which means \$1 per \$1,000 of taxable value on a person's home; it would sunset in 10 years; and they expect the revenue generation to be \$32 million per year, which would be \$320 million that would roughly fund this \$2 million plan. She added grants obviously can accelerate the schedule; and the faster the projects can be built, the better the rate of return on investment. She advised Option 2 is similar to Option 1; voter-approved Ad Valorem levy Countywide special taxing district; but the tax rate would be a half mill, which means .50 cents per \$1,000 of taxable value on a person's home; because only half is being collected, there would be a 20-year period, and 20-year sunset; and \$16 million a year for 20 years gets to the same \$320 million. She went on to explain there could be grants, and to the point of being successful in using local funds to leverage additional funds the schedule and benefits could be accelerated. She stated Option 3, also voter-approved Ad Valorem levy at half a mill, but sunsetting that at 10 years, and betting on the fact those dollars can be leveraged for additional Legislative appropriations and grants; Option 4 is different, it is voter-approved, it would also go on the November ballot, but it would be a half-cent sales tax; it would sunset in 10 years; and the revenue collections would be anticipated at \$34 million per year, and in 10 years \$340 million would be generated to fund the plan. She stated the sales tax is collected by the State of Florida and distributed back out to counties and cities based on population. She stated a lot of this plan is for muck removal, that is not necessarily in a city; when the plan was developed, they pretended like there were no city or county jurisdictional boundaries, it was all about finding the best projects, best bang for the buck, and how quickly the Lagoon could be

August 9, 2016

restored. She noted the proposal would be to negotiate with the cities that the share that would normally come to them from a sales tax would instead go into this Save the Lagoon special fund, and would be spend specifically for implementing this plan. She stated as always, there is another option, which is to listen to the public, hearing their ideas, the Board may have ideas, and other options are always on the table. She acknowledged the incredible team she has gotten to work with, the many subject matter experts throughout the community, the many different agencies they have worked with, the city staffs who have worked to put this together, and most importantly her Natural Resources Management staff who have worked weekends and evenings. She advised the Board there are a number of experts available if it has any questions. She stated she wants to leave with a vision of success for a healthy Lagoon, based on a fiscally responsible plan that is science-based and data-driven, and responsive to a public with transparent citizen oversight.

Stockton Whitten, County Manager, expressed his appreciation to the Board for allowing Ms. Barker and the experts to go through that presentation, which was an extended presentation, but it is necessary to show that the plan is a comprehensive plan based in science; it is a collaborative plan, and it is developed by experts with a thought of citizen oversight; Ms. Barker gave her staff credit, the experts, and the consultants, but she was clearly the leader in bringing this together. He stated the Natural Resources Director has 26 years of experience in environmental management, they are both from Jacksonville, Florida, and he got the privilege of going to the University of Florida; since she could not get in, she settled for Duke University; she has an undergraduate degree in Science, Math, and Biology from Duke University, and a Master of Environmental Management; and this is actually her area of expertise.

Commissioner Fisher stated he is impressed with the fact everyone having their hands on this, it was not just one person; and he expressed his appreciation to all involved.

Chairman Barfield stated what amazes him is most of these resources are right here in the community; and obviously by looking at the number of people here, it is a big issue.

Charles A. Tovey Jr. stated the rules apply to everybody, equal rights; they can clean the Lagoon except for the main channels within years' time; 75 percent white sands; they are doing it in Commissioner Infantini's area, she has been the only one willing participant in cleaning up and saving the Lagoon; and he had brought this over a decade ago, and there is another 10th or 11th meeting he spoke at concerning things. He stated to excuse him for a moment; and by the way, Mr. Knox, if he could excuse the jurisdiction on him and his property, he would appreciate it. He commented he will volunteer his services anywhere in the United States and do the work for free for recovering the environment and communities; and he does have plans and remedies and not at the taxpayers' expense, no taxes, and no new taxes. He went on the Board has been getting taxes; and he questioned what happened to it, all of these people driving nice cars, with nice homes, and look at the Lagoon, what happened to it; he has been doing it, has videos, and Commissioner Infantini will have all the information he has; and any access will be through Commissioner Infantini. He continued the destroyed springs in Palm Shores is right in the middle of the Lagoon; it is really important; and he reiterated that he will provide all of his information to Commissioner Infantini because it has been used against him and stolen so that other people can get raises and things. He stated this is going to be a 4:1 vote because four of the Board members have been surrounded by the government and the family; they work with these people on a daily basis spending more time with government associates, agencies and the Economic Development Commission (EDC) than with their own families; and he questioned if that is a conflict of interest. He commented that Commissioner Infantini is the only one isolated from this intrusion of government; he will help; and he has results and will do it. He again asked what happened to the money; all this money, taxes do not need to be raised as 75 percent will be completed within a year's time without tax monies; and the communities will all benefit and can make money off of it. He continued the world is a

August 9, 2016

radiator and the County is filling up the core of it, so it is no longer cooling the core; what happens, it is all being run off, first to the Lagoon, then to the ocean; it is Natural Resource's job, why did they let it go; and 10 years ago he presented all of his videos and information and the County did not want to hear it, all it is after is salaries and monies. He stated it is a family of government and that is the problem; people need to work together, it is up to everyone, not just the taxpayer paying for it, and then do nothing; 40 hours a week on the road crews, when they sit there half the day talking and it takes six of them to dig a little hole; he will do it for free and do a better job; and it is being done in Commissioner Infantini's District. He continued Ronald Reagan once said " The closest thing to eternal life is a government funded project;" putting sand on the beach, dredging muck out of the Lagoon, repairing damage to the bridges, putting concrete catch basins in the storm drains to catch people's lawn clippings are four government projects that will go on forever; and he commented these problems and more will never be solved until people understand how the Lagoon has functioned for thousands of years. He stated most of the Lagoon shores were lined with coquina formations; the coquina was underwater and soft, not permeable like the granite being used to fill in that conducts more heat; he has read it takes about two years for coquina to harden once it is removed from the water; and he believes violent hurricanes with high tide ripped apart the soft coquina formations, reshaped them, and piled them high on the shore to harden.

Jay Barfield stated he grew up a good part of his life on the Indian River Lagoon; he has learned a lot and applied technologies to bodies of water; and he heard a very impressive presentation today that he believes will work. He continued he works all over the State, doing some of the things that have been exposed here and certainly believes that it will work; the Plan presented is a good road map to get there; the interesting thing to him is that he is doing work for Department of Environmental Protection (DEP) and Fish and Wildlife in St. Johns at Lake Apopka and just finished a 10 month project, and it is a very sick lake, almost 90-95 percent of the problems mirror the Indian River Lagoon; one is salt and one is not, but the nutrient problem, algae problem, there are ways to correct it, and dredging is one of them; there are non-chemical and non-dredging ways to accomplish the same results; and it may take a little longer but he has been able to reduce the algae counts in 10 months by 40 to 60 percent. He went on Lake Apopka is the only lake in Florida that he knows of where the algae counts have gone down 40-50 percent from the winter which is the low to the summer which is always the high; in the statistics back up, the algal counts by TSS, Chlorophyll A, and several other measures, in other words, if there are three or four things from a water quality standpoint there is going to be algae, period; and if those things are removed or reduced, the algal problems are minimal, they never get to zero in Florida, whether it is Phosphorus, Nitrate, or algae. He offered kudos to everyone for what the County is doing, and hopes that he can be a part of the process because it is his passion.

Commissioner Infantini thanked him for coming and asked how he financed his project at Lake Apopka.

Mr. Barfield replied they had some sweat equity in it, but it was funded by the State.

Amy Tidd stated she is a candidate for State Senate and she has some background in this issue. She continued her history includes the Beach and River Front Acquisition Project which had some problems because there was not enough citizen oversight, therefore, some things were done that wasted taxpayer dollars; later she looked at preserving land, in which she was part of the second Endangered Land Referendum, the first one passed overwhelmingly and was a success because of the scientists that managed the project and made sure tax dollars were not wasted; and in 2004 she ran the pack Preserve Brevard which promoted the second Endangered Lands Referendum that passed by 75 percent. She went on, in Brevard County, people care about where they live, they love the native lands and the waters; she is very pleased to see a citizen's oversight as part of the Plan, it is very important, veto power is also

August 9, 2016

important to keep from wasting money; and she supports the Plan. She thanked Virginia Barker and all those who support the Plan, and stated the time to take action is now.

R. T. Platt stated he grew up in the 50s and 60s, therefore, he was able to enjoy the Lagoon as a child; living in the area of Eau Gallie and Melbourne Causeway, he spent his weekends and summers running around where sea life was abundant, clams were everywhere, there were fish, and sea grass from causeway to causeway; and now there is no sea grass anywhere. He continued he is very familiar with the muck, and when a three-inch minnow swims over the muck, it leaves a trail, so it is easily suspended, and definitely a problem. He thanked Ms. Barker and her team for the Comprehensive Plan and the Board for having the foresight and integrity to attack the problem; he continued he knows this Plan has been kicked down the road for years and feels it is time to address it; he fully supports the Plan; and he believes it is fiscally responsible, it targets the pollutants in a responsible manner, it provides a sustained funding, and has a strong oversight component. He asked the Board to implement the property tax versus the sales tax; he knows it will have a heavier impact on waterfront owners; and he indicated they are the ones who will benefit the most. He stated the sales tax is a little more aggressive; if the property tax was a half a Mill it would be \$44 per year for the average homeowners, which is only \$.14 a day; he looked up what someone could get for \$.14 a day and found a half a cup of milk, a little over one ounce of Starbuck's coffee, a quarter ounce of a New York strip steak, or if saved up for nine days, a crispy taco from the value menu at Taco Bell; and he commented it is only \$.14 a day to preserve a part of this community. He continued it will take a dedicated effort for a long period of time, and though this Plan is not the end all, it is a great beginning. He quoted an old Greek proverb, "Society grows great when people plant trees and whose shade they may never sit", and he requested the County spend \$.14 a day to Plant those trees, so that future Brevard children and adults can enjoy the Lagoon, like he did as child.

Gail Meredith thanked the Board for all their hard work and tremendous progress since the last meeting. She commented she had seen online where there was another big fish kill; thanked Virginia Barker for all the work her and her staff has done and that it is an excellent Plan; and encouraged the Board to move forward. She continued on her concern is with Commissioner Infantini and that she has repeatedly seen her take an adversarial roll with the Lagoon and with the work of other commissioners; she commented things have changed; and if Commissioner Infantini does that, all the people in blue will be sure she is not elected to her next position. She noted it has been scary to see, and stated Commissioner Infantini has pushed buttons of 10,000 people to get them to come to the meetings, to see her in her own ego; and she advised everyone has to be together on this. She stated she is unsure of what the right option is, but, she believes the Board knows; and she asked the Board to pull all of its energy together to start this Plan as soon as possible, because of the dire shape of the Lagoon. She mentioned a lot of the illnesses in the community are caused by the polluted water; the research is clear that Alzheimer, Parkinson's, and Cancer are being caused by the organisms in the algae in the water; and if the Board needs more information, she will get it to them. She encouraged the Board to continue to focus, to make this a top priority for the community; and she stated the people in blue will all work to get the referendum passed. She commented they will meet with Commissioner Infantini; and she asked that Commissioner Infantini watch what she is doing because the community is very concerned, and for her to focus and understand the dire consequences of not going forward at this time.

Dominick Montanaro thanked the Board, the County Manager, and the Director of Natural Resources for the outstanding presentation on the Lagoon issues; he stated he is a Satellite Beach City Councilman; and he has been involved with the City for over 25 years. He mentioned he had moved here in 1984 from Fort Lauderdale; the once pristine waterways in Fort Lauderdale were fowled when he left there; and Brevard is now facing some of those same issues. He continued he is a State certified swimming pool contractor and has been working

August 9, 2016

along the Lagoon and its canals for over 32 years; the once clear waters, allowed views of the marine and vegetative life along the 170+ miles of the Lagoon; and he has watched over the years, along with everyone else, its demise. He stated storm water run-off, septic and sewage seepage, pesticides, and fertilizers have fouled the once rich marine environment; this contamination started before he arrived in Brevard County, but he had witnessed the eventual demise that the Lagoon now faces; and the community has watched it happen and were part of its destruction. He stated Brevard County is at a crossroads and needs to make some hard decisions on how to ensure the quality of life the people come here for; the Lagoon's economic benefit provides billions of dollars to the counties and cities along its shores, along with marine life, substance, and recreational venues; and it will not be an inexpensive endeavor and all who use the Lagoon should share in its turn around. He stated options one and two are based on Ad Valorem tax only; option three includes Ad Valorem and grants; and four provides a sales tax to be shared by residents and visitors. He commented the estimated \$340 million this option provides could possibly increase based on additional spending in the County; new projects at the Port and around the County will attract more visitors and residents; additional revenue could be used to further the muck removal for other canals not included in the current Plan; and any of the four options available will accomplish the need in cleaning up the Lagoon, however, being a City Councilman he feels option four would better support the residents of Brevard County, because, homeowners are not the only ones who utilize the Lagoon. He stated visitors come to Brevard, people who live in the County and are not homeowners use it, and everyone should share in the cost.

Courtney Barker, City Manager of City of Satellite Beach, thanked the County Manager and his staff for a great plan and everything they have done to get to this point in their coordination with the cities. She stated she had hoped there would be five votes in favor of this plan; if anyone thinks the County is going to find \$30 million every year in the County budget to do Lagoon restoration they are sorely mistaken; and the budget will not be re-prioritized to find the money because prioritization has been discussed every year for the past eight years and the Board has yet to find \$30 million for the Lagoon restoration. She commented the County needs to always pursue State funding, but not depend on it for this plan; to recognize State funds will address the latest crisis, but can and probably will be, diverted to another purpose in later years; and if the County wants a dedicated funding source for the Lagoon restoration, it needs to depend on itself. She continued this cannot wait any longer, pushing the cost down the road just increases the cost to the residents and generations to come; and it is a terrible and quite frankly stupid, financial decision to wait any longer. She asked for five votes today so the voters can decide their own future of water quality; and if the Board does not support the tax then do not vote for it in November, but do not get in the way of the voters.

Frank Cantino, Mayor of Satellite Beach, stated he has been a fishing guide for 40-plus years; and he is making a living off of the Lagoon. He stated the City Council of Satellite Beach voted unanimously 5:0 to support a sustainable funding source to be placed on the ballot in November so the citizens of the County can vote on the state of the Lagoon and how they want it repaired; the Board has many tough decisions trying to balance needs and wants with a small amount of dollars; to find \$30 million every year is going to be quite tough; and he does not think today's vote is to be for or against the tax on the citizens, it is just a vote to let the people decide on how they want to help clean up the Lagoon. He continued on with a story of how he was in a battle with a gentleman who sits here now and is more responsible for his love for the Lagoon than anything else, his teacher in school; this man took him out to the Lagoon and spent a lot of time with him; a few years after he passed his class, they got into a battle, Jerry, his teacher, was with the organized fishermen in Florida and he was a fishing guide; the fishing guides wanted to ban the nets and the organized fishermen did not, the fishermen prevailed; however, the one thing that was common among the two and still is today, is the health of the Lagoon. He stated back then they knew the Lagoon would not last, and now, 25 years later it is in bad shape, a lot has been removed from the Lagoon, but no one worried about the environment. He commented

August 9, 2016

the fish kill was the greatest thing to ever happen to the Lagoon because he does not believe there would be so many people in the audience had it not happened; it was a shock to the people and got their attention on the condition of the Lagoon; it has been dying for a long time; and the County is going to need funding for a long time to make this happen. He continued option four would be his choice; allowing a sales tax would take the burden off all Brevard citizens and spread it out to everybody who comes to the cities; and he truly believes with this tax and the ability to get grants from the State and Federal level, the Lagoon can be repaired.

*The Board recessed at 12:27 p.m. and reconvened at 1:13 p.m.

Mitchell Roffer noted he received his Doctorate in Biological Oceanography from the University of Miami and has been active with the Indian River Lagoon (IRL) issues. He stated he is in support of the referendum for the small increase in the sales tax because this is a real County emergency in terms of the health and safety of the public due to harmful pathogens that are entering Brevard County's water; in terms of the economic engine that provides for all the sectors in the County, in terms of the expansion to the beach problems, where the water from Port St. Lucie traveled out to the gulf and up to Georgia, and now that water is being pushed into Brevard County's water and the water coming from the IRL is going through Sebastian Inlet and will be affecting the beaches; and he stated it is the entire County's responsibility, we all did it, and now we all need to fix the problem and maintain the IRL. He stated he supports the Plan because the sales tax treats everyone equally across the board, meaning everyone pays; land owners, renters, out of County workers, visitors, and tourists all use Brevard County resources, all contribute to the problem, and all benefit from the healthy IRL ecosystem; he loves the Citizen Council idea, but believes the County should hire an outside independent with a strong background in science to oversee the whole project; he supports this with a guarantee that the County Commissioners will not cut the money already allotted for the Department of Natural Resources; and the Plan must have specific priorities, step-by-step milestones so someone in the citizens group and the independent can do checks and balances. He continued he understands the value of changing situations in the Lagoon and will learn much more as the restoration continues; this cannot be another Amendment One, bait and switch; the money must go for fixing the Lagoon and only the Lagoon; he appreciates that Roads and Parks need work and all other parts of the County; however, this is a specific problem and an emergency, so all the money must go to the IRL. He continued he supports this for buying lands for filter marshes, but it should also coordinate and integrate this project with the Endangered Lands Program; the groups could work together to make sure to get the most out of it; and he believes there needs to be new recommendations on agricultural run-off, fertilizer use, ground water contamination, municipal run-off, and municipal dumping of sewage into the waters. He stated he supports the work the County has done; the science is all there; and asked the Board to please place this on the referendum so the citizens can vote for an increase in the sales tax.

Tim Tumulty, Cocoa Beach Mayor, stated he is there to give an update on what Cocoa Beach is doing; in their last meeting, there were three items on the agenda specifically related to the Indian River Lagoon; the first thing done was passing an Ordinance creating a sustainability committee, which was basically modeled after the committee created by Satellite Beach; and during the Space Coast League of Cities Meeting he asked all the other Municipalities to also consider creating that particular Committee to get a voice amongst themselves and across the entire County with respect to the IRL. He continued the Committee also accepted a Combination Grant from St. John's River Waterways, along with the County in over \$600,000 to continue a dredging project in Cocoa Beach; the Committee also passed a Resolution for this particular referendum to go through; and the Committee did not specify which option, but is for the money to be generated on a sustained process whether it is over a year or 10 years, whatever the Committee chooses to put on the referendum. He commented the presentation was fantastic and put together very well; he saw a version of the presentation a few months back and it now has a lot more detail; the number of septic tanks has been narrowed down from

August 9, 2016

300,000 to 30,000 or 40,000; and it gives everyone an idea of what the County is up against. He stated all cities have that same problem with septic, dredging, and stormwater mitigation, it is just a different ratio; Cocoa Beach only has five septic tanks, Rockledge has maybe a few thousand; and the same with Merritt Island and Cocoa. He noted there are storm water drains without filters in Cocoa Beach; but with all the projects going on for decades, the City has been incorporating underground filtration systems to mitigate the run-off directly into the Lagoon; and he appreciates the Commissioners who appeared at the meeting last evening. He noted Commissioner Barfield attends the City Commission Meetings; no State Representatives or Senators come to any of the City Commission Meetings; and he has been a Commissioner and the Mayor of Cocoa Beach for four years and not one Representative or Senator has come to one meeting, so he wonders how they even know what is going on, and his guess is they must not really care, because someone else is telling them what to do. He stated Cocoa Beach's water treatment facility had the lowest nutrient load in the entire County; therefore, the City is doing what it can, and has been for quite a few years; the County has an opportunity in front of it right now, 20 ago it had that same opportunity; there were articles from 20 years ago talking about septic tanks, dredging, fertilizers, and education; and he continued shame on us if this is the same conversation 20 years down the road. He continued what a disservice it would be for this Community not to have or fix the IRL; and he looks forward to the Board voting positively to put this referendum on the ballot.

Commissioner Infantini thanked the Mayor for attending the meeting and asked what the sustainability team does.

Mayor Tumulty replied that the Team has not yet been created, they are in the process of creating it, and Satellite Beach already have a Committee they have developed, and it is not just about the IRL. He noted it is about the entire sustainability environment from the beach all the way through to the river, renewable energy sources, a lot of different areas.

Commissioner Infantini stated her second question is about the \$600,000 his City received from the State for dredging.

Mayor Tumulty replied no, the City received \$600,000 total; \$200,000 from St. John's River Water Management; and another \$400,000 came from the County which received the money from the State.

Commissioner Infantini asked how much money Cocoa Beach had to put up.

Mayor Tumulty stated the City did not have to put up any money for the Dredging Program; and that it is a continued program where the City currently has a dredging program going on in North Cocoa Beach.

Commissioner Infantini stated she just wanted to point out, because there have been two speakers from communities that have dredging projects taking place and both times, they themselves stated, the cities did not have to contribute any money, meaning their taxpayers did not have to go out to a referendum, instead grant money was received from St. John's Water Management or Brevard County who got it from the State.

Mayor Tumulty commented the City is using their staff and their land in the City for the spoil site; it is not a couple months project, it is a multi-year project, on-going; and the staff works on it on a continuing basis.

George H. Rosenfield commended Ms. Barker and her speakers on an excellent presentation of the admiral Plan; he stated too bad it is now, but better late than never; there were Plans before, however they never got the report that we have now; and noted he modified his original speech

August 9, 2016

because of something that was said earlier. He stated he had a little information on history and geography but it would be repetitious; he already gave Ms. Barker his original copies of what he would have said; and he did at her presentation on Sunday at Sam's House in Merritt Island. He commented he understands the need to prioritize the work to be done to restore the IRL; the muck is already being removed; and asked if anyone remembered when he asked earlier to pass the fertilizer ordinance so that the County could get on with the septic tank problem, that is a priority. He went on about being a member of the Marine Resources Council since 1986; helped prepare the first Comprehensive Conservation Management Plan for the Indian River Lagoon published in 1996; and it is too bad it did not get the attention it needed back then. He continued he is an environmental scientist, not an economist, but if he had to make a choice on financing he would include the sales tax method, then not only property owners, but renters, snow birds, and visitors would also contribute to the restoration of the beloved IRL; and he asked about all the other breaks that have been given to developers and industry.

Ron Taylor thanked the Board for letting him speak on the most important issue confronting the community, the health and recovery of the IRL; it is truly the life blood of the County; he has read the Save Our Lagoon Plan from cover to cover; and as a retired Environmental Engineer he commends the professionalism, the science, and the rationale behind most of the recommendations presented in the Plan. He continued on a project of this complexity and political impact it is a difficult task; one of the reasons he supports the Plan is the courage it took to attempt such an undertaking; and as a small boy driving up to Brevard County in the 1950's from Miami to visit, he treasured the memories of fishing in the crystal clear water in the Lagoon and catching Trout that got bigger and bigger when retelling his fishing stories to his classmates. He commented that is the Indian River Lagoon that he will always remember; that is not the reality of the IRL today; and stated he supports the Plan because the condition of the Lagoon has gotten worse until it is now at a crisis point. He commented the crisis point was brought about by over-development in a region of the Lagoon that was unable to bear the impact of that development; Government oversight charged with protecting the Lagoon concerned itself more with draining, filling, and modifying the natural balance of nature to facilitate that development; and the County needs bold initiatives, innovative initiatives, for example: the C1 re-diversion, which the people are proud happened, will undo the damage done by one of the principle drainage projects that empty its nutrient load into the IRL. He continued this action cut the nitrogen load in the Lagoon by 57 percent, that is more reduction than the proposed fertilizer, septic systems, treatment plants, and storm water reduction efforts combined; that is what he calls a bold innovative approach; this Plan costs \$302,881,000 million over 10 years and requires the average homeowner to agree paying an additional \$44 per year in taxes, or a half-cent sales tax; his preference is the property tax because it is not the aggressive tax, as is the sales taxes; and most of the impact affects the people right along the IRL with higher prices, however, they receive most of the benefit and increase to their property values. He continued the second reason he supports the Plan is because with Lagoon clean-up, the counties must deal with the Federal and State Bureaucratic nightmare and special interests; it gives local control and a means to get matching funds from the Federal and State governments to implement Plans so the Lagoon can be cleaned up; and the final reason for his support of the Plan is because it will go before the citizens in a referendum to decide the future of the Lagoon. He stated it will be a good heated American debate called Democracy in Action; there will be rational arguments and irrational arguments all over Brevard County; and things that will be heard include: "Can we trust our government", "Are we just setting up another expensive government entity", and "Is this Plan just becoming a new source of revenue for already entranced organizations", and *Florida TODAY* will have plenty of material for the editorial pages. He went on after all the shouting and yelling the citizens of Brevard County will certainly come together as an equal and vote to save the Lagoon and pass the referendum.

Ron Bobay, representing the League of Women Voters Space Coast, stated the Save Our Lagoon Project Plan has been developed with a cost for implementation of approximately \$303

August 9, 2016

million; the League of Women Voters Space Coast endorses and supports the project Plan funded either through a property or sales tax; and encourages placement by the Board on the November ballot. He continued there is a community consensus that the Lagoon, 71 percent of which is in Brevard County, needs attention; the Plan developed by Natural Resources is comprehensive in nature and is widely accepted as a responsible Plan; it addresses the multitude of contributors to the degradation of the Lagoon and a Plan for addressing them in an integrated and responsible manner; and he added accolades to Ms. Barker in terms of providing leadership and also the expertise she has surrounded herself with, which is evident by those who have spoken.

Mark Ryan, City Manager for Indian Harbor Beach, commended the County Manager, Natural Resources Manager, and the Board for taking a bold step to develop a comprehensive strategic Plan to address the County's most precious resource, the IRL; this Plan will help restore the Lagoon, it is a natural treasure and this needs to be done; a choice can be made to go down the road and place blame but no one is going to ride in on a white horse and save the Lagoon; this is something that needs to be done within the County; and he learned a long time ago that God helps those who help themselves. He continued perhaps the better approach is what can be done as a once in a lifetime opportunity to clean the Lagoon; this Board can create a legacy of being the Board who fixed the Lagoon and did not kick the can down the road; and each of the Board Members have the opportunity to place the referendum on the ballot for the voters to decide. He went on it is not Titusville's river, Cocoa's river, or Palm Bay's river, it is all of Brevard County's river and they all have a stake in it; what is done for that river helps economically, preserves property value, and is also the right thing to do; and the Board needs to take this opportunity. He commented that the newspaper over the weekend had a guest editorial from Mr. Wayne Mills, former Chairperson of the Chesapeake Bay Foundation, in which he talked about what the Chesapeake Bay Foundation, did to help solve their problems and he mirrored that to what is going on today. He commented Mr. Mills congratulated the Board for taking the initiative to create this Plan; and Ms. Barker and her team have created a phenomenal blueprint, and to make it work. He continued the City of Indian Harbor Beach supports the Plan, supports creating a sustainable funding source; and although the Plan came out with a half-cent sales tax after the last council meeting, he strongly believes his council would support that half-cent sales tax because it spreads the cost over not just residences of Brevard County but visitors too. He stated the famous quote from the 1982 movie Star Trek, "the needs of the many outweigh the needs of the few or the one", our river is the one, and we need to make it happen.

Helme Walter commented she definitely wants to save the Lagoon, although taxing is not necessarily always the way to go, especially property taxes because there is less than a million people in Brevard County; she is on a sewer in Merritt Island and uses approximately 1,000 gallons of water a month, sometimes 2,000 gallons, and pays around \$300 a year for sewer usage; and septic tank users along the IRL pay zero a year for up-keep and clean-up. She went on if just 2,000 of those septic tank users paid \$300 a year, it would bring \$600 thousand in one year; according to the information on the Lagoon Project there are 81,952 total septic systems, 59,438 of them are within the Brevard Indian River Basin; and if each of those septic tank owners paid \$300 a year, in one year the County would generate \$17,831,400 and in four years it would generate over \$70 million. She commented the proposed cost for the Septic system removal is approximately \$42 million and upgrades are approximately \$2 million; it appears from the presentation that the septic tanks provide a lot of the issues to the IRL; and she strongly suggested the County make the septic tank owners pay \$300 per year. She stated all the people on the IRL septic tanks pay water bills so the water is on a meter; all the water going into the septic tanks is not being paid for; therefore, she objects to having to pay for the septic tank people who have had a free ride for a long time. She reiterated they should pay \$300 per year, it is not all that much; she wants to save the Lagoon and the homes as well; some of them are low income seniors now and have had different things happen in their lives, may have had lots of

August 9, 2016

money but no longer do; 20 years ago she was given six months but she is still here; and this needs to be spread around so the people who cause the pollution should pony up a little bit. She went on she just found out she has aluminum wiring in her house because it was built in 1968 and all the copper was making bullets for the Vietnam War; now if she wants homeowners insurance she has to get that wiring taken care of, the Board is not going to do that for her; those people on septic tanks need to pony up; and the County needs to look for grants. She stated she would support a sales tax, but feels the Board should take the burden off of the property owners, and if that is what is going to happen then the Board should offer a low income senior exemption.

Commissioner Smith reminded the people who suffer from the same mind set and hold on to the fallacy that septic tank owners do not pay anything, septic tanks cost \$10-\$15 thousand to build, that is not free; if it is an aerobic treatment unit the cost is \$15-\$20 thousand; on top of that there is a couple hundred dollars a year to the State and local maintenance company to keep it in working order; therefore, septic tanks are not free, and if the Board followed the pattern in Monroe County, everyone on septic would be given an opportunity to pay for their sewer conversion over a 10-year period and the cost would added to the property taxes.

Michael Myjak stated it is clear from the people who are in attendance, the presentation presented that the IRL is or at least was one of Florida's crown jewels, and hopefully can be again; clearly all of us have done a disservice over the last 60 years in this County maintaining this Lagoon; and it is a fragile estuary system that is in need of severe guidance and assistance. He commented one of the things that sticks out in his mind is the \$300-plus million fix that is only the start of the Lagoon becoming well, it has a long way to go; the other thing that sticks in his mind is the point the previous speaker had made, this was caused by our community not by those who visit or vacation; and they built the hotels, built the houses, dug the drainage ditches, and dumped the sewage into the Lagoon. He noted the cesspool known as Lake Okeechobee is not really affecting our part of the Lagoon, but there nonetheless; all the nutrients pile into the Lagoon, an estuary of over 1,400 unique and indigenous species, and one of the highest levels of biodiversity in North America; and that is going to start dropping if something is not done. He went on the Lagoon spans over five counties and a myriad of cities, but it is human encroachment; this Lagoon survived for thousands of years without them; but they have done this disservice, so for that reason and that reason alone that he supports the property tax to help pay for it; and he encouraged the Board to look at this as just the beginning. He went on if the County could get matching funds, so be it, add it to what the County is already pulling in; to establish the IRL as a National Marine Sanctuary that will allow the County to draw additional Federal resources; and he proposed the County take that from the western shores of the IRL out to the Ocarina Bank, if that can be done then this County would have the crown jewel back.

Melissa Martin stated the unified voices of citizens, business owners, and established organizations countywide are all saying the same thing, they must take effective and responsible actions now to save the Lagoon; after many days and nights of reviewing the Plan, she was happy to find it both effective and responsible; and the results of the ballot option survey that she had conducted among the Coalition members, only eight percent did not want to pay any type of taxes, 37 percent voted for the sales tax, and more than half preferred a property tax. She noted while each option has its own pros and cons, the Coalition is prepared to support any effective action that moves them closer to saving the Lagoon; regarding the language, the Coalition was tasked to ensure there was no way possible to allow this well thought out Plan to become another Amendment One; it looked for and addressed any potential problems, and as she understands it, the revised language now has both tightly worded funding purposes and has given the right to the Citizen's Oversight Committee to raise a red flag and call for a special public hearing if something does not smell right, which is practically a political veto power; and she stated those two matters were very important and hopes that she is speaking for most blue shirts in the audience that this Plan is now officially good to go with the

August 9, 2016

Coalition. She continued the Coalition looks forward to participating in the development of the rules and control measures to ensure the Plan's process integrity; she stated she has had lots of feedback from and discussions with the community in the past few weeks, whereas, many of the debates started off with, "I am all for saving the Lagoon, but", so to help she has summed up four arguments that came up and provided the answers that seemed to solve or at least quiet the argument which includes, one, finding the money somewhere else, the way she understands it and as it has been explained, there is no play money in the County Budget and no time to waste for the Lagoon, and for those looking for a handout from the State or Federal governmental agencies waiting for someone else to solve the problems, it has been made clear they will not help until they generate their own funds first, they must show they care about their own issues and take personal responsibility for them; two, the County can be trusted primarily because there will be a mandate of transparency, the Citizen's Oversight Committee to confirm it, trust but verify as President Reagan also said; three, the Plan does not do what it should, if anyone has a question why certain projects had priority over others the simple solution is to just ask, Ms. Barker and her team will answer with an articulate understandable big picture explanation and when there is good science-based reasons to shift priorities, however the Plan has the flexibility through the amendment process to make it happen; and four, for those who do not like paying taxes for schools because they have no kids who attend them or do not like paying taxes for emergency services when they have never called 911, to be clear once the Lagoon hits the tipping point the County becomes a waste Lagoon County, property values will fall and not just on the waterfront, foreclosure signs will pop up, doctors warn them of toxic air and hazardous water, to forget fishing, people become sick, businesses die or move away, and when whatever population is left decides to do something about it, it will be too overwhelming, too expensive, and too late. She stated she has not heard any reason to vote against the referendum today; the Coalition would like to see this referendum; and for those unfamiliar with the Coalition, it is there for citizens, businesses, and organizations of Brevard County that need to see the Lagoon bounce back sooner rather than later. She went on in the next few months, collaboration with members and strategic partners, the Coalition will be educating the community on what it needs to know to make an informed vote this November and beyond; the Coalition serves as a hub of information so that it can coordinate efforts to help spread awareness in the right communities, such as the septic smart week coming in September; and it will make sure everyone knows where to go to help out with local cleaning or restoration projects, Lagoon friendly, being sustainable, and living responsibly. She continued it educates people on how they can be effective citizens and make sure they have the information they need to make an impact in their own neighborhoods, cities, and communities; as it grows in numbers and resources so will its reach; and they look forward to providing this community service to Brevard County through all of these educational efforts and more.

Commissioner Fisher asked how many people answered her survey.

Ms. Martin replied they only had three days but 76 people voted.

Commissioner Infantini clarified that she agrees the Lagoon is sick; she does not disagree that it needs to be de-mucked, however she does believe the sewer lines need to be fixed not just the septic. She continued she does not believe the septic tanks are a majority of the problem, but more so leaking sewer line; what she does disagree on is where should the money come from, who should pay for it, and how it will be funded; the reason she is not all in favor of a referendum is because she has watched how elected officials spend the taxpayers money for seven and a half years close and up-front; and she lacks the same confidence as the public in the elected officials with making good decisions spending taxpayer dollars. She noted she does not agree that the Board has the ability to properly prioritize; when two of the Board members were not on the Board, this Board voted to spend \$5,000 per Palm Tree that was not indigenous to the community to line S.R. 520, which is just one small example; and the point she is trying to make is that is how the Board is spending people's money. She stated that when she perhaps

August 9, 2016

votes against this referendum, it is because she disagrees with the funding source; there has already been two speakers who have stated how they had made improvements in their community and they both said they did not go back to the taxpayers they went to the St. John's Water Management and the State; therefore, she is not 100 percent confident that the County needs to go back to the taxpayers first, it may need to, but not until it has exhausted all other resources.

Ms. Martin agreed that the coalition was not confident in the beginning, but on behalf of the citizens and the remarks she had read up on with Scott Ellis' concerns, the coalition incorporated all of those concerns and that is why it had engaged with the issues talked about by County staff; those issues have been resolved; speaking on behalf of the coalition, if the State or Federal government, between now and November, said yes, a person can have \$300 million, there would not be a need to go forward; however, until that happens, this County cannot risk the life of the Lagoon any further.

Philip Stasik speaking on behalf of Space Coast Progressive Alliance, stated it is in favor of the IRL Coalition and MRC's support of this Plan; it strongly supports the Save Our Lagoon Project Plan, it is well writ¹⁰, well thought out, and whatever Ms. Barker is being paid, it is not enough; she is an expert and has done a phenomenal job; and he offered thanks to Ms. Barker and her team. He recommended the one-mill Ad Valorem funding of the Plan; this is their neighborhood, their community, their Lagoon, and they must take responsibility for it; in taking that responsibility for it they set the stage for matching funds from the State and Federal government and believes it is the County's turn to step up; the Lagoon is loved by all for so many reasons; and he has spoken to the Board members on many occasions and knows that each of them cares about the Lagoon as well and wants to do the right thing. He continued to thank the Board for having the courage to lead the community to do the right thing; he stated being a good leader is often hard; taking the position to raise money will be unpopular with some; but the money must be raised; doing the right thing for the community in the face of adversity is a measure of what kind of leader this Board is; and as a community they have joined together to clean up and protect the Lagoon. He went on volunteers can only do so much, they need the Board's leadership to heal the Lagoon; citizen groups, environmentalists, fishermen, surfers, academic experts, government planners, and even the media have been begging for someone to do something for years, for decades, and now it is the Board's turn to do the right thing; and it knows there is no hidden money in the budget, all of the speakers came to this Board with a goal of doing the best with the least, getting the most bang for the buck. He noted that the Plan has fiscal responsibility, transparency, and accountability built into it; this Plan has monitoring, citizen oversight and flexibility built into it; he asked so how does the County get here; most denied that there was a problem at all, and many Dolphins died; as people squabbled over who to blame, the Pelicans died; and then someone tried to find money in the budget and it took too long, the Manatee died. He continued now short-sided people complain about taxes and the government, while the fish are dying; one day soon the deniers, the squabbles, and the complainers will have all moved on, and the river will finally be dead; and so the County must act now to save this precious gem. He went on this is the Space Coast and the community knows what these words mean; failure is not an option; and he stated he hoped for a 5:0 vote because the Board will be sending a signal to the citizens of this County, that it wants to do the right thing, and it wants them to do the right thing as well.

Commissioner Infantini asked if he had \$8 million sitting in his hand and had a choice to give it to a millionaire to locate into the County or to put it toward dredging the Lagoon, what would he choose.

Mr. Stasik replied it is an interesting hypothetical; the truth is, the County should have weighed those decisions decades ago; and now there is a dying Lagoon that is potentially going to be dead and the Board needs to take immediate action. He continued he believes the Board, the

August 9, 2016

leaders of the community, knows what the right thing is; and he is hoping to bait in wealthy people that will take care of the County is not the correct answer.

Commissioner Infantini commented to Mr. Stasik about the Board knowing there is not a hidden pocket of money in the budget and stated there is about \$7 million that can either be spent on upgrades in small areas of the County or attract jobs or use that same \$7 million and use it towards the Lagoon. She stressed there are choices.

Mr. Stasik encouraged her to think bigger than that amount of money; the Board as a group debates this routinely, because he has watched it happen; but he is not talking about \$8 million, it is more like one-half billion to one billion to fix what needs to be done here; and what is being talked about is real money, and real money does not come easy.

Dr. Leesa Souto, representing the Marine Resources Council, stated she heard Commissioner Infantini wanted a shirt, so she brought one for all the Board members.

Commissioner Infantini stated for the record she used to live on the Lagoon for approximately 16 years and it was absolutely marvelous, and she misses it.

Dr. Souto stated this is an historical moment in time where the citizens get participate in the community's voice, hear different perspectives, get different opinions, and be a part of the democratic process; she commended the Board for taking on the leadership role, being in a tough position, needing a huge amount of dollars, and saving the County's biggest asset, the IRL, which is in a really bad state; and she commented to be fiscally responsible the Board should not just let the community's assets collapse, it is not fiscally prudent. She talked about people's biggest asset being their home, for those lucky enough to afford one, and to maintain the value, homeowners put on a new roofs, make sure everything looks good, and when there is not enough money they sometime may have to dig into a savings account or a 401K, but that is what keeps the assets managed properly or it would not be worth anything in the long run; therefore, the fiscally prudent thing to do is invest as much as possible, as early as possible, manage the asset so in the long run the community prospers. She continued the County staff is phenomenal, the Plan they came up with in such a short time is outstanding; and she pointed out she is one of those scientist who looks for things to nit-pick about and could find nothing. She went on that the Council had been with the community for 30 years and in 10s to stick with it on this, help get the word out, help oversee the Plan, it will help however it can, to make this a success; the Lagoon is so valuable to the community, and worth the investment; and she thanked the entire staff.

Mike Coneen, executive director of Anglers for Conservation, a local non-profit organization, and vice president of the IRL Coalition, stated the organization supports the referendum and would love to see our community have the ability to vote; he thinks there is a hidden agenda and hidden life lesson that is going on; what is quality of life going to; and he noted he had learned a good life lesson 14 years ago when he was found dead in a creek, lying face down with no heartbeat. He continued with his story, how he awoke from that and realized what the environment provides all of us with; and what is out there to enjoy. He stated all of this stuff is free; and through the 14 years he has adapted, he loves that hill, pointing to the center aisle of the room, because he can roll down it; kids sit on his lap and he rolls them around; and he has adapted to curves, he has adapted to life. He went on if we continue to destroy the Lagoon, the community is unfortunately going to adapt to something that is going to become a giant health hazard; and one day we are all going to wake up and say wow. He stated he could go along with everyone else about the lovely childhood he had playing in the Lagoon; he wonders how long the kids who are taught daily, monthly, and yearly, at the Anglers of Conservation will have to fish; and asks himself where is fishing going because as a community we are very slowly adapting to a lesser quality of life because not only is the Lagoon dying, the environment is

August 9, 2016

dying. He noted this is a much bigger picture than the Lagoon; when he went to North Carolina to see his father and was scheduled to float down the Tallahatchie River, but was told it had to be canceled because there was toxic algae festering inside the beautiful mountain river; and so it is not just Brevard County, or Florida, it is worldwide. He stated there is not a body of water in the State that is not impaired by humans; the organization would love nothing more than to see this go to the ballot and really generate some funds; this is a risk vs. reward, it is a risk leaving the house every single day in hopes that there is a reward; and at this time there is no choice, the County must take the risk. He commented to enhance the value of life, will enhance the quality of life and that is what the Lagoon needs, it is not just the river, it is the environment; and he stated the Board needs to act as the leaders and lead by example.

Keith Winston provided a story he felt had relevance, meaning, and may add a little additional light on the subject. He talked about his son George who had spent five weeks in Guatemala, where he worked hard, his Spanish got better, and he received a real life experience working with folks from all over the world. He continued the college professor who ran the program had come to dinner at his house a few weeks later and she had told him a story, that George had told her, that he never realized had made such an impression on his son; she had asked George why we was doing this; and George told her the story about his dad. He went on with the story, how he was in a train station with his dad and a young man had come up to him and said he needed \$8.00 to get home, it was really important that he get there and he had no other way to get there; so he had given him the money, and George asked his dad why he did that, why he gives money away all the time; and so he told his son what if he really had a chance to make a difference and he passed on it, what would that say about them, this was a young man with a very specific Plan and he had a chance to make it happen; and that made a huge impression on George. He continued that three years later that young man had sent him \$10.00 in the mail, because he had given him his card, as the stipulation was for this young man to pay him back; but the real impact was on George. He stated that the creation of the Brevard Zoo is near and dear to him; 22 years ago, 16,000 people built this zoo and they still own it; and for that reason he would choose for the community to pay for the Lagoon, that way the community will own it, manage it, and respect it. He commented if the State came through with another \$300 thousand he would be the first to say take it, but he actually thinks the community has to pay its due; model for the children what the responsible action is, because we really are, the residents about the Lagoon really are, it is a big bathtub, we are the ones polluting it, we are the ones enjoying it, and we should pay for it; he stated he lives in a homeowners association, never lived in a deed restricted community before, so it was a bit of a shock to him at first with all the rules and regulations, it's not really his thing; but, he pays about \$400 a year which gets him access to a nice pool and a clubhouse, but mostly it keeps everything nice and the property values up. He continued he pays it, he pays it himself because it is his homeowners association dues and he owes it; the State does not owe it; the Federal government does not owe it, would be nice if they helped, but if the community does not model responsibility for what happens in its own back yard, for the children, what does that say about the community; and he thinks that if the community owns it, it will be better taken care of, like the zoo. He continued he does not know of other communities that love the zoo, like this zoo because this community built it with its own hands; this is a fantastic opportunity, not only to start to fix the problem for economic reasons, but for moral standing and how we look our children in the eye and talk about all the terrible things in the world today; but we can actually reverse it and show a community that stands up; he really hopes the Board will put this out for the people, and hopes the people will speak; and he thanked the staff for bringing the issue to this point.

Frank Sakuma, Indian River Lagoon Council, handed out to the Board a position statement that the IRL Council developed during their last meeting and he wanted to highlight a few things he feels relates directly to the Plan and efforts towards restoration; and he stated the time for leadership and comprehensive restoration of the IRL is now. He stated clearly that has been demonstrated by not fear mongering or running after the Federal government after the massive

August 9, 2016

algae bloom and fish kill; the Board has taken the time to sit back, evaluate, and take firm action; and he offered kudos to the Natural Resources Director, her team, and those who participated in putting the Plan together. He continued the Plan is bold, actionable, and adaptive, three qualities that every Plan should have, because of the way the IRL Council put together the Bylaws and Interlocal Agreement; in the words of its position statement, increased, accelerated, and recurring funding is urgently needed from local, State, and Federal levels to implement much needed transformational restoration projects; remediation actions that have a high estimated turn on investment value from a healthy IRL; and he believes however it gets there, the Board has its support. He expressed the IRL Council looks forward to working with it.

Commissioner Smith thanked Mr. Sakuma for his comments and clarified what he was referring to was the Policy Statement that the IRL Council produced at the last meeting, spending four hours arguing over everything, and selling the whole idea that the County needs help from Tallahassee to Washington D.C. they need to see dead fish not pretty pictures, because if they want them to feel like the County needs help, then show them the County needs help with the dead fish.

Trish Nichols stated the Commission and the group of people who did this work is unbelievable; in her opinion there is no way the Board would not vote yes, after all the effort has been put in; this morning Commissioner Infantini stated she did not want to pay \$2 million for a library and she agreed; everybody else thinks \$2 million, no big deal it is not their money, just throw it away to a library that is really not needed; however, that \$2 million could go towards this Plan. She continued the Board needs to think a little about what it is doing.

Commissioner Fisher explained those funds cannot be used for the Lagoon, it is a Special District Taxing and it has to go to Library Services.

Ms. Nichols replied she is not up on that. She stated all she is trying to point out is there is money as Commissioner Infantini stated earlier; she has seen people sit up there and make decisions that are not in the best interest of the public; and the Board should really think hard when they put money into something. She continued this is an important issue, it is a life or death issue for the Lagoon and this town; she asked for the Board not to let these people down; and to please vote yes.

Jim Nichols informed the Board that he and Ms. Nichols worked on the petition drive back in 2014 to get Amendment One on the ballot; it passed by over 75 percent in the State of Florida, which was supposed to hold the entire State, land, resources, and water; and he asked can they not help Brevard County with some of that excess money that was set aside for just what is being discussed.

Chairman Barfield replied, they have not, but it opens up an opportunity where the County could receive matching funds with Amendment One dollars.

Mr. Nichols asked if the County has to have a Plan before receiving those dollars. Chairman Barfield commented normally a plan is needed, it helps to explain it.

Commissioner Infantini stated she would like to see it in writing that there needs to be a Plan; she has heard that the State would like a Plan, but has never seen it in writing from anyone in the Legislature or in the Florida Statutes where it states the County must have a Plan, and must raise its own money before donating money; and the other people who have spoken and had clean up done did not have a Plan, but received money from the State.

Mr. Whitten commented the Governor sent State staff down, in particularly Drew Bartlett, Deputy Secretary for the Department of Environmental Protection, and Ann Shortelle of St.

August 9, 2016

John's Water Management District; Ms. Barker, Commissioner Smith, and himself were in the meeting where it was stated that in no uncertain terms the locals have to have a Plan, and skin in the game before the State is going to fund Lagoon restoration; and they were very clear, they were in favor of the County's four R's, and that a Plan was needed, because the State does not fund issues, it funds Plans that address issues. He stated they were very explicit; there must be a 40 to 50 percent match in most instances to draw down State dollars.

Commissioner Smith stated to Commissioner Infantini that she can pick up the phone, call the Governor's office, and ask for Julia Espy or someone in FDEP like Drew Barlett and they would inform her, they are looking for a Plan; or she could call Senator Marco Rubio's office, Senator Nelson's office, or Representative Posey, all three of those offices will tell her the same thing, if the Board passes this Plan both the State and Federal level, the County will be eligible for 50/50 matches from them.

Mr. Nichols commented he strongly supports the Plan; it has to be passed; and however the Board funds it they will figure it out. He informed the Board he is a real estate broker; and he stated the values are going to drop if the river dies.

Tony Sasso commented having been on the environment Natural Resources Council, even on the Legislative side, when there are funds and Plans from communities; when talking about the Florida Keys and the sewage hookups, that was all done because they had a Plan in place and had some money in the game as well; and that works at the Federal and at the State level, it is not a guarantee all the time, there may be a guarantee that the County Attorney was able to get because he is very convincing, but generally speaking, if the County is not playing, they are not going to play. He continued he hopes in spite of the direction, it seems there is a 5:0 vote, because it does make a difference; the stronger the County is in doing that, coming up with a long term Plan, and the support from the community, elected officials shows that the League of Cities, other municipalities, the County Commission, and community voting on it; and he commented the Board has it easy, it is just putting it out to a vote for the citizens to make that decision. He went on the Board cannot go wrong in doing that; he is not a betting person but would bet anybody that this will pass; and he stated that he is there on behalf of Keep Brevard Beautiful (KBB). He went on to say the County Manager and Natural Resources Director are awesome as well as the Plan; he is an engineer and to him this was one of the most impressive Plans that he has seen; it was so well put together, it is phenomenal; and he encouraged it be passed. He stated he does not want to get into the money part; this is a lifetime Plan that the children and their children are going to be living with and continuing to make sure to keep this Lagoon clean; and changing that culture. He commented the KBB is not an environmental group nor an advocacy group, but it has sustainability built into its mission statement; it has been promoting its statement through the River-Fest Program and the Sustainability Awards Program; and he had approached the KBB leadership about attending today's meeting and speaking to the Board, and the leadership said absolutely, because it is so important. He stated he wanted to discuss sustainability, environmental, economic, and social, which he has not heard a lot about; the environmental part is pretty impressive with all the doctors listed who were part of creating the Plan; the economic side of the Plan has businessmen throughout the County supporting it, it has even been talked about at the KBB, no one is going to buy a house in a dirty community, which includes the waterways, and no one will want to start a business in a place that has a septic tank for a Lagoon, so those are important things; and the social aspect, the first time he had ever spoke before the Commission was about 15 years ago discussing the Thousand Islands, and together with the State, the KBB, Cocoa Beach, and the County all worked together to purchase the Thousand Islands to preserve them. He continued there was a special deal with the City where he was allowed to take the Boy Scouts, and his two Eagle Scouts to camp at the islands, canoe through the Lagoon, and take their swim test there; since then, he has talked to the Commissioners over the years about what was going on in the Lagoon; and now it is at the point where he would not put a child in that water, something is

August 9, 2016

really wrong with it. He pointed out the time for talking about the Lagoon is over; the time for action is now; and he asked the Board to please pass this 5:0 to make a difference, and the citizens will get it there.

Spence Guerin reminded the Board, Al Vasquez stated there was \$302 million for the bare bones effort and the quicker this work proceeds the greater the reward; a sustainable funding source is needed; and he would like to suggest there be a combination of property tax and a sales tax, because time is of the essence. He continued that the County has to make a big dent in a hurry, otherwise the County is going to lose; a few ago when doing the fertilizer ordinances, that some of Board balked at, which was a piece of cake compared to this, one of the advisors from the St. John's River Water Management District (SJRWMD) stated the Lagoon was in danger of flipping to an algae pond and once that happens the game is over and it could not be reversed; and there would be no more trying to restore game fish, etc. It would be game over. He went on that no one who has lived here for a long period of time could object to putting something in the pot; to make the visitors pay something and the community pay something too; and he reiterated the Lagoon needs a big impact in a big hurry. He stated the Board may want to ask Wayne Mills, past chairperson for the Board of the Chesapeake Bay Foundation, some questions; Mr. Mills is in the audience but did not sign up to speak because he is not a resident of Brevard County; and to find out what they did in Chesapeake Bay.

Commissioner Smith pointed out he really appreciates Mr. Guerin's enthusiasm, but cautioned him, if the Board created a big windfall of money it would not make a difference, because programmed progress is needed and there is no way to get to Step C without Step A and B; all that has to be Planned, permits pulled, and it all requires time; and just for the record, he supports what Mr. Guerin stated, however, it would not help. He went on through a lot of help from the State and Federal Representatives there will be some streamlining going on in the permitting process, which will help tremendously.

Mr. Guerin replied well to date nothing has been done, and it is time something is done; even *Florida TODAY*, although he is no fan, recognizes that the representatives rate an F on their efforts and it was not real complimentary to what the Board has done; this County has failed to take the action for a long time; and this needs to be put in high gear as fast as possible.

Diane Stees stated she grew up swimming in the polluted waters of Pinellas County in the 1970s; moved to Brevard County in 1985; and now that Pinellas County has cleaned up their water, she is living on what is close to being a cesspool. She continued she has concerns over the legacy being left to the children and future generations to come; she supports the science based project Plan; and commended the County staff and experts who have put so much time and effort into it. She went on she supports the Plan as long as it is for ten years minimum, whether it is option one or option four; she suggested the Board go for the grants; and to not count on the State for a bail out, though perhaps the County could receive some additional funds. She feels everyone has a personal responsibility to do what they can to minimize the impact on the Lagoon; therefore, the public education part of the project Plan is very important. She offered ideas such as: engaging every city along with the County in promoting Lagoon friendly landscaping practices that minimizes the use of fertilizer, pesticides, and water while reducing run off into the Lagoon; citizen volunteers and community organizations can jump start a grass roots effort; to include the students who need Community Service hours in the schools with Lagoon Projects like river shore line clean-ups and oyster mats in a larger capacity than has been done before; the cities and counties can get the word out on the Annual Native Landscaping Home Tour, that is held by the Florida Native Plant Society, usually done in October; and she advised more of these are needed to show people how to do Lagoon friendly landscaping. She continued that lawn care companies are missing a lucrative business opportunity if they do not learn to adapt to what will be the new normal in coming years when lawn watering becomes a scarce commodity, and a luxury; what is done now in residential and

August 9, 2016

commercial landscaping is un-sustainable; and hopefully the educational element Plan will include them. She stated she had heard earlier about Harmful Algae Blooms (HAB), the local Sea life has suffered for years from poor water quality in the Lagoon; some have their own accounts of getting infections, herself included; and she asked if the human health threat escalates from the County not taking effective action to clean up this mess, is it open to lawsuits. She commented she would assume the Citizen's Oversight Committee would be coordinated with the Indian River Lagoon Coalition; a yearly state of the project Plan, a report and/or presentation that provides the public with status on the various elements of the Plan, effectiveness of the measures taken to date, and areas for improvement would be provided to the public in a formal setting; and asked the Board to please decide how to fund the Lagoon Project in 10 years and get it on the November ballot. She stated no more excuses and no more delays, to act now; and she brought to the Board's attention that she has some dead fish pictures.

John Durkee stated there is finally a Plan, although not perfect, but a good Plan; there is debate on the best way to fund the Plan; there should be no debate on the immediate need for action to begin restoration and processes; and he asked the Board to put it on the ballot to let the voters of the County decide. He continued 50 years ago, the eyes of this nation and the brains of Brevard County were laser focused on safely manning landing a man on the moon and bringing him back safely; people came here in droves; they needed houses, roads, schools, and stores; while their eyes were focused on space, however there were some who developed, with their eyes on greed; few paid any attention to the national treasure right here on earth, in the County's backyard, the Lagoon; and now most in the County understand the cumulative damage. He went on the Plan focuses on the reduction of nitrogen and phosphorus flowing into the Lagoon and on removing the legacy pollution; as he read the Plan initially, he was very skeptical; yet over and over the Plan prioritizes specific projects based on the economic costs and return on investment (ROI); and in this case ROI is returned by the reduction of nitrogen and phosphorus. He stated the Plan correctly recognized there is not an endless supply of money in the County; the section on septic tanks is a really good example of prioritization; it identifies specific projects, costs, and timetables to accomplish; and it targets pollution reductions by project. He stated he personally supports a property tax; as a homeowner the ROI is compelling, if a home has a taxable value of \$200 thousand, the taxes will increase about \$200 a year for 10 years, which is \$2,000 over 10 years; if nothing is done in five years, the value of the home will go down \$50 thousand; therefore, he commented he would spend a \$1,000 to protect \$50 thousand in his home's value. He continued others prefer a half cent sales tax for 10 years because tourists are going to pay part of it; he thinks it is regressive but it does not matter what the funding mechanism is, that is not important; and he stated what is important, is implementing the Plan to restore the IRL. He stated the Board may or may not support the proposal; it knows a lot more about the individual things than and how money is spent than others do; and he respectfully asked the Board to put it on the ballot to let the voters decide. He commented he does not need the Board to decide for him; he does not need the Board to tell him he is not smart enough to read the Plan and understand what it is going to cost out of his pocket; and there are folks in the County who are smart enough to launch a rocket to go to Mars, and he knows they are certainly smart enough to decide if they want to pay to restore the Lagoon.

Lynnette Hendricks, President of Space Coast Association of Realtors, stated she is representing about 3,800 realtors in Brevard County; she feels cleaning the Lagoon is a top priority for the realtors in the County; it is already affecting the desirability of some water front properties in the area; and fewer and fewer people are wanting to live on the waterways, the canals, because of the algae blooms and the fish kills. She commented during her travels in other areas of the Country and seeing the algae blooms and fish kills on the news, people are asking what is going on in Brevard County, Florida; it is really frustrating as a realtor when trying to attract people to come to the area to live; and it is a top priority for realtors. She stated

August 9, 2016

realtors are never in favor of raising taxes; however, they are in favor of getting the Lagoon cleaned up and moving forward; therefore, they are in favor of whatever avenues the Board comes up with to raise funds; and they will definitely support the Board's decision of whatever they put on the ballot. She continued the realtors would not publicly oppose anything for the fundraising; and they want to see the effort to move forward, and move forward quickly. She mentioned she agrees with Commissioner Infantini in respect to the mismanagement and misappropriation of funds in the past; it is very frustrating for tax payers when they feel like they are being constantly taxed, and asked for money for different projects when two, three, or 10 years down the road the funds have not been used appropriately, or managed properly; and she would like to see better management of those funds. She went on the big concern for realtors would be the septic tanks that have a direct correlation with housing; she knows that getting the septic tanks converted over to public sewer is a tedious and costly job, but there has got to be something the County can do to make it more enticing, tax breaks or something, to give people down the road, to convert over to sewer; and she has a friend who is building a new house on Banana River Drive, on the waterway, and in some respects he has been forced to put in a septic system instead of tying into the sewer which is right in front of his house. She stated it is insane the hoops her friend has had to jump through and ultimately he had to put in a Septic system; not only are the old systems failing; but, this is going to be an ongoing problem for the children years down the road, dealing with the same issues that are being talked about now, because they are making it so difficult for people to tie into City sewer instead of adding more Septic systems; and she questioned why the County cannot make it accessible and affordable to tie into the City sewer systems.

Commissioner Fisher stated he has heard a couple times that Commissioners wasted money and asked Ms. Hendricks for an example.

Ms. Hendricks replied she cannot provide an example; she just knows from attending several Commissioner meetings over the years, schools for example, there was a big deal about tax monies and schools; the County wanted to raise taxes to help the infrastructure for the schools; there seems to be a lot of discussion every time there is an issue where taxes are to be raised and questions of what happened to the money already collected for certain projects; and there has been a lot of mismanagement.

Commissioner Fisher pointed out compared to other counties, Brevard County is one of the most efficient county's around. He commented when people say this Board wastes money, one recent example was the Blue Origin deal, where Commissioner Infantini made reference that \$8 million was passed out, he as a business owner, and property owner of several properties which he pays taxes on, stated one of the reasons why the Blue Origin deal made sense to him was that Blue Origin was going to invest \$220 million in the community and employ a minimum of 330 people at \$89 million a year in salaries, so to take that \$89 thousand a year in salaries, it is approximately \$30 million in new revenue coming to this County for jobs, and then \$220 million of its own money into a facility that is already twice the size of what they said it would be in the agreement and he feels the realtors will get a shot at selling those people homes, and then the County will have 330 people buying homes and paying taxes that will help generate and increase the tax base; from an investment standpoint he will make an \$8 million investment for over \$300 million to be pumped into the community, so to him that is not really a waste of money in his mind, maybe it is in others minds, however that is a philosophy that some believe and some do not believe. He went on that is okay, but, people make that comment all the time; and he thinks it is really sad.

Ms. Hendricks responded she understands this County, in comparison to other counties, in respect to finances and budget, is actually very good; but she is paying taxes in this County, so the concern is the taxes in this County; she is actually on the executive committee for the EDC so she understands the money invested for Blue Origin and is not opposed to that; and she

August 9, 2016

does agree that the realtors probably will have many opportunities to sell those employees coming in with Blue Origin and other companies, properties, however will they want to buy properties on the IRL

Commissioner Fisher stated he hears her.

Commissioner Smith stated he is very interested in the background of the story she told on how someone she knows could not tap into the sewer system and asked her to contact his office with the information, because he would like to look into that.

Anita Unrath stated she too brought Wayne Mills' newspaper article; it is amazing that he highly supports this project and stated he said, "The IRL is a gift from Mother Nature and our Creator and should be respected and restored for the benefit of all; "the Chesapeake Bay clean water blue print first implemented in 2010 and now bay grasses are returning in abundance this year along with Oysters and water clarity;" and "it is only 40 percent implemented." She commented she would say yes to Option #1; that she would be happy to pay more on her house as Mr. Durkee had previously explained; she would also say yes to Option #4 for a sales tax; and if both could be done, there would be \$66 million in the first year, which would be a big wow to start off the program, maybe it could be sped up a little, and maybe the Federal and State government would then come through with some further grants. She continued the County cannot count on the State Government, because as someone else had stated earlier, where are they, not here; and the Federal government has not even come up with a Zika Plan to get rid of the mosquitoes; therefore those higher levels of government cannot be counted on to come up with the money. She stated she would say yes to the impact fees for money for the roads starting in January 2017; Commissioner Barfield had a great idea months ago for a six-cent gas tax to help; she used to pay \$50 to fill up her car and now it cost about \$25; and at the last two meetings, there were attendees who need public transportation, some of that six cent sales tax could go for public transportation and the roads. She asked the Board to support the Plan anyway it can and reminded the audience that there is no State Income Tax in Florida.

Sara Davis stated she lives in Merritt Island, she votes, she pays taxes; and she supports the Lagoon Project Plan, however the Board decides to fund it. She continued Options one and four sound good to her; and she is happy to pay for it.

Tuck Ferrell stated he believes there is a problem with the Lagoon and appreciates the work the County staff has done. He stated he is impressed with the Natural Resources Director; that she is networking with a lot of other people; he has been to a lot of Lagoon Council Meetings and the County really does have a Plan; the Plan is on paper, but they are talking about it; and trying to bring a political coalition, talking with Congressman Posey trying to get Federal and State money. He believes the County needs the money for matching funds and to put this together; to get anywhere with the State and Federal people, the County needs to start; and it is important to implement one of these Plans. He went on there are so many issues with the Lagoon; filtration marshes are needed; muck removal is needed; there are so many things that need to be done; and it is not going to be free. He stated the river is in a very critical situation; he would really appreciate a unanimous vote to more this forward; and it is important to the whole community.

Lyle Zody stated he is here to read a statement by his good friend Vince Lamb. He read, "The most important factor in restoring the Lagoon is getting our residences informed and engaged. How many Brevard homeowners know that lawn fertilizer is a major source of pollutants in the Lagoon? How many of you volunteer to help Plan a living shore line? A recent Melbourne Beach Planning meeting, there were a 150 people who showed up to volunteer. The IRL is the center piece of Brevard County life. There is a large impact on our quality of life. We can choose to be actively involved by boating, fishing, paddling, or other activities. We can be more passive by watching sunrises and sunsets on the Lagoon, perhaps observing Manatee and Dolphins. The

August 9, 2016

issue for all of us should be how we can help to restore the Lagoon's health. While none of us individually contributed to the large amounts of its demise, collectively we are responsible for the pollutants in the Lagoon. Rather than objecting to a modest tax to fund clean-up, we should make our city proud, by our willingness to help. Commissioner's I urge you to support this Plan and place the funding referendum on the November ballot. Let the people decide. I am confident that we will vote to fund the Lagoon clean up." He commented in the last couple of years he has been to half a dozen presentations on the Lagoon's quality, presented by people like Virginia Barker, Natural Resources Director, Dr. Dwayne Dupree, and Leesa Souto; these people have convinced him that something needs to be done; and as long as those three people are in support of this Plan, so is he, 100 percent. He noted he is counting on the Board to see that this gets funded, and actually gets done. He stated despite being an old man on a fixed income he would be more than happy to pay the extra funds it takes to get the Lagoon clean up.

Lorilee Thompson stated Brevard County was once among Florida's top seafood producers, that is no longer the case; the decline in seafood as the fish kills increased; and she gave some statistics from the Florida Fish and Wildlife Conservation Commission (FWCC) website that shows pounds of product that were off loaded in Brevard County. She read the statistics for 1994 which included, clams -1,463,000 pounds, blue crab - 2,243,000 pounds, spotted sea trout - 39,000 pounds, and brown shrimp - 198,000 pounds; and 20 later in 2014, Clams-4,900 pounds, blue crab - 142,000 pounds, spotted sea trout - 2,900 pounds, brown shrimp - 23,000 pounds; these are all animals that rely on sea grass to survive; and then in 2015, it was worse. She continued she represents the commercial fishing industry, and the first brown tide event came in Mosquito Lagoon in 2013 where Clam farmers were the first casualties; millions of sea clams perished and hundreds of thousands of dollars in investments were lost; and the water quality has not recovered sufficiently for clam and oyster farming to resume, which is really sad when thinking about the importance of shell fish and their ability to filter massive amounts of water. She went on many of the clambers have lost their bottom leases, because if a person has a clam lease and he or she does plant clams for two years, the State can seize a person's lease; she has seen greatly diminished landings of mullet, sheepshead, sea trout, and blue crabs at her sister's fish house; and earlier this year, everything ran from the brown tide, the shrimp barreled out of Mosquito Lagoon way before they should have, and the biggest clam farmer gave up on Mosquito Lagoon and moved his operation to St. Augustine where there is cleaner water. She stated recreational guide fishing is down 50 percent, guides in Mosquito Lagoon are finding a few fish, but the guides working the north end of the Indian River are running their trips down between Melbourne and Sebastian Inlet; and that is another consequence of sick waters, fishermen have to travel or they go out of business. She continued when they move they increase pressure on the areas that they moved too; the watermen have lost their lively-hoods, they can no longer make a living on the water; and if the water does not get fixed, the County is looking at the last generation of IRL commercial fisherman, most of whom are in their 50s and 60s. She commented there is no future here for young people; these guides have spent their lives on the river and that is all they know; they have known the river was sick for decades and have tried to tell people that; they stand ready to help in any way they can; and the County can put them back to work restoring the Lagoon. She mentioned sea grass can be grown in tanks and then transferred out to the Lagoon and Planted; the County can pay them to grow and plant the sea grass since they know where the lush sea grass meadows once flourished; and they can be hired to restore the shorelines, they thrive in the wind, sun, and ran out on the water. She asked the Board to put the guides back to work in the place that they love. She thanked the Board for having the courage to open up this discussion on how to fix the Lagoon. She stated its condition is a growing public health threat, a deepening environmental crisis; a looming economic disaster; and a public relations nightmare. She commented the Board is fortunate to have brilliant scientists and a superb staff to help decide whether to invest in the future or pay dearly later. She continued to ask the Board to do the right thing and pick a strategy that will raise the most money for the Lagoon in the shortest amount of time. She stated she has a report of the database for the fish kills just for Brevard County; it started with one pipe

August 9, 2016

fish in Titusville in 1973 that had tumors, and the fish kills were really low; the last 10 pages of the 64-page report is for 2016, and there have been 339 fish kills through August 4, and she knows there have been more; and she hopes for a 5:0 vote to let the voters decide.

John Saathoff thanked the Board for their leadership on the Lagoon restoration. He stated the Natural Resources Director and her staff did a terrific job under time pressure in putting together a sound comprehensive Plan; it deserves the support of the entire Board; and he supports the Plan as well as the proposal to finance it with a tax increase. He continued his relationship with the Lagoon is personal; it goes back 30 years when he and his family, including two preteen girls, moved to Indialantic in 1984 and settled into a house with a beautiful setting on the Indian River; their first month there was difficult, they slept with the windows open and the noise caused by the splashing mullet kept them awake at night; his daughters had found an abandoned boat drifting on the river and a neighbor gave them a pair of oars; and the girls spent many weekend afternoons exploring the river and watching the wildlife on the shore. He went on in 1984 Brevard County's population was 323,000 and life was good; 30 years later the population has increased by 220,000 people; and it has put enormous stresses on the Lagoon for all of the reasons that have been discussed today. He stated the health of the Lagoon can no longer be taken for granted; like another fragile, natural system it takes care and maintenance; and now they must compensate for years of neglect and abuse. He continued this County has a responsibility, a public trust, to restore and maintain the Lagoon for the benefit of the economy and future generations; Ms. Thompson talked about the public disaster that they are currently confronted with; recently he has been receiving emails from his daughters worried that the Lagoon is slipping away; emails from family are one thing, but when *PBS* and the *New York Times* picks up the story, that is a crisis of a different magnitude in public relations terms; and now even the *National Geographic* is publishing stories about green slime covered beaches becoming the new normal in Florida. He stated the County may not be experienced in the IRL as they see it off the shore, but people reading these publications outside of Florida do not have a way to differentiate; it is happening on the beaches; and therefore it is happening everywhere. He commented he has read the County's Plan in detail and from his perspective, as an operational analyst, the restoration project is realistic in scope and cost effective; and he feels the County must secure the Plan and long term funding to implement it. He urged the Commissioners to approve and support the Plan to restore the IRL.

Captain Alex Gerichkey III stated he stood here several months ago after the fish kill and told the Board this was going to take a dedication of billions of dollars and decades to do the work that needs to be done to turn the Lagoon around; the Plan is a great Plan, he has read it from cover to cover; it is a great start to what needs to be done to help the Lagoon; this is virtually at a complete dissolving of the Lagoon, at this moment in time; and he commented if the Board had not had a chance to go out to the water in the past couple months, to do it, it would shock them. He went on at that same meeting, he heard "Lagoon first"; he has yet to see what "Lagoon first" means from anybody, other than in terms of the Plan; the Plan is a stepping stone, billions of dollars are not being made by this Plan and are not going into what needs to be done; to do that there needs to be a little more commitment from the Board, to tighten budgets, to go as hard as it can at the State and Federal Government to match every bit that it can get out of them and whatever tax it comes up with; he is in favor of the Plan, he is in favor of all of it; and give us as much money as possible because where it's at right now, only takes it to where it's not in violation of the Environmental Protection Agency (EPA); and it does not fix the Lagoon, it just gets us started in fixing the Lagoon. He noted after the last 35 to 40 years, there's been a loss of Oysters, Clams, and after 2010 every bit of sea grass has been lost; the shoreline and mangrove habits have systematically been destroyed for development; he stated it has to stop at some point in time; and there has to be an all stop on this Lagoon in Brevard County and have to take the serious decisions to make this Lagoon turn around. He continued one of the scientist said the Lagoon is becoming an algae based system, but it is already there; the Lagoon has split, it is not the same; algae is what supplies dissolved oxygen in this Lagoon,

August 9, 2016

not the grasses that used to live there; when the algae dies, all the fish die; it been seen repeatedly; and Ms. Thompson provided the Board the paperwork on it. He stated its not getting any better any time soon; basically the Board has the oversee of the complete crash of a national treasure, it is on the Board; the people who sat in the seats that the Board members sit in now decades ago, refused to make the serious decisions that would have put the Lagoon on a different path; however, it is now this Board's choice to put it on that different path in a much more aggressive manner than just this Plan; and this Plan is a stepping stone, not the end all, be all. He stated it is a wonderful Plan, but it does not address everything; there is not word in that Plan, which is one of the biggest issues, about the flow that has been choked in the Lagoon; there was one single slide that showed where all the deposits and muck are; while in the back of the room he picked out all the causeways that he could not see on the slide, because of the muck deposits around it; these mistakes were manmade and now need to determine how to fix them; and not one bit about how to restore the natural flow to the mangrove swamps that are still there. He went on some of the mangrove swamps could even be used as ways to filtrate, could be a giant filter, pumping water in, have oysters and everything in there, so the water that comes out would be a whole lot cleaner; basically it is the flow and it needs to be fixed; the County needs to step up; and \$300 million is not what is needed, it is more like \$2 billion.

Max Taylor stated he built his home on the Lagoon about 50 years ago, he is a commercial fisherman, and has been a commercial, oysterman, and clammer; driven boats from one end of the Lagoon to the other end of the Lagoon, from New Smyrna Beach to Port St. Lucie; and commented he has a relationship with the Lagoon. He continued he completely supports the science of this project, everything sounds good; he agrees with Mr. Gerichkey, it is a start; he disagrees with the funding and implementation; every person who lives in the five counties that about the Lagoon pay taxes right now, the taxing entities are supposed to be protecting and enhancing the Lagoon; and the water management districts have spent the last 40 to 50 years doing nothing, but destroying the Lagoon by pumping trash into them through all the channels. He went on what happened when the State government enacted the five water management districts, is tell them to clean it up, keep it clean, and enhance the waterways; what they ended up with, is just people who dump trash in the Lagoon; the two entities primarily responsible for the IRL at this point are the SJWRMD and the South Florida Water Management District; there are four other semi-private water management districts involved also, but they are the primary problems; and they have combined to increase the water shed of the IRL by over four fold. He stated if the Plan is enacted, it would have the effect of creating the perfect bureaucratic daisy chain; the people of the Lagoon are already being taxed to pollute the Lagoon, and this proposal will tax us again to clean it up, perfect bureaucratic circle. He stated he believes if somebody has an argument against the proposal then perhaps something else should be brought to the table to alleviate that; the Board pretty much needs to work with the other four County Commissions and ask that the Legislative Delegations put a proposal before the Legislature to amend the original Water Management Legislation to make a new water management district, the IRL Water Management District; and take back control, have the ability to fix the Lagoon, and remove it from bureaucrats, developers, agricultural interests in Palatka and Okeechobee.

Leslie Maloney stated she is speaking on behalf of the Turtle Coast Sierra Club who have 1,500 members locally and 2.4 million worldwide; the Club whole-heartedly endorses the Plan; everyone knows the Lagoon is in trouble, so take control locally by passing this tax; a tax will get the ball rolling, and show the State and Federal government that the County owns the problem; and she believes they will then come through with matching funds. She continued that the Natural Resources Director and her team have put together an excellent Plan, so impressive; it is rigorous, practical, and thorough; the oversight Committee, as laid out in the Plan is key for public confidence; and picking this committee before the referendum vote, she believes, is very important in getting it passed. She went on to state the public want to see the names of the committee members, it was true back in the 1990s with the EELS Program; when it was on the news who the members were, it passed with the public; and it will greatly help with

August 9, 2016

public confidence. She stated people want strong oversight, and rightly so; she hadn't heard mention of future developments and septic tanks, if Septic tanks are being cleaned-up, but more development is going up with septic tanks, that is a problem; and she thanked the Board for its leadership, and vision. She continued getting this passed could be one of its most important legacies; there is an incredible resource, Wayne Mills, who can give the Board a lot of information about what he did to turn around the Chesapeake Bay, and she highly recommends the Board seek him out.

Commissioner Smith stated she made an excellent point regarding putting in septic tanks in areas that are in the water shed of the IRL, if there are mandates or restrictions going forward to remove them or improve them; his chief aid brought that up last week and he has since discussed that with Ms. Barker and the County Attorney; and it is being looked into.

Commissioner Infantini stated she has another commitment this evening and asked how many more speakers there are.

*The Board recessed at 3:30 p.m. and reconvened at 3:40 p.m.

Bob Kane stated the staff did a great job with the Plan; he does not feel it is complete; he totally endorses the plan; and would like to see it funded with a sales tax and for the Board to let the people of Brevard County make that choice. He commented there are a few things about the Plan that he did not agree with; he would like to see more berms along the river; maybe a little bit of salt water flushing from the ocean, there is a beautiful ocean full of fresh water out there, and there has not been any mention of that; what really concerns him, being on the river since the 60s, there was an article in the *Orlando Sentinel* and it talked about the Manatee and how many in Brevard County have and how many have been brought back; and that is wonderful, but questioned whether the County should be proud of it. He went on in 2014 the Manatee count for Brevard County was 612; in 2015 there were 1,677 Manatee; that is a 300 percent increase in Manatee, he loves them, but he is not sure the County can afford them; their average weight is 800 to 1,200 pounds; and when that is calculated into how much sea grass and vegetation they eat, which is 50 percent of their weight, they are consuming about 835,000 pounds daily of the sea grasses. He stated maybe that is something to be looked at; the Plan addresses many things, but most of the things are long term with no immediate remedy; and he believes the County should start considering relocating some of the Manatee. He continued if that at the FPL Plant in Port St. John they are all rolling around; he does not think that God meant for there to be that many in Brevard County; and so his Manatee are up for sale.

Mary Sphar noted she lives on a canal off the St. John's River. She stated her area has the same problems that the Lagoon has, but to a lesser degree; there are septic tanks within 100 feet of the river and still have people fertilizing and using too many pesticides; there is muck and algae that is visible from time to time; and seeing the growing problems with the St. John's River makes her more appreciative of the need to help heal the IRL. She continued the County cannot wait around for the State or the Federal government to fix the Lagoon's problem without County money; this excellent Plan is needed along with a funding source that will allow for matched money from the Federal and State sources; and her options would be option 1 or option 4, because that would provide the money within 10 years. She feels that if the money is raised within ten years it would help accelerate the Plan; to accelerate the Plan it will increase the return on the money; and she urged the Board to support the Plan and she will vote for the referendum.

Douglas Sphar commented he was asked to read a letter from the Southeastern Fishing Association, a professional organization whose 250 members handle over 75 percent of Florida's domestic seafood harvest. He read, "Mr. Chairman and Members of Brevard County Commission, Southeastern Fishing Association salutes the Brevard County Commission for

August 9, 2016

designing an aggressive clean water programs preventing further degradation of waters. Clean water determines the quality of life for residences and millions of tourists visiting our state annually. Tourism counts for 60 percent of the revenue that runs Florida. Our hospitality industries are, without question, the economic engine that drives Brevard County and the State of Florida. Brevard County cannot stop the rain, but it can guide the run-off as it moves down the hill. It can control the toxins and chemicals dumped into the water to some degree and can work properly with the adjoining counties whose waste waters flow to the ocean through Brevard County. Our water quality must be greatly improved. Our waters will not improve without adequate funds to build and sustain the infrastructure necessary to clean the IRL. If the Lagoon is to be saved, Brevard County is saved. A tax referendum is the fairest and quickest way to launch the long process of bringing our waters back up to the highest quality possible. All members and businesses of our association support a tax referendum. We hope you approve it. Thank you for your leadership. Sincerely yours, Peter Jarvis, President." He stated on a personal note that his neighborhood along the river is served by sewers; he has a file from when he was president of the homeowners association, letters from the Board's predecessors as Commissioners dating clear back to the 70s stating yes septic systems are needed there and they are coming soon; that was 30 years ago, so it is hard to determine the definition of soon is; and he will gladly abandon his alleged free ride and contribute his fair share.

Valerie Petersen stated when she thinks of the Harbor City without the Lagoon it makes her emotional; she supports the referendum to be added to the ballot in November; and she hopes the Board agrees. She continued that she is a sunbird, someone who comes to Brevard County from Miami every year in summer; she is a teacher of government and tries to teach her students to realize government is at their disposal, and she will tell them about it when she gets back there.

John Mandala commented he knows the Board does not want to kill the goose, because the goose is who pays its salary; what is happening is the Lagoon is not being taken care of; he stated he does not know how long any of the Board have been on the Commission, but it took dead fish; the County is responsible for the fish breathing, they cannot more or go somewhere else; and they have to drink and breathe the water the County makes available for them. He stated there are 50,000 more people moving to the area in the next five years; he asked if there are any restrictions on developments; if the County has a plan on how to deal with all of the run-off and dog feces that people do not pick up; and he had asked someone from the Brevard Zoo what they do with all the waste, and was told, he did not know, that there was going to be a compost. He went on their needs to be a plan not only for cleaning the river, this is much bigger than Brevard County; the whole State has a problem and the County wants to put a Band-Aid on it; that is not really thinking well; and told the Board to be realistic. He stated the Board does not have a choice but to put this referendum on the ballot, otherwise people are going to say they do not need any of them; it does not care about the river; they can assume the Lagoon can be fixed, but they do not know for sure. He noted people were saying earlier that the future cannot be predicted; however, there are other people saying the writing has been on the wall for the past 20 years; and if the community cannot hold the elected officials accountable for clean water, then what are needed for. He went on to ask if that was part of the Board's job; make sure that the people of Brevard County are safe; people go into the river with a cut and end up with diseases and viruses; and although it has not killed anybody yet, but plenty have gotten sick. He continued Federal and State funds, the government is broken and everyone knows it; homeowners' associations are saying and fining people because their homes look distressed, because people are not putting fertilizer on them or watering enough; and asked who to listen too. He asked do they get fined \$10 a day for watering more than allowed; or the lawns look distressed so there's a fine; there is a real problem; not everyone is on the same page; Ms. Barker is trying to put us all on the page; and come up with something that might help the Lagoon. He went on they have heard person after person; there is no question how the Board can vote; it has to go on the ballot, otherwise its legacy is "Listen we don't care"; and he does

August 9, 2016

not believe that is what it wants. He suggested the Board raise the sales tax a whole penny to make sure there is more than enough to get started; he stated there are a lot of tourists coming from Orlando, going to the Space center; and he asked if anybody at the Space Center is being held accountable for the amount of water they use to cool their projects and manufacturing. He questioned how many development companies are involved; how many State Representatives are in attendance; how many Federal Representatives are in attendance; what the Board can do to make sure they start listening to it; and he commented that maybe Brevard County needs some other kind of referendum, to get them onboard with what is happening. He continued the future can be predicted; there are five counties surrounding the IRL; and he asked why the other four counties are not in attendance as a concerted effort to the State. He stressed for the Board to wake up.

John McMahon stated he does support the Plan; his wife has been incubating baby Oysters for the past two years in the river, so they are already part of the Plan; and it is a great Plan. He noted he is a retiree from the United States Army, and he spent his last 10 years in the Army as a senior leader; in that capacity, he saw, managed, and worked very closely on fish mitigation projects in the Pacific Northwest, California; and Eco-system restoration projects all over the 17 western states, the Missouri river basin, the Columbia snake, and the Sacramento and San Joaquin rivers in the Bay area. He continued he managed dredging projects as well, in port and navigation channels; he has had a little bit of experience in some of the aspects of the Plan; and would like to comment on some of the things that he has heard today. He commented the briefing on the Plan was very good, but the first law of ecology is everything is connected to everything else; his experience in looking at the eco-system restoration plans is they need to be comprehensive and water shed based; and given the size of the IRL there needs to be collaboration, working with other counties, Corp of Engineers, the Federal agencies, Fish and Wildlife service, National Marine Fisheries, the Environmental Protection Agency (EPA), the State entities, Florida Department of Environmental Protection, among others, the Congressional staff and members, Senators, State Legislatures, the other four counties that make up the Lagoon, the water Districts, non-governmental organizations such as Nature Conservancy and others, the sugar companies, the farmers, ranchers, private sector, and others. He continued all these entities have a role in this to play; if the Plan is just for Brevard County, the Board will miss the opportunity to have the Plan sustain itself over the long haul, way past the next 10 years; and the \$302 million is an initial down payment, it will only manifest and sustain itself it is thought about from the larger water shed perspective, coordination of the Plan, and seeking Federal and State matching funds. He stated dredging is not an exact science, it is a blunt instrument, and there are consequences to dredging; it needs to be closely quality controlled and assured, otherwise it will not produce the results the County is looking for; it is important this is done surgically to the extent it can be; and a point Dr. Windsor made, is muck moves by hurricanes and what-not, the Plan should be a living document, it will change, and although this is an initial stab at the Plan, but at his experience it will change overtime, and needs to change. He went on as a tax payer, he is supportive of option 1, option 4, or a combination of both; and to not lose sight of the big prize; get this on the ballot to let the voters decide; and not to worry about how to pay for it, because he thinks responsible citizens will respond properly.

Mike Armenia, retired naval officer, stated having worked in the Navy in the marine and oceanography environment he has seen results of many military bases that have to do remediation and reclamation after they close down and it is not always a pretty sight; they did not have to come before the Board to ask permission to begin with, therefore there is no fault to the County; and what he learned was that enforcement is always a good tool, and one of the ways to get things done, where the problem was known whether it be on a military base or what is happening in the IRL, is to enforce existing laws; and all the organizations, which Mr. McMahon spoke of, need to cooperate and that certainly would be a good thing, but that is a tangled web, trying to get them all to talk to each other. He continued his point is enforcement;

August 9, 2016

he is a tax payer and a home owner in District two and living on retirement from industry and the United States Navy Reserves; he built a home in Brevard County in 2009 in part to pursue his aquatic hobbies, especially wind surfing, he loves the sport; the Banana and Indian Rivers are world famous venues for wind surfing; people came from all over the world to wind surf here, Olympic grade people; and this is what drew him to the area. He went on from 2009 to present day, after many days on the water in Titusville and Melbourne he became quite aware and concerned this year in the persistence of the brown tide, algae bloom, and the massive fish kills; he stopped all the recreation in these waters in March, after experiencing a few weeks of skin rashes, high rashes, and then an e-coli infection in his body; the e-coli infection was confirmed by doctors and in laboratory cultures, so he was treated with antibiotics; whereas toxins from algae blooms such as the brown tide are potentially harmful to the environment, the bacteria and the viruses that accompany sewage, for example the e-coli bacteria, that is leaching into these waters is most important and certainly harmful to humans, not just fish, probably less harmful to fish because they make some of that; and he has seen the data from the slides and other scientists, of the hundreds and possibly thousands of potentially defective private septic systems bordering the areas that he has used for recreation and has read on local government websites that shellfish beds in these waters are either closed off for certain times due to sewage, fecal contamination. He continued some of the leases that were spoken of earlier on are no longer used and the lease holders had this plan to take out insurance, and put in insurance claims after they could no longer harvest; a lot of these beds are closed permanently now, the commercial ones, according to the Department of Agriculture; his hope over the long term is with funding, the tax payers can provide overall environmental quality in the waters, such as through the referendum issue; however, he is immediately concerned with sewage contamination from the point sources and the disburse sources; and he has seen that the Department of Health, which is a State department, test ocean side beaches in Brevard County regularly, and post that information on websites and in the newspapers. He stated these beaches are occasionally closed because of the postings, sometimes because of fecal sewage other times because of algae and that gets noticed nationally; and his immediate request is, he is not sure it is to this body or more to the Department of Health, that a certain amount of minimal funding might be used for testing the Indian and Banana River for fecal contamination. He continued he has spoken to fellow water enthusiasts, and many of them are willing to be trained to take and deliver samples to the appropriate laboratories that are used for the beach testing, and so volunteers can get together routine testing can be done, that would result in very small costs because no new field personnel would be needed to do the testing; he plans to continue this conversation with the State Department of Health; and if the Board, the staff, or coalition members have any recommendations on how to do that or how to get that going to please let him know, because he would like to volunteer himself and maybe 20 wind surfers, and 40 kayakers to do it. He noted he did this in Rhode Island and it worked; the beaches were closed as soon as the testing was done; which means the rivers here would have signs up stating no swimming; funds all of the sudden became available, magically; and referendum issues were instigated. He went on that he believes something like this may have also happened in Chesapeake Bay; enforcement is his message; and enforcement of existing law is what got them moving.

Ed Martinez, Cocoa Beach City Commissioner, noted to Commissioner Smith that he has plenty of pictures and video to provide the IRL Council from his little pontoon trip, this week; he stated that Virginia Barker did an excellent job with this Plan; and that he was so impressed with the detail, and he too as an engineer, to see something like this put together was very impressive. He stated it addressed reducing, removing, the restoration, and responding; the City of Cocoa Beach passed a Resolution in support of adding the referendum to the ballot; and he voted in favor of that. He explained to the Board what voting in favor of means to him personally; it means he expects the Plan will be executed in a timely manner; that he hopes to see an aggressive approach, five years versus 10 years; it means this Plan will be implemented with no waste because they will be watching the allocation of the funds; and it means he expects to see

August 9, 2016

those grants that are outlined in the Plan, they are very important. He continued most importantly he expects the Governor to step up to the plate and provide cost sharing for this project; in Cocoa Beach they have had some tough decisions to make regarding property taxes because of the decaying infrastructure, city hall and Police station; for that reason he supports option 4; he thinks option 1, 2, and 3 are a burden to the City that it cannot endure; and he thinks they should put the burden on some of the visitors as well. He went on to say he supports the Plan; the environment is in peril; bold action needs to be taken; the decade's worth of damage to the Lagoon needs to be repaired; and he asked the Board to place this on the ballot and consider his suggestions. He commented with this ballot the people of Brevard County are making a statement; they are willing to do what it takes to restore the Lagoon and he hopes the Governor will answer the call because many people have been waiting, but he is not going to hold his breathe; he hopes the entire Board has listened to what everyone has had to say; there is no reason this should not be a 5:0 vote; and his reasoning for that is what the Board is doing is letting the people decide, that is what a republic does.

Ed Fielding of Martin County, Chairman of the IRL Council National Estuary Program, stated the Board's Chairman was one of the initial members of the starter project, which was a collaborative of the five counties; Commissioner Smith is a board member of the Council where there are representatives of all the counties, the two water management districts, the EP, and the EPA; they are making efforts to be pulled together to make these decisions; and he thinks it is wonderful that the Board is in the process of pulling together and realizing the addressing of these significant Lagoon issues. He continued Martin County joins the Board in this dedication; a problem which has been mentioned a few times is they have all been waiting for the same thing, somebody to come with the money; they have all been waiting for decades, and they had not come; now they have got to do it; and in doing that they have gotten some support, some matching monies, for the various projects; and he encouraged the Board to step forward and do it as well. He went on to say Martin County has begun a septic sewer conversion program; they have prioritized their neighborhoods; they have a contract ready to go for the first, that is going to be about 1000 units the first hit; the way Martin County has done their financing, he is not telling the Board how to do their financing, is to call upon an enterprise, their utilities, they were resisting, but they were called upon to make some contribution, the County is making a contribution, individual property owners, anyone who has an ERC, so they have come up with about \$9,000 per household that they have to finance; and they have a 20-year financing, which is less than one percent. He stated it also has in place ability, if a person or household has the inability, then there is funding for those people who meet the HUD guidelines for low income; if the monthly cannot be paid, there is funding to help with that; and that is what the Martin County program consists of. He continued the County is going to take a bite of about 900-1,200 units per year and the program extends over about 25 years; there is also a long-term stormwater program being financed a couple different ways, sales tax created about \$50 million in the past four or five years, and beyond that, it is being financed with Ad Valorem and they are trying to meet their TMDL's that way; Brevard County has recognized the significance of muck; he thought it was just aesthetics until he heard Dr. John Trefry say it was another problem; muck is a major contributor to Nitrogen release, so that is an important ingredient; something he has is an IRL economic valuation update that the Council has received from the East Central Florida Regional Plan in Treasure Coast Regional Planning and sponsored by Florida Department of Economic Opportunity who funded it; and what they say is, "How valuable is the Lagoon?" He stated overall annual economic output or value received from the IRL in 2014 is about \$7.6 billion dollars on an annual basis which does not include approximately a \$334 million annualized real estate value added for the properties that are on the Lagoon. He noted what Martin County has done is expanded up into Volusia County so that they are all the way up Ponce De Leon Inlet because that adds more money to the value of the Lagoon and it is \$9.9 or \$10 billion annual economic input from the Lagoon; he is very partial and this is extremely important for it survival; and Martin County will join Brevard County in its strong efforts.

August 9, 2016

Nicholas Frank Sanzone stated he has lived here all his life, a true native; he went to Satellite High, then on to the University of Florida; he studied soil and water science and the reasons he has done all those things was because of the Lagoon; when he was a kid, about seven years old, he went on a field trip to the Lagoon and he got to put his feet in the water and actually got to see what all the fuss was about; and Virginia and her team have done a great job and all those who have stuck around did a great job showing the Board how important this is. He went on this is a great start; thanked the Board for their time, for listening to everyone; for it will do later on, because in his heart and in the Board's eyes he can see that it knows already what it is going to do; and the true decision is going to come later by the residents as they will show it, that it has made a good decision trusting them and they have trusted in it as elected officials; and the Board will remain that way by its actions and showing the residents that it does care.

Chris Exley stated he too remembers the good ole days; he grew up in the north end of Miami Beach; one of the things about the good ole days is the stories; and he remembers one story from the early 80s, the early start of the space program that may have been adapted from an actual event, or may have never even happened; trying to transport a rocket or section of a rocket to the space coast to be assembled, it was on a truck bed and they could not get the truck under an overpass and all the experts were out there and finally some little boy on a bicycle came by and told him to just let some of the air out of the tires. He noted sometimes the simple answers are the best. He continued by saying on environmental concerns are very important, the most radical environmentalists would rather go back, not the way it was 40 or 50 years ago, but to 525 years ago; but a person cannot replicate that Lagoon; a lot of people also talk about immediate needs; and he had a theory for quite a while and it was mentioned earlier. He went on to come up with a perfect lab to grow algae and some of the other problems with the Lagoon, a scientist could be hired to try and replicate water in this area with all the nutrients; to go into a lab warm the water up to proper temperature, give it enough sunlight, and grow all those same problems in the lab; and another thing, go to Port St. John where the power plant is, row out in a boat and dip the water out to get the results. He stated it seems to him that 20 years ago both of those power plants were replaced and when they did that, they deliberately created a hot water reservoir and discharge to replace the hot water discharge from those old oil fired, steam powered electric plants, which to his understanding those plants are now natural gas fired and do not run off idled steam processes, they are running through turbines and the current hot water discharge is deliberate for the protection of the Manatee; and on Google Earth, if zoomed in enough, the Manatee are visible from outer-space in that area. He commented a simple inquiry into the Internet says the average Manatee eats 50 kilograms of vegetation a day which equals 110 pounds, works out to 20 tons per year for 1,000 Manatee; some people consider that to be population in Brevard County at certain times; that is 80,000 tons of consumption of mangroves, sea grasses and everything else that they are trying to protect because of what is needed to cleanse the water; the Manatee are not natural residences of this area in the winter time; and back 525 years ago and native population, there would be no Manatee in January in this County, they move south. He went on it is a natural phenomenon, it is a way for the river to heal; it is pretty easy, turn off the hot water; some people might say that an environmental study needs done before turning off the water because it might affect the Manatee adversely; his thoughts are that is fine, show him the study that was written to introduce the hot water to the river; and he would say, it will not be found. He commented the simple solution with the rocket ships, here is the simple solution, one finger, throw the switch, and to see what the results will provide.

Herb Hiller stated he consulted on eco-tourism and has been involved in Brevard County going back about six or seven years now; he has previously written three books about Florida that always involved Brevard County; what he is hearing involves a context that has not yet been defined, which is the situation in the IRL is the result of policies which the County has had relatively little control; certainly in terms of the outflow of fresh water from lake Okeechobee, the County has had no control of that nor have any of the Indian River counties along the entire 156

August 9, 2016

miles; they are the result of draining the land for development for farming, ranching, all good purposes, but done without regard to the environmental impacts, no surprise, these matters were not thought about until fairly recent decades; and the results are beyond the County's control. He continued in the case of Brevard County, the problem is different, but also the same because it was prey to development of such a rampaging sword during the race for space; that people too paid no attention to the environmental impacts of what was going on in order to achieve that stage of economic development and find housing for all the people that had to relocate here in order to work at NASA; the County is strangely coming to grips with the past over which it was not personally invested, but now have to be; he looked fairly recently and saw that within the IRL's five counties there are about 35 Environmental Education and Interpreter Centers; and there is nothing like that elsewhere in the State of Florida. He went on that is the result of people concerned over the years about maintaining the IRL and keeping the system healthy; there are some pretty major institutions like the Marine Discover Center in Ponce Inlet, Barrier Island Center, the Brevard Zoo, the Florida Oceanography Society in Martin County, and the Eco Center in St. Lucie County; every county has a major, and many, many more in addition; and it seems to him that if this referendum is put to the voters and if it passes then the five counties of the Lagoon are in a position to be able to focus on what has been done very well, which is create this extraordinary destination of environmentally interpretive unit system, infrastructure, and a highway or trail of environmental Centers that does not exist anywhere else. He stated to establish that, is what defines them in a situation where they are doing everything they can to remediate the environmental problems of the Lagoon, then that becomes a way to represent themselves, that has not been done before; if this Board were to vote 5:0 in favor of the referendum on the ballot, it would empower the sense of unification within Brevard County that has been missing ever since the race for space; it is a huge opportunity to redefine who the Board members are; and he hopes it passes 5:0 so the Board can capture that opportunity.

Richard Kurt Mariani, representing the South Patrick residents association, thanked the Board for its efforts and coordination with the stake holders. He stated there was one stake holder that was not mentioned, and he encouraged the Board to look them up, the United States Air Force; there is a waste treatment facility on Patrick Air Force Base and he believes it is imperative to coordinate its efforts with them; and the first point sources, part of the pie chart, had been reduced one or two percent. He continued of those point sources some of them are sewage treatment plants and as some may know recently in South Patrick there was an incident where there was too much coming in, maybe due to rainfall, and raw sewage was dumped into one of the ponds; of course a lot of residences were concerned; inquiries were sent out to find that it was part of the plan; the pond was there for that purpose; and he should not be concerned about it just because it was in the middle of a residential area and close to a school. He went on further inquiries were done and found that output to the Lagoon was expected as well as covered by EPA regulations, and he should not concern himself with that either; however, every second day that he walks past that waste sewage treatment plant and, being right next to the Lagoon, he sees brown on the water, a certain aroma in the air, and it is not chocolate; and last night when the plan was talked about, there was a lot of support for it. He stated there was some discussion, no agreement on the financing, and wished the Board luck with that; they all think it is important and the Board is on the right track; however there was very little support to take whatever goes down the toilets and ends up in the septic tanks, and to spend lots of money just to route it around two sewage treatment facilities where it spun around a little bit, filtered a little, treated a little, and dumped back into the rivers, back to the Lagoon, which is not a river, and as pointed out by the recent FIT professor, that there is some strange bacteria in the Lagoon that has an origin from the human body, he did not go into how it got there, but he has a pretty good idea. He urged the Board to address this; stated there was not a systemic fix, there is still a sewage waste; human waste is partially treated and the byproduct is pumped into the ground, it is treated in some ways that he approved of, but another part is put into the water system, and he cannot support that; and if the Board does not address that then there will be a

August 9, 2016

weakening of support for the County's Plan. He asked the Board to please fix this. He commented he was overseas for many years and would go with his wife and the school children to the local sewage treatment plant that managed to put out product that the farmers could put in the fields, managed to put the water back into the river system at the right temperature, and it looked clear; it did not look like cocoa; that was a village of 16,000 people; and he asked why can that not be done here with almost a million people. He continued education versus verification; the County has \$600,000 for education and that the education was effective and had immediate results; less phosphates and less nitrates going in, people are listening and they are acting, they have results; and to allocate \$600,000 is wonderful; but to allocate \$10 million to verification for a guide or scientist, and a couple technicians to walk around, may be the amounts can be flipped around and put that amount into education, television spots, and radio to see if it has an effect, it has been proven that it works; and he asked how many people smoke. He went on years ago when he was five he could not walk through the train station without getting burnt because everyone had a cigarette in their hand; that stopped because of positive propaganda; information went out on why it was bad for our health; and that is where he encourages the Board. He continued for the Board to be cautious how they spend the taxpayer's money, the taxpayers are with it on this, and to maybe add it to the water usage bills.

Commissioner Fisher stated this has been interesting, he saw a lot of new faces here today he has not seen for the eight years he has been on the Board, which he thinks is great to see people get involved in government; and it probably showed them how many hats the Board wears. He asked staff to put a slide up while he talks about this. He went on to say he learned a long time ago with the north end of the County, they were depending on the federal government to help them after the shuttle loss, and they never came; he learned they needed to invest in themselves and to set the tempo for the way the community should be; and Titusville kind of did that. He explained the slide is a picture of the old Miracle City Mall that is all asphalt; that asphalt ran directly into the river and the Lagoon since 1969; north of that, that subdivision, the water runs directly into the Lagoon; it has been said that over time that doing something and trying to incentivize and help this project in the heart of Titusville was not prioritizing or was not a good investment; with the next slide people will notice those black lines and pink lines are new stormwater pipes that are going in on this site; what is on the top right, it was all asphalt; after a rain storm, all of the nutrients are draining right into the river; now all of those pipes are now being replaced, which is one mile of pipe, and 100 baffle boxes; and the subdivision to the north on Hopkins Avenue is now getting treated water into the green area which are new ponds being developed on this site before the asphalt. He noted the runoff collection at the new mall site, there are 12 new retention ponds, a mile of stormwater, 100 hookups, baffle boxes, and that will now treat that water; in 1969 there was zero treatment; and the first one inch, where the majority of the pollutants come from, is being treated. He stated it went from a \$90,000 tax base, and it will probably be seven or eight times once it is developed; someone is pumping \$43 million into the first phase of the project; and the North Brevard Economic Development Zone did contribute to the project. He pointed out this is a Lagoon project if he has ever saw one; the only thing he does not see in the plan is there is a lot of properties like this 1969 mall on Babcock in Cocoa, and all of that runoff is not being treated; instead of beating these things up, people should be talking about how to encourage some of that to start happening; the Board has a lot of priorities; to him, he has always felt like the power is in the Commissioners vote; and if people want things, the Board needs to vote to do it. He went on to add the Board took the lead on the stormwater utilities when it knew that was a problem; it helped with the fertilizer thing; the power is in the Commission's vote to make a difference; the Lagoon is a serious issue; and he will be voting for Option 4 when the time comes. He noted the reason he is voting for Option 4 is that they can grab money faster and bond it with a sales tax than he thinks the County can with property taxes; and it contributes to the visitors who benefit off of the Lagoon to help clean it up and pay for it.

August 9, 2016

Chairman Barfield expressed his appreciation to Ms. Barker, staff, and everyone who has helped with this; it is an amazing plan; he could see the look on her face in April when he said a plan was needed by July; and it turned out very good. He stated Commissioner Fisher was talking about what is being done in Titusville; he has the Merritt Square Mall and the Veterans Lake behind it, and that is what is happening there as well; it makes a huge difference in Sykes Creek; and they have done the same thing on North Merritt Island with Pine Island retention. He went on to add there are a lot of things that has happened; there are a lot of things over the years the County has done with State funding and one-time requests; and the County's Legislative Delegation have been supportive of that. He explained as the Board has talked about, the County needs a steady amount of revenue so it can plan and work around a number of different activities at once, so it does not have to stop and re-mobilize, and continue to keep hacking away from this; he is onboard with the one-half cent sales tax; and he thinks that is the way to go; procedurally the Board will have to approve the plan first and work from there.

Commissioner Smith expressed his heartfelt appreciation to staff for the presentation; and he stated a lot of smart people worked on this. He went on to say he recently saw a headline from *Florida TODAY*; there was a big picture of a kayak, and headline said, "Is it too Late to Fix the Lagoon;" that was 1995; and here it is 21 years later asking the same question. He went on to say he wants to shout out to the State Legislators; the last three years the County has received about \$80 million for dredging projects; and that is Steve Crisafulli, Debbie Mayfield, Rich Workman, and Tom Goodson. He stated for people who say the County does nothing, the County does a lot; this program being talked about today lays out a specific plan for the County to do a whole lot more; and it does not depend on the State or the feds. He added it shows the State and the feds that the Board means business; he has spent a lot of time on the phone and he has visited the State Senators and Representatives; and they have opened a lot of doors in streamline permitting, which is probably the biggest thing the County has going forward. He stated the County had a Mandate from those people and from Federal and State bureaucracies to come up with a sustainable, scientific plan, that is what they wanted to see; and that would be the key to getting 50/50 matches. He stated he has been assured over and over again if the County came up with this plan, it would get those 50/50 matches; if the Board goes forward with this and comes up with \$300 million over the next 10 years, it can conceivably wind up with maybe \$900 million with the matches; and the County can receive an awful lot. He noted staff can put these plans together, the permitting can be gotten, and a big dent can be put in this in 10 years, and still have sustainable monies going forward. He pointed out the beauty of this plan from his standpoint is it sunsets in 10 years, so the Board sitting then can revisit this, and if it feels necessary, it can be put back before the public. He stated polling indicates that over 60 percent of the people support these fund raising efforts, and whatever plan is chosen today, is going to pass substantially. He stated the study he saw yesterday, indicates that if the Board goes forward with the one-half cent sales tax, which is what he supports, because he does not think the property owners alone should be shouldering the burden of this funding; the property owners will, along with an awful lot of other people, share the burden if the one-half cent sales tax is passed; the one-half cent sales tax produces the largest amount of money over the 10-year period; and the study also indicated that only 42 percent of that money would come from local residents, which he finds interesting. He asked the person who gave him the information was where the other 58 percent comes from because he finds it hard to believe the sales tax would come from outside the County; in fact, it does not come from outside the County, a good portion comes from Brevard County businesses, because they spend money and spend sales tax; and the 42 percent is impressive, the one-half cent sales tax is the way to go, it has the most benefit for the County, and it gives the County the best bang for the buck. He advised the Board he is in favor of that, and when it comes time, he will make the motion to move forward with the one-half cent sales tax.

Commissioner Anderson expressed his appreciation to staff for the work they put into the plan. He advised the Board he is for Option 4.

August 9, 2016

Commissioner Fisher stated there are a couple of things the public needs to be aware of; he does not think the Board can lobby for this; and he asked the County Attorney if that was the case.

Attorney Knox replied the Board cannot provide advocacy.

Commissioner Fisher inquired if the Board should add a fact sheet or let the plan speak for itself; he stated a group needs to get together on that side of the dais to explain to the average Joe what this means; there needs to be an organized effort to help get this passed; and there will be some nay sayers. He inquired what the Board is allowed to do.

Attorney Knox responded it can provide information of what the problem is, what the solution is, but it cannot go much further; the Board cannot advocate and say to the people to go out and vote for this; and the Board cannot be an advocate for the tax or the referendum.

Commissioner Fisher stated someone needs to get organized and go fight for this. He inquired when the sales tax can start to be collected.

Attorney Knox replied the way it works is a Notice to the Department of Revenue needs to be sent if this passes, and it goes into effect 60 days after that date; and it should be around February 2017.

Commissioner Fisher inquired since the Board has a projection of what the sales tax is, will it have the ability to bond that.

Attorney Knox replied he believes that is accurate.

Commissioner Fisher inquired if the Board voted for the property tax, it would not be collected until the following year.

Attorney Knox responded it could not be collected until the 2017/2018 budget year.

Commissioner Infantini stated in October 2013 she asked the Board, minus Commissioners Barfield and Smith, to declare the Lagoon one the highest priorities of the County, and the Board shot it down; in March when there was the fish kill, she put an Agenda Item forward asking the Board to declare a State of Emergency, because she thought it was an emergency; and again, it was shot down 4:1. She stated she guesses the only way to get the Commissioners to realize it is a priority is to ask the taxpayers to throw another \$300 million into, and then it will get behind it. She stated it appears that is the only way the Lagoon is going to become an emergency for the Board; and she inquired if a one-half cent sales tax could be used for de-mucking, because she thought it did not pass in the legislation presented.

Attorney Knox advised the answer is yes for two reasons; the first reason is it is capital maintenance; and more importantly there is a provision in the Sales Tax Law that allows counties over 75,000 population that have a taxable value to asses value ratio of less than 60 percent to use it for Parks and Recreation programs. He went on to add by looking through the findings on the ordinance, it says the Indian River Lagoon is considered a recreational project; and therefore, the money can be used for operations and maintenance as well as the capital maintenance, which is the muck removal.

Commissioner Infantini noted she wants to go on record of saying she 100 percent disagrees, she does not think the Lagoon is a facility of Parks and Recreation, but where it touches the shoreline, she thinks it is; but she does not think it is a legally permissible use of the sales tax.

August 9, 2016

Commissioner Fisher stated one of the things the Board has the power over was, and it was a 4:1 vote, is when the stormwater, and there were 900 outfalls, this Board had to make a tough decision to raise the stormwater fees for the first time since 1994; and it was done at a step level. He stated it was showing the Board cared about the Lagoon because it made a rate increase. He stated he argued with Commissioner Infantini in that the power is in the vote, and the vote to raise stormwater fees, she did not think it was a priority.

Chairman Barfield inquired what Commissioner Infantini expected to get from the declaration of emergency.

Commissioner Infantini replied what would happen would it allows the Governor of Florida to remove all requirements on permitting and all costs; and it expedites the permitting. She went on to say the permitting process is one of the very longest in St. Johns River Water Management District, and they can suspend all of the permitting requirements; and they can go from a nine-month time period to say a 10-day time period for a permitting process. She noted the permitting costs could also be waived by the Governor. She stated there were a ton of people here who asked for the Board to vote for it; she is going to vote for this; and while she philosophically disagrees, people came and spoke and took their time. She stated it is not something she personally agrees with, but the people said what they wanted, and she wants to put it out to the voters. She stated she does not think it is a lawful sales tax, but that will be taken up somewhere else rather than today's meeting with research.

Chairman Barfield advised the State of Emergency that was filed in other counties with the Indian River Lagoon discharge, what came out of that came basically a low-interest loan to businesses that are already losing money; and nothing came out of that.

Commissioner Infantini stated it also reduced the permit costs and time.

The Board reviewed and approved the Save Our Lagoon Project Plan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Vice Chairman/Commissioner District 4
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

The Board approved Option 4 to place a referendum on the November 8, 2016, ballot to provide funding for implementing the Save Our Lagoon Project Plan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

The Board approved legislative intent and granted permission to advertise an ordinance for a 10-year, one-half cent infrastructure sales tax for the Save Our Lagoon Project Plan only, to return to the Board on the August 23, 2016, Regular Meeting.

August 9, 2016

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Curt Smith, Vice Chairman/Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

The Board directed staff to negotiate an interlocal sales tax use and distribution agreement with the cities representing a majority of the County's municipal population and return to the Board on August 23, 2016, Regular Meeting; and all of the funds collected will go into a trust account.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Curt Smith, Vice Chairman/Commissioner District 4
AYES: Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
ABSENT: Trudie Infantini

The Board approved using specific language on the ballot according to the written materials of the ordinance itself, including muck removal; and authorized any necessary budget change requests to establish a new trust fund and accounts to pay for any resulting revenues and expenditures.

Mr. Whitten stated staff will prepare an informational release giving an overview of the plan for anyone who wants to look at that; staff will also clarify the County does not discharge its sewage into the Lagoon; and that is a false narrative.

Commissioner Fisher suggested someone form a political action committee to push for this sales tax.

Attorney Knox stated if by some odd reason the County cannot get the majority of the cities representing the majority of the municipal population to agree to the interlocal agreement, the Board can come back to the Ad Valorem Tax Option on August 23, 2016.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Vice Chairman/Commissioner District 4
SECONDER: Andy Anderson, Commissioner District 5
AYES: Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
ABSENT: Trudie Infantini

ITEM VI.B.1., APPOINTMENTS, RE: AFFORDABLE HOUSING COUNCIL

*Commissioner Infantini's absence was noted at this time.

Ian Golden, Housing and Human Services Director, stated this Item is regarding the Affordable Housing Council; it is a body that is in the State Statutes to oversee the housing dollars received from the State, specifically SHIP, but they are used to oversee all of the housing; the membership is specific to categories that are in Statute; and it is an 11-member board. He went

August 9, 2016

on to say there are three vacancies at the moment; there were five people who applied for those vacancies; one person, Cynthia Matthews, met the requirements for a citizen who represents the Central Services personnel; one applicant, Josh Thompson, met the requirement for a citizen who is actively engaged as a for-profit provider for affordable housing; they are asking the Board to approve those two appointments, and then there are three applicants for the final slot on the board which is a citizen residing in the jurisdiction of the local governing body; and there is an actual ballot for the Board to vote on who that member is, and it will be tallied.

The Board acknowledged the appointments of **Brenda Burton, Cynthia Matthews, and Josh Thompson** to the Affordable Housing Council, said terms expiring December 31, 2017.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
ABSENT:	Trudie Infantini

ITEM VI.F.2., CITIZEN REQUEST BY DONN WEAVER AND JERRY PIERCE, RE: GRANT FOR VETERANS MEMORIAL, PART ADJACENT TO WORLD CLASS VETERANS MEDICAL CENTER AT LIKJE NONA (HQ FOR VIERA VA CLINIC) (WWW.VETERANSMEMORIALLAKENONA.OR)

The Board reached consensus to reschedule Citizen Request by Donn Weaver and James Pierce to come back to the Board at a later date.

ITEM VI.F.3., CITIZEN REQUEST BY KEVIN PANIK, RE: STOP COUNTY MOWING OF ROADSIDE TRASH BY ALL DISTRICTS OF ROAD AND GROUND MAINTENANCE

Kevin Panik stated he has 300 seconds to change the way the County is headed. He stated this is America, and if people think they are not getting there, they are; the citizens who were here for the Lagoon Item were eloquent; and he expressed his appreciation to the Board for the wonderful civic thing he saw here today. He stated he is hopefully here to serve all generations for all times; he is dressed like this because he decided he wanted to go pick-up trash; he wanted to learn about trash; and as an engineer, he figured the best way to learn about doing it is to do it. He noted since April of this year, every weekend he has gone out and picked up trash near the roadside and in communities. He brought his visual aid to show the Board that through his experience and research, in 2016 the state of the art for roadside liter removal is a man with grabber handles. He stated when he was a child his family went on trips up the I-95 corridor all of the time; the reason he knew the grass was mowed is for miles he could see the freshly cut liter which was scattered for miles; if a person travels I-95 now, he or she will not see that; and if a person drives I-95 early enough, he or she may see the people picking up trash with grabbers and riding all-terrain vehicles. He is asking the Board to enact this for the County; any areas mowed by Brevard County mowers, to not cut over the liter. He stated his call to action is for the Commissioners to say within two years to not mow over trash. He advised the Board he has submitted charts for it to consider. He stated if the Board approves his request, he can go to the cities and ask them not to mow over liter, and the County does not do it.

Commissioner Smith inquired who is going to pick up the trash.

August 9, 2016

Commissioner Anderson stated when he was on the City of Palm Bay City Council, back in the days when government had money, they had a beautician enhancement strike team; there were four guys on two gators; and they would pick up the trash before the mowers mowed. He stated maybe it is something staff could talk to the Sheriff about, and maybe trustees can do it.

John Denninghoff, Public Works Director, stated the trustees are pretty busy doing other things. He went on to add staff has looked at what a number of other counties are doing, and it ranges from they do not do it too they have a dedicated workforce that goes out and provides the service; and sometimes they have the mowing crews doing it. He stated the bottom line is resources would either have to be increased in order to cover that additional expense, or the mowing cycles would have to be reduced. He noted in the neighborhoods where the sidewalks and roadways are the County's, most of the residents do the mowing on their own and pick-up the liter; and Mr. Panik is correct, it can be an unsightly issue.

Chairman Barfield inquired if there are high-target areas that can be concentrated on if inmates could be used.

Mr. Denninghoff replied he is sure there are some roads worse than others; the more traffic, the more liters there is; and for those areas where garbage trucks run, they do a pretty good job of keeping things contained, but sometimes they have incidents. He stated staff could probably look at that, but staff would have to figure out where the worst places are.

Chairman Barfield stated if the County can identify some target areas, maybe Keep Brevard Beautiful (KBB) could get people out there or maybe people with Bright Future Scholarships.

Commissioner Fisher inquired if Public Works could start an educational process regarding this.

Mr. Denninghoff responded he thinks that would be a good idea.

Commissioner Smith stated walks his dog in the mornings, and he is already onboard, because he does a two-mile stretch from his house to the Pineda Causeway; and he picks up trash and throws them in his trash or recycles.

The Board acknowledged Citizen Request by Kevin Panik to stop County mowing of roadside trash by all districts of Road and Ground Maintenance, but took no formal action.

ITEM VI.F.4., APPROVAL, RE: ADVERTISEMENT FOR ORDINANCE AMENDING ORDINANCE 02-03, LIST OF PERMITTED INVESTMENTS

The Board reviewed and approved advertisement for public hearing for proposed changes to Ordinance No. 02-03, adding Supranationals and Asset-Backed Securities to the list of permitted investments for the County Investment Program.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Curt Smith, Vice Chairman/Commissioner District 4
AYES:	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
ABSENT:	Trudie Infantini

August 9, 2016

ITEM VIII.F., CURT SMITH, DISTRICT 4 COMMISSIONER/VICE CHAIRMAN

Commissioner Smith expressed his appreciation to the Board for its diligence, to County staff, and for everyone who showed up to voice their opinions.

Upon consensus of the Board, the meeting adjourned at 5:24 p.m.

ATTEST:



Scott Ellis

SCOTT ELLIS, CLERK

Jim Barfield

JIM BARFIELD, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA