

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 20, 2019 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

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

MOMENT OF SILENCE

Chair Isnardi called for a moment of silence.

PLEDGE OF ALLEGIANCE

Commissioner Pritchett led the assembly in the Pledge of Allegiance.

MINUTES FOR APPROVAL

The Board approved the July 9, 2019, regular meeting minutes.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM E.1., PRESENTATION BY SENATOR DEBBIE MAYFIELD, RE: ALLOCATIONS IMPACTING BREVARD COUNTY

Commissioner Tobia stated the Board would be having a presentation by Senator Debbie Mayfield's Office; and her office will show all of the wonderful things that they have done for Brevard County at the State level.

Representative Rene Plascencia stated he is a member of the Florida House of Representatives in District 50; he serves North Brevard County, and portions of Orange County as well; he introduced his daughter Madeline; and he added they are honored to be present at the Board meeting. He noted he wished Senator Mayfield could have been present, but she had some family matters that she needed to attend to; and as some of the Board knows, the legislative process can be very difficult in making sure they get the right appropriations and the right money back to their local county and municipalities. He went on to say appropriations are

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put in by both the house and the senate, they have to work on them together; it is amazing to have a partner in the senate like Senator Mayfield, and it is amazing to have a partner like Senator Wright as well, who also serves in Brevard County; and this year one of the appropriations they were able to get in was \$500,000 towards the Emergency Operations Center (EOC), which they knew was desperately needed for the safety of Brevard County and the people that visit the County for the beaches and flourishing aerospace industry. He expressed his thanks to the Board for the job that it does in helping them; also for identifying what they need to do to make sure they work together for the betterment of the people of Brevard County; and today they will be presenting a check on behalf of his office and Senator Mayfield's Office to Brevard County and the Board.

Chair Isnardi expressed her thanks.

Commissioner Pritchett mentioned she is thankful for what they do at the State level; there is a great group of representatives; she gave a shout out to Coach P and Senator Wright; and she stated it has been a delight getting to work with them. She added when communicating with that office, they are off the charts.

ITEM E.2., RESOLUTION, RE: RECOGNIZING SENATOR DEBBIE MAYFIELD

Commissioner Tobia read aloud, and the Board adopted Resolution No. 19-126, recognizing Senator Debbie Mayfield for her service and dedication to the people of Brevard County and her continued partnership with Brevard County Government.

Adrienne Cronebaugh, Legislative Aide to Senator Mayfield, expressed her thanks for the Board's support, they really appreciate it; and they enjoy working with the County and the Board has amazing staff as well that is really working towards amazing initiatives to make the community stronger. She added Representative Sirois is present today; and he has two additional projects awarded to the County, that he would like to present.

Representative Tyler Sirois stated it is his honor to represent the 51st District in the Florida House of Representatives; he added they have two appropriations, he was very privileged to work with Senator Mayfield this past session on two projects that they were able to bring home; and he would like to show them to the Board this morning. He explained the first is \$500,000 for septic to sewer conversions that was done in partnership with the Board; and that was money that was able to be secured and brought home for some of the most at-risk areas on Merritt Island in terms of nutrient load entering the Lagoon. He explained the second project that they were able to accomplish with Senator Wright's assistance as well, was an additional \$500,000 for a Brevard County offender re-entry portal; he added this project will work with elements of the judicial system to make sure offenders that are coming out of incarceration have tools and resources available to them to prepare them to re-enter, and be productive, contributing members of society again; and ending that circle of recidivism that everyone is familiar with. He went on to say he is pleased to be able to bring home these two projects, and he cannot wait until next session to see what they can achieve together.

Commissioner Lober stated he would like to extend an offer out there; if Representative Sirois needs any help regarding the re-entry programs concern, to let him know; that is his background, and the Chair was kind enough to put him on the Public Safety Coordinating Committee; and if there is something they can do at a local level, to help with or without local programs to let him know and he would be happy to help.

Representative Sirois expressed his thanks; Commissioner Lober has a vast knowledge of Brevard County's judicial system; and one of the things the legislature has expressed an interest

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in, that he thinks they will continue over future years, is what can be done in the way of introducing new efficiencies into this justice system, and how they can best serve the people coming through the system.

Senator John Wright, District 14, stated he is present on behalf of Senator Debbie Mayfield, and he wanted everyone to know, if they do not know, that her husband was involved in a serious automobile accident; she is tending to him as she should be doing, and she asked that he come in her place; and she wished she could be there in the worst way. He explained a little about the process, because not everyone understands how these checks get here; it is not a matter of Representatives and Senators just sitting in Tallahassee saying they will take a check for this or that; there was a \$91.1 billion budget in the State of Florida. He reiterated \$91.1 billion and people like Representatives Sirois and Plascencia, Senator Debbie Mayfield, and himself put in their requests for their respective communities and counties that they are responsible for; and about 18 percent of all of the requests make it to the finish line. He noted when one sees checks like they have today, that took a lot of work, a lot of concentration, and a lot of effort to make sure that check got there; he added that is because of the people that represent the citizens of Brevard County and he would like the citizens to know about that; and as his first time in a political situation and being a taxpayer all his life, and a citizen, he thought it was a piece of cake. He explained he thought he would just say he needed \$500,000 and they would get one, but it does not work that way; what really happens is everyone puts in their "asks" and then they are asked how important it is to them; and he noted they are all important, but they are asked to only choose five, then two out of the five. He went on to say one then gets to choose one; that is when the battle begins, it is a good battle, everyone gets along famously up there whether they are republican or democrat, they get along great, but they do have to explain why certain things are so important for their particular parts of the State. He added he is so happy to see they were able to get the money for the septic to sewer, because that is probably 65 percent of the reason Brevard County has the issues it does with the Indian River Lagoon; he added there has been a lot of documentation and proof of that; and he reiterated that is was very important to make that happen. He pointed out there are other things like the Emergency Operations Center (EOC), in the world that everyone lives in these days, one cannot live without an EOC, and the portal; he added he appreciated the Board and audience listening to him; and he reiterated that he was present on behalf of Senator Mayfield who he has the greatest respect for. He continued by saying she has been a wonderful mentor to him, she helps him out as a brand new Senator, and he goes to her sometimes to ask what he should do, and she takes the time to help him. He mentioned she is a great Senator; and expressed his thanks to the Board for allowing him to be present.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM E.3., RESOLUTION, RE: SUPPORTING REPRESENTATIVE TYLER SIROIS

Commissioner Tobia stated Brevard County is very lucky to have a strong delegation in Brevard County, and Representative Tyler Sirois is certainly no exception to that; and he has a resolution commending his work on behalf of the citizens of Brevard County.

Commissioner Tobia read aloud, and the Board adopted Resolution No. 19-127, recognizing and supporting Representative Tyler Sirois in his advocacy for the Indian River Lagoon.

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Commissioner Lober stated he is happy to support this, but the only caveat, and this is not meant as a slight toward anyone, he appreciates the work of the delegation, but he would like to make clear that his supporting this does not in any way reflect support for the proposed tax at the Port; obviously Port Canaveral is part of District 2; and he thinks that portion is a polarizing issue that he is on one side of and other people may be on another. He mentioned he is happy with the work Representative Sirois has done with respect to the Lagoon, however, with respect to that one item, he would just like to clarify that his supporting this is not implicit or explicit support of the proposal with respect to the Port tax.

Chair Isnardi stated she would agree with the same, but she did notice that the resolution did not have that specifically in there; so, again, she appreciates the hard work that all of the delegation does for Brevard County; she is glad that Senator Wright brought that up, because often times people do not see what is going on up there, they just read bits of the paper, or the drama that comes from the media; and she expressed her thanks for the work that they do.

Commissioner Tobia stated they are not always going to agree with everything; he believed Commissioner Lober voted on the wrong side of the whiskies and wheaties bill; he would like to be able to get his whiskey at the same place he gets his wheaties; but if that is the worst thing he can say about Representative Sirois, then he thinks he has done a great service to the citizens of Brevard County; and he greatly appreciates his advocacy, innovative ideas, and he looks forward to the continued partnership with him and the entire delegation, because this is not a Brevard County issue, this is a Statewide issue, and potentially of national importance. He expressed his thanks to Representative Sirois; and he asked if he would like to comment, or justify his whiskey and wheaties bill.

Representative Sirois stated he may have to revisit his position on that, because he finds himself wishing he had some whiskey and wheaties right now, he skipped breakfast this morning; he appreciated the opportunity to be present today to speak briefly; he stated he will not take up too much of the Board's time, because it has much more to get through on the lengthy Agenda; and he mentioned he appreciates the invitation, and he is grateful for the Resolution of support. He explained what he proposed a month ago, really was to initiate a discussion within the County with how to best proceed in terms of identifying new partnerships and new resources for the Lagoon; and he added when he was sitting in the Committee in Tallahassee, one of the things that became immediately obvious to him is that the Lagoon is competing with the Caloosahatchee, the Everglades, Lake Okeechobee, the springs, the St. Johns, and all of these different rivers and watersheds around the State that are encountering the same kinds of issues with water quality that Brevard County has. He mentioned he threw an idea out there for a way for Brevard County to get started; he is pleased to report to the Board that his communications and discussions with Port stakeholders continue to evolve, and he thinks they will be able to meet a compromise; and after spending 10 months knocking on doors in his District, he believes there is a desire to see Port Canaveral do more to help with the Lagoon. He added there are others that feel differently, and that is fine, that is part of the process, that is how business is done in the arena; he added to be clear, he thinks they have to be unambiguous in terms of the facts and terminology, because they should not mislead, create a red herring, or distract people; and only the five commissioners pursuant to their Port Charter, only the five elected commissioners that are a member of the Canaveral Port Authority have the ability to raise taxes. He pointed out it is not himself, it is not the Board or the Legislature, only they have the ability to do that; so, they are going to continue to have the discussion, it may be fruitful, it may not, but he believed standing here before the Board today is discussion worthy of their attention and of having; he looks forward in continuing that; and he expressed his thanks to the Board for having him come today. He commended Chair Isnardi and the Board for its tremendous leadership it has shown for the Lagoon, for prioritizing, and for getting the job done, and he very much enjoyed partnering with it.

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Commissioner Lober stated he knows that Wayne Justice had put a card in earlier and ceded his time, but given the Port was just a topic of discussion, he would ask, in fairness, that the Board give him a few moments to speak.

Wayne Justice, Port Canaveral Commissioner, stated he is present as himself; they have not had this issue in front of them to talk amongst themselves at a meeting; personally, he would like to make the point and recognize again that they elected commissioners from the Port district, which is in the northern half of Brevard County; and they have over 100,000 people that they represent. He added they put them in a job to do what they do; what they do up there is get revenues, they reinvest those revenues into infrastructure, that creates jobs, those jobs create more revenue, and the cycle continues; he added it works pretty well; the Tourism Development Council (TDC) told them just this last week, that on the cruise passengers alone that drive here to go on their ships, generate over \$1.2 million in Lagoon tax money; and that is just from the cruise passengers, let alone the other 200 businesses that work at the Port, all pay sales taxes, and are all a part of it. He went on to say he would submit that their policies and their way forward are keeping with the spirit of supporting the Lagoon; he would like to highlight the environmental stewardship at the Port; he would put that against any municipality or any entity in this County or region; none of their stormwater goes into the Lagoon, treated; and they have environmental processes and policies that are second to none in this State from a port perspective. He continued they are rated port-wide; they do quite a job; and they take their environmental stewardship seriously. He added he does not like, or want this argument, or discussion to be characterized that they are just sitting up there putting money in their pockets, because that is not what is happening; he thanked the Board for its time; and he noted when someone comes in front of the Board, and tries to redirect its revenues, it seems like a tax to him, and they have to then pay their bills, they would not have revenues to pay their bills, then that gets passed on down to their constituents, and they are not trying to get into that cycle.

Commissioner Tobia stated to leave it to him to have a Resolution that has speakers.

Chair Isnardi stated anything is better than the beauty queen Resolution.

Commissioner Tobia stated he still loves that one; he thanked Representative Sirois; he apologized for people coming out to speak, but he is sure he saw the tens of thousands of dollars on chameleon paint for restoration or a tranquility tower or whatever it is; and he thought there could be better resources than fancy paint jobs on towers that are rarely ever used. He expressed his appreciation to Representative Sirois.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM E.4., RESOLUTION, RE: RECOGNIZING THE VIERA COMPANY'S 30TH ANNIVERSARY

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-128, celebrating the 30th Anniversary of The Viera Company.

Todd Pokrywa, President of The Viera Company, introduced some key members of their team, Mickey Levanos, Marketing, Lori Woodskowski, Stephanie Byrd; from the Land Development Department, Jason Carter, and Tyler Duda; Scott Miller, Vice President of Sales and

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Community Management; Jada Cater, General Council Senior Vice President; and Karen Esposito, Residential and Commercial Sales Specialist. He added that is a good sampling of their team, there are others that could not be there, but wished they could have been, and are watching it on their computers right now; and those at their parent company with A. Duda and Sons are also viewing the meeting this morning. He noted as they celebrate Viera's 30th Anniversary of the community's groundbreaking in 1989, a reflection back over time on some of their large-scale gains are in the resolution underscores the guiding principals that were established by the Duda Family that have governed the manor in which Viera has been developed; and their mission has been to create a financially successful community with educational and worship opportunities, active recreation, diverse employment, and above all, a place that emphasizes all events and activities with a sense of community. He went on to say the mission is shaped by their values: faith, responsibility, stewardship, and integrity; they have come a very long way in 30 years since the ground-breaking in August 1989; shortly after the master plan was unveiled, The Viera Company ceded the community with land donations for the Brevard County Government Center, the School Board, and the Judicial Center; and these would ultimately become the heart of Viera, a place where important government services were in proximity to both residents and businesses in the heart of Viera. He pointed out they have contributed to expanding the property tax base in Brevard County, and their large scale infrastructure investment has and continues to allow The Viera Company to be nimble in responding to economic opportunities; they have a long runway still in front of them, approximately 20-plus years before they are built out; and they have the ability to continue developing a nationally recognized Master Plan Community that relies on good relationships like that with Brevard County. He mentioned the relationship with Brevard County provides them the necessary predictability, certainty, and regulatory process so they can respond to the market and compete for opportunities to enhance the quality of life. He went on to say they are very honored, as The Viera Company, and A. Duda and Sons, to have this recognition today by the Board; and he expressed his thanks to the Board.

Commissioner Pritchett stated she would like to thank The Viera Company and the Duda family; they have been so generous to the County and the community; and they have definitely built a very excellent community, and she is going to call it faith community now; and she expressed her thanks for their excellence, they certainly did it right.

Chair Isnardi expressed her thanks to Mr. Pokrywa; she added she appreciated his accessibility, she can pick up the phone to call, he answers with a smile, and he is flush with information when the Board needs it; and she noted she appreciated their support of the County and those relationships that they have made with people to make sure the Board has all of the information when there is an item before the Board.

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

ITEM E.5., RESOLUTION, RE: ECONOMIC DEVELOPMENT COMMISSION (EDC) SPACE COAST SALUTES OUR MILITARY BUMPER STICKER CAMPAIGN

Chair Isnardi read aloud, and the Board adopted Resolution No. 19-129, recognizing and supporting the EDC in celebrating our Military with the "Space Coast Salutes Our Military" Bumper Sticker Campaign.

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Dan Ciuro stated he would give a quick introduction, he is a 10-year military veteran in Brevard County from the Air Force, he was stationed at Patrick Air Force Base in support of launch operations; and he has since become a financial planner. He added today he comes to the Board as the Chair of the Space Coast Defense Alliance, and he would be remiss if he did not bring two partners that are here that have been invaluable to this initiative as well; and he introduced Admiral and Commissioner Wayne Justice and Trudy, a representative of the Economic Development Commission (EDC) as well. He explained every year they take a trip to Washington, D.C. as a delegation, and they are certainly thankful to Commissioner Pritchett and Commissioner Smith who have joined them on this trip in years past; the other Commissioners are certainly welcome, and they look forward to the Board's continued participation and support of the EDC; every year they go there to meet with business leaders, legislative leaders, and military leaders; and one of the things they have is a meeting with the Secretary of the Air Force as well as the Chief of Staff of the Air Force, that is the four-star general as well as the secretary as he mentioned. He pointed out they asked what they could do best, what can they do well and support the military, and asked what initiatives they would like them to take care of; and one of the big initiatives simply put was to help the military family. He mentioned they have taken that active approach and have created this campaign; this is just the start, this campaign, this bumper sticker, this website, these door hangers, this is just the start to build awareness to this campaign to get people to the website where there will be additional content for individuals to share what the military means to them; either through personal service, through familial service, through a neat story of helping a veteran, whatever the case may be; and that is the key. He advised that is a request by the Secretary of the Air Force, taken and turned into a tangible action that turned into a program that they are present to unveil today. He thanked the Board for the recognition; he added this is very similar to the "We Love Our Military" campaign that they had in years past, this is the new version of it; and they welcome everyone to represent it, if one does not like bumper stickers on one's car, he understands, they have door hangers as well for one's business to let the community at-large know they support the military and this initiative. He expressed his thanks for the Board's time and efforts, and thanked his colleagues as well as the public for their attention and understanding; and he stated if anyone has questions to contact them at the EDC.

Commissioner Smith stated most people do not want bumper stickers on their cars, but one can put them on the back window of their vehicle and it does not damage the paint, everybody can see them, and they can be peeled off anytime one would like.

Mr. Ciuro concurred with Commissioner Smith; and reiterated his thanks for the Board's time, effort, and attention.

Chair Isnardi stated she is excited about the campaign, and she appreciated him; and she thanked him for his service.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM E.6., RESOLUTION, RE: RECOGNIZING VALKARIA AIRPORT (X-59) GENERAL AVIATION AIRPORT OF THE YEAR 2019

Commissioner Tobia read aloud, and the Board adopted Resolution No. 19-130, honoring Valkaria Airport (X-59) as General Aviation Airport of the Year 2019 and commending Airport

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Manager Steve Borowski, the airport administration, and the maintenance staff for their contributions in support of Valkaria Airport.

Commissioner Lober stated he was happy to see this on the Agenda as these people are incredible; he had a great feeling when he went down to see the airport; the staff was responsive, they shared ideas in keeping things efficient, and they moved forward and acted on those ideas; and they are exactly the type of employees he likes to have.

Steve Borowski, Valkaria Airport Manager, expressed their appreciation to the Board and the State of Florida for the recognition and the Resolution. He stated there are over 110 general aviation airports and they only select one; it did not come in a couple years, it took quite a long time; 15 years ago Peggy Busacca came to him and asked if he thought something could be done with a few of the airports in Brevard County; and they worked on all of them including the Melbourne Airport back then. He continued by saying Valkaria was one of the roughest to turn around. He explained anyone who knew the airport 15 years ago and what it is like today, it used a lot of money before and now it generates dollars with the assets, and as the Board knows it makes the match of the \$25 million that was invested in it. He noted he would like to recognize Jim Wickstrom with the Florida Department of Transportation on his retirement; he was the District 5 representative and started on the first master plan 14 years ago, and helped them through the second one; also Scott Brady was the second engineer with EG Solutions that worked with them as the consultant engineering firm; and he noted without those two agencies it would not have happened. He also recognized his staff for putting their efforts into that plan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM E.7., PRESENTATION BY SEBASTIAN INLET DISTRICT, RE: COMMEMORATE SEBASTIAN INLET DISTRICT CENTENNIAL (1919-2019)

James Gray, Executive Director Sebastian Inlet District, stated he is honored and privileged to represent the District; they are actually celebrating their centennial year; they were created in 1919, as an Independent Special District by an act of the State of Florida Legislature; they are one of 1,700 Special Districts within the State of Florida; their main charter is to provide safe navigation through the Lagoon into the Atlantic Ocean and vice versa; and the projects they represent in maintaining that navigation as far as channel maintenance, he will be discussing shortly. He went on to say as one of 60 inlets in the State of Florida this one is actually unique because they are between Brevard County and Indian River County which makes up their Special District as a multi-county Special District; they are bordered by the Sebastian Inlet State Park which is independent of the District but one of their partners in maintaining the resources around the area; they are governed by a five member elected board, with three Commissioners from Brevard County and two Commissioners from Indian River County; the majority of the population is in Brevard County; and that is why there are three Commissioners from Brevard County. He went on to say they are mainly responsible for a safe navigation through the inlet as a result of channel maintenance; they also have a sand trap which is routinely dredged, and they bypass the material that has been dredged onto down drift beaches; they are involved in a number of environmental resource programs; there was a lot said about different Lagoon initiatives; and they also conduct seagrass monitoring annually as a result of their responsibilities. He stated getting into the history, May 23, 2019, marked the actual centennial year of the District; and to showcase that, they produced an historical video, they developed a

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traveling display of banners to display in one of the County complexes, and they are planning a family friendly event that is coming September 17. After showing a seven minute video, he stated they have 12 historical displays that go through 100 years of their history and they will be displayed in one of the government buildings; he initially introduced there will be a community event September 14, 2019; he noted the majority of the event is located at the northern part of the State Park entrance from 10 a.m. to 4 p.m.; and it is free with the exception of the State Park entrance fees which vary depending on the party size. He announced all the other events are free and include informational booths and some vendors; and there will be some natural resources and environmentally conscience folks, a youth fishing demonstration and instruction, a surfing demonstration, the Coast Guard Auxiliary has a boating course as well as they will be certifying vessels for safety, and there will be educational sessions on natural resources which includes turtles, seagrass, and other natural environments.

Chair Isnardi stated she could tell he is very proud of the area and he should be because it is amazing over there.

ITEM F.1., AUTHORIZATION, RE: COUNTY MANAGER TO SIGN ACCESS AGREEMENTS AND RELATED DOCUMENTS WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP)

The Board authorized the County Manager, or his designee, to sign the Property Access Agreements and related documents with FDEP relating to the Petroleum Restoration Program for County owned lands, to allow representatives of the State-funded clean-up program.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.2., ACCEPTANCE, RE: BINDING DEVELOPMENT PLAN - XIAOLU YIN AND ROBERT MCBRIDE

The Board executed Binding Development Plan Xiaolu Yin and Robert McBride for property located on 3.57 acres, located on the northeast corner of Waelti Drive and Freeman Lane, Melbourne.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.3., APPROVAL, RE: DONATION OF TWO DRAINAGE EASEMENTS FROM PROPERTY OWNERS BENOIT AND MARTINI FOR THE RIVERVIEW DRIVE DRAINAGE IMPROVEMENT PROJECT - LITTLE HOLLYWOOD

The Board approved and accepted the donation of two drainage easements for property owners Benoit and Martini for the Riverview Drive Drainage Improvement Project.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Bryan Lober, Vice Chair Commissioner District 2
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.5., APPROVAL, RE: STATE AID TO LIBRARIES GRANT FISCAL YEAR 2019-2020

The Board approved and authorized the Chair to execute the State Aid to Libraries Grant Agreement Application and Certification of Hours, Free Library Service, and access to materials; authorized the Chair to execute any follow up agreements, amendments, or modifications contingent upon approval of Risk Management and the County Attorney; and authorized the County Manager to execute necessary budget change requests.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Bryan Lober, Vice Chair Commissioner District 2
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.6., APPROVAL, RE: LICENSE AGREEMENT - CHAMBERLAIN, ACCESS ACROSS EEL MANAGED LANDS AT FOX LAKE SANCTUARY

The Board approved a Property Access License Agreement that allows Mr. Alex Chamberlain to access his property through the EEL Program managed Fox Lake Sanctuary.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Bryan Lober, Vice Chair Commissioner District 2
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.7., APPROVAL, RE: FIRST AMENDMENT TO THE LEASE AGREEMENT WITH NORTH BREVARD SENIOR CENTER, INC.

The Board adopted Resolution No. 19-131; and approved and authorized the Chair to execute the First Amendment to the Lease Agreement with the North Brevard senior Center, Inc.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Bryan Lober, Vice Chair Commissioner District 2
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.8., APPROVAL, RE: FRESH ACCESS BUCKS PARTNERSHIP AGREEMENT FOR THE BREVARD COUNTY FARMERS MARKET

The Board authorized the Chair to execute the Fresh Access Bucks Strategic Partnership

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Agreement with Feeding Florida; and authorized the County Manager to execute any necessary budget change requests.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Bryan Lober, Vice Chair Commissioner District 2
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.9., APPROVAL, RE: STATE-FUNDED GRANT AGREEMENT FOR NEW EMERGENCY OPERATIONS CENTER (EOC)

The Board approved and authorized the Chair to execute the Grant Agreement with the Florida Department of Emergency Management to continue site work for a new Emergency Operations Center (EOC); and authorized the County Manager or Public Safety Director to submit and execute any additional changes, documents or budget actions, amendments to the grant contract; as well as modifications or change orders to enhance the existing Construction Management Contract for EOC site work already in progress, subject to approval by the County Attorney's Office and Risk Management.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Bryan Lober, Vice Chair Commissioner District 2
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.10., APPROVAL, RE: EMERGENCY MANAGEMENT PERFORMANCE GRANT AGREEMENT WITH FLORIDA DIVISION OF EMERGENCY MANAGEMENT (FDEM)

The Board approved and authorized the Chair to execute the 2019/2020 Emergency Management Performance Grant Agreement with the FDEM; and authorized the County Manager, or his designee, to submit and execute any additional changes, documents or budget actions, as well as any amendments to the Grant Agreement, subject to approval by the County Attorney's Office and Risk Management.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Bryan Lober, Vice Chair Commissioner District 2
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.11., APPROVAL, RE: EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE GRANT AGREEMENT WITH FLORIDA DIVISION OF EMERGENCY MANAGEMENT (FDEM)

The Board approved and authorized the Chair to execute the 2019/2020 Emergency Management Preparedness and Assistance Grant Agreement with the FDEM; and authorized the County Manager, or his designee, to submit and execute any additional changes, documents or budget actions, as well as any amendments to the Grant Agreement, subject to

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approval by the County Attorney's Office and Risk Management.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.12., APPROVAL, RE: AGREEMENTS FOR THE ANNUAL DORI SLOSBERG DRIVER EDUCATION SAFETY ACT/DRIVER EDUCATION SAFETY TRUST FUND

The Board approved recommended expenditures of Driver's Education Safety Trust Fund; authorized the County Manager, or his designee, to sign and execute Agreements with the school entities that have submitted applications for funding in the amount of \$288,986.00; and authorized the County Manager, or his designee, to make any changes or amendments to the budget, budget change requests, or any other actions as needed to execute this agreement as approved by the Board.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.13., RESOLUTIONS, RE: CONVEYANCE OF PROPERTY ACQUIRED BY TAX ESCHEATMENT DEED TO MUNICIPALITIES

The Board adopted Resolution Nos. 19-132 and 19-133, pursuant to Section 125.38, Florida Statute; and authorized the Chair to execute County Deeds with the City or Cocoa and City of Palm Bay to convey property acquired by tax escheatment deed to the jurisdictional municipality as required by Section 197.592(3), Florida Statutes.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.14., APPROVAL, RE: BOARD POLICY BCC-37, FINAL ACTION FOR COLLECTION OF DELINQUENT FEES

The Board approved BCC-37, Final Action for Collection of Delinquent Fees.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Bryan Lober, Vice Chair Commissioner District 2
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.15., REVIEW, RE: BOARD POLICY BCC-75, COUNTY VEHICLE FLEET MANAGEMENT

The Board approved revision of Board Policy BCC-75, County Vehicle Fleet Management.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Bryan Lober, Vice Chair Commissioner District 2
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.17., APPOINTMENT, RE: COMMUNITY BASED CARE OF BREVARD, INC. D/B/A BREVARD FAMILY PARTNERSHIP

The Board approved the appointment of **Andrea Betting Long** to the Board of Directors for Community Based Care of Brevard, Inc., d/b/a Brevard family Partnership.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Bryan Lober, Vice Chair Commissioner District 2
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.18., APPROVAL, PRECINCT BOUNDARIES - ALTERED

The Board approved the revised precinct boundaries due to annexation changes by the Cities of West Melbourne and Palm Bay.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Bryan Lober, Vice Chair Commissioner District 2
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.19., APPROVAL, RE: APPOINTMENTS/REAPPOINTMENTS

The Board appointed **Martha Noffel** to the North Brevard Library District Board, and reappointed **Darius Garrett** to the Community Action Board with said terms expiring December 31, 2019.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.16., APPROVAL, RE: AMENDMENT OF CONTRACT FOR BANKING SERVICES

Steve Burdett, County Finance Director, stated this is to renew the County Contract with SunTrust for banking purposes; the original Contract was for eight years and had three, three-year extensions on it; this would be the third and final extension on the Contract; two years from today, purchasing will go out and do a Request for Proposal (RFP) for banking services in the future; and his office manages the compensating balance with the bank and they credit for the County depending on the market value, around \$45,000 per year for banking.

Commissioner Lober stated he wants to summarize a couple things that they had discussed about this beforehand because he was concerned the County is paying to hold its money and essentially lend it out at a higher interest rate than they are paying; from that conversation, this is something that did go out to bid previously and the County Finance Office is confident as there is not really much room for savings in the future; and he inquired if he is correct in stating that.

Mr. Burdett noted there might be savings but it takes like six months to convert from one bank to another, so County Finance would really have to do a cost analysis.

Commissioner Lober inquired if there is a labor cost associated even if there were essentially lower expense mechanisms.

Mr. Burdett advised there is time, conversion of bank accounts, the investments, and anything that deals with money or the bank, so the County is probably not going to want to change the bank just to save \$10 per year by going out for a new one; and that is something the Board will have to evaluate at that time.

Chair Isnardi stated if Mr. Burdett was not satisfied with the services that SunTrust provides then he would probably recommend it to go out for RFP; and she inquired if that was correct.

Mr. Burdett advised he would have.

Chet Ellsworth stated he has prepared a citizens request on this issue; he objects to the Contract renewal based on how it was presented; the Agenda Item had no citation to authority; Mr. Burdett did not put his name on it, no one did; there is no auditing authority or anybody that touched this; part of the reason he has precluded from saying too much about it is Florida Statute 836.06 precludes anybody saying any derogatory comments about a bank, which he has plenty to say and he has done it in the consent order; the option to renew expired on August 1, 2019, so any kind of approval after the fact is very prejudicial to taxpayers; and the renewal was without the authority, but he appreciates Mr. Burdett saying something about it and putting a handle on who drew this up. He went on to say he just wants people to notice SunTrust is not a bank and the expiration of this Contract is gain for the taxpayer.

Commissioner Lober stated as far as Mr. Burdett's employment, he is not an employee of Brevard County, he is an employee of the Comptroller's Office; and he inquired if that is correct.

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Mr. Burdett advised he is an employee of the Brevard County Clerk.

Commissioner Lober noted the Clerk serves as the Comptroller for the County. He stated Mr. Burdett essentially performs audits for County Finance.

Mr. Burdett commented his office does pre-audits and they work with the independent auditors.

Chair Isnardi inquired if the County Attorney is concerned about any legalities with the Item or the way it is formatted.

Eden Bentley, County Attorney, stated she sees what he is talking about with the renewal and the 60-day term and she asked if it can ratify that; she mentioned the other side may have exercised in a timely fashion as well; therefore, she does not have a concern.

The Board approved amendment to Contract for Banking Services with SunTrust Bank.

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

ITEM G., PUBLIC COMMENTS

Charles Tovey stated he wrote on his card to talk about trash; there are so many things he messed up, but he would first like to mention about the cards; he tries to be a pioneer, or the first to do things; and he comes through the door and there is tons of people at the desk with Sally Lewis, and one cannot get their cards in or get any information. He went on to say it is very difficult for people; he has mentioned it before in one of his expressions at these meetings; he would like to talk about the trash as Representative Randy Fine mentioned in one of his interviews; it is not the laws, government keeps making up these laws for this and that; and if one is a friend of Sheriff Ivey, then it gets overlooked and it is okay. He noted he gets things that are not even illegal, but to go on about the trash, as Mr. Panik takes his one day off a year to come to talk to the Board about the trash; it is not about the trash, it is about the people; and all these things that government making laws for is about the people. He went on to say it is a symptom, just like the Lagoon and everything else; he has 2004 minutes and he spoke two minutes and 45 seconds into the meeting, the meeting started at 5:00 p.m., and the first time he spoke was about the Lagoon; he wants to speak about a lot of things, but he is limited to his access and resources; and it is not about the straws, it was September 5, 2009, at two minutes 45 seconds is where he first spoke about the Lagoon and some other things. He explained if one follows him, before all these Items come up and people start looking at it; he added he has approached these Items and has expressed concern for them, and it just gets overlooked and forgotten; it is not about the trash bags, it is not about the straws or Styrofoam cups; and if they are not allowed to do it, then everybody, building stops because of Styrofoam cups, the crabbing stops because of Styrofoam. He noted his vehicle is on his yard to protect the piece of property that he has left, the junkyard that everybody ridicules; statistically one should only have to replace one's fuel filter and the fuel pump in a vehicle maybe once in a lifetime; he bought the truck, drove it home, did not even drive it, goes to register it and when he comes back home, it does not start; and he dropped his fuel tank, and just like his boat, a couple pounds of sand in the gas tank, it makes him wonder how it got there. He explained he goes and gets his fuel pump and gas tank and comes back after they cleaned his yard out, there is more sand and more stuff in his gas tank; and he questions why that is, and stated it is because Sheriff Wayne

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Ivey has let his neighbors and the rest of them do this. He added he does not appreciate it; he is looking for his next time to talk about everything; he wished the Board a nice day; and he asked that he be excused for his delivery.

Sandra Sullivan stated the Board's primary role as County Commissioners is public health, safety, and the infrastructure; Melbourne tests the water in Lake Washington once a month for cyanobacteria; they tested it on July 10 and did not have the results back as of July 18 when the river keeper contacted both the Department of Environmental Protection (DEP) and the media about the pea soup algae bloom, however, the earthy moldy smell started at the end of June caused by the presence of geosmin and it goes hand in hand with saxitoxin; without specific treatment, cyanobacteria toxins were thus possible in the drinking water for most of July; and it is concerning that Melbourne Water has slighted them, that the smells are pipes, while reassuring people that the water is safe even though many people reported being ill. She continued Melbourne Water said they are now testing weekly for cyanobacteria both in raw water and finished water and that a bacteria bloom remains, it just is not visible now because of the rain; there is a concern this bloom will increase when the sun comes out; she is requesting that the County Commission advocate to the St. Johns River Water Management District (SJRWMD) and the State to put in real time monitoring in the St. Johns to prevent the public from being in harm by increasing frequency of algae toxins in the water which may not be tested for up to a month; and she noted Melbourne Water agreed to do the 140 very basic water tests on the distribution. She went on to say she is concerned that Melbourne Water flushed hydrants at the sampling locations from Melbourne Beach to South Patrick Shores for more than three days from Friday through Sunday; they wanted their water tested to see if it was safe not gyrations to make it safe and then test; the Environmental Protection Agency (EPA) guidelines say three minutes for sampling water which is done at the time of sampling, not three days; according to a letter from Melbourne City Manager to Florida Today, it was stated the flushing was planned and Melbourne Water inadvertently left the water on, but she does not buy it, she is calling out corruption; and people know there are issues beach-side because chlorine is very low or nonexistent in South Patrick Shores, they have lower pressure on beach-side, and secondary the push of chemicals and Cancer causing Trihalomethanes are higher beach-side. She noted the people are requesting the County Commissioners to advocate to throw out the manipulated tests and to do more testing on a comprehensive test; and they are also requesting the Board put on an Agenda Item for infrastructure impact study by an engineering firm to look at present and future projection needs for aging sewage and the water infrastructure issues that are plaguing 32937, from the roads, the water, the sewage, Emergency Management, and projections of growth and other services.

Pamela White stated water is life to humans; why the County would dump bio solids near a water source is insane; why this County accepts other counties bio solids is self-destructive; this County must come up with a new way to dry and dispose of the bio solids; the water to the beach-side areas needs to be more frequently tested than the mainland because the water is pushed over and rechemicalized; and they cannot test them the same as the mainland. She continued the people's trust and respect for the Water Authority is currently at an all-time low; many citizens had to step up to get everyone to hear and see the problems; she is fortunate enough to have been able to put a four filter system in her home for drinking water; her and her husband are also planning to put in a full house system but there are many in the community that cannot even afford to place a filter on their refrigerator to clear the water; and someone needs to think about the elderly, the very young, and those who are sick and figure out the water problem. She went on to say she hopes the Board will consider the children, the grandchildren, and beyond them keeping the water better than acceptable.

Peter Carnesale stated he hopes Commissioner Smith received his email; he knows Chair Isnardi did because she has an automated response system; he copied all the Commissioners on it as well; this relates to a turn lane coming into IRCC off of Viera Boulevard now that it has

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been widened; prior to the widening, the right hand lane was basically an unofficial stopping lane; and the reason he says that is because when someone goes past it, basically it became a single lane and there were signs and arrows pointing everybody to the left for at least a quarter-mile prior to the entrance. He went on to say that has disappeared as a result of the widening; as people make a right hand turn there is only enough room for probably two cars before they hit a gate, and this is an elderly community; people cannot see around that corner so basically they are looking at people slowing down to five or 10 miles per hour in an area that is now 40 mph; it is a matter of if, not when, there will be a rear-end collision; he is basically hoping that will be addressed; and he thinks, from Commissioner Smith's executive, that the County or someone is already looking into that. He noted he is not arguing that it is not being looked at, he is thanking the Board for that; and he asked if he could make an appointment with Commissioner Smith at some point so he can discuss the whole thing in more detail.

Commissioner Smith advised Mr. Carnesale to call his office to schedule an appointment.

Daniel Willemin stated most of the visual aids he is about to present can be found under that name saved on his Facebook page; he wants to talk a little bit about bio solids, as they are a big problem and are encroaching on the St. Johns River; he showed an image of Deer Park Ranch and noted he also wants to talk about the muck that is being dredged out of the Indian River Lagoon (IRL), the Grand Canal Muck Dredging Project; he explained in the picture, the little red plot of land is Plat family land, on the east side of the St. Johns, and now the County is going to be placing the muck from the dredging projects out there on the east side which is sort of pinching the St. Johns; that is a concern for him; and he asked if the County could find a better spot for the muck so it does not encroach on the community's drinking water supply. He noted the St. Johns River flows north; it is feeding Lake Washington and their drinking water reservoir from the south, where all this stuff is dumped; and he believes that pinch is going to happen, so it could very well make the drinking water even worse by placing the dredged muck there. He mentioned as seen at the Cocoa Beach Waste Water reclamation Facility, PFAS is concentrated by the treatment process; the effluent tested higher than the influent on that plant; he asked if there are other contaminants being concentrated by this or if there are other unregulated contaminants being concentrated by this; and he asked if there are unregulated contaminants being put out on the fields to drain into the St. Johns River basin and being included in the community's drinking water undetected because they are unregulated. He noted to him that is a big concern; he stated Brevard County is literally surrounded by bio solids; he showed a map and advised the colored dots indicate large groupings of bio solid sites; the County is surrounded by large groupings of bio solid sites; and it appears to him the largest dumping of bio solids happens around his community and their drinking water. He advised he thinks that needs to be looked at a little closer; the proximity of bio solids to where the borrow pit is, where the County gets the nourishment material for the beach is on the map; it is the blue highlighted area and he understands that to be where the County got the beach nourishment material from; he noted just on the other side of it is a large field of bio solids; and that is a very large concern to him as he lives on the beach.

ITEM H.1., RESOLUTION, RE: PETITION TO VACATE PUBLIC UTILITY EASEMENT, MIMS - BRUCE AND EDITH DIMON

Chair Isnardi called for a public hearing on a request by Bruce and Edith Dimon for a petition to vacate a public utility easement in Mims.

Corrina Gumm, Interim Public Works Director, stated this a petition to vacate a public utility and drainage easement that is centered along the common line between lots three and four of the Sweetwater Down Subdivision in Mims; this will allow the owner to combine lots and build a single-family home; they have sent out notices to the County agencies and public utility

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companies; and they have received no objections.

There being no further comments or objections, the Board adopted Resolution No. 19-134, vacating a part of a public utility and drainage easement in Sweetwater Downs Subdivision, Mims, as petitioned by Bruce and Edith Dimon.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.2., RESOLUTION, RE: PETITION TO VACATE PUBLIC UTILITY EASEMENT, SATELLITE BEACH - LOUIS COX, JR.

Chair Isnardi called for a public hearing on a request by Louis Cox, Jr. for a petition to vacate a public utility easement in Satellite Beach.

Corrina Gumm, Interim Public Works Director, stated this is a petition to vacate part of a public utility and drainage easement on Lot 14 of the Waterway Estates Fifth Addition Subdivision in Satellite Beach; this will remove an existing pool deck and screened patio as encroachments into the easement; notices were sent out; and they have received no objections.

There being no further comments or objections, the Board adopted Resolution No. 19-135, vacating a part of a public utility and drainage easement in Waterway Estates Fifth Addition Subdivision, Satellite Beach.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.3., RESOLUTION, RE: PETITION TO VACATE PUBLIC UTILITY EASEMENTS, BAREFOOT BAY - BILLY JOE VANDAVEER

Chair Isnardi called for a public hearing on a request by Billy Joe Vandaveer for petitions to vacate public utility and drainage easements in Barefoot Bay.

Corrina Gumm, Interim Public Works Director, stated this is a petition to vacate two public utility and drainage easements that are centered along a common line between lots 28 and 29 of the Barefoot Bay Unit One Subdivision; this will allow the owner to build a garage; notices have been sent; and they have received no objections.

There being no further comments or objections, the Board adopted Resolution No. 19-136, vacating a part of a public utility and drainage easement in Barefoot Bay Unit One Subdivision, Barefoot Bay, as petitioned by Bill J. Vandaveer.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.4., RESOLUTION, RE: AMENDED AND RESTATED DEVELOPMENT ORDER FOR VIERA DEVELOPMENT OF REGIONAL IMPACT (DRI)

Chair Isnardi called for public hearing on a Resolution on amended and restated development order for Viera Development of Regional Impact (DRI).

Tad Calkins, Planning and Development Director, stated this is a request for the Board to consider an amendment and restatement of the development order of the Viera DRI; this amendment includes a revision to number four, to allow The Viera Company to exchange the development program based on the transportation equivalency matrix without increasing the number of residential units or increasing the external trip ends; they will have to notify the County that they are utilizing the matrix but it will not require the County's approval as long as they do not exceed those two conditions; it also extends the Phase, the deadline, and the build-out dates to coincide with the legislation extension provisions for State of Emergencies; and it cleans up some scrivener's errors. He noted yesterday the LPA heard this matter and they approved it at their meeting; and if the Board has any questions, he would be happy to answer them.

Commissioner Lober asked if Mr. Calkins knows what the vote was at the LPA.

Mr. Calkins advised it was unanimous.

Todd Pokrywa, President of The Viera Company, stated the request is simple and straight forward; it is very narrow in what is being requested which is primarily clean up, as outlined by Mr. Calkins, to reflect prior legislative extensions to certain Phase build-outs and deadline dates, correct mathematical scriveners errors in exhibit four, and to clarify provisions in condition four as it relates to land use exchanges between non-residential uses without increasing traffic impacts consistent with the Development Orders Exchange Matrix; and that provides the necessary flexibility to respond to the market. He advised he is available for any questions.

Commissioner Lober asked staff if they have a concern at this point with respect to the land use exchange.

Mr. Calkins responded he does not.

Chair Isnardi asked Mr. Pokrywa to stick around because there are some public comment cards and there may be some additional questions.

Mr. Pokrywa stated he would stay for questions.

Sandra Sullivan stated she was looking through the Agenda Packet for the information on the bio solids and her jaw dropped seeing this development; she read about it in *Florida TODAY*; what is being seen across Florida is Blue/Green algae blooms because of how the surface waters, wetlands, and flood plains have been managed; if people remember, the St. Johns River and these flood plains were under water after Hurricane Irma; they are exceedingly important for the safety of the people and for people's health; the wetlands and the flood plains

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filter the water, the grasslands filter the water that reaches the St. Johns, it is a filtering mechanism; and if taken away it erodes on those wetlands and those plains which is exasperating the issue with the drinking water. She added she is talking with scientists and they are telling her that the St. Johns River is not in good condition; and people thought the algae bloom was gone, but it is not the rain just pushed it down and the cyanobacteria is still there. She went on to say the County has issues ahead; she is going to ask for an Agenda Item from the Board to consider a moratorium on any destruction of any wetlands or flood plains, unless it is for infrastructure which includes the solar farm up in District two; if no one is looking at the pattern or trends across Florida, these issues are across all the waterways; it is going to be very difficult as a Board to put sustainable growth and the health and safety of the residents ahead of developers, there may even be lawsuits over such; but if the Board does not do this, everyone will see further impairment of the drinking water and the environment; and she added the beaches have a caution and red level of toxins in them. She noted people do not want to fish or recreate in the Indian River Lagoon anymore because they do not consider it safe any longer; and the Board is going to see the impact to the local economic engine if it does not take proactive action.

Pamela White requested the Board delay development in the flood plains and wetlands in the St. Johns River area; and she asked the Board to give the people a place of discussion with an Agenda Item to allow for public input.

Nancy Kirby stated she should probably be speaking in the Public Comments section.

Chair Isnardi stated she would move her card to Public Comment.

Matt Fleming stated the Board is issuing an amended development order today which he believes will be for a development order for 20,000 acres; the St. Johns River is experiencing a toxic algae bloom; development feeds these blooms and takes away the wetlands that mitigate those blooms; and the people need to pay for utility upgrades. He asked how many acres of the St. Johns basin will be affected by this development, how much public money The Viera Land Company and the Duda Family will be receiving in the form of tax abatements from the County, and why is there no proposal to create an urban development boundary to protect these wetlands and the drinking water.

Commissioner Lober stated as to Ms. Sullivan's concerns he does not pretend to be an algae bloom expert, he knows a little about it but probably not as much as the Natural Resources Management Director does; and he asked if she has any concerns and if so what are they with respect to how this proposed Item relates to algae blooms or drinking water.

Virginia Barker, Natural Resources Management Director, stated this was not her Agenda Item so she is not familiar with it.

Commissioner Lober apologized for bringing her in out of the blue, but if Planning and Development does not have any concerns the only other Department that he would be concerned about with an Item of this sort would be that of Natural Resources; he asked if she would take a look at it and see if there is anything that strikes her; and he asked the Planning and Development Director if this allows any additional destruction of wetlands beyond what has already been permitted.

Mr. Calkins explained there are provisions in the development order that look at the wetlands in the area that can be developed and it establishes criteria on how those can be impacted in some way or another.

Commissioner Lober apologized for his confusion on this; he stated obviously, there is

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something in place now and this is going to amend what is in place, so he is just curious if this is putting them in the same position with respect to the same amount of wetlands that will be impacted, or if it is a better or worse position.

Mr. Calkins responded he thinks it would put the County in the same position as the amount of wetlands that would be impacted because what is before the Board today is not a consideration for the Board that relates to the wetland impacts; that has been handled and approved with the original development order; and he thinks the last reinstatement was October 2017. He noted the reason there are so many documents is because they are reinstating the development order as opposed to just doing amendments to it; it makes it much easier for the County to track and for the developer to understand what entitlements they have; and there has been a lot of material presented but a lot of it is not what is being considered today.

Commissioner Lober stated if there was already some approval given by the County Commission before he got there, he just did not want to make a situation worse than it already is; and if it is not going to impact that, then the biggest concern he had on the Item is no longer a concern.

Mr. Calkins explained what is happening today is not affecting the flood plain or the wetland provisions in the development order.

Ms. Barker responded Viera has to meet the Code and she is sure the development order does that; and she knows there are large conservation areas as well, but for a more detailed review, she would need some time.

Commissioner Lober stated he certainly appreciates that; this is one of those that is not in his District but as far as wetland goes it has a potential to impact his District; he has tried for the amount of time he has been on the Board to refer to the Commissioner whose District the projects fall; and he advised he will be backing Commissioner Smith however he wants to go on this one.

There being no further comments or objections, the Board adopted Resolution No. 19-134, amending Resolution No. 17-205, and restating Development Order for the Viera DRI.

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

ITEM H.5., ORDINANCE, RE: CODE AMENDMENT TO CHAPTER 2, ARTICLE VI, DIVISION 2, CODE ENFORCEMENT SPECIAL MAGISTRATE

Chair Isnardi called for a public hearing on an ordinance to amend Chapter 2, Article VI, Division 2, Code Enforcement Special Magistrate of Brevard County Code of Ordinances.

Tad Calkins, Planning and Development Director, stated this is a request for the Board to conduct a public hearing to amend Chapter 2, Article VI, Division 2, entitled Code Enforcement Special Magistrate of Brevard County Code of Ordinances; this amendment accomplishes basically three areas in general; it authorizes the Special Magistrate to vacate orders, reduce fines and lien amounts to the actual cost incurred by the County involving the Code violation; it also establishes mitigating criteria in aggravating circumstances relating to the fine and lien

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reductions for the Special Magistrate to consider; and it clarifies and aligns the Code provisions with some recent changes to Florida Statutes and the County's current practices.

Commissioner Pritchett thanked the Planning and Development Director for all his work on this; she stated she likes that it gives the authority to the Special Magistrate to reduce it to cost which is typically what the Board tries to come down to on a lot of these cases; and she is very comfortable with this.

There being no further comments or objections, the Board adopted Ordinance No. 19-18, amending Chapter 2, "Administration" Code of Ordinances of Brevard County, Florida; specifically amending Article VI, Division 2, relating to the Code Enforcement Special Magistrate"; amending Section 2-170, "Powers", authorizing the Special Magistrate to vacate orders and reduce any fines not to go below actual costs incurred by the County; amending Section 2-173, "Enforcement Procedure"; amending Section 2-174, "Conduct of Hearing", to include general terms governing the Special Magistrate hearing amending Section 2-176, "Administrative Fines; Cost of Repairs; Liens", allowing the Special Magistrate to consider aggravating and mitigating when assessing a fine; amending Section 2-176 to require all violations on a specific property be complied before a fine is reduced; amending Section 2-178, "Appeals", to include language outlining procedure for rehearing; amending Section 2-179, "Notices", to account for notices and postings in accordance with Chapter 162, Florida Statutes; providing for conflicting provisions; providing for severability; providing for an effective date; providing for inclusion in the Code.

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

ITEM H.6., ORDINANCE, RE: CODE AMENDMENT TO CHAPTER 62, ARTICLE VI, SECTION 62-2131, TEMPORARY USE AGREEMENTS

Chair Isnardi called for a public hearing on an ordinance to amend Chapter 62, Article VI, Section 62-2131, Temporary Use Agreements

Tad Calkins, Planning and Development Director, stated this is a request for the Board to conduct a public hearing to amend Chapter 62, Article VI, Section 62-2131, entitled Temporary Use Agreements; this revision would allow for the time frame for publicly and County maintained Lagoon Restoration Projects to coincide with the anticipated project duration, up to five years; currently the Code has a limitation of one year; and if the Board has any questions he would be happy to answer them.

Commissioner Smith stated he really likes the idea that it has a physical impact of saving \$200,000 per year.

There being no further comments or objections, the Board adopted Ordinance No. 19-19, amending Chapter 62 "Land Development Regulations", Code of Ordinances of Brevard County, Florida; amending Article VI, Zoning Regulations, Division 6, Supplemental Regulations, Subdivision 1, General Provisions; specifically amending Section 62-2131, Temporary Use Agreements, to provide up to a five (5) year duration; providing for severability; providing an effective date; and providing for inclusion in the Code of Ordinances of Brevard County, Florida.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	John Tobia, Commissioner District 3
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.7., RESOLUTION, RE: ESTABLISHING MELBOURNE-TILLMAN WATER CONTROL DISTRICT USER FEES FOR FISCAL YEAR 2019-2020

Chair Isnardi called a public hearing for a resolution establishing Melbourne-Tillman Water Control District user fees for Fiscal Year 2019-2020.

Jill Hayes, Budget Office Director, stated this is a resolution to adopt user fees for the Melbourne-Tillman Water Control District; the District held their public hearing to discuss the fees within the boundaries of the District on August 13th; and the fees represent an increase of 2.44 percent from the prior year which is the change in Consumer Price Index (CPI).

Chair Isnardi stated she is okay with Melbourne-Tillman getting a CPI increase because they unfairly went eight years without an increase; with the miles and miles of the system and having to maintain that water in the south County, and any overflow that directly impacts Turkey Creek which ultimately impacts the Lagoon; she thinks an increase to the CPI is just the Board trying to catch up; and she asked that the Board support this. She continued she knows this is a bit of an unusual situation because it is the two Districts that it impacts have the vote on this; and she reiterated it is just a CPI increase and after several years of having no increase and operating on minimal equipment from the 1980s trying to maintain the canal system, she is amazed at the work they have done with what little they have; and she advised she will be supporting this.

Commissioner Tobia stated that Chair Isnardi has made multiple comments that this has been a tax or fee increase in the past, so just for clarification, and she has made some good points that for seven years the person who sat in his seat did not vote for a CPI increase, and he asked if there has been a tax or fee increase on Melbourne-Tillman in the past three years.

Chair Isnardi stated there has been and it was voted on last year.

Commissioner Tobia asked for a tax or fee increase.

Chair Isnardi explained it was a Special District Taxing Authority assessment.

The Board denied a 2.44 percent increase for the Melbourne-Tillman Water Control District.

RESULT:	DENIED [4 TO 1]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
NAYS:	John Tobia

Chair Isnardi stated it fails but the Board needs to see what Commissioner Tobia is okay with; she will support it based on the voting; and she asked Commissioner Tobia if he has another suggestion.

Commissioner Tobia stated he has two suggestions as he stated before; one would be to roll

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back to the 2018 plus institute the CPI from there; he is comfortable with either one; he has listened attentively, yet not responded to comments that he voted for a tax increase on this one; even though this one may be a CPI, there was one in the past, and he is just concerned as the Board moves forward to listen to Chair Isnardi's suggestion and that is why he has come with both of these proposals now; the first one returns to 2018 thus doing away with his previous voting error; the second one would get a little bit more but would institute the CPI which does not make up for his problematic vote; and he noted he is just concerned because Chair Isnardi has made multiple comments not only to this Board but on social media that he was voting for tax or fee increases and he certainly wants to correct that mistake as soon as possible.

Chair Isnardi asked if what Commissioner Tobia is saying is that he is going to vote against the 10 percent increase that he initially supported because of comments she has made on social media. She explained the comments she made, actually it was only one comment, but she appreciates the fact that it is a concern to Commissioner Tobia, but her whole point of bringing it up in the past is that he is quick to judge anyone on the Board that raises anything even if it is by CPI or higher, or the fact that the Board increased the Sheriff's budget; her point back then was he had no problem raising the Melbourne-Tillman rate 10 percent, but she now sees he has admitted now that it is a tax and he regrets that decision; she is just getting the proposal now so she is not sure if the Board should delay this, or if the Board can delay this because she has no idea what was just handed out; and she would like some time to review it.

Frank Abbate, County Manager, stated statutorily he believes staff has a requirement to get this passed now, otherwise, they would have to call a special meeting because there is a date certain they have to have this through for the year.

Ms. Hayes advised the roll has to be certified by September 15.

Chair Isnardi commented the Board could have certified it at the last Melbourne-Tillman meeting, but since Commissioner Tobia was out of town and not at the meeting, it had to be done today instead; the Board would have had another option if there was an opportunity to meet; and she inquired if that is correct.

Ms. Hayes explained her understanding is that the public hearing does have to be held within the boundaries of the District and the District 3 and District 5 Commissioners both have to approve the fees.

Chair Isnardi asked the County Attorney what happens at this point if there is no action.

Eden Bentley, County Attorney, advised Melbourne-Tillman will have no resolution for user fees because it will expire.

Commissioner Lober stated they would eat into their reserves until they run out essentially.

Chair Isnardi commented her concern is if they roll back to the 10 percent error that Commissioner Tobia claims he has made, voting for a fee increase and then pulling it back because someone dares to make mention is petty because Melbourne-Tillman has been running on fumes for how many years with no increases at all; now there is going to be a Commissioner who is too stubborn to act like an adult on this and try to roll it back 10 percent; and that is unfair. She mentioned she does not know what happens at this point.

Commissioner Lober stated he is trying to get the Board in a better position than where this is going; and he asked the County Attorney if the Board has the ability, on a temporary basis, to continue the current rates for another month or two, while this gets figured out and people can reconsider their positions.

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Attorney Bentley advised Melbourne-Tillman has to adopt a user fee as well; the Board could give an indication of what it would approve.

Commissioner Lober asked if the Board did that and kept it at the 23.44820 and 45.40 for a period of 60 days or thereabouts just to give people some breathing room.

Attorney Bentley advised then there is a problem with the budget at that point, how would the County plan for an entire year because it is at that deadline now.

Commissioner Lober stated his thought is, it is not ideal but it may be better than nothing; and if Melbourne-Tillman plans at the lower rate, they could always go back and amend it.

Ms. Hayes advised this has to be certified as part of the tax roll which according to Statute has to go before September 15 so it can be included as part of the property tax.

Mr. Abbate added he believes there is an option on the table that it can go back to the CPI for 2018/2019 and add the 2020.

Chair Isnardi advised she has no idea what that number looks like as far as Melbourne-Tillman's budget goes because she just received this today; the Board could move this Item later in the Agenda or maybe after a break so she can get numbers from the Budget Director because it is not fair to have this proposal and not have a chance to look at it and evaluate what impact it is going to have on Melbourne-Tillman; her concern is that the Board cuts their budget, and they only have a reserve because of a legal settlement in the past not because they are so budget savvy or have a big influx of money, and if the Board cuts them off at the knees, it is going to directly impact the Lagoon; and she does not want to do that based on this nonsense. She added she would like to look at the numbers first.

Mr. Abbate stated he would get her those numbers later in the meeting.

Commissioner Smith stated he would like to point out the 10 percent that the Board is talking about amounts to a whole \$1.91 per household per year; and that is a lot of fluff about nothing; someone cannot go against their ideology for \$1.91 that is going to benefit the people of Palm Bay and the Indian River Lagoon; and he finds that equally as silly, however the previous Commissioner from District 3 did it for seven years.

Commissioner Pritchett asked Commissioner Tobia if he could go back enough years and do an accumulative CPI to do a catch up so it would not all be in the last year, and the Board could maybe get to the same rates.

Commissioner Tobia stated it would be possible, however he will not do it; if anyone wants to go back and listen to his Board Report he very clearly expressed this would be his sentiment thus giving Melbourne-Tillman a heads up; the Budget Director came up with the second idea to put CPI from the 2018 rates up to now; he is good with either one of those; what he is not good with is when a Commissioner over and over points out he voted a tax increase, and he takes that pretty seriously, so he wants to rectify that; and this is his response to that. He noted as soon as he was elected he met with Melbourne-Tillman, Chair Isnardi's husband was on there and they had talked about the importance of the lack of CPI; that would be the reason why he had made that decision for the 10 percent increase, which did not make up for the CPI, but he felt it was a good, fair, and just decision; however, when it was pointed out on multiple occasions that was not correct he chose to rectify it and this is the justification for that.

Commissioner Pritchett advised she understands; she is just going to plead with him on this because of the situation; she knows how Commissioner Tobia is very hesitant to make these

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changes, but she also knows in the wisdom he exercised last time, that he understood the need and even tried to move it over to where it would come to the County Commission but it did not go through with the State of Florida; and she is going to request of him on that one. She stated she knows Commissioner Tobia's position because he is pretty consistent on it, but for sake of Melbourne-Tillman, she asked if he would please consider it for a little while and go back to the rollback for past years; that would do the CPI cumulative to make the same amount; and it could back him out of what he voted on last time.

Commissioner Lober stated he has never criticized Commissioner Tobia or commented on him increasing fees or taxes at any point in time; he is completely separate from what may or may not have been said by one or more Commissioners; with that said, his thought is that there are only a handful of true core obligations that the Board has to the people who live in Brevard County, public safety including Law Enforcement, firefighting, Emergency Management Services, Mosquito Control, infrastructure, water and ground based infrastructure, Road and Bridge, and the Lagoon; this is one of those where there is an impact on the Lagoon; he understands Commissioner Tobia's hesitation to be associated with something that could be viewed as an increase, but if the Board is ever going to spend more money on anything it is going to do it in one of those core areas that he is going to be more comfortable doing it; and if Commissioner Tobia wants to cut some other area of the budget down the road, if that resets karma, there is a high likelihood he would support him depending on the area he would like to cut, however, he just does not see this as being the place to cut. He continued by saying in the brief time he has had to look at the proposals, even the higher of the two represents a drop from the current rates and if that is the way it has to be then that is the way it has to be; he can say from his perspective trying to stay out of any sort of fray, he does not really think it is fair to Melbourne-Tillman and he does not think it is fair to the Lagoon; he is not trying to denigrate Commissioner Tobia in any way; and he would just like to encourage him to maybe consider this or at least keep it where it is at, and it can be picked up at the end of the meeting.

Chair Isnardi noted she wants a chance to review it to see what kind of impact it is going to have on their budget; it is silly and it keeps going back and forth, but when the Board starts making decisions that appear to be vindictive because someone does not like what someone says, she takes issue with that; Commissioner Tobia spent a lot of time in the legislature and it is one thing not to view an assessment or a District fee as a tax, however, that is her opinion, and if Commissioner Tobia wants to adopt it as his own, or if he values her judgment or truth to that more than his own, he spends a lot of time evaluating these Agenda Items and he has been well aware of how Melbourne-Tillman assess in their District; and because she views it as a tax and obviously Commissioner Tobia did not when he voted for the 10 percent increase, she would guess he is converting to what she calls it because he would like to blame someone else for that vote. She apologized to Melbourne-Tillman now that the system has to suffer because there is now a roll back and they are at the mercy of one Commissioner who wants to fix an error that she somehow uncovered. She went on to say this Item would be brought back later because the discussion is not getting anywhere.

Commissioner Smith stated he wants to explain why a 4:1 vote does not pass; Melbourne-Tillman is a Special District and under that Special District, there has to be a quorum; it has to include District 3 and District 5 Commissioners and typically District 4 at the meeting; his vote means nothing because if either one of the others votes against it, it fails; both District 3 and District 5 have to vote to pass it for it to be approved; in this case Commissioner Tobia is the one vote, that if he votes nay, then it is nay; and that is just the way it works.

Chair Isnardi stated because one vote vetos the other no matter what.

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ITEM H.8., RESOLUTIONS, RE: SOLID WASTE SPECIAL ASSESSMENTS, FEES AND CHARGES

Chair Isnardi advised this is the other non-tax Commissioner Tobia voted for, but she will not talk about that.

Euripides Rodriguez, Solid Waste Management Director, stated he is presenting the Solid Waste resolutions; they include the disposal impact fees, collection, and other various charges at the gate, and certification of the tax roll; the disposal resolution has no increase; the impact fee resolution has no increase; the impact fee resolution has a slight CPI increase of 1.64 percent, as per the contract with Holler Waste Management; it is both in the payment and the money that is charged to the homeowners; and with the gate charges, they recently received bids and there are some pretty steep increases regarding the disposal of mulch which affects land clearing charges and the disposal of tires. He continued they are seeking increases from \$23.66 to \$40 a ton for land clearing and from \$126.50 to \$154.50 for tires and those are due entirely to bids received that were not Request for Proposals (RFPs), just straight bids and decided on price.

Commissioner Pritchett thanked Mr. Rodriguez for his good work and she joked he has his hands full with a lot of garbage.

Commissioner Smith pointed out these increases are totally beyond the Board's control because the place the County uses to take these products, because the County does not process it, can arbitrarily raise the price and it has to pay it because there is no other place to take it; that is why he thinks it is so important for the County to keep the landfill property at 192 that it spent a lot of money on; if the County sells that property, then in 10 or 20 years it is going to be at the mercy of any County it can find to take the refuse and they will have to pay whatever price they want; and the County will lose total control of the price if that property is sold.

The Board adopted Resolution Nos. 19-139, 19-140, 19-141, 19-142, 19-143, 19-144, and 19-145, for the Schedule of Annual Rates, Assessments, Service Fees, and Charges to Construct, Operate and Maintain a Solid Waste Disposal System; the Annual Solid Waste Collection and Recycling Program Special Assessment, Service Fees, and Charges for All Improved Residential Real Property Upon Owners within the Brevard County Solid Waste Collection and Recycling Program Municipal Service Benefit Unit; the Imposition of a Solid Waste Impact Fee Rate on All Newly Improved Real Property with both the Incorporated Areas of Brevard County, to Help Finance Facilities Required as a result of New Development and New Users, and Providing for Interest Against Delinquent Impact Fees on Improved Commercial Properties; the Schedule of Special Rates and for Non-Residential Improved Real Property within the Unincorporated Area, and Improved Real Property Not within the Benefit Unit, and the Schedule of Compensation Rates to be Paid Collectors for Curbside Collection Provided to All Improved Residential Real Property within the Solid Waste Collection and Recycling Benefit Unit; Schedule of Special Rates and Gate Charges; Ratifying, Confirming and Certifying the Annual Disposal Special Assessment Roll; and Ratifying, Confirming and Certifying the Annual Collection and Recycling Program Special Assessment Roll.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
NAYS:	John Tobia

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ITEM I.1., BOARD DIRECTION, RE: BREVARD CULTURAL ALLIANCE CONTRACT WITH TOURISM DEVELOPMENT OFFICE FOR FISCAL YEAR 2019-2020

Jim Liesenfelt, Assistant County Manager, stated this Item is an being brought back from July; it is asking for Board direction for funding for the Brevard Cultural Alliance (BCA) through the Tourism Development Office (TDO); the Tourism Development Council (TDC) recommended to fund the BCA at \$50,000; the Board tabled that; and in the meantime, the BCA brought a proposal of where they would receive the funding from the, as indicated in the ordinance, the funding for cultural grants for the total so they have added an additional option for the Board. He went on to say option five is now, accept the BCA proposal to operate arts and cultural programs under contract with the Board using Tourism Development Tax Cultural Funds and then direct staff to bring back a proposed contract for the Board to consider.

Jim Ridenour stated he is the Chairman of the BCA Board of Directors and is in support of Option 5; the BCA proposal lays out how the Board of County Commissioners will have direct control and oversight as well as absolute transparency and accountability for all of the County's arts and cultural programs; the BCA, as the County's designated local arts agency, will manage all of the County's arts and cultural programs just as it has for the past four years; however, it will now be directly accountable to the Board of County Commissioners. He went on the say the fees for service as a grant are exactly the same amount that the BCA has been receiving from the County but the BCA will expand upon the current work while at the same time they will review their organization in an effort to find efficiencies, economy of effort, and possible consolidation of staff so they can produce more for the same amount; the proposal open the way for the County to fund all of the arts and cultural programs as well as the BCA fees for services through tourism taxes that is the four percent allocation for the community cultural services; and this removes a need for the County to provide a funding source from the General Operating Fund. He continued the proposal ups the game for the arts and culture while removing it from the politics and personality issues that have arisen over the past year, and places support for the arts and cultural community where it belongs, under direct control of the Board of County Commissioners; this would also eliminate the need for the TDC marketing committee as well as the Art in Public Places Advisory Committee, the savings for the latter which has been presented prior by Commissioner Tobia, as \$7,878, while the cultural marketing committee savings is yet to be determined; and in addition to their review of staff for possible consolidations, they will be revising the BCA by-laws to provide for a County Commissioner Seat on the BCA Board of Directors, while also looking for County Commissioner appointments to same, in an effort to be more inclusive of the arts and cultural communities; and he mentioned if this proposal could be refined for the Board's approval, it would be a new day for BCA and for the arts and cultural communities.

Linda Brandt stated she is a past chair for the BCA; the local arts agency engages multiple constituencies and she thinks it is important to note that is across the County and across economic strata; programs with the Brevard Schools Foundation in cooperation with them, programs for at risk students, after school programs, hands on programs with the at-risk students, other constituencies that are exposed to the arts where they have access; the visitor component is one component of the arts and cultural outreach in the County and is really critical; she has been involved in destination marketing for a long time and she knows how important it is, but growing new audiences, new constituencies, new participants in the arts, and new artists at a very low level, and for those who may not have even considered attending a performance is important; she thinks that putting a local arts agency under more independent footing where those programs are valued, is important; and she thinks that will not be a loss to the Tourist Development Destination Marketing programs, and in fact, will lessen detractions. She went on to say she believes looking at things in a new way is the right way to go, to give them a shot at a greater level of independence for growing programs that are really focused on wider access in the arts.

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Tom Powers stated he is a concerned member of the art community and as a member of the TDC cultural programs committee; he is an artist and founding member of the Eau Gallie Arts District, past member of the Brevard Arts Museum Board of Trustees, and currently vice chair of the Arts Works Art Festival now in its 22nd year; he is very much in favor of the BCA being required to having a contract prior to receiving any further funds from either the County or the TDC; however, he is very much opposed to the contract being proposed by the BCA. He added he supports the contract prepared by the County Attorney and ratified by the TDC Advisory Board. He mentioned he has a couple concerns with the BCA proposal; the BCA wishes to be granted \$255,000 to perform various activities with the County; the majority of these activities they cite as the administration of the cultural grant program currently undertaken to distribute the Tourist Development Tax that is earmarked for the arts community; he thinks this is a ridiculously high price to pay for the performance of activity, especially true when considering that the TDC cultural programs Committee performs the same function at no cost; and if the BCA were awarded these funds, it would mean their compensation would consume 45 percent of the total funds available for the arts in the coming fiscal year in a time when funding for the arts is diminishing at all levels. He went on to say using 45 percent of the available funds to pay the BCA administration expenses does not make sense and is not art friendly; the BCA wishes to remove themselves from the TDC Advisory Board and he believes such a structure may be in violation of the ordinance established that established the tourist development tax and it associated administration; however it is easy to see why the BCA wants this structure, is the TDC Advisory Boards proper and persistent oversight with the BCA that has brought the BCA to the recent scrutiny of the County Commission, the County Attorney, and County manager; the BCA has been caught in mismanagement and misuse of funds; and now it wishes to institutionalize their mismanagement and remove themselves from the purview of the very organization that has been responsible for exposing their activities. He advised he is not against the BCA; he believes the organization an make a contribution to the arts community in Brevard, however he does not believe that has been the case under its recent management; he does not disagree that using some small portion of the tourist development tax to fund the cultural grants program is appropriate, however with the BCA's proposal is countered to everything the Tourist Development Tax cultural set-aside was intended to accomplish; and he suggested the Board approve the original contract that was prepared by the County Attorney. He added he would respectfully request in the strongest possible terms, that the Board does not remove the BCA from the oversight of the TDC Advisory Board.

John Frederiksen stated he is in support of the BCA; he does not pretend to know anything specifically about how the budget is managed in this case or how the administration of the BCA inter-works with the County; his relationship with the BCA started in 2006; and he has been in a relationship with them where they help him with attaining art for the cover of his magazine. He continued by trade he is an engineer and had not really appreciated the arts and culture in general; with this relationship and with the artists he has grown to know throughout the County this greater relationship and greater appreciation has fostered; this County is the home for numerous talented artists, nationally renowned artists, artists that have commercially provided art for Hallmark cards; and other cities such as Houston have tried to convince these artists to move there, but they have decided to remain in Brevard County for various reasons. He mentioned the Cultural Alliance disseminates arts throughout the County, enriching the County; people considering moving here can see that; he thinks it is a good balance; he knows paving loads is important but the balance with culture is equally somewhat important; the BCA also provides a calendar of events that they disseminate throughout the County; and through his experience with calls he has received, this is an important part of the information that the residents are looking for. He noted the BCA disseminated the calendar of events to organizations and people outside of the State of Florida; in general, he just wanted to state his support of the BCA; and he mentioned he would not want to see the efforts of the BCA diminished.

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Liz Lamb stated she is on the TDC Cultural Committee; in a previous meeting Commissioner Pritchett had said even without the BCA, she would want another outside agency to administer the grants; she does not think the Cultural Committee is any different from the Beach Committee the TDC has except for the fact that the Cultural Committee is only reviewing grants for \$150,000 and the Beach Committee is giving out \$1 million in grants for the Lagoon; she does not understand why they are permitted to give out \$1 million in funds for the grants directly as they do not have an outside agency helping them do that; and she noted she was on the Cultural Committee for a couple years, had to a one-year break, then she came back and what she saw was a continued relationship with the BCA had gotten worse. She continued she had never really gotten comfortable with it; she thinks it all starts with that relationship with it; she was never really comfortable asking questions at the meetings; she felt as though it was very controlled by the BCA; and she realized there was an opportunity to just give the money to the arts groups and this money had an ordinance that was kind of protecting it. She notes she did say that was only a misuse of funds; she had written a letter that was in the paper, and later the executive director went back and told the BCA board that she had said it was an illegal use of funds; to her that is another example of what she is trying to communicate and go to bat for the arts, but her words were misinterpreted by the BCA's Executive Director; and one of her main things is to hear the Beach Committee is fully-qualified and she believes the Cultural Committee is fully-qualified as well. She stated she does not know if any of the Board Members have ever been to a Cultural Committee meeting, but they do read, review, and score all the grants; the only they do not do is the administrative part; if the Board feels they need an agency to do that, she really does not understand that; she advised she supports the contract that was written by the County; and she definitely does not support the one written by the BCA because she is hearing now that they are trying to cut the Cultural Alliance out completely.

Tim Deratany stated he is chairman of the TDC, as the Mayor of Indialantic, as a State Representative, and as a Senator; three Governors appointed him to the Florida Council on Arts and Culture; and for the past 13 years, he served on that board as chairman. He mentioned he reviewed the BCA proposal and the contract is so vague that it gives the BCA carte-blanche to do whatever they want with no limits as to how they spend the tax dollars; not included in the contract proposed by the BCA, there is no mention on how to allocate the grants; it does not address what part of the tax the BCA comes from; it does not address the Tax Collector fees, administrative cost of the TDC; it does not address the carry-forward; and it does not address the percentage of grants versus administration. He went on to say the contract proposed by the BCA does not have the following terms which are required by the County, the identification provision, the County termination provision, the independent contractor provision, the conflict of interest provision, the e-verify the public entities crime provision, and unauthorized alien workers language; he reiterated the BCA contract has a vague and less restrictive public record provision than the County contract and what is required by law; and they spell out that they are not going to show the County Commission everything, and it is right in the contract. He continued the BCA wants to do exactly what they were doing before; the contract proposed by the BCA allows them to use Brevard County tourist tax dollars for administration in other Counties; under the contract proposed by the County Attorney and passed by the TDC board all funds must be exclusively to the benefit of Brevard County, and that is not mentioned in the BCA proposal; the TDC does not have a problem with the BCA giving out or administering the grants for the cultural groups, but provided that they have a minimum of 50 percent membership of the arts group on the board, and they have zero; they seem to ignore the arts yet they talk about all these things they want to do for the arts but they do not do anything except take the money and make it disappear; and if the Commission does not vote today to approve the contract tabled last month, the contract proposed by the County staff and accepted by the TDC, must be the starting point for any negotiations.

Julie Braga stated she is a member of the Cultural TDC Committee and she is also representing the residents in her Marriott where she is the general manager; she is proud to serve on her first

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TDC Committee; she wants to provide some points from her first and only meeting that she has attended that made the *Florida TODAY*, which was very exciting; in that meeting, that is at question right now, Peter Cranis, Tourist Development Office Director, said there would be no additional TDC staff hours available to help with the grant process; that means the Committee which she is a member of, would be issuing these grants from the money they collect as hoteliers, but there is a lot of staff hours imprinted; and she believes Ms. Lamb spoke about that. She asked what the Committee is going to do or if it is up to the volunteers; she served on the BCA grant committee in previous years and she knows it is a lot of work; there are 30-plus applications that go through the process; she is curious if they are supposed to do that as volunteers she wanted to let the Board know at that meeting she was the only hotelier, not on the committee, but in the entire audience, there was no one else there representing tourism; as someone who is helping every day to provide jobs for employees and have that focus; and her concern as this moves forward is if tourism is the primary focus of the TDC, right now. She noted she, as a general manager, has to be one that looks at her housekeepers in the eyes and tell them whether she has work for them or not, so her interest is very personal in a sense that she wants to keep her people employed, keep business strong, and keep tourism as the primary focus on the Space Coast.

Commissioner Pritchett stated she spent 10 or 15 minutes on the phone with Mr. Deratany and it was very enlightening; she spent about 20 or 30 minutes with Mr. Ridenour; and she is trying to figure out what is the best thing to do for the County and tourism, and what is going to make the most sense. She continued she thinks this has gotten very political and there are a lot of personality issues, so she has been thinking through what a good process would be; she has no agenda on this other than Brevard County and hopefully tourism; after thinking through this, she likes what Mr. Ridenour brought and they were able to have a long discussion; she almost thinks this should be a revamping of the BCA; she likes that the BCA understands they are an advisory board; and they are doing a lot of structure changes as far as staff, and it would be the Board's responsibility to figure out where staff goes. She added Mr. Ridenour said there should be a lot of consolidation; she thinks a lot of the administrative cost mentioned would be consolidated; she went through what the people do and she liked the consolidating; also staff delivers the art, picks up the art, and sells the art, so there is a service entity that is also involved with this; she noted she had commented to Mr. Ridenour that was an awful lot of money to manage for grant funds, and he told her that is not all that happens; and she feels that would be the Board's responsibility to pull that together. She went on to say what she would like to see happen is the BCA advisory board become directly under the County Commission and that they would negotiate a contract with the County Manager; she thinks that would be a good process because she would know the County is protected and it would be a good contract at that point; she would like to have all the funds that go to this mission and this board all come from the TDC; she knows they will not be doing a transfer because she had discussed that with the Budget Office Director yesterday; she thought about a transfer with an earmark and the Budget Office Director stated all the County has to do is hold on to it in that fund, that full amount of the four percent would be what is available for that; and this would go to the advisory board which would come under the Brevard County mission for approval; and that is a substantial amount of funds but it will be pulled out. She stated she thinks from hearing Commissioner Tobia in the past, she would agree with him that it is time to get it fully off of the General Fund and it would all come from the TDC funds even on this budget; the amount Commissioner Tobia keeps bringing up and is uncomfortable with could be removed from this budget immediately; she also thinks the Board could do away with the Arts in Public Places Board and the TDC Cultural Board; therefore it would be removing two boards with staff time because it is going to become an advisory board where they will be responsible with the contract through the County Manager, completely under the Board of County Commissioners; she thinks that way the TDC will have that 96 percent of managing and that four percent will be saved for the Board; and she thinks maybe this would be a good move for the County Commission to be watching over it and it solves the contract problem. She went on to say she has a little bit of

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heartburn with all the conflict about the contract, it should have been under contract; she is glad it was caught; she thinks the TDC is going to have to work to make sure it is giving contracts when it is giving away large amounts of money; that very day the discussion came up, the TDC approved a \$250,000 grant to the Playhouse without a contract; and she mentioned not that she is not in favor of it, because she probably is, but if it is good for one it has to be good for both. She added she thinks the Board has a lot of work to do; these people are volunteers and they are amazing; as far as what all the groups are doing she commends them for volunteering in the community to do these things; but this is going to be her motion, that the advisory board of the BCA directly contracts with the County Manager, this becomes an advisory board to the County Commission, and that the County Commission will be the ones approving the final amounts of money going in and out with all the funding coming directly from the TDC and no longer any money coming from the General Fund, and that the two boards be removed from the County budget.

Commissioner Lober stated this is an interesting one; the crux of it is he has spoken to folks with the BCA several times; he has heard the concerns coming from the TDC members with respect to this, and other constituents as well; there are things he has heard that he likes and dislikes; one thing he liked hearing from Mr. Ridenour was that he wants to see the Board of County Commissioner exercise direct control of oversight and have the BCA directly accountable to the Board; he thinks the first step in going that direction is ensuring there is a good contract; he would like to see the BCA survive in a reasonable way where they can continue to do good work and do good things for the County; however, some of the concerns identified by Mr. Deratany and others caused him to believe there would be a benefit to have someone from the TDC Cultural Sub-Committee work with the County Manager. He went on to say he does not think that is a bad idea on Commissioner Pritchett's part by having the County Manager be the point person for the County in negotiating with the BCA; he thinks it would help to have someone, as he thinks there is a lot of bad blood between Mr. Deratany and some of the folks on the BCA and he would probably agree that Ms. Lamb would be far more pleasant than he is, he would suggest if Ms. Lamb is willing, for her to serve on that as well and working with the County Manager to firm up the concerns out there, and it could be brought back to the County in a better state than where it is at; he thinks the Board is in a position where it has something, but the County Attorney may need to look it over as well; and he would leave that up to the County Manager, if the Board is willing, Ms. Lamb as well and possibly Mr. Ridenour. He mentioned one of the concerns he has, from the information he has at this point, is that Mr. Levine has formally resigned, he does not like to micro-manage but since the BCA is willing to have this come under the purview of the County Commission, he does want to make sure any search for an Executive Director or whoever is working on the replacement that it include the County as well, the County Manager and possibly a TDC member so the BCA does not end up with exactly the same kind of personality conflicts that caused them to be here in the first place; and he noted he thinks it is better for everyone especially the people who live and work in the County. He continued he like most of Commissioner Pritchett's item, but he thinks there are portions of it than can be tweaked including someone with the TDC and having them serve in that capacity as well; he would second it if that modification were made; and alternatively at the end of the comment, he will probably be making his own motion if the modification is not made to the first motion.

Commissioner Tobia thanked all of the wonderful volunteers on the TDC. He stated the Board talks about this not being personal, it was in all honesty, one of the first things he did when he was elected, was to remove Senator Deratany from the appointment because they do not see eye to eye on many things; he noted it is great to see his passion on this, he has never let that down and he is his advisor on this one; and he thinks he hit the nail on the head on this. He went on to say that would be Option 1; a great deal of time has been spent on this and there is an advisory board; he thanked Ms. Lamb for appearing and added her father is a treasure and that he did not know they were related; he has a great deal of confidence as this group is

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working together; the contract has been vetted by the County Attorney's Office; it has all the provisions that were lacking from the BCA contract; and whether the executive director is there or not there, he does not think that changes the weaknesses in the contract. He noted while he likes many of the items that Commissioner Pritchett put forth, his vote will be along the lines with the TDC recommendation to accept the contract and funding amounts recommended by the TDC; he thinks it is useless to make more advisory boards or funnel stuff through the County Manager who has plenty of items on his plate; he thinks the Board should rely on the volunteers who work extremely hard to make those determinations of what is best for the arts community; and it will not be cutting one dime from the arts community it is just saying folks on the TDC are better apt to make those decisions than what the BCA could otherwise do. He noted should the first two motions not get a majority, he would ask for Option 1.

Commissioner Smith stated he wanted to disclose he also spoke with Mr. Ridenour and Mr. Deratany; he picked their brains and got some information from them; he finds them both very educated in this area, maybe in many areas; they are completely opposite in their opinions but they are both very passionate about this; and he likes the idea of the County being in charge because one of his concerns is that there are no real provisions for the arts, there is a lot of cultural emphasizes but not a lot for the arts and he is not sure how to reconcile that and he is not sure the Board does not need to have some kind of combination of these unless Board is restricted to these options.

Commissioner Pritchett stated just on that note, if it becomes under the Board as an advisory board, the Board will be appointing people to this board; she also thinks it might be an advantage to have one of the County Commissioner be on there as a liaison so the Board is able to put in place what it feels is important to all of the constituents; as far each Board Member appointing someone, they could appoint who they want to; and she thinks it would solve a lot of problems so there would not be one layer here, one layer there, or all the conflict trying to get everything done. She added the vast amount of personalities is kind of tough; and she thinks if the Board takes the four percent and moves it over there; leave the TDC with the rest of the 96 percent to focus on tourism-driven projects; and it was not that much money, but it seems significant moving forward as the population increases. She went on to say she thinks this might be a good solution, as far as what Commissioner Lober just said because the Board is able to directly impact who is on that board because it is the County Commission's board; one of the Commissioners could sit on the board and there would be direct communication as far as what the Board Members feel their constituents would want with a board that is already totally focused on nothing but arts and culture; plus it gets rid of two boards right now; it would not be creating a new one, it would just transition into the Board's appointees; and that means it would reduce two boards, keep one in place, and just reformatting so it is a clean direct path to the Board. She added the contracts is with the County Manager so they will know everything is fine and the Board will be comfortable with how the funds are spent.

Commissioner Lober stated he does not necessarily have a huge objection to that, but he thinks there is a condition precedent in his mind to getting to a point where the Board can do that; he thinks the first thing is getting the contract taken care of and then move on to that concern; he would propose the Board to look at Option 6, which is essentially something that was not listed in the prior five and direct the County Manager to work with Ms. Lamb or someone else from the TDC, preferably from the same sub-committee, to formulate something because his ideal goal would be to have everyone come back where everyone is acceptable as to where things are left off, so there is not this big unknown moving forward; and at that point he thinks it would be a little better to move in the direction that Commissioner Pritchett is talking about. He noted he has concerns about the contract and he thinks now is the best time to get those addressed, not after the Board takes additional action.

Commissioner Pritchett stated her only caveat to that is she thinks that should be the BCA with

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the County Manager right now to see if they can get a working contract because they will be the Boards advisory board; he proposal is that this becomes between the BCA and the County; they do not respect the TDC; she thinks this is the better route and is where she will be moving towards; and she thinks if the Board allows them to get together and see if the County Manager can get a contract that the Board is comfortable with and feel is appropriate. She added she thinks this would then be the Boards responsibility.

Chair Isnardi stated she was really torn on this; after talking to Mr. Deratany several times over the last several months even before there were big shifts in the board change; there has been issues with the BCA for a long time; she does not think anyone would argue that some of the work they do is wonderful; what she takes issue with is the Board choosing an organization that will be managing the arts; and she inquired what if any organization were to apply to do that, why would the Board only allow the BCA to essentially bid on that service. She continued another argument is that she does not want anything else to do as she feels the Commissioners have enough of a budget to manage; she thinks the TDC should be managing the TDC Fund; they have obviously had problems in the past and had issues that the Board is just learning about now that had gone on for a long time, before there was a member shift; and she thinks the BCA provides a valuable service, but she also thinks the Board needs to let the TDC still manage it. She went on to say maybe the BCA could have some oversight or auditing through the County, however, if the BCA is such an organization that they do not fix the issue they have had, and it appears they may have fixed it, then maybe the TDC will not use them; and she advised she believes the arts and culture needs to stay with the TDC. She advised the idea of bringing this under the Board because maybe the Board could make sure they were spending the dollars correctly she was almost sold on it, but that is egotistical of the Board if they cannot use an auditor to do the same; and she noted that is her opinion.

Commissioner Pritchett stated that is a really good opinion; she agrees with Chair Isnardi on that, but there has been so much conflict; it has been really hard to get everybody to sit down and come to the table; and this is still going to be an advisory board and they will still give recommendations, but instead of them going to the TDC, because they are still unable to get contract stuff done, it will just come through the County Manager. She added that is just something to consider with that. She continued she thinks that just by listening to the meetings it seems tough to her; she had heartburn over the cost of the administrative, and Mr. Ridenour agreed with that and he is working those things too; she thinks the board is going to have to set up and apply these surfaces because they spend hours doing this; and she believes there are some things they need to consolidate because they manage grant writing. She added she went through line by line with them because she wanted to make sure people were earning these funds. She went on to say she thought this would be a good solution for right now because of the strong personality conflicts; as far as the TDC, it is a great entity; a lot of money but they are working through a little bit of an audit struggle right now, too; none of these things are perfect, so four percent, she thinks it might be a good fit right now; and she commented let the cultures do the cultures. She stated she found out that Sarasota has a \$2 million culture budget and Brevard is only running a small amount here; she is not really in to all this stuff but she knows it is really important because all the millennials are moving to the places that have all these types of concepts; goodness knows the County is trying to attract workforce; she knows it is important and the return on investment from what she has been reading in some of the pamphlets, the TDC and the arts have been doing a good job; and there is definitely productivity coming from these entities. She mentioned she just thinks that moving forward right now, this would be a good way to get rid of some of the conflict because no one is in agreement right now; she has a copy of all the people who serve on the BCA; they are all wonderful qualified people and the Board can move them around to wherever they want them because the Commissioners will be naming people to the Board; and these people are just like the TDC boards where they are all volunteers and spending their time. She reiterated there might need to be some different type of revamping with this advisory board, but this Board should be able to give some direction as to

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what it thinks might need changed also.

Commissioner Lober stated going back to this whole personality conflict thing, if people want to say something, then say whatever they want to say; he would suggest that if folks really do want this to work out in the long run, that they resist the urge to denigrate the other association with the media; he knows the paper will be happy to print whatever negative words someone says, but the County is trying to make this work so at least everyone is content in the end; and he thinks running to the paper, Space Coast Daily, or online and just nuking the other party is not going to be productive for anyone. He went on to say it would make the Board's job easy and it would probably make the end result better for everyone if the parties try to avoid that; he is far from certain how this is going to go today, he thinks there are a couple options that are somewhat palatable, but he would suggest if this does not end the way some people think it ought to today, it does not sound like anything is going to be irreversible or written in stone; with all of the proposals he believes there is still more work to be done; and he thinks the process needs to work itself out and then if someone is unhappy then they can go ahead and let the other folks know how they feel. He noted he would really allow this to work itself out before trying to spin it in a way that is damaging to another party.

Commissioner Smith stated earlier in the week he called Mr. Cranis, he had spoken with Mr. Ridenour and Mr. Liesenfelt as well, and he asked if the three of them could get together with some common ground; and he asked Mr. Cranis to weigh in on this; and he asked how that worked out.

Peter Cranis, Tourism Development Office Director, stated they did not have an opportunity to sit down with Mr. Ridenour but Mr. Liesenfelt and himself went through the contract and have identified a number of issues that have already been discussed; he had mentioned to Commissioner Smith on the phone, that there were some things he was not completely comfortable with in the contract itself; he does not want to say they need to go back to zero, he just thinks they need to go back to a version of the contract that was better defined by the County originally and to incorporate the direction of the Board in terms of the amount of money to be awarded because the original had \$50,000; and if the Board wants to increase that amount it would be helpful to have that direction as far as what that amount should be. He added the TDC is going through its audit right now; he is totally committed to transparency and accountability, and that is what the audit is helping with. He went on to say he thinks the BCA should have that same level of transparency and accountability; he does not believe that has happened in the past, at least not completely, because there was not a contract and no way to hold the BCA to that accountability; whether it is the County Manager or Mr. Liesenfelt and himself working with BCA or someone else from the TDC that may be assigned to that, he is totally open to that conversation; however, it would be a little more helpful to have direction from the Board in terms of the amount of money that it is talking about. He inquired if it is the full 10 percent of the first two pennies, that is how the ordinance describes it and it does come out to four percent or is it something different; he asked what happens if the TDC grows and inquired if that is built into it; and he asked if there are other uses for those funds that could be used for marketing and the TDC. He noted he would just like some better input on that.

Commissioner Smith mentioned what his problem is right now is that he sees benefits to several of these options and he is not sure he wants to come down wholly on any one of them; he would not be opposed if Mr. Liesenfelt and Mr. Cranis sat down and came up with an option they could provide the Board; they have the insight and all the numbers right in front of them; and he would agree with Chair Isnardi that the Board already has enough to do. He went on to say when he first heard the proposal to allow the Board to be in charge he thought it was great.

Chair Isnardi interjected because of oversight and audit ability.

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Commissioner Smith continued that is correct; he thinks the Board can get oversight without the Board being in on some of the decision-making; and he noted that would be his recommendation.

Chair Isnardi stated she thinks people believe the BCA has to do all arts and culture; if there was no BCA there would be no culture; and if the Board does not talk over the BCA, it cannot do art in public places; if the TDC's cultural board manages the grants or the funds, and the BCA applies for those funds like other agencies, in reality looking at the board, these people are not artists or the cultural community and that was a red flag to her a long time ago; it does not mean the BCA cannot ask for a certain amount every year because if they can justify usage of those funds and show the cultural committee or the TDC as a whole, because ultimately it will come to the Board anyways just like it approves the projects; and if it comes to them and they say the BCA justified the use of \$225,000 then they have at least impressed the cultural board enough that they will manage the money properly; and they can also say there is too much for administrative cost, She noted she thinks everyone needs to get out of the mindset, as much as people love the BCA, the Board has to get out of the mindset that it is ultimately responsible to the BCA because they are an organization of their own, the TDC and the BCA. She stated the County likes what they do and they do some awesome things and they have nice people who work there but they are still their own organization.

Commissioner Tobia stated Mr. Cranis is looking for direction and he may have to watch this meeting four times to get anything out of it; he will try to boil it down; Mr. Cranis is probably looking whether to go with contract proposed by the BCA or the contract proposed by the TDC, and has been vetted by the County Attorney; and he asked if that is one of the two questions he is trying to get out of this today.

Mr. Cranis stated the question is the amount of the contract recommended by the BCA is directional, but he sees many problems with that contract.

Commissioner Tobia stated he sees problems with it as well; he asked if Mr. Cranis is looking to go with a problematic contract or the one vetted; and he asked if Mr. Cranis needs that as a direction.

Mr. Cranis replied affirmatively.

Commissioner Tobia stated the second one is whether to go with the TDC recommendation of \$50,000 or the BCA recommendation of \$255,000; and he asked if that is correct.

Mr. Cranis replied it is.

Commissioner Tobia stated although the Board may want to kick this down the road, it should probably direct staff one way or another to let them know whether to work with one of those two contracts or one of those two amounts; and he thinks it is unfair to ask staff to make a Policy decision.

Mr. Liesenfelt stated the BCA would like the four percent, or 10 percent of the first two pennies, not \$255,000; and that would be something like \$640,000 with some subtractions for the Tax Collector fee, the statutory holdback, and how ever tourism subtracts out their administration costs across the funds.

Commissioner Tobia advised that is substantially more.

Mr. Liesenfelt clarified it was more than \$255,000.

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Commissioner Tobia thanked Mr. Liesenfelt for explaining that. He reiterated he thinks the Board needs to give staff a little direction; where he stands on that is with Mr. Cranis and Mr. Deratany pointing out all of the problems with the BCA contract, he would certainly be with the TDC contract, the one that was vetted; he was not comfortable with the \$255,000 and it sounds like it is substantially more, so he is comfortable with the \$50,000 that was suggested by the TDC. He went on to say, whatever decision the Board comes to on those two items, staff should be provided direction one way or another for fairness.

Commissioner Pritchett stated she is thinking this would have to be a new contract; she thinks everything the TDC has been dealing with needs some substantial changes; she thinks the Board is going to have to determine how to structure it at this point; she thinks this is the conversation so the Board can give staff direction and let them know how much the Board is willing to spend on arts and culture; that is going to be the amount regardless of whether it is divided up into more than one entity or not, because that is the kind of money coming in for these types of projects; and the Board just has to frame how it thinks it should be. She continued as far as the boards, TDC and BCA, they are both advisory boards under the Commission; that does not change this, there are no boards independently out there on their own; those boards still report to the Commission and it still makes the final decisions as far as budgets and funding; and she thinks what the Board needs to do is come to a consensus of how to frame it and who the Board wants to be responsible for making decisions. She went on to say she hears the TDC on how they want to do this on the cultural side of keeping a dog in the fight; maybe there is a way to merge them; she does not know how that would be done; she thinks there are four boards right now who all have opinions and they are all advisory boards, so she thinks this might be an opportunity to figure something out; and she actually likes the idea of allowing Mr. Leisenfelt and Mr. Cranis, including Mr. Abbate, and see what they think or give the Board some recommendations of what would be a strength in moving forward. She mentioned that would keep Mr. Cranis in there, the County in there, and they could decide what they feel is best for the County.

Mr. Abbate stated just to be clear Mr. Leisenfelt and Mr. Cranis both work for the County Manager, so when talking about who is going to be negotiating, the three of them are a team; Mr. Cranis works for the Tourism Office, the TDC is an advisory board; he is listening to what all of the Commissioners are saying and whatever the path and direction that the Board chooses to give them, they will follow it; so whether it was directed at him, Mr. Leisenfelt, or Mr. Cranis, they will be working together to put a contract together, taking into account from a budgetary perspective; he advised they would have to make adjustments to whatever was proposed; and they will do that and make sure all the contract provisions that need to be in there are there. He commented he thinks the most basic decision the Board has been toying with is the TDC to stay involved or will it come from the BCA; as soon as they get that and the Board agrees on that, they will put the contract together working with that agency; and they would bring it back to the Board for consideration.

Chair Isnardi stated one thing she thought of before the Board started discussing it is given the change in leadership with the BCA and the instability of that, and the past year of tension, maybe perhaps the Board should go with the first suggestion of the original put-forward contract with BCA and after this year the Board could restructure if need be; at least the BCA could move forward and know what they doing instead of waiting on the Board to try to figure it out; it is obvious that most of the Board are on different pages with this; and if she were to vote on this right now, rather than have staff have to come back with something else, they will be hesitant in giving their opinion because they should not have an opinion on it, they should just be providing information; and if there are three votes to go ahead with the \$50,000 this year, then they could modify next year, or if it is the Board's desire to bring it in-house, that is another thing altogether. She noted she does not think she could get there with all the information she has received; but at least this year they could move forward with what they are doing; they can plan their budget;

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but she reiterated the Board has to get out of this idea that it is obligated to the BCA more so than to the TDC; she believes the Board should be obligated to the arts and culture community; and the Board should make sure they are serviced, so this could move the BCA ahead for the next 12 months.

Commissioner Lober noted he thinks the Board has flushed out what the issues are; it seems there are three options at this point; there is the District 1 proposal, there is Commissioner Tobia's proposal, and he thinks his own proposal is probably closer to the middle of both of them; he thinks at this point the Board should vote and see who gets seconds and how the vote goes; he understands where people are coming from and he thinks, if the Board were in a meeting and it was at a point where something was hammered out and is to everyone's satisfaction, he would be right where the two of them are but he does not know if he is there yet; he would like to give it one more round; and he knows this is taking a lot of time on the Commission but he feels it is important enough that it be given one more shot.

Chair Isnardi advised she is just over it.

Commissioner Lober responded he understands, and he is almost over it; he thinks he will give it one more round with Mr. Abbate negotiating with BCA, with the input of Ms. Lamb, assuming she would do it; however, if they do not get something reasonable, he will just go with the TDC suggestion at the next meeting.

Commissioner Smith stated he is with Commissioner Lober; he is kind of between the two; he thinks, if the Board could just decide on how much money it wants to give them, today; and then let County staff come up with how that will work with the contract.

Chair Isnardi inquired if Commissioner Smith is talking about the contract made with the TDC.

Commissioner Lober stated he understands the concerns with respect to that, but he does not know if he wants to put that in stone yet because it depends on what is negotiated in the contract; he can say he is not in favor of giving the BCA \$600,000; he feels that is way out of line with what he would go for; he would be less concerned about a \$200,000-plus number but the \$600,000 or something is off the table; if the Board wants to put a max cap on it he would be happy to do that; he just does not know if he is willing to do \$205,000 versus \$265,000; and if the Board wants to cap it at the higher end, of the exact number he would okay with that.

Commissioner Smith advised he does not have a number in mind.

Commissioner Lober asked if he wanted to just round up and cap it at \$275,000 for the max.

Commissioner Smith asked Commissioner Tobia what his thoughts were.

Commissioner Tobia said he is going to fall back on the recommendation of the advisory board; he thinks that is why the County has advisory boards; and he does not think anyone is in a better position.

Commissioner Smith asked what that number is.

Commissioner Tobia stated he believes it is Option 1 and it would be \$50,000; he did not come up with that number, it was a recommendation from the TDC; to be clear he would like it be zero dollars; however, he is going with the recommendation of the TDC.

Mr. Liesenfelt advised the TDC recommended \$50,000 at their May meeting; last year the Cultural Alliance received \$205,000 from the Tourist Development Office for administration; and

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they received \$50,000 from the General Fund for administration of grant programs. He added they received \$100,000 from the tourism tax for the cultural grant program; and \$30,000 from General Fund for the cultural grant program. He noted the \$130,000 was just a pass-through; therefore, the grant total received was \$255,000.

Chair Isnardi asked if she could call Mr. Deratany back to the podium.

Commissioner Tobia stated he sees where the issue is; it is \$50,000 from General Fund and \$50,000 from the TDC; and he mentioned he would not mind if all \$100,000 came from the TDC because it would then free up \$50,000 to do some other things.

Commissioner Lober advised he is with Commissioner Tobia on that one.

Mr. Deratany stated as he said in his comments, he is not opposed to the BCA administering the grants; now that it is going to be changing, and hopefully there will be artists and people from the arts group on the Board, he would not be opposed to increasing the \$50,000; that was done because they were not going to do the grants; however, if they did the grants and it moved forward it could go up.

Chair Isnard inquired if Mr. Deratany would be opposed to bringing this back to the TDC and then bringing it back with a recommendation for the Board as far as the with that direction if the majority wants to do that.

Mr. Deratany stated they would do that.

Chair Isnardi asked if they could still manage the arts.

Mr. Deratany advised they are meeting on Thursday; and they could come up with a higher figure and some other things, like placing people on there from the arts and cultural communities.

Chair Isnardi stated honestly she would rather the TDC vet this problem; and from her perspective, in a perfect world he would still manage the arts and culture within the TDC.

Mr. Deratany advised he has been in the arts his whole life; he advised he will be gone in two or three months so personality wise it does not matter because there will be new people coming in there; he would just like to get this squared away so the arts are receiving the proper amount of money that they deserve; and he would not be opposed to the Board increasing the funds today. He mentioned the BCA is a good group, it just got sidetracked with the leadership; and hopefully they will have good leadership in the future. He noted he is an optimist in that regard.

Commissioner Tobia asked no matter how the Board does this, since Mr. Deratany sits on the board and makes the recommendations to the Board, he is not making any plans to decrease the funding to the arts.

Mr. Deratany stated they are going to take whatever money they save in the other areas; he noted quite frankly the TDC was taking \$100,000 and spending it on advertising which they can take out of the regular marketing budget, and that money is going back to the arts where it should be; they are taking the money they were not really giving out and spending on marketing for the people who would apply for it, then the TDC would keep it; and he is opposed to that. He noted it was not just the BCA, he was opposed to the way the TDC was operating on it as far as the arts go because they were cheating the arts community out of the dollars that were allocated for them in the County Ordinance that was originally passed in 1986; he wants that money, instead of \$100,000 plus going out, he was advocating for \$500,000; and they can still do that

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with an increase in giving them the money and allowing them to do one grant program. He mentioned it is really simple to do and it does not cost that much money to implement a grant program.

Commissioner Pritchett stated Mr. Deratany just gave her a little more comfort with what he just said; after listening to everyone's comments, the only reason she frets the full amount is because it is the full amount of the arts, and that is what is going to be spent anyways; she was trying to figure out where to divvy it up; she would be comfortable with what Chair Isnardi said and cap it at the \$275,000 right now because there is always time to pull back with what the Board wants; and that way the Board can just get some kind of balance on how it is spending money in the arts.

Mr. Deratany stated he just wanted the Board to know he is not opposed to the BCA, as he has been involved with it for over 70 plus years; he wants the arts to do well; he wants the money to go to the Cocoa Village Playhouse and to the Titusville Playhouse; he supports them and it is because of him being on the Florida Arts Council that the Titusville Playhouse received money five years in a row; he helped them write their grants and he got them approved with a higher rating so the legislature would pass them, and all the others; that is what he has been doing; and he mentioned he is done making money and he is now interested in helping his community.

Commissioner Pritchett thanked Mr. Deratany again. She went on to say she thinks that might be a good solution right now so it can be worked out; she does like a lot of the changes going on with the BCA right now; she thinks this would be a good starting point; she also likes the fact that the County Manager is going to be working on that contract because it needs a little love; and if someone is willing to make that motion she would withdraw her motion.

Commissioner Lober stated his motion right now would be, unless Commissioner Pritchett wants him to tweak it some way, to direct the County Manager to work with the BCA, presumably Mr. Ridenour along with Ms. Lamb, to negotiate a contract with a maximum cap of \$275,000 and to come back at the earliest Commission Meeting.

Commissioner Pritchett inquired if Ms. Lamb is the chair of the cultural board and the TDC.

Commissioner Lober stated he does not know if she is chair, but she is on it.

Mr. Deratany advised she is not the chair but she is on that Committee.

Commissioner Pritchett inquired if there is a chair on the Committee and if the Board is getting out of order by doing that.

Mr. Deratany advised whatever the Board wants.

Commissioner Lober stated she was at the podium and seemed very passionate about it; and if the Board wants to use someone else then that would be fine.

Commissioner Pritchett stated she is fine with that.

Mr. Deratany stated he thinks the Committee is meeting tomorrow or Thursday; what they wanted to do was ensure that the County staff was involved with a search Committee for the BCA as well as someone from the TDC and anyone else who they would want to appoint; and that they also put a minimum of 50 percent on the Board of Directors from the cultural community.

Commissioner Pritchett stated she is getting a little hopeful hearing a lot of kindness starting.

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Commissioner Lober advised if it would make Commissioner Pritchett feel better, he believes Andrea Young is the chair for that subcommittee; and he could put her on it instead, he is fine with that.

Commissioner Pritchett stated she has nothing against with Ms. Lamb.

Commissioner Lober stated he would like to stick with Ms. Lamb then.

Chair Isnardi asked where Commissioner Tobia is with what Commissioner Lober is suggesting.

Commissioner Tobia stated he respects that; he is confident in the work the TDC has done with this; he does not think the administrative cost matters; he would rather those administrative costs be born by the TDC; Mr. Deratany has the same wish that the rest of the Board does; and that would be to use those dollars to promote art as best as possible. He added Mr. Deratany is telling the Board the volunteers are willing to do this, thus saving the County administrative dollars; they can do it for \$50,000 plus the other \$50,000; and so \$100,000 instead of \$275,000, that leaves \$175,000 more to promote more art festivals at no additional cost to taxpayers.

Chair Isnardi stated if they are administering the grant program then there is nothing for BCA to apply for a grant from the cultural arts program.

Commissioner Tobia stated that would be acceptable with him.

Chair Isnardi explained what she is saying is, the BCA does not have to be out of existence because they are not getting a direct flow of cash.

Commissioner Tobia stated his concern is not with the existence of the BCA; his concern is with the tax dollars; he has a volunteer organization of professionals and he is usually on the opposite end of the spectrum with Mr. Deratany, but he is saying he is working to spend the dollars the best way possible; he and his volunteers are willing to do the exact same work as the BCA is doing, thus providing more opportunity for arts in Brevard County without spending anymore tax resources; and he respects Commissioner Lober's \$275,000 which is better than the \$600,000 but his confidence is with councilwoman Andrea Young, Senator Deratany, and Ms. Lamb.

Chair Isnardi stated that is where she is confused because Mr. Deratany said he is open; the circumstances have changed; the BCA lost their director and Mr. Deratany said he is not against the BCA; and now she is not getting that firm position from the TDC.

Commissioner Tobia advised he misunderstood; what Chair Isnardi is saying is that Mr. Deratany has changed his mind and is willing to provide more resources; if he is willing to provide more resources; and if he thinks that the BCA serves an important function and that is his recommendation, he will support him on that.

Chair Isnardi inquired if Commissioner Tobia is comfortable with that or for that going back to their board to discuss; she stated she does not want this to go back, she wants a decision like yesterday; however, she wants to make the most sound decision that is the recommendation of the TDC.

Commissioner Lober stated he does not know if there was a second to his motion.

Commissioner Pritchett inquired if Commissioner Lober made a motion; and she advised she would second it.

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Commissioner Tobia inquired if he could ask Mr. Deratany if it is \$275,000 or whatever that number is.

Chair Isnardi stated if he believes his board is going to be okay with this.

Commissioner Lober advised that is a cap, it does not necessarily mean it has to be \$275,000, it could be less than that.

Commissioner Tobia asked if this is just an opportunity for them to come back to the Board with an additional recommendation of what that number would be, up to \$275,000.

Commissioner Lober responded up to the \$275,000; it is essentially encouraging them to negotiate with that as the maximum cap; and he noted he hopes it does not come back at \$275,000.

Chair Isnardi stated it gives their board a chance to vet it.

Commissioner Tobia noted he would ask that they try to focus that money from the TDC and not the General Fund.

Commissioner Lober and Chair Isnardi agreed with that.

Commissioner Smith inquired if the Board is going to use County staff.

Commissioner Lober stated he believes it contemplates.

Chair Isnardi interrupted to say to make sure the contract is sound.

Commissioner Lober finished by saying he contemplated Mr. Abbate handling it, or if he chooses to delegate that within his office, he certainly has every reason to believe he could do that, along with Ms. Lamb.

The Board directed the County Manager, or his designee, to work with the Brevard Cultural Alliance (BCA) and Liz Lamb, to negotiate a contract with the Tourism Development Office, with a maximum cap of \$275,000, and to bring it back to the Board at a future meeting for its consideration.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

*The Board recessed at 12:21 p.m. and reconvened at 12:43 p.m.

ITEM H.7., RESOLUTION, RE: ESTABLISHING MELBOURNE-TILLMAN WATER CONTROL DISTRICT USER FEES FOR FISCAL YEAR 2019-2020 (CONTINUED)

There being no further comments, the Board adopted Resolution No. 19-138, establishing the user fee rates for Fiscal Year 2019-2020 for the Melbourne-Tillman Water Control District.

RESULT: ADOPTED [UNANIMOUS]
MOVER: John Tobia, Commissioner District 3
SECONDER: Rita Pritchett, Commissioner District 1
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM I.2., APPROVAL, RE: INTERLOCAL AGREEMENT BETWEEN BREVARD COUNTY, CITY OF COCOA, THE US1 CORRIDOR COMMUNITY REDEVELOPMENT AGENCY, AND DIAMOND SQUARE REDEVELOPMENT AGENCY

Commissioner Lober stated in the interest of time seeing it is almost 1:00 p.m. he is going to move to continue three items here; if there are any cards he would ask that the Chair give them their time to speak now just because they waited as long as they have; and he moved to continue Items I.2, J.2, J.5, to the September 5, 2019, meeting.

The Board tabled consideration of the proposed Interlocal Agreements between the Brevard County, the City of Cocoa, City of Cocoa U.S. 1 Corridor Community Redevelopment Agency, and City of Cocoa Diamond Square Redevelopment Agency, to the September 5, 2019, Board meeting.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bryan Lober, Vice Chair Commissioner District 2
SECONDER: Rita Pritchett, Commissioner District 1
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM J.2., UPDATE AND CONSOLIDATE, RE: BOARD POLICY AND OPERATING PROCEDURES OF ADMINISTRATIVE ORDER 23

Charles Tovey stated he does not have a house and does not have any property; he went to the first public speaking at town hall in Palm Shores, and he spoke about how they were going to destroy the environment and they expressed that his voice is not recognized in their town and it continued; when he came up he was on the Agenda for his big problems that he carries on his back; he was coming up to ask a Sergeant, he had his video camera so he could video and record all the procedures, and the Sergeant escorted him out and told him if he came back he would be arrested; so he did not come back; and then it progressed and now Brevard County has permanent jurisdiction over his property. He noted nobody will take a look at it, nobody does anything. He stated this is about public speaking and when he went down to speak about the Lagoon at the Lagoon House, they told the officer he was having a party outside while he was outside talking on the phone with his mom letting her know he was just about to speak and that she could come pick him up; they escorted him off the property, and it would have been further if Florida Wildlife Commission (FWC) had not joined in and escorted him off the property; there is no relevance to any of it; and he is still wondering why he was escorted and told he would be arrested, as well as the other things. He went on to say the Lagoon looks great; he did his work before summer; he hopes everyone is happy with it; he still holds that he does the most important part of the balancing of the Lagoon; and he asked the Board to please take it into consideration. He asked everyone to donate Blood this Friday; if they cannot do anything else for this County or anything, they can donate blood and save a life; and that is all he is prepared for at this time. He stated at Thursday's meeting he will bring extra information and be more prepared about why he is not allowed to speak; he was not even allowed in the Town of Palm Shores anywhere; he goes through their town and they want to threaten to arrest him, being

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shot or tased, or Baker Acted for acting irrational; he is still waiting for a valid reason; and he noted feelings are not a reason, it is just a feeling.

The Board tabled consideration of request for proposed policy regarding Board operating procedures which incorporates AO-23, to the September 5, 2019, Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM J.5., BOARD DISCUSSION, RE: ADVISORY BOARD TERM LENGTHS

The Board tabled consideration of discussion regarding term lengths for various advisory boards, to the September 5, 2019, Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM I.3., BOARD DISCUSSION, RE: NORTH MERRITT ISLAND (NMI) OPTIONS TO REDUCE FLOOD RISK FROM FUTURE DEVELOPMENT

Virginia Barker, Natural Resources Management Director, stated these are options for the Board to consider for reducing flood risks in North Merritt Island; back in November 2018, the Board received the North Merritt Island Small Area Study and authorized staff to move forward with developing a flood model for the area; that work has proceeded and Phase 1 is complete; Phase 2 requires selection of an engineer to input all the recently collected survey data and development a model that can be used by the County and developers to ensure that future development does not result in any off sight impacts to neighbors; and that Request for Proposal (RFP) Phase 2 is approved and ready, it should post on Thursday. She went on to say at the last meeting, August 6, the Board directed staff to bring back options for how to avoid or mitigate the potential for future development contributing to existing flooding issues on North Merritt Island, in the interim, while that model is still underway; they have pulled together six options; Option 1 is waiting for the model, Option 2 is modifying the Code or how to determine compliance with the Code to require that the engineers submitting development plans certify their development design will have no adverse impact on the community, Option 3 is a partial moratorium that sets specific performance measures for development that does proceed, so the moratorium would be on development that does not meet two specific performance standards such as the owner or developer demonstrates that there is no increased volume of stormwater discharged in the flood plains of North Merritt Island and the second performance standards is that the owner or engineer provide compensatory storage for fill placed in the flood plain on North Merritt Island; and Option 4 would be adopting an area of special concern for North Merritt Island with specific additional stormwater and storage requirements specific to that are. She continued Option 5 is changing both the Code and the Comprehensive Plan definitions of flood plain to better address the situation on North Merritt Island which does not fit very well with the current definitions in the Code and Comprehensive Plan for riverine and estuarine flood plains; and Option 6 is to buy out properties in the flood plain in North Merritt Island or buyout the

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development rights for those properties.

Commissioner Lober stated he appreciates what Ms. Barker has done in putting this together; he thinks that the long term solution are going to come when the County receives the stormwater model; in the meanwhile, looking at the other options that are available to the Board, the one he would rule out initially based on concerns he received and identified by County Legal is Option 4; he can say Options 2 and 3 are interesting; Option 5 is interesting; and Option 6, in terms of buying development rights, if the County if that, instead of buying the properties outright he would look to buy rights for some of them that are specifically identified as areas of concern by Natural Resources; and for a period of time just lease them essentially to bridge the gap between now and the time they receive the model back with the drainage study results. He advised he is flexible in how he does this, he just does not want to see a situation that is already bad, worsen between now and when that drainage study comes back; he would definitely like to see something done; if the Board does a moratorium, he would have it be the shortest moratorium it could do to get it to that point; he noted maybe 364 days to keep it under a year; he just does not know where the rest of the Board is at with this; and he imagines there were probably some cards put in as well.

Jack Ratterman stated he is representing the North Merritt Island Homeowners Association as their president; they have gone over the options and they thinks Option 3 is a good one for a partial moratorium on new development and fill until the flooding study is completed in the fall of 2020; also it says there is supposed to be a certificate supplied by an engineer stating there would not be undue harm to the or the properties; and he inquired if there is a penalty if an engineer gets it wrong. He asked if the engineer is going to be like the weatherman, if he gets it wrong, there is no penalty. He continued they would like to have something in there; Option 5 the change of Code where they would have compensatory storage and that they would be declared a riverine instead of a estuarine flood plain; his organization represents the 500 paid members and the 20 unpaid members; there are other members on the Island that are not in either group; for example he was called out by Mrs. Primrose and Holly Babcock, both live on Horseshoe Bend, and for two hours they had shown him their flooding; one is a widow and one is in a mobilized wheelchair; those folks are not very aggressive, they are passive, but the water still comes up on their property and to their doors; so he is also asking the Board to think about those people, not just the ones who show up at the Board meetings.

Terry White stated he sees Option 3 having some positives in it and Option 5; he would like a little bit of a combination of the two of those from his personal point of view; at the last meeting someone had made the comment that maybe he should not have moved there 30 years ago if he did not want to live in a place that floods; 30 years ago it did not flood; with all the development that has happened on North Merritt Island in the last 30 years is why he gets a lot of water; and also the way the County has taken to control the stormwater, remove the stormwater, there is a lot of things in effect that they did not have 30 years, like the pumps were not there and he still did not get all this water.

Darleen Hunt stated North Merritt Island is in an unparalleled period of time of continued flooding of current properties and rapid residential development with higher densities; she has been speaking with others who have been involved in the Small Area Study and attended the August 6, meeting when this subject was discussed; after some very thoughtful deliberation, this is what she hopes the Board will agree to, Option 5 to change the Code and the Comprehensive Plan definitions to better define North Merritt Island as a riverine flood plain; this allows for some compensatory storage, flood volume restrictions, and the ability to transfer development densities; and she believes this needs to be done in parallel to Option 3, which is a partial moratorium on new development and fill until the flood model is completed in late 2020 or 365 days. She went on to say she cannot help but to mention that she was going through some files and she ran a study that was done July 1996; comprehensive study with recommendations on

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North Merritt Island flooding issues; the study was done by the engineering firm Post, Buckley, Schuh, and Jernigan; and cost the County \$125,000 to do 23 years ago. She commented she does not know if staff had been looking at that; it is a beautiful study, it has costs, and different areas; she would really like to know how this compares to where they are now; she scanned the whole things so if the Board wants a copy she can send it; and she thanked the Board in its patience and leadership in trying to help the people of North Merritt Island to work through this flooding and development issues in a positive and productive manner.

Chair Isnardi advised she would Ms. Hunt to email that her.

Commissioner Lober stated he would like it as well.

Ms. Hunt responded she is going to email it to everyone.

Commissioner Lober stated he thinks there are a few things to look at; first is to a point that Mr. Ratterman brought up with respect to whether there is a consequence for a professional Engineer (PE) either falsely or presumably negligently certifying; and he was going to ask Assistant County Manager, John Denninghoff, because he is sure there is some regulatory body in Tallahassee that has purview or control over that, but he does not.

John Denninghoff, Assistant County Manager, stated the State has the State Board of Professional Engineers; if somebody wants to complain about a professional engineer, they can file a complaint there; and there are limitations, but there are also some civil liabilities associated with engineering and those who do not provide the appropriate level of services necessary to substantiate their work product.

Commissioner Lober stated looking at these again, he thinks there are a few different things, and he does not think there is anything saying the Board has to accept one or the other; at an absolute dead minimum he thinks the smartest thing to do would be to go with Option 2 as a baseline; from there determine which of any of the options the Board would like to pursue; essentially Option 2, current code states that the development shall cause no adverse impact to other properties, this provision could be modified to require either compensatory storage of certification by the engineer supporting there will be no adverse impacts due to any improvements planned for any parcel seeking a permit, implementation of this Code change can be County-wide except incorporated areas, limited to North Merritt Island; and it talks about directing staff to draft Code change and return to the Board. He added he would propose at a minimum that the Board implement that with respect to all of the property in North Merritt Island, north of Hall Road; he does like the idea down the road of moving towards Option 5, but he does not know based on what he heard from Mr. Denninghoff, an adequate basis to get there yet; also concerns have been identified by legal as well; he does like it, he just does not know if the Board is there yet; he thinks Option 2 with it applying Hall Road, he would make that his initial motion; and he would like to discuss the partial moratorium as well to see where folks are at with it to determine if there needs to be a follow up motion.

Eden Bentley, County Attorney, inquired if that would be south of State Road 405.

Commissioner Lober stated yes it would be up to the point of State Road 405, north of Hall Road up to State Road 405; and that is his initial motion.

Commissioner Pritchett stated she will vote with that also; she questioned how that is different than what was written; she does not know if there are any incorporated areas; and she asked if it that is something different that she needs to think about differently.

Commissioner Lober stated he thinks that would be more of a concern if it applied Countywide,

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but he is limiting it to Hall Road up to State Road 405, he does not believe there is anything in that stretch.

Commissioner Pritchett stated she does not either; and she asked for clarification that Commissioner Lober is just defining the area a little bit better.

Commissioner Lober agreed; he stated if there were other areas in people's districts that they want to include as well, he would be happy to amend it to include those areas as well.

Commissioner Pritchett stated she thinks this could be a good test one; she got very comfortable very quickly when she read through this; she thinks it could be a wonderful thing because this way they are going to have to show they are able to maintain their own water; and she thinks it is a good step in the right direction.

Commissioner Lober stated when he says a dead minimum that may not have been the best way to phase it; he thinks this is going to have a profound impact; and this is a pretty effective dead minimum.

Commissioner Pritchett stated it is responsible.

The Board approved Option 2, to modify Code to require compliance with current Code, which states that development shall cause no adverse impact to other properties, and limited it to property north of Hall Road and south of State Road 405.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	John Tobia, Commissioner District 3
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

Commissioner Lober stated looking at a moratorium he would be in favor of putting a 364-day moratorium as listed, he just does not know where other folks are on it. He advised he is looking for a little more input from his fellow Commissioners.

Commissioner Pritchett stated she thinks since the Board just approved Option 2, it is doing the same thing; the moratorium would have done the same thing the engineer would have had to do it unless the engineer could demonstrate there is no increased volume to water discharge; and that property on the flood plains provides compensatory storage, so she believes it is really doing the same thing. She noted she thinks Option 2 should be able to cover that situation and it is a little cleaner and less wordy.

Commissioner Tobia stated he is not a professional engineer; from his reading Options 2 and 3 are different; and he asked Mr. Denninghoff if he is correct or incorrect.

John Denninghoff, Assistant County Manager, stated he thinks the fundamental difference between Options 2 and 3 is that part of the Code currently states that there cannot be a negative impact on other people's property in the sense of flooding; it goes on to provide definitions and criteria; but that is the premise for the whole portion of the Code; and Option 3 basically presumes if the County is not doing Options 1 and 2, that there is a high probability that the developer is doing just that and causing a negative impact to other properties. He added it allows an out that if someone does provide the necessary technical analysis to demonstrate that it is not having that negative impact, then they could go forward; to try to underscore it a little differently, currently there is presumptive criteria with the stormwater

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drainage requirements meaning that if they satisfy certain requirements, then it is presumed not to have a negative impact, although the actual calculations do not demonstrate that; and falling back on that principle underlying reason for the Code, no negative impact, he would say under Option 2 or 3 that they would have to demonstrate that at a much higher level than what they currently have to do without what is proposed in either Option 2 or 3. He advised there is a slight difference between the two options, but the end result is they would be allowed to move forward with development but they would have to go through an extensive and much more difficult than what is currently available type of effort to get the design approved.

Commissioner Tobia stated he would like to touch on Option 5; it seems a little more complicated than what the Board initially thought last time; and he asked Mr. Denninghoff if he could give an idea on if the Board should give direction to go ahead with the estuarine to riverine. He mentioned it looks like there is County Code and a Comprehensive Plan; and he asked how long realistically that would take to functionally make that difference.

Mr. Denninghoff noted those changes to the Comprehensive Plan and the Code would require a text modification to the Comprehensive Plan which can only be done at certain times of the year, so there would be automatic delays in getting that stuff done; there is a public hearing process to go through in order to complete all of that; of course, the Land Development Regulations would have to be modified so the Board would have to wait for the Comprehensive Plan portion to be completed before the Board could actually do that; therefore, there is a convoluted path to go through in order to complete Option 5. He advised ultimately the County would probably go there based on the findings of the study that is being worked on; and they would have the technical basis to support it rather than jumping straight into it.

Commissioner Tobia inquired if the study comes back in late 2020 and Mr. Denninghoff's opinion holds solid, that it is a riverine as opposed to an estuarine, would the County still have to go through that long process at that point.

Mr. Denninghoff responded he thinks the simple answer is yes; but he does not have the technical support for that, so he would be making an assumption at that point; he would expect the County would have to wind up going through that as well; and he mentioned he would like to clear up something about the riverine and estuarine thing. He went on to say if by definition under the Comprehensive Plan and under the Code that North Merritt Island is an estuarine flood plain because it drains into a saltwater body not a freshwater body; the definition of a riverine is that it drains into a freshwater body; the basis of the reason of distinction between estuarine and riverine is that estuarine they really cannot do induce flooding by filling land and developing it; riverine however it can; and in this case, North Merritt Island behaves as far as flooding is concerned, like a riverine flood plain instead of a estuarine one. He noted he does not know if that helps with the discussion for the last meeting or not, but he wanted to mention that distinction to the Board.

Commissioner Tobia stated there are a couple variables that he does not understand; he asked the amount of staff time it would take to put into this change, if Mr. Denninghoff believes there is a probable likelihood that it will come out a riverine as opposed to an estuarine, is it worth putting in the staff time ahead of time so when it comes out the County can make that immediate change; he advised if it comes out 50/50 and requires 100's of hours it may not be worth it; however, if Mr. Denninghoff believes it is a 70, 80, or 90 percent likelihood and it is something that requires 10 hours, then it probably is. He explained he just wants to put the folks in Merritt Island in a position to get help as soon as possible. He went on to say this would be horrific if this came back and the Board would have to extend it for another year; and he asked based on the staff time that is involved in this and the likelihood of if being an estuarine versus riverine, from a financial perspective, does it make sense.

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Mr. Denninghoff stated he thinks it is going to be a substantial effort; he thinks perhaps a better approach would be to allow staff to get the results back from the study and as staff sees that evolve they might be able to have a better idea of exactly how they would want to proceed, such as a Comprehensive Plan change or a Land Development Regulation change; it may be that they move away from looking at North Merritt Island as an estuarine or riverine, but they have this model and they are going to use it as the standard; and the engineers are going to have to apply any proposed development to in order to demonstrate they are not having a negative impact on the flood plain.

Commissioner Tobia inquired if Mr. Denninghoff will get updates.

Mr. Denninghoff informed the Board he would be in consultation with the consultants; as they go along there will be some preliminary results available to them; and they will start to get a real good feel of how things are evolving and just how sensitive the flood plain is. He noted that is probably going to speak very strongly or powerfully on how staff wants to move forward.

Commissioner Tobia stated given Mr. Denninghoff's information he would be willing to support Commissioner Lober should he go with Option 3; and should he decide that is not in the best interest then he will respect that as well; and he would like to make a motion to give Mr. Denninghoff and staff the authority to begin this process as they receive results back so they can act as soon as possible and not have to wait for a better part of a year.

Commissioner Pritchett thinks that is something the Board should wait on because it really is a hybrid; most of the drainage from the Merritt Island water plain behaves the way a riverine is expected, but the ditch water is salty a lot of the times and it connects to the estuary like an estuary and flood plain; she thinks staff will need that data to figure it out and know what to do; and she thinks they are getting it and will come with recommendations of what they think needs to be done. She advised she is not there yet, she is still waiting on the study; she is comfortable making sure the engineers are proving they are not causing any harm; and she will not be supporting that today.

Commissioner Lober stated one of the differences between Options 2 and 3 that did not get discussed, it kind of offsets the additional leniency or possible leniency; in Option 3 it is an 'and' and in Option 2 it is an 'or'; three requires both an engineer to certify and to have compensatory storage; Option 2 requires the certification or the compensatory storage; his thought is he could make another motion to essentially modify his prior motion or to implement an 'and' requirement instead of an 'or'; and he moved to modify his prior action to require both certification by an engineer and compensatory storage.

Commissioner Pritchett stated she would second that.

Chair Isnardi inquired if Commissioner Lober made a motion on Option 2 or on a couple of options.

Commissioner Lober stated it was really on Option 2, so if the Board were to approve Option 2 roughly as it was written specifying the specific area being north of Hall Road and south of 405.

Chair Isnardi stated she thinks there is some confusion because she thought it was two items or two options made by Commissioner Tobia.

Commissioner Lober stated maybe he should hold off on his motion and discuss Commissioner Tobia's first.

Chair Isnardi advised there is a first and second, but there has not been a vote yet because they

are still talking.

Commissioner Tobia asked if the Chair would like him to make the motion again for clarity.

Chair Isnardi stated she wants to hear from Commissioner Smith only because she does not want it to get lost; she likes the compensatory storage and the certification from the engineer, she just thinks the moratorium is being thrown in there so the Board feels good about not doing something; it is easier in her opinion to put the compensatory requirement in there and the certification and engineer requirement in there; she thinks the Board needs to get the Small Area Study back before it does anything, or making all kinds of rules when it does not understand the impacts; and she will think maybe the Board should go through each option because maybe one or two options pass but they do not pass as a package. She noted she would not support a moratorium because she thinks that is a little crazy; and she thinks compensatory storage is the answer for now until staff gets the information back.

Commissioner Lober stated all this is designed to do is bridge the gap between now and when the drainage study is done.

Chair Isnardi advised she gets nervous about modifying the Comprehensive Plan without that information.

Commissioner Lober stated if it turns out they need more, he is happy to do more; if it turns out less is needed the Board could roll it back; he wants to bridge that gap and that is really what he is interested in doing; the Board has a pretty good idea of what is going on; the drainage study could come back and say 30 percent is estuarine and 70 percent is riverine; and he asked then what would the Board do because they would have restricted a certain percentage that should not have been restricted. He added he feels in an abundance of caution that the County needs to bridge that gap all the same; it is not a precise science to say that everything north of Hall Road and south of State Road 405, but it is as good as the Board can do at the moment.

Chair Isnardi stated where she leaves that is that she will support Option 2.

Commissioner Lober asked for clarification if that is with the modification of being 'and' instead of 'or'.

Chair Isnardi agreed. She stated that is all she is going to support right now until the County gets that Small Scale Study back; she advised that is the only thing she feels comfortable supporting at this point; and she commented she just wanted Commissioner Lober to know where she is at and to not count on her vote for other things. She noted if Commissioner Lober wants to go through each option, he might not need her vote depending on where the other Board Members sit, but she just wanted to give him a heads up.

Commissioner Lober stated maybe the fall back, based on what Commissioner Tobia said, is just ask Mr. Denninghoff, and he does not think there needs to be a motion, when he starts receiving some data back with respect to results from the Drainage Study, to bring it to the Board so it can be revisited at that point; and if it is something where he has enough information that he feels comfortable that it is worth putting in the man hours, the Board could turn around and give the authorization to do it.

Chair Isnardi stated she would also like the cost or dollar amount or estimates with that for each thing, staff time, or whatever, as part of the discussion on the Staff Report because some of these items are several hundred thousand; she has a mess in Indialantic that she would love to fix and would love to have a study done there; and some areas are unfixable but she will fight for Indialantic if she is going to support Merritt Island.

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Commissioner Lober stated he gets that.

Commissioner Pritchett inquired if that is a motion.

Commissioner Lober stated essentially whereas before what the Board voted an approved was

Chair Isnardi inquired if the Board can officially wipe the motions off, or withdraw the motions.

Commissioner Lober stated anything that has not been voted on is withdrawn.

Commissioner Tobia withdrew his motion.

Chair Isnardi advised everybody has withdrawn.

Commissioner Lober stated essentially what he is moving to do know is to approve, even though the Board has already approved Option 2, to approve Option 2 with the same geographical distinction, north of Hall Road and south of State Road 405, instead of it reading compensatory storage or certification by the engineer it will read 'and'; therefore, it is requiring both.

The Board considered options for addressing concerns regarding future flood risks on North Merritt Island (NMI) associated with future development, and directed staff to bring back Code changes per Option 2, to modify Code to require compliance with current Code which states that development shall cause no adverse impact to other properties, by modifying to require both compensatory storage and certification by the engineer supporting there will be no adverse impacts due to any improvements planned for any parcels seeking a permit, limited to property north of Hall Road and south of State Road 405.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

Commissioner Lober stated he thinks that also addresses Mr. Ratterman's concerns, if the engineer is not going to do what they ought to be doing, there is a fallback because it is not either/or, it is now 'and'.

Chair Isnardi asked if Commissioner Lober would like to add anything else.

Commissioner Lober stated he already knows from Chair Isnardi and Commissioner Pritchett, where they are at; it depends on how Commissioner Smith feels on this; and there are some legal concerns on Options 4 and 5, one much more so than the other.

Chair Isnardi agreed.

Commissioner Lober stated the only other one he would be interested in at this point is looking at leasing development rights; obviously it cannot be said this particular property or that particular property, he would have to defer to staff whether they want to propose something to the Board if they think it would be beneficial and what the cost would be; he would like to see costs and options made available to the Board to look at; but to say the County can spend x or y on that when it does not know what it is that the Board is looking at, except the geographical area, it is a little tough; and he does not know if a formal motion is needed at this point. He

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asked Mr. Denninghoff if he would feel comfortable bringing the Board some options of some particular tracks of land that he thinks the County can lease development rights on or that might be worth exploring, that would be good with him, otherwise he can make a motion.

Mr. Denninghoff stated he thinks there are two different parts on Option 6; one is to buy properties, which could be properties that are very flood prone and that the County does not believe it is going to be able to stop from flooding at all; the other would be to buy the development rights or actual property by itself, undeveloped property that the County thinks is going to have a high probability of a very negative impact, which he believes is what Commissioner Lober was anticipating; he does not think staff would have any problem coming back to the Board with certain development right purchases that might come up he would just warn that one unintended consequence would be that everyone who has a piece of swamp land may want to make some money on it and ask the County for that; and he would suggest there are parcels that people would claim are developable but may not be, and others that may be in between and have potential for development. He noted it may be difficult to distinguish between the two.

Commissioner Lober stated he will put it a little differently because he does not want people coming to the County with their hands out for something like this; he would rather this be staff driven where staff identifies particular properties or locations where there might be a value; he does not give any value in someone knocking on the County's door to buy their property; he would rather the County approach them because that is where staff can really identify the areas where the County could get some bang for the buck on it; however, he does not want to do something staff is not comfortable with or that staff thinks is counterproductive for some reason that has yet to occur to him.

Mr. Abbate stated part of the other concern is there are other areas of the County that are similar, therefore funding would be an issue not only for North Merritt Island but also for other areas such as Cocoa, where there are similar properties; and he thinks that is something that needs to be taken into consideration as well.

Commissioner Lober stated that sounds like he is not going to make any headway with the rest of it at this point; and there are a couple that he has concerns about, one in particular.

Commissioner Tobia stated he would request that Mr. Denninghoff keep everyone on the Board apprised with the returns that come back from the study; he did not realize anything would come early from that study; Mr. Denninghoff is probably the only one who is able to interpret that data; and if Mr. Denninghoff would keep the Board abreast of that data and should it hit a tipping point, where he believes it is most likely to go riverine as opposed to estuarine, and it is worth staffs time, he thinks that would be appropriate, so the Board does not find out in the end of 2020, and it has to look at the people in North Merritt Island and tell them it is going to take another year. He added that would be completely unfair. He went on to say that should not cost any extra staff time, and the Board will make the determination on which way to go from there.

Mr. Denninghoff responded he thinks staff can do that.

Ms. Barker asked on the motion that was approved bringing back Code changes for Option 2, does the Board want staff to come back with legislative intent or is this legislative intent and the Board wants staff to come back with proposed Code to start the public hearing process.

Commissioner Lober advised he would be happy to waive legislative intent; and he will defer to the rest of the Board to see where they are.

Chair Isnardi stated she is fine with that; she thinks at some point when it is part of the Agenda

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and then when staff asks for legislative intent it is a waste of everybody's time; and a waste of getting this implemented for Commissioner Lober's District.

Commissioner Lober inquired if there needs to be a motion.

Eden Bentley, County Attorney, informed the Board there does need to be a motion.

Commissioner Lober made the motion and it was seconded by Commissioner Smith.

The Board approved waiving legislative intent.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM I.4., PRESENTATION BY COMMISSIONER TOBIA, RE: CITIZEN SUBMISSIONS FOR COUNTY LOGO

Commissioner Lober stated last February, brought before the Board, was issues of the Brevard County logo and the lack of compliance with American Disability Act (ADA) regulations; he mentioned he would be soliciting submissions from the citizen's for possible option to replace the current logo; he has included those logos in the PowerPoint; it is amazing the amount of work, time, and effort that went into this; and there were a total of 72 logos from 24 artists across the County. He noted he is not asking the Board to select a logo today, he is just asking the Board to look at the submissions so it can hopefully make a decision or a direction as it moves forward; there are two issues that come up; one would be liability; and while anyone may not be able to show loss on liability, he thinks the larger issue is accessibility. He went on to say he thinks the logos or the ones that meet ADA compliance would provide more accessibility to the residents; he has updated the year to reflect accuracy as far as when Brevard County actually became a County; and he reiterated there are 72 logos that meet, and per Commissioner Pritchett's suggestion, changing some colors would be more ADA compliant. He stated it is amazing the talent in Brevard County to come up with these; in the upper right hand corner, he had nothing to do with it being the Gators colors; what he would ask is for the Board to look over this and hopefully send some suggestions to legal on whether or not they are ADA compliant; he has not checked these as ADA compliant but they are closer than what the County has today; and he thinks accessible should certainly be a top priority of the Board for people with all abilities.

Commissioner Pritchett asked the County Attorney what makes the logo non-compliant.

Eden Bentley, County Attorney, stated it is the color, there needs to be a bigger difference between the colors.

Commissioner Pritchett inquired if they changed on of those colors a little bit, it would make it ADA complaint.

Attorney Bentley responded that is her understanding.

Commissioner Pritchett stated Commissioner Tobia has brought so many good ideas, this is not one of her favorites because she really likes the County logo; her vote is going to be to stay with

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the one the County has but to darken the colors if need be; but she loves the one the County has as it is clean, crisp, and not overpowering; and she noted she does not like the Gators but if it was gold and black for the Knights he might have had her attention a little more. She advised she is not going to vote to change the County's logo.

Commissioner Lober stated he did take note, and it was possibly inadvertent, but there are four logos that have 1854 on the date on the proposal; he would tend to agree with Commissioner Pritchett, the less the County has to change the better; he spoke with staff about this one; and even though some of those submitted were pretty good, the cost to change them seems to be a little more than negligible. He mentioned he says that because when thinking about all those involved, not just the obvious stuff like business cards and t-shirts, many of which staff pays for out of their own pockets, but even the garbage cans that have the logos on them are designed to last a decade and if the County went ahead and replaced all of them outright it would be a tremendous cost; and if they were phased out then there would be a period of years where there was more than one logo. He noted he is not opposed to making it more ADA compliant by increasing the contract on the existing logo, that seems to make sense, he just does not know if he wants to spend money on something like this; however if the Board does move forward with this he asked that it keep in mind whoever the artist is, the County would have to get the rights to use the logo because he would not want the County to get sued for it.

Commissioner Smith asked if a logo is required to be ADA compliant or if there is even an ADA compliance for a logo.

Attorney Bentley responded technically it should be compliant, however the issue is just color contrast, it does not convey information; therefore, there is no liability associated with it. She added it is considered a decoration so it really does not create the trigger for liability and she thinks that is why Commissioner Tobia was talking about accessibility as opposed to information and that sort of thing.

Commissioner Pritchett stated that is good information.

Commissioner Smith stated so the County does not need it, so the Board should put it to bed finally.

Chair Isnardi inquired if the Board needs to change the logo to be ADA compliant, or does it depend on interpretation of the law.

Attorney Bentley explained there is technical and there is liability, so there is no information being transmitted so it is exempt because it is primarily decoration.

Chair Isnardi inquired if it makes more sense to change it as it is being replaced if the Board is going to change the colors and leave the logo the same.

Attorney Bentley agreed.

Chair Isnardi continued that would be better than going through the enormous expense of changing everything that the County has because it is trying to be more ADA compliant.

Attorney Bentley stated she does not see significant liability associated with the slower path.

Commissioner Smith asked the Chair if he could make a suggestion.

Chair Isnardi went on to ask so it weighs the risk of expending a bunch of money now as opposed to working it in over time. She stated making the effort and moving toward ADA

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compliant without breaking the bank on unnecessary expenditures.

Commissioner Smith asked how about just changing the green inside to red.

Chair Isnardi stated how about a light green.

Commissioner Smith stated then it would be red and blue.

Commissioner Lober stated how about purple, something regal.

Chair Isnardi suggested lime or fluorescent green.

Commissioner Smith stated he looked at colors yesterday and it has to be a dark green.

Commissioner Pritchett stated dark green would be better, not red.

Commissioner Lober asked if dark green would do it, or if that would put the County in a worse spot.

Chair Isnardi reiterated neon lime green.

Attorney Bentley responded she thinks the Board needs to get some folks to look at it in various contract arrangements, and then bring it back.

Chair Isnardi stated she would like to know who judges that.

Commissioner Tobia asked Mr. Abbate if he wanted to say something.

Mr. Abbate advised he does have a comment. He stated they are talking about the colors, but the logo itself, for example someone mentioned it being on the waste cans, well it depends on the color in the background is; there the background color is green and it is white so it is ADA compliant; the issue of the colors is only because it is looking at certain colors used for certain arrangements; and he thinks staff direction he is hearing is to make sure as many of the logos that can be made ADA compliant, that they make them with color contrast is an issue. He noted staff can look at that either in the background or intensifying some of them; staff will be moving in that direction unless the Board chooses a different logo then they will do that as well.

Commissioner Tobia stated to be clear, he is not asking the County to do away with the current logo on everything; he thinks that would be ridiculous; however, he thinks it shows the County is moving in the right direction with the ADA compliance. He went on to say whether the County gets sued or not, it is the right thing to do to help people with disabilities; this is not a laughing matter; people have special needs and as a Board if it requires a color change or something else, the Board's goal should be to make government accessible for everyone; and he hopes whether it is a logo, people watching on television, or folks watching online, that the Board wants as many eyes, regardless of those with exceptional abilities, to partake in government as much. He noted he hopes this Board does something.

Chair Isnardi stated she does not think anybody was arguing about not moving forward; she thinks maybe instead of doing it all at once with the enormous expenditure that could be, instead moving in a direction of trying to get it done as the Board is expending those funds; and she does not think anyone would suggest that they do not want to be in compliance.

Commissioner Lober stated he was reminded looking at Mr. Burdett, that there is one constitutional officer in Brevard that he believes has a green color blindness; he knows some of

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his employees will get aggravated with him and sometimes change the font color to green and send it his way; he does not think it is that frequent of an issue for folks to have that; the immediate solution that comes to mind is to make more use of the black and white logo because the County already has a black and white version of this; and there is certainly no question that black and white have a tremendous amount of contrast. He mentioned if there is a black and white document there is no reason for it to have a colored logo on it anyways, even on a colored document, nothing says it has to have a colored logo; until such time the County can sharpen, brighten, or darken these colors he would say to use the black and white logo the County already has; it is zero costs, the files are already on the intranet; and the way it goes.

Chair Isnardi asked if Commissioner Tobia has a desire to formally vote or do anything before the Board moves on to the next Item.

Commissioner Tobia stated he would certainly like legal to look into at a minimum, shade changes that would be more compliant with the ADA standards.

Commissioner Lober asked if there needs to be a motion.

Chair Isnardi advised staff probably does not need one.

The Board reviewed and acknowledged citizen submissions for the County Logo, but took no formal action.

ITEM I.5., APPROVAL, RE: SELECTION COMMITTEE RANKINGS AND AUTHORIZATION FOR NEGOTIATION WITH SELECTED FIRM FOR EXTERNAL FINANCIAL AUDITOR SERVICES

Frank Abbate, County Manager, stated this is the external audit the auditors, it is part of the package where the firms ended up; as everyone knows Commissioner Pritchett served on the Selection Committee as did each Charter Officer, per Statute; they are making their recommendations; one thing that is outstanding and has not been considered up to this point is the pricing that was done by sealed bid; they have spoken with the County Attorney's Office; and the way that can come into play would be if the Board selects a negotiating committee and staff would suggest it be the current Purchasing Director, Steven Darling, along with Kathy Prothman with the Clerk's Office, and then if the Board would like to select someone from the Board they would then have that be a negotiating committee. He went on to say at that point the County Attorney's Office has indicated that those top three sealed bids would be available for them to review and negotiate with the top firm; if they cannot get an agreement with the top firm, then they would move to the second firm to bring it back to the Board at that time to enter into the contract, depending on what the Board does; and he noted he is looking for direction from the Board including the appointment of that negotiating committee with hopefully someone from the Board.

Commissioner Lober stated before they get into which to negotiate with that, he would move to establish a negotiating committee composed of the folks that Mr. Abbate had mentioned and preferably, he would like to see Commissioner Pritchett, if she is willing to serve on that.

Commissioner Pritchett stated she was going to ask to serve on that.

Commissioner Lober stated that will be part of his motion; and then to authorize them to negotiate the contract with the Board selected which will be selected momentarily.

Phillip Hayes stated he is there on behalf of his employees at Berman Hopkins; personally he

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grew up in Brevard County and has been raising his family here for the past 26 years; they are working hard in their business to do a lot of things to preserve and create jobs in Brevard County; and what he is really asking is that while looking at the situation that the Board consider keeping the contract with Berman Hopkins and to keep the jobs here in Brevard County. He pointed out he had the opportunity to listen to the Agenda Items so he knows the Board has a lot on its mind; he knows priorities over time change; looking at this issue today he wants to start off with saying he believes they are qualified to do the audit; they were ranked number two but they were only a few points behind number one; they have a national expert doing it; and they also have instituted a partner rotation process on the audit, so it has only been two years since this last person has served as the audit partner. He noted they have completed from the qualification standpoint, and believe they are there; some things he has heard today is cost is always an important element; he knows the bids are sealed; he could basically say on record that they would match the price of the firm that the County selects, if it is not them, or below that option; and they can do that because they believe they are efficient on the engagement, they have the expertise, and the experience to do the engagement. He continued in addition to that, looking from just the impact to the County, they do live in the County and they invest in the County; their firm put out \$100,000 annually into non-profits in Brevard County; he believes they are good citizens of Brevard County; and all they want to do is keep the jobs in this County. He added from that point on, he understands the Board has an important decision to make and they consider the Board's respected roles and the authority that it serves.

Chet Ellsworth stated he is a taxpayer and he has the same procedural objection to this procedure the Board is going through, as early as on August 6, 2019; the standard by which these audits showed from a standpoint of a taxpayer should be that the committee should not be the ones that pick the people, while they are under audit themselves; both of these resolutions he has looked at; the one from last week that was used was Resolution No. 11-117; and it pretty much takes that out and picks some people, the only problem is the Audit Committee the Board voted 5:0 on did not exist, those people were not on the Audit Committee. He continued this one BCC-94 goes back to an earlier date which supersedes the other one; people can see why it was superseded, the people who are part of the Audit Committee are the people being audited, the Sheriff, the Property Appraiser, the Tax Collector, and the Supervisor of Elections; that is why that was superseded, no doubt; in BCC-94 it calls for at least six months before expiration for the Audit Committee to convene; the County is out of compliance there; and he is well aware that counsel will waive that. He went on to say any time the Board waives a standard by taking down the considerations, and noncompliance, it is lowering the audit standards; two weeks ago the Board voted basically to send \$1.1 billion times five years, it jumps elections, with the contract it allowed, all to be sent to Wacker Drive in Chicago; all the mess is located there and Minnesota; this Board has a heck of a political problem, but it is all a procedure problem; and if the Board allows the people that are being audited to pick the people who are doing the audit, then the Board is in tyranny.

Ron Conrad stated he would be the engagement partner with the number one ranked firm; there is a Florida Statute that specifies how the selection is supposed to transpire and the Board followed the process that is statutorily mandated, so there is no noncompliance here; he wanted to make that clear; he also want to make it clear that the County has had the same firm for 40 years here in Brevard County, doing the audit; to him there is a responsibility to the constituents to make sure there is independence and not to say that they are not independent by law, but 40 years is a long time; he cannot even think of another firm that has been auditing in the State of Florida for 40 years; and he would love to have the opportunity to work with Brevard County and do an appropriate audit that gives the County an independent and fresh perspective.

Commissioner Smith stated he is not going to put anybody on the spot and ask why they picked one firm over another; Berman Hopkins has been doing it for 40 years and he understand the other firm and if he was in his spot he would be saying the same thing; the other guy is local and

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they do a lot for this community; and they have been doing a lot for this community for an awful long time. He continued for someone to suggest 40 years, he does not think there is a Mr. Scrooge working until he is 80 years old for Berman and Hopkins; in 40 years he is sure they have turned over a lot of employees; and he noted his vote would still be for Berman and Hopkins.

Commissioner Lober advised the only Board Member that was on the committee and looked at the selection is Commissioner Pritchett; and frankly, whatever direction she wants to go in that is the direction he will be going.

Commissioner Tobia stated this Board wisely did away with local preference as it drives up cost a great deal; and local preference will certainly not be on that because the Board has done away with that foolish practice.

Commissioner Smith commented the other gentleman, Mr. Hayes, already said that they would match so that is not even an issue.

Commissioner Tobia stated of course it is an issue, it is a huge issue; the reason is competition; if the County sends out they will be accepting the lowest bid from a local contractor, anytime they go to contract and Commissioner Smith as a businessman he thinks he already knows this, other businesses will not spend the time to put out a bid because some Tom, Dick, and Harry local can match it; he noted pretty soon the County will only have local bidders; and that is why the Board did away with local preference.

Commissioner Smith stated he agrees, he was one of the people who voted that way; he stopped doing business as a businessman with Palm Bay because they did the very same thing to him, twice; he did not bid anymore because of it; this is a different circumstance because it is a sealed bid and it has already been done; and since the Board has spoken he does not have a problem with it, he has every confidence in Commissioner Pritchett.

Chair Isnardi stated other than knowing that Berman does a good job, she has to go with the appointment to the Board; she has looked at the rankings and she saw that Commissioner Pritchett coincides with the one that ultimately was selected; and she advised she would support Commissioner Pritchett as well.

The Board approved a Negotiation Committee consisting of Steve Darling, Purchasing Director, Kathy Prothman, County Finance, and Commissioner Pritchett, to conduct negotiations in accordance with Policy BCC-94 with the top ranked CPA firm of Cherry Bekaert, LLP for External Auditing Services; authorized the Chair to execute the subsequent negotiated contract upon review and approval from the County Attorney's Office and Risk Management; and authorized the County Manager, or his designee, to sign any and all renewals.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

Commissioner Lober clarified the motion was to go with the number one selection.

Commissioner Pritchett responded no, it was to go with the three; it has to go through the bids and determine, if Berman Hopkins comes in with \$10 and the other comes in at \$100,000, then they will go with Berman; and she is curious to see what the bids are and what is being

negotiated.

Commissioner Lober stated he was being facetious.

ITEM J.1., APPOINTMENT, RE: SAVE OUR INDIAN RIVER LAGOON CITIZEN OVERSIGHT COMMITTEE

Virginia Barker, Natural Resources Management Director, stated this is an appointment to fill a vacancy on the Save Our Indian River Lagoon (SOIRL) Citizen Oversight Committee (COC); the Committee structure consists of seven members and seven alternates representing seven fields of expertise, Science, technology, economics and finance, real estate, education and outreach, tourism, and lagoon advocacy; there is a vacancy in the real estate member position with Daniel Bowden stepping down; and the Board's options are to either promote Dennis Basile who is the alternate, go to the last pool of applicants for real estate and pull from that where there is one remaining candidate, or direct staff to advertise for new applicants.

Commissioner Lober stated he has a few things and does not know if Ms. Barker has any information on this; and he inquired if Mr. Basile was appointed five months ago.

Ms. Barker replied affirmatively.

Commissioner Lober asked as far as Mr. Moynihan is concerned, did he get back with his willingness to serve because he received something saying he was not, but Ms. Barker thought he was.

Ms. Barker advised he was willing to serve; he was not available to be there today, but he is very interested in serving.

Commissioner Lober advised his only concern is he does not think there are many options internally from the folks it has, that the County try to keep this pool as wide as possible; he knows the Board had previously advertised with the paper and the main one was around \$2,000; he does not think there is anything saying the County has to advertise, although he thinks it is a good idea to advertise; he would like to spend only half that amount if it can be done; and he thinks it is worth spending a little bit but not going to town on what it spends to advertise to get a new applicant pool. He stated social media would be great; he is not saying one over the other but they could look at Hometown News or Space Coast Daily, or the paper which will remain nameless, but he would call two or three of them up and see what they say to get an idea; ideally he does not think the County needs to spend more than \$1,000 to advertise this; however, he thinks having one or two options is pretty limiting given the gravity of the work this pool does and the amount of money they are charged with overseeing. He noted he would move to readvertise it but cap it at half the amount that was spent at the initial go-around at \$1,000; he would ask staff to reach out to a couple other news agencies to see what they are willing to do; and as the Chair stated, if they want to do something on social media as well that would be great.

Commissioner Tobia stated he would second it.

Sandra Sullivan stated one of her concerns with that board, and she has attended a lot of COC meetings, is there appears to be a lot of people who do not have a background in science, some do; moving forward she would like to ask the Board to look at changing the composition of boards or at least the qualifications; some of the comments that have been made at these COC meetings, at one point there was a comment made that there has only ever been 20 million gallons of sewage put in the Lagoon so sewage infrastructure is not important; people need to

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have a science background, there are a lot of scientific reports; the COC SOIRL Plan had hardly any cited references at all in it; those that were there were from the 80's and 90's; and certainly the science coming out now is much more relevant. She inquired why they do not structure this much more like the Blue Green Algae Board where they have a focus group of scientists on there, or at least have a science degree to be qualified to sit on that board; she would like the Board's consideration to take a look at the composition of that Board and to get more scientists on that Board; and she noted she thinks that is very necessary. She continued by saying the scientific reports and scientific research that is out there, quite frankly it looks like there is a tremendous emphasis on muck and not enough emphasis on infrastructure; what the people voted for was for infrastructure and sewage treatment plants, and facilities; that was all in the language that the people voted for; she does not see that being represented; and she thinks there are a lot of scientists who are pointing to the solutions of the septic tanks and sewage systems as feeding the nitrogen in addition to the grass clippings as being a big part of this. She went on to say the composition right now is more of a feel good board than it is a productive board.

Commissioner Lober stated his understanding is the composition, at least in part, ties into interlocal agreements that the County has with the various municipalities so while the Board does have the ability to look at that as these vacancies come up, he does not know that it can implement a whole change in the type of composition that is on that board; and he asked Ms. Sullivan the name of the person who said the 20 million gallons.

Ms. Sullivan said she would send Commissioner Lober the video.

Commissioner Lober advised he is very interested in that.

Ms. Sullivan asked if she could comment on what Commissioner Lober just said.

Chair Isnardi allowed Ms. Sullivan to speak, but advised she does not want this to go on as a back and forth because there are many speakers.

Ms. Sullivan stated in one meeting she brought up about the infrastructure and Courtney Barker made a comment that it would not be fair to put money into infrastructure because some municipalities are more responsible in addressing their infrastructure needs and others are less and if they spend the money on the ones that are less, it is not fair to the other municipalities; she thinks what the voters care about is that the problem with the Lagoon be addressed not that one gets more than another; and she thinks it ends up with the current structure of people being political and not being focused on what the problem is and solving it.

Chair Isnardi and Commissioner Lober thanked Ms. Sullivan for speaking.

Vince Lamb stated he could not resist stepping up on this one; Dennis Basile is the president of the Board of Realtors of Brevard County; having him on the COC is extremely powerful because he represents the realtors and he carries the word back to the realtors; he is on there as the alternate and the normal thing that has been done with the COC in the past is when the primary steps down the alternate gets promoted; and to him it seems that is pretty clear cut opportunity to promote Mr. Basile to the regular spot. He mentioned the other person, Mr. Moynihan, has stepped forward and indicated he wanted to do this; he knows him personally and he thinks he is a very good candidate, and he thinks he would be another good candidate to represent real estate.

Commissioner Lober stated he does not have anything on either of the individuals; he would just like to have a larger applicant pool so they have the best possible selection; these two may be the best and that would be great, he just does not know at this point; and he does not want

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anyone to mistakenly think he has something against either of those two because he truly does not.

Mr. Lamb stated the choice is here; the Board could move Mr. Basile up to the spot today and advertise for the second round if it wants more choices; or it can appoint both of them that is the Board's choice.

Commissioner Lober advised the concern he has, if he had been on there for even six months, then he would say move him up, but he has not even been on for half a year, so he thinks advertising it would be best.

Chair Isnardi interjected she does not want to go back and forth any longer because there are 23 more speakers and a lot more meeting.

The Board considered options for filling the Real Estate Member seat that will be vacated by Danielle Bowden; directed staff to advertise for new applicants to represent Real Estate expertise on the Citizen Oversight Committee, but to cap the advertising costs to half of the amount that was spent initially; and to reach out to other news agencies to see what they are willing to offer, including advertising on social media.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	John Tobia, Commissioner District 3
AYES:	Rita Pritchett, Bryan Lober, John Tobia, Kristine Isnardi
NAYS:	Curt Smith

ITEM J.3., IDENTIFY PRIORITIES, RE: BREVARD COUNTY 2020 LEGISLATIVE PROGRAM

Frank Abbate, County Manager, stated this is about the Board's legislative program for the legislative delegation; the Board has an attachment with the items that staff developed for legislative initiatives for 2020; that meeting is going to be held on September 25 in Port Canaveral; and he is looking for the Board's input and approval of the Items. He advised there are many of the same or similar items to what they have had in past years including Brevard County infrastructure, TPO's recommendations, dealing with natural resources, the Lagoon, and a variety of areas similar to this morning continued efforts to receive funding for the Emergency Operations Center (EOC), Agri-tourism, some Housing and Human Services items, and tourist development also dealing in the area of Indian River Lagoon (IRL) cost sharing opportunities; and the other thing they ask of the Board to do outside of providing any input and approval of this would be to determine whether or not any Board Member wants to speak on behalf of the Board at that legislative delegation meeting or do what was done last year and just submit it to the delegation in writing.

Chair Isnardi advised the audience if anyone has ever filled out a card, gets miss numbered to raise their hand, and she will call on them, she does not want to miss anybody if their card was numbered incorrectly.

Commissioner Lober stated he thinks it would be good to send someone to the delegation; he does not know that the Board has send someone each and every time, but since it did not last year, it might be good to do it this year; if no one else wants to do it, he would be happy to do it; if someone else wants to do it, he would be happy not to do it; and he reiterated he would like someone from the Board to attend.

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Commissioner Smith mentioned he thinks Commissioner Lober would be a good choice.

Chair Isnardi agreed.

Commissioner Pritchett stated she was going to make a motion to send Commissioner Lober to the delegation.

Chair Isnardi asked if the Board is okay with the initiatives.

The Board reviewed and approved the staff recommended 2020 Legislative Initiatives; and authorized Commissioner Lober to attend the September 25, 2019, Legislative Delegation meeting, representing the Board.

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

ITEM J.4., BOARD DISCUSSION, RE: BANNING APPLICATION OF BIOSOLIDS

Commissioner Pritchett stated there are a lot of cards with this one; she just wanted Commissioner Lober to know she does not support bio solids; she does not know what everyone's thoughts are on this but she knows it is a very emotional heated subject; and she was just hoping this would help the crowd a little bit because sometimes they come up mad about something that the Board may already be in agreement with. She reiterated she is not in favor of bio solids; she stated she thinks there is probably something better that can be used to treat things; staff had told her most of the one it is getting now are coming up from the south; the problem that is going on right now with people banning bio solids, if the Board does not do something soon, it is going to see a lot of people trying to use this area for them; she is in support with getting rid of bio solids; she is not sure how to go about doing it; however she thinks it is the responsible thing to do.

Commissioner Lober stated there is obviously plenty of information on the Agenda Item; he advised there are a few different reasons he put this on there; the one nearest and dearest to him is the nutrient loading on the Lagoon; obviously for those folks that are not too well versed on this, anyone who has gone to many of the sewage treatment facilities out there, essentially the end product that is dehydrated is what they call bio solids; it is basically dehydrated crap for lack of a better term; it is great with being loaded with nitrogen and phosphorus and by extension being an excellent fertilizer but for that same reason it is very detrimental when it ends up getting into the watershed. He continued by saying he does not know if many folks have noticed, many have, but there has been a lot of rain recently; although he cannot tell when these people do and do not apply bio solids, but anytime there is water coming down, often times when there is irrigation and there is no rain which typically for anyone growing anything and looking for it to prosper and do well people will irrigate if there is no rain, and the stuff sitting on the surface will end up washing down; and he is not saying that 15 miles out is the same impact as there is five seconds away from the Lagoon, but by and large the vast majority of these areas are interconnected so it may have to travel a ways. He mentioned early in the meeting the Board talked about the connection for Melbourne-Tillman to the Lagoon indirectly through Turkey Creek; the fact is he does not think this stuff is good anywhere and that is his concern with it; there are other concerns because he hears people talking about grade A and B bio solids; the County does not have a restriction that mandates only pathogen-free bio solids

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are put down; and he is not saying the County is at a substantial risk of contracting e-coli or some kind of fecal coliform if people go into the water but all else equal it is not the safest possible thing to be putting down. He stated he cannot tell people for absolute certainty that there will be any number of people getting ill as a result but the question is how much of a chance do people want to take; there are two different considerations in sort of a macro sense; there are two different areas where bio solids are being deposited in Brevard County in terms of their end location; he does mean where they run off or where irrigation ends up flooding them out, but they are either put in a landfill or spread out on the ground for crops to serve as an excellent fertilizer; and in talking with staff, both Natural Resources and Solid Waste Management, he was thinking at first of disincentivizing or even stop accepting bio solids in the landfill and what was quickly brought to his attention was that would be stupid because if the County does not accept them then the next closest location and likely the fall back would be Osceola County; and depending on where it is introduced to the system and ends up going in the water and coming back to Brevard where it ends up in another lime landfill, it is not really doing anything that much better. He went on to say what this is focusing on is the application to lands because he believes the vast majority of any sort of nutrient loading that is seen or could potentially be seen as a result of bio solids is a result of them being applied to lands not to lime landfills; with respect to this he would ask at a minimum that at least those who do not want it in their District to ban it to those Districts who do not mind it being there; he is not thrilled with that but he could potentially live with it because he thinks any step in getting this out of the system and out of the County is a good step; he would love to see it banned from the entire County but frankly if it is just District 2 and whoever else wants to jump on board he would love to see that; and he stated he thinks some folks have gotten some negative publicity by some of his constituents. He noted he met with Steve and Bud Crisafulli on this recently; it is hard to ask them not to oppose it, but they were very good in dealing with this; he knows they care about the community; he knows they have been made out to be boogeymen on account of the property density issue that came up recently; and he wanted people to know, they did not fight him on this at all even though they have a good swath of agricultural land and for them to do what is in the best interest of the citizens he applauds them for that.

Commissioner Pritchett stated she would like to make a motion to ban the application of bio solids to the lands in Brevard County.

Commissioner Lober seconded the motion.

Commissioner Tobia asked the County Attorney if the Board has the ability to do this.

Eden Bentley, County Attorney, advised there is a significant question on that; it can be argued both ways; being cautious she would recommend an Attorney General's Opinion (AGO); if the Board wishes to proceed however the issue the County had most recently was the adoption of legislation that allows attorney's fees in the event there is an area that is preempted to the State; and that is a question whether it is preempted. She stated under that new bill there is a notice procedure so if someone wants to challenge the Board stating there is a preempted issue, the Board will have 30 to 60 days to repeal, therefore the Board might be challenged but there is also an opportunity to back out if there is an issue; she cannot provide the Board a right line answer on the preemption issue; it has not been tested, it was adopted in July; and there has been no case law on it whatsoever that is why she suggested the AGO as a cautious approach.

Commissioner Tobia stated he would like a follow up because he does not understand the 30 to 60 days; he asked if this is like eminent domain where the County is responsible for the other side's legal; he questioned if someone is to bring a challenge, the Board would have 30 days to meet and decide whether to vacate it; and if the Board decided to vacate at that point would the Board be responsible for any legal fees to get to that section.

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Attorney Bentley responded it does not address that and she thinks the intent is no.

Chair Isnardi asked if the County Attorney's advice would be to get the AGO to be safe.

Attorney Bentley stated the Board could do both and if the AGO comes back not in the Board's favor it will have a regulation on the books.

Chair Isnardi asked how long does that typically take.

Attorney Bentley stated she thought it took six weeks to two months last time, or was it longer.

Commissioner Tobia stated the Board is still waiting on one opinion right now.

Attorney Bentley stated one of them that came back and said the Board is already in a dispute and they will not rule on it; and that is why in this case if the Board wanted an AGO it should do it first because it is not in litigation or in a dispute, and they will give an opinion. She noted if the Board is in a dispute, the AG will not give an opinion.

Commissioner Lober stated he wants to draw one distinction between this and the eminent domain with respect to attorney's fees; in eminent domain the Board is paying for attorney's fees even if they do not prevail; this they would have to prevail for the County to be on the hook for their fees; it is not that the County has to pay either way; and he mentioned there is a disincentive, they will eat their own fees if they do not prevail unlike eminent domain where there is no disincentive for them to turn around and sue the County. He went on to say with respect to that, he is not going to down play the risk of the County having some potential liability, but this is one of those areas where he thinks, given it is public health and safety, there is a reason for the Board to at least explore the possibility; as Attorney Bentley mentioned the Board will have the opportunity to rectify it if it does end up getting a letter from someone challenging it; if there is concern he has no problem asking Commissioner Pritchett to withdraw the motion and make a different one requesting County legal seek an AGO now or he can do that as a separate motion over and above what Commissioner Pritchett has; for the Board to worry it might get a letter or it will get a letter where it might be able to remedy it so it will not have liability, therefore, the Board should not do anything, he thinks it is premature at this point; and if the Board is going to go for it then it should go for it and then take a look whether the Board gets something and act accordingly because the Board is not putting itself in a position that is going to cause any liability insofar as this particular action is concerned, if the Board does not get something to follow up.

*The Board recessed at 2:19 p.m. and reconvened at 2:29 p.m.

Chair Isnardi advised if she goes through the names and somebody is missed, that has filled out a card, to please raise their hand at the end.

Nancy Kirby stated she is in the middle of the I-95 exit being built, it is about two feet away from her gate and half a mile away from Lake Washington; it is not a matter of when people are going to get sick it is a matter of when they are all going to start coming together to let people know they are sick; her water tested positive coliform in her home and several homes in her community; she has an upper respiratory infection for over three weeks and her kids were all sick; they were all on nebulizer treatments; and their water smelled like mold. She continued on by saying she was bathing the baby in the bathtub and she realized the smell was coming from the water she was bathing him in; her entire family was sick; and she asked the Board to please think about the bio solid ban. She added she is happy to hear that some of the Board Members are already on board with this because it really is not a matter of if people are going to get sick because they are getting sick; she gets messages all day long from people who live in her

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community saying what they are coughing up and pictures; it is honestly just awful and she does not ever want anyone else's children to go through what she watched her kids go through; and she reiterated she just wants the Board to think long and hard about what is being left to the children with these bio solids and the years and years of contamination. She mentioned it is just really scary to watch all of her kids get sick from where they live and not be able to do anything about it; she was fortunate enough to be able to put a \$10,000 water system in her house to make it better and not every resident in this County has the money to invest in reverse osmosis systems and water filtration systems for their homes; and she noted this is something that is going to be a long term affect, it is not something that is over now just because they decided to put chlorine in the water and wash chemicals with chemicals which is basically what is being done right now. She reiterated she is just there as a mom and would like the Board to think about what it is leaving the children in the long term; and politics aside, this is really a generation of wanting to keep the children here and keep them safe.

Sandra Sullivan stated she is a mom, she likes her gardening, she was in her bubble, and she was not active in any way government wise and now she is in attendance at each meeting; she comes here because her and other people's health is being impacted by different issues; she had pneumonia-like symptoms as well and they went away as soon as she switched to bottled water; and she has no doubt she was impacted by the toxins. She went on to say the bio solids is just one thing that is impacting the river; she has looked at the reports from the St. Johns River Water Management District (SJRWMD) and she thinks it is exceedingly important to have monitoring put on; that is going to take the Board advocating to the various agencies to get the State or the SJRWMD to put the systems on that can predict algae blooms, that can track algae bloom in real time; the problem is there is a delay and it can take up to three weeks before they know there are algae toxins in the water; they start treating after so the people are exposed for up to three weeks; and the algae blooms are not going away. She continued to say the impact of the bio solids being so close to the river, the rules right now are 100 feet away from the river, that is not very far for run-off to go in; she is talking about not only nutrient loading, but carcinogens, heavy metals, contaminates, pharmaceuticals, and the pathogens including Hepatitis A; she knows the Board is all up on this; and she commented she is asking the Board to go a step farther, even to the bio solids, and that is to protect the St Johns River. She stated she is looking at sea level rise, stronger hurricanes which was seen after Irma as they were three feet under water; she asked how long were those bio solids sitting under water leaching into the river which is their drinking water source; she mentioned those whole flood plains and the idea of developing on flood plains right now, just floors her; if sea level rises it is going to impact this County more and more; and she stated using civics of multiple levels of the government, look at the idea of protecting the St. Johns and working with the State legislators and Federal legislators to get grant money to buy up lands and turn it into something like the Everglades Park, a big natural resource where people will come and fish and where it is preserved because this is drinking water.

Stell Bailey stated for at least five years South Florida sewer plants have been exporting their sewage remnants to Brevard County; an example is the Port St. John site that has over 232,000 pounds applied; it is less than four miles from the IRL, near an elementary school, high school, and community church; the field where this is applied drains into a canal and leads to the St. Johns River; every summer there is a ban on fertilizer with nitrogen and phosphorus nutrients that can feed harmful algae blooms which is supposed to be the IRL; however, the Florida Department of Environmental Protection (FDEP) allows land owners to dump class B waste as fertilizer. She noted either people really want to protect the IRL from excessive nitrogen and phosphorus or they just want it to appear that they are protecting the Lagoon. She went on to say sludge contains highly varied amounts of organic chemicals, toxic metals, chemical irritants, and pathogens; there is an unknown amount of harmful toxins in these bio solids including carcinogenic chemicals such as PFAS, in which the State of Florida does not have an enforceable health limit set; PFAS are a significant concern due to their extensive presence and

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persistence in the environment; PFAS exposure can cause suppressed immune function, lower vaccine effectiveness, greater risk of autoimmune diseases, and cancer; and PFAS present in large concentrations and sludge makes it possible to enter human and ecological food chains from bio solids amended soil. She stated a 2002 study by the University of Georgia found higher reports of ill-house symptoms and diseases near bio solid permitted fields; just because there is a compliance with the regulations does not ensure protection of public health; even though class B bio solids require specific pathogen reduction, it is not based on the risk assessment, and class B still contains significant levels of pathogens; this County is taking things that other Counties ban; Brevard County is not an outhouse; and spreading sludge risks decades of expensive environmental restoration to improve the river's water quality. She added dredged sludge should be tested for contaminants and for nutrient loading before being spread anywhere; the analytical results should be made public prior to spreading; if contamination is found or the sludge possesses threats to nutrient levels in the water shed are, it should be sent to an appropriate facility for treatment and disposal; and she asked the Board to support the ban on bio solids to better protect the communities health and waterways.

Linda Huba stated if Floridians have to drink bottled water and the recreational bodies of water become bio hazards people are not going to want to live here any longer and neither is anyone else; the problem of bio solids, sewage, blue-green algae, and other algae is not going away and it is not going to get better any time soon either; that information is according to a lecture she attended last week by Blue-green Algae Task Force member, Dr Jim Sullivan, PhD, which was entitled Harmful Algal Blooms and Human Health Threats; there were over 200 people in attendance; and she does not know if anyone there attended but she wants to share a phrase that stuck in her head after she left the presentation. She noted the phrase is, "Liver Dissolving Toxins." She mentioned this is delivered by blue-green algae; it is what killed those three dogs in the pond in North Carolina; Dr. Sullivan said dogs are a sentinel species like a canary in a coal mine; and she asked the Board to ban bio solid applications, but wherever it goes, moving it to other places in Florida, it winds up as run-off, winds up in the aquifer, and it winds up in the water. She continued the big picture is Florida has to ban bio solid land applications State-wide and invest in technology solutions that scientists and environmentalists agree work; Brevard County and the State of Florida have to continue to deal with the 50 plus years of growth and water mismanagement, which has left the County with tons of seagrass killing legacy muck; common sense tells her that her interest in cleaner water might not perfectly align with the interest of influential industries that love growth but hate regulations and fees; and she thinks on this issue environmentalists and scientists have to prevail and the people need to keep educating themselves. She added the County needs science based, environmentally approved solutions.

Paul Alfrey thanked the Board Members for their service; he stated until someone has been behind the dais and has to make tough decisions they cannot appreciate the sacrifices each one of them make; he is someone who has grown up here and he has seen the negative changes and impacts that Brevard faces now; he is also someone who gets called on a regular basis, more now than ever, when the water does not taste or smell right; and with the City providing water for about 57,000 accounts in eight cities and some of the unincorporated parts of Brevard, he has been receiving many calls, as he is sure the Board has as well. He went on to tell story; over 30 years ago when he was in high school the cool kids would go to Lake Washington and go swimming and air boating, he was not one of those cool kids, but he did get to tag along on occasion; Lake Washington has a sandy bottom and it was in a much better place and in a better state; he thought the cool kids who would swim were crazy because of the Florida gators, but he is sure those kids are not crazy enough now to swim in that same Lake Washington like they did 30 years ago; fast forward to 2019, and he has a responsibility to his residents to provide clean water, and as people know the City of Melbourne is one of the few water providers that use a sump service water for processing; their staff insists they can provide quality water by treating with more chemicals during a bloom; and the definition of insanity is

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using more chemicals to treat water people consume because the water source is damaged by the overloading of chemicals being put near the water source. He continued by saying many local water sources have banned the bio solids spreading and now Brevard County is the dumping ground for South Florida; it is getting harder and harder to ignore that nitrogen and phosphorus is present in treated sewage sludge and is finding its way into the County's waterways and feeding algae blooms; on a lighter note, he received a call from Representative Randy Fine who supports this ban, and he apologized that he could not be in attendance; and Representative Fine admitted he needs to stay more in his lane and he supports this Board's decision to ban the bio solids. He stated each member of the delegation and all of those he sees at events are the leaders of the County and big supports of the Lagoon and clean water. He asked that the Board continue to be that leader.

Douglas Sphar stated he is speaking to advocate for a total moratorium on bio solids spreading for an interim period, while advanced technology solutions for bio solids are explored; he heard some suggestion that the moratorium may just be a limit on new permits, but the two biggest spreaders in the upper basin are the Deseret Ranch and Deer Park Ranch; according to DEP, in 2017 Deseret spread over 49,000 dried tons and Deer Park spread close to 9,000 tons; most ranches also have extensive spread permits in Orange and Osceola County; and the fact that there are significant spread fields and upper basins in Indian River, Osceola, Orange, and Brevard County suggests that the State will need to get involved. He went on to say he provided a graphic from the District that shows exponentially increasing bio solids application in the upper basins since 1998; he attended the bio solid symposium presented by the Treasure Coast Regional Planning Council; at the symposium several enterprises presented advanced technology solutions for processing bio solids; these enterprises all have projects up and running; and he also attended the DEP bio solid technologic committee meetings and advanced technology solutions got the short shift. He mentioned the take away message was that the waste water community has a lot of inertia; they spend a lot of money on what they have and they are not really interested in changing anything; given inertia in Florida's waste water community there is not going to be any progress towards advanced technology until the State intercedes; no municipal, County, or regional waste water utility wants to be the first to stick their toe in the water and risk taxpayer money on an advanced technology venture; and the State will need to take the lead by coordinating and funding some larger scale technology demonstrations. He recommended that Brevard County advocate for advanced technology demonstrations at the Adamson Road Landfill; the reality is with the population increasing, there is more toilets flushing, more waste water to process, more residuals to dispose of, toxicology blooms are increasing in frequency and severity, in fact it is placing the handwriting on the wall for land spreading; the time for advanced technology solutions is at hand; he noted the European Union is way ahead of this country on that, like Germany by 2029 everybody has to have a plan to get the Phosphate out; and if Germany can do it then Florida can do it too.

Courtney Barker thanked the Board for bringing this issue; she stated she appreciates the Board's support on the ban; she thinks the ban needs to include current property owners who are accepting the bio solids; if the County does no grand-fathering that might not get the results she is hoping to get; but if the Board is unable to do that, she thinks Virginia Barker has some great ideas on how to mitigate that possibility; and she also thinks the County would be better in the longer run to address the bio solids at the source because there is a lot of new technologies that enable the utilities to process the end result, which is to clean up the crap and process it better. She added it could be processed better and made into usable products like bio fuels or something like that. She continued since the County has the land at the landfill, that might be an opportunity to partner with the State and become leaders in the State as a pilot project; she thinks Ms. Barker has talked about that in the past; pursuing that as a legislative priority is a great idea that would basically be taking care of it at the source; bio solids are never going to stop being produced because there is tremendous growth in this State; unless someone puts barricades at I-95 and I-75 and tell people to stop having children, the State is going to continue

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growing; she thinks people need to think of better ways to address it at the source; she reiterated she appreciates what the Board is doing today: and she noted she thinks the Board is doing a great job.

Alexis Miller stated a lot of this discussion so far has pretty thoroughly covered concerns regarding the application of bio solids in the County; she appreciates the Board's consideration for legitimate strategies to address a pretty complex problem; moving towards a moratorium is definitely an initial step in the right direction, it shows initiative on the part of the Board and its staff to both prioritize the regions water supply as well as the quality of life in this County; and looking ahead, identifying, facilitating, and incentivizing processes that will re-purpose bio solids at the source like bio fuel facilities are complex in forward thinking strategies for this region. She went on to say this is not an issue that will ever go away in this developing and growing State, and as such how it is handled now directly impacts the quality of life and water in the future of this State; she asked the Board to make this a priority now so it does not become a crisis later; as a recently graduated student and a young professional she hopes to see the County continue to address this issue proactively and with resiliency in mind; and as a public servant she has the responsibility to protect a happy and healthy environment for the residents of this region as well as to communicate to this Commission for what is an important mechanism in protecting the regions health and happiness. She continued given the task at hand, she hopes that her responsibility as an employee of Satellite Beach will soon encompass partnering with the County and the State to address the bio solids at the source in a resilient and practical way.

Matt Fleming stated bio solids are not just toxic human waste, they include toxic muck deposits from the river from the muck dredging; what the County is doing right now is spending tax money to give to dump truck companies and farmers to spread toxic human waste on their farm land that floods every summer and flows into the St. Johns which is their drinking water; the ban will be unenforceable; the applied preemption exists because the State legislature has expressed its intent for the State to be the sole regulator of this activity; and if the County does try to enforce this ban they will be putting taxpayers on the hook for massive legal fees. He continued to say all six of Brevard's legislators voted to take away locality's ability to ban the spreading of layers of toxic human feces on farm lands that flow into the drinking water; he repeated all six of Brevard County's legislators voted for this; they voted to take away the County's ability to actually do something about this; and one of those legislators wrote the amendment that did that and another one has the Board here today participating in what is ultimately kind of just a show. He went on to say Virginia Barker has opposed banning this, she says long term goal is to work with ranchers and not to inflict heavy-handed regulation; he supports a ban as a symbolic gesture; he thinks it sends a message to the DEP that they need to do something about this to end the practice completely and protect the St. John River basin and the Lagoon; and he noted he has several questions. He inquired why this practice was allowed in this County in the first place; how much money are haulers and farmers making for poisoning the County's drinking water and destroying the St. Johns River; and why did the County not issue a public statement against HB 829 which took away local control of bio solids or at least put it at risk to give credence to the argument that the Board might still be able to ban it. He stated there is an answer to that one, the whole County is run by Republicans and they have been doing this forever; it has been like this for a really long time and it is not going to change all of a sudden; it is a sham, the Lagoon is dead, there is dirt on the beaches, and there is toxic algae in the drinking water; and he thinks it is time for people to recognize that and seek for real changes.

Vince Lamb stated he is representing both St. Johns River Keeper that he had organized the head waters advisory group and he is also a member of the board of the IRL Coalition; Lew Kontnik was going to speak on behalf of the IRL Coalition but the meeting went too long and they lost him; he has been involved in this issue for about 18 months and it was when they first learned about the pollution coming from the Presley Ranch on the way to Blue Cypress Lake;

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Blue Cypress Lake was long the most pristine lake in the chain of lakes that makes up the St. Johns; and it is the most important rookery in the world for nesting ospreys with over 300 nest there. He mentioned it was kind of ruined when the Presley Ranch agreed to take class B bio solids in pretty large volumes and store them on the lands; they may be used as fertilizer to some extent, but he has seen pictures of piles of this stuff; this is like 200 or 300 yards from Cypress Lake; and he has come to realize that bio solids are kind of like muck, people did not know muck was a problem until the County accumulated \$200 or \$300 million worth of it. He noted these bio solids are sitting on properties now and whether they were applied as fertilizer or just being held, they are going to represent a problem to the St. Johns and perhaps the IRL; Brevard County is kind of buffered, bio solids are more a St. Johns issue than a Lagoon issue; it is similar to muck in terms that it is an accumulation of pollutants over a long period of time and they are not going to go away by themselves; he thinks it clearly requires a State solution of banning the application in Brevard County; and whether it can be enforced or not it is sending a message to the legislators that Brevard does not want South Florida concentrated human waste here. He stated the big thing is the State has to take the leadership between the DEP, legislators, and the Governor; he thinks this problem has gotten enough attention; he met with Senator Mayfield on this and she is very interested and wants to help; Brevard County cannot do much by itself but he thinks it is important that it send this message; and he encouraged the Board to move forward.

Billy Kempfer stated he is a fourth generation rancher and the ranch has been in his family for about 120 years; he has been applying bio solids for about 20 or 25 years; they were concerned before they ever started and they did a lot of research; since they started they have over the years done salt test, water samples, and such; actually after Hurricane Faye when the water stood on the side of two piles, which legally the piles can only stay for 30 days before it has to be spread, and when these two piles stayed for weeks and weeks with water up on them and then gone up again before they could be spread, the grass was so green it was almost black, he got in touch with RCS and the County Extension Officer came out and monitored; by the time they were 15 feet away there was no elevated phosphorus in the soil or the tissue; and that is when they backed off of the testing. He continued this all came to a head with the issue on Blue Cypress with the Presleys; his ranch is personally one that is spreading but it is miniscule to the amount of bio solids spread in the upper basin; it was talked about, the legislature that was passed not allowing the local governments to pass an ordinance in opposition to existing AG operations, but he thinks the Board can still ban it under Home Rule; the data that Ms. Barker was using came from the SJRWMD which Dr. O'Conner, a retired sole scientist from the University of Florida, debunked that report; as far as what can be put out on chemical fertilizer for phosphorus, the farmers are regulated by the Best Management Practices (BMP) guidelines; they have to do a tissue test and a soil test, but in the latest revision of the BMP Manual they discussed phosphorus and how much could be allowed, and how to determine it; Dr. D'Silva with the University of Florida said bio solids is not like regular phosphorus once it is applied it does not go anywhere; and he thinks this is more of an emotional situation. He mentioned he had talked to the District people when they had made a watered down version of the advisory committee of the St. Johns, and he offered to allow monitoring on his property and he was told there was no need for it.

Robert Burns stated the legislative session he thinks there were four Bills on the floor to try to ban bio solids in some way or another, but none of those Bills made it to the floor; he thinks Senator Mayfield actually presented on, and there was also one from a Representative down in Vero trying to do the same thing; Indian River County actually has a moratorium and they issued an opinion to the Florida Association of Counties about HB 829; and he read, "Indian River County adopted a moratorium ordinance on the land application of class B bio solids in response to an algae bloom that exploded in Blue Crystal Lake, a class one water body and head waters of the St. Johns River. The destructive bio solids application was actually permitted by FDEP; however, there is an argument that the County moratorium is preempted. While the

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County took action to protect the waters, the State simply sent the issue to be analyzed by the Biosolids Technical Advisory Committee (TAC). Since the proposed State legislation that contained language protected such a moratorium on the land application of class B bio solids is likely not to pass this session, as a result Indian River County is left exposed." He advised while they had that moratorium in place, the State Representative still tried to pass State law to prevent the same thing from happening, specifically in her District and it did not pass; he thinks it is definitely some question of whether or not HB 829 prohibits the County from doing this; he supports banning the bio solids, but he also wants to look, just in case it cannot, maybe direct staff to find an alternative way to stop this practice in this area whether it be through a business license, permitting, or anything else the experts in those areas may have to give an alternative to stop this practice; and he also wanted to ask if Brevard County's own waste treatment facilities are producing bio solids as a byproduct and if so is there anything that can be done to stop the County from doing that.

Sharon Stewart stated she is in agreement with everyone and the Board that banning bio solids is the right way to go; she thinks Brevard County is going to need State funding to stop it at its source and to come up with new technologies and that sort of thing; she thinks putting anything on the ground ends up in the waterways, that includes muck and bio solids, whether they are class A, B or whatever; she has been a resident of Brevard County for close to 50 years, but she lived in Melbourne Beach for eight years and when she first moved to Melbourne Beach, she would literally get scared with all the fish jumping everywhere; there were Pelicans and Herons, and they are literally all gone; and the diversity is gone. She noted she does not want her family from Norway to come visit, the water stinks, it looks bad, and she has quit eating seafood; and she thinks it is time to take on new technologies, stop business as usual, and time to make some real progress and real actions towards cleaning up the environment.

Commissioner Tobia inquired assuming the Board were to ban bio solids, obviously, that is a type of nutrient for Mr. Kempfer's product, what would he use in lieu of those biosolids.

Mr. Kempfer advised he would use chemical fertilizer that is his only option as he is a grass farmer.

Commissioner Tobia asked if chemical fertilizer is rich in nitrogen and phosphorus, he does not know anything about this.

Mr. Kempfer stated it has not been adopted, but according to the latest BMP Manual when it is adopted, those land owners, ranchers, and farmers that comply with the BMP sign up (a notice of Content) are considered to be in compliance; the folks who do not then they are required by DEP to monitor all the discharge; he has monitored for years and multiple times and it was found that their discharge water is actually of higher quality than receding water; under the new guidelines they will be allowed to put down 50 pounds of nitrogen per application; it does not say how many can be put down, but 50 pounds per application for grass; phosphorus is in accordance to a soil test showing a very phosphorus on the soil test and a tissue test of the forage that someone is wanting to apply, less than or equal to a .015 percent phosphorus which happens to be a very critical low number; and they have argued with that number. He went on to say potassium has no rule; final in the last four or five years they have done more research on potassium and realized that it is much more important than they thought it was for crop production; years ago when they did watermelons, the recommended rate was 120 pounds of nitrogen, 180 pounds of phosphorus, and 180 pounds of potassium per acre; and that is very expensive.

Chair Isnardi asked if that was per application.

Mr. Kempfer advised it was per acre for the crop, which for watermelons is like a 100-acre crop.

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Commissioner Tobia asked Ms. Barker to boil that down; he understands Mr. Kempfer would switch to chemical fertilizer; and he is not sure if the nitrogen and phosphorus is chemical fertilizer markedly lower compared to the bio solids.

Ms. Barker explained there is a full suite of fertilizer blends out there; bio solids is on average 14 percent dissolved phosphorus that will move through the ground water quickly; and chemical fertilizers tend to have a higher percent of phosphorus in the form of dissolved phosphate that will move through the ground water quickly.

Commissioner Tobia asked that Ms. Barker put that into his eighth grade biology; he thinks everyone is concerned about the drinking water; and he asked if the Board bans bio solids and Mr. Kempfer goes to chemical fertilizer, which he imagines is much more expensive, would that be better or worse for the drinking water.

Ms. Barker responded it depends on how much he places; she explained if the same amount of bio solids, phosphorus and chemical fertilizer phosphorus there would probably be more run-off from the chemical fertilizer phosphorus; the problem with bio solids is that in order to get enough nitrogen for the crops, they are putting too much phosphorus; and he noted it depends on the crop, it depends on the use, and it depends on a lot of factors it is not just a clear answer of which is better or worse.

Commissioner Tobia stated this is probably more of a biology question than a policy question, and he asked if she cannot tell him, which one is worse and what is the scientific rationale behind the County banning bio solids.

Ms. Barker advised SJRWMD went through an analysis of their available data in the St. Johns River; multiple stations where they collect data monthly, they look for trends in that data; in watersheds where bio solids were being placed they found increased concentration of phosphorus over a 20 year time frame; in areas where bio solids were not being placed they predominantly did not find that increasing trend in phosphorus; and then they tried to look at other lines of evidence.

Commissioner Tobia advised he is only trying to make a comparison; he understands that bio solids are worse than no fertilizer whatsoever; and he questioned if that research looked at one bio solid and one chemical fertilizer to make that comparison or was it bio solids versus nothing at all.

Ms. Barker stated that research did not look at bio solids versus chemical fertilizer specific to phosphorus.

Commissioner Tobia stated he is not against for banning.

Ms. Barker stated the University of Florida has done studies that looked at that.

Commissioner Tobia asked for the results.

Ms. Barker advised that was what she was saying; and she commented the amount of phosphorus in chemical fertilizers is of a type that is more likely to get into the ground water and move.

Mr. Kempfer explained water soluble versus water insoluble.

Commissioner Tobia stated he is sorry to go over this again; he asked if the Board bans this and Mr. Kempfer goes to chemical fertilizer, from the information Ms. Barker just said, is it going

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to be worse for the ground water; and he asked if that is correct.

Ms. Barker responded she does not know if it will be better or worse; and she noted he will probably place the less phosphorus, but the phosphorus that he places will probably be more likely to run off.

Commissioner Tobia asked if the Board has any control over the amount because it sounds like the Board does not any control over that.

Ms. Barker commented the County does not.

Commissioner Tobia stated it very well could be worse.

Ms. Barker stated she recommends monitoring and Mr. Kempfer has volunteered to allow that.

Commissioner Tobia explained he is just trying to understand because obviously banning bio solids sounds great but it sounds like the alternative could be potentially worse. He noted he understands bio solids are an inexpensive form of fertilizer.

Mr. Kempfer commented he feels he is doing a public service by taking that; it does not cost them anything to take it; and they are not paid anything to take it. He mentioned the downside is the time that they have to give up a pasture for them to completely spread it and they have to stay off of it 30 days to allow the sunlight to kill what pathogens are not killed either by using a hot PH by Lamp by stabilize, or the anaerobic digested which kills almost all pathogens; but to be safe it is required to stay off of it for 30 days; and as far as the chemical fertilizer versus the bio solids, bio solids is two percent phosphorus and typically around four or five percent nitrogen. He advised the rules up until now have been a nitrogen-based application; according to the DEP and their new guidelines, it is going to be a phosphorus-based application; depending upon the soil holding capacity of the soil where it is going to be spread; they have spread bio solids long enough that he does not know if he will even be allowed to take any bio solids from this point forward; and he knows he is the only person in south Brevard County applying it. He mentioned they put out about 50 acres worth of bio solids; he thought Ms. Barker might have a map because he emailed her some maps where the closest discharge point where their pump is, is seven-tenths of a mile from the river, so it has that much marsh to go through and the marsh is supposed to take up plus before it gets to there, there is a 600-acre retention pond that this water goes through; he does not want to dispute the gentleman who said he saw the piles sitting just a few feet of Lake Blue Cypress; and he questions that, but he does not know the Blue Cypress is considered class one because it is adjacent to the river.

Commissioner Tobia stated Mr. Kempfer implied he is doing a service for using these bio solids; and he asked if everyone, what would happen to them, banned them.

Ms. Barker stated they would go to landfills.

Mr. Kempfer advised if they are banned on his place, they are just going to go to Osceola County.

Commissioner Tobia stated okay.

Ms. Barker interjected by saying that is an important clarification; if the County bans the land application of bio solids in Brevard County, Osceola still allows land application and that watershed in Osceola still drains a significant portion of it to the St. Johns River; and she noted it would be more distant, but it would still be draining.

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Commissioner Tobia stated it basically comes down to if the Board were to ban bio solids and it seems that Mr. Kempfer is the only one that uses the bulk of it, and Mr. Kempfer were to switch to chemical fertilizers, would she expect this year, five years from now, or 10 years from now to have any measurable impact on the Lagoon.

Ms. Barker noted not on the Lagoon because he is west of the St. Johns River.

Commissioner Tobia corrected himself stating any measurable impact on the drinking water quality.

Ms. Barker stated the old rule of thumb was that phosphorus bound to the soils and it did not tend to move; now that people have been putting phosphorus on the soils for decades, people are seeing that it does move; eventually it overloads the capacity of the soil to bind all that phosphorus and it does move; and regardless of the source of the phosphorus, if it continues to go on the soil, then it is being harvested with the sod or the cattle, or whatever agriculturally operation is going on out there. She went on to say it is going to build up in the soils and eventually run off into the river.

Commissioner Tobia inquired but that would happen either way whether it comes from bio solids or chemical fertilizer, which Mr. Kempfer says he is going to do.

Ms. Barker agreed. She added that Ms. Bailey's comments about the other things in bio solids; and the Board might want to think about those, like the pharmaceuticals and the perfluorinated compounds that bioaccumulate in bio solids.

Commissioner Lober stated it is not just the fact that there is nutrient loading in there, nitrogen and phosphorus, that the County is used to dealing with respect to the Lagoon; there is a total of four different broad categories of potential issues contained within the bio solids; there are pharmaceuticals like acetaminophen where there are plants in Brevard County that produce bio solids; the County does not treat at all for that and the process for treating that is not in place at any of the plants; the pharmaceuticals are concentrated in that beyond what they would be; as far as pathogens, he believes Mr. Kempfer when he says they leave it out for 30 days in sunlight; and he mentioned there is no concern at all if the bio solids are not laid out there. He continued he believes Mr. Kempfer has done everything by the textbook; he does not think he is a bad guy in this, by any means; the question is what the benefit is for the County and the best step for the County; obviously there is the nutrients, the nitrogen and the phosphorus and the chemicals for fluorinated compound like PFAS; and his understanding is it will bioaccumulate. He mentioned these are items that the County does not look to specifically treat in the actual wastewater treatment plants that he is aware of; he has toured all the plants including the municipal plants and the County plant in his District; he thinks Commissioner Tobia has some good questions about whether there is more phosphorus or more nitrogen in the end if Mr. Kempfer which to switch over to natural or synthetic fertilizer not being generated out of bio solids; and the answer is there are different mixes available, but it would make sense in a cost standpoint if he were an agriculture guy to buy the ideal mix to grow whatever crops he is growing, with a certain percent nitrogen and a certain percent phosphorus. He commented people will not want to over buy where the land is not even able to derive the benefit from that; he thinks from a financial standpoint, that people would buy the ideal nitrogen and phosphorus fertilizer mix so that as little as possible ends up going down into the watershed, simply because people would be wasting money if they were to buy a higher concentration and it is not taken up by the land; and a question came up before asking if the County produces bio solids and the answer is yes. He went on to say the County pays to have every bio solid produced placed in the lime landfill in Cocoa; they pay solid waste in order to take it, \$20 per ton which is dirt cheap; he looked at that first as he mentioned, and it was a mistake on his part to think maybe the County should consider raising that or the cost to disincentivize; the County even takes it from

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some other municipalities around here; however, the question he has is he does not even know when it comes to PFAS or some of the contaminants of emerging concern, really what the long term health impacts are; and hearing from the folks from South Patrick Shores and other areas, there are different types of chemicals that are showing up that now decades after they were placed there are causing problems. He mentioned he would love to do anything in his power to help agriculture but he does not know that what is in agriculture's best interest is in the County's best interest; if there is something else he will stand right next to them and help get it supported, but this is one of those where he thinks the County has to really be cautious given that it is more than just the nutrients; if there is any question as to whether this is beneficial or detrimental, and given the other concerns, he thinks it is over-riding; if Mr. Kempfer has been kind enough to let Natural Resources Management go and check, the Board could put this in place for a year and if it pushes the County in the wrong direction in terms of nitrogen and phosphorus loading, he could bring it back before the Board; and if there are no other concerns that over-ride it, the pharmaceuticals, the pathogens, and the chemicals he would be happy to revisit it in a year. He noted to just say it should not be done because the County does not know when there are other concerns to add on top of it, he does not know if that is the answer; he wants to do what is right by the County, he is not out to cause any problems; people like Mr. Kempfer tend to get less credit than they deserve because he did not sell out years and years ago and he continues to farm the land, it is honorable and as American a profession as there is; and he does not like doing things to people in a bad spot, so if this ends up not accomplishing the objective then it can be revisited in six months to a year to see what is going on.

Mr. Kempfer stated the highest water sample he has collected thus far was .04 phosphorus; most of the water samples that they tested last year after the issue started with Blue Cypress, were none detectable; he thinks they pulled 10 samples; under a Basin Management Action Plan (BMAP) for Total Maximum Daily Load (TMDL) concern, the target is .09 which is twice as much as what they have discharged; as far as monitoring for any of the pharmaceuticals and such, he has not done that because he assumed that was all part of the DEP regulations; he knows the heavy metal side because that is what they are very concerned about; and he makes sure that anything that is brought to his land is not real high in the heavy metal. He continued by saying that is one of the big concerns with the bio solids being spread up north and close to the commercial areas; he understands one of the things that can be tested for is the artificial sweetener; that is one of things that can be determined whether it is coming from effluent of some form, whether it is from septic tanks or from package plants; one of the first things mentioned was the IRL; nowhere north of the County line can fresh water that gets bio solids, get to the Lagoon; and anything south of there has to come from down south. He added Indian River and St. Lucie County both have banned bio solids.

Commissioner Lober stated he appreciates that if anyone is applying bio solids he likes that it is someone who has the knowledge and cares about the area; his concern is not Mr. Kempfer's application necessarily, it is what happens when the next person wants to do it and he does not have the same level of care that Mr. Kempfer does; it is kind of like gun ownership, he thinks everyone should be able to own, but if there is something that could potentially be a problem, then someone should keep their eye on it, not restrict it altogether; there is such a unique set of circumstances going on there; and that is partly why he said if there was a particular District that is not comfortable with this, then that is a direction that the Board can go in. He mentioned he does not want to hurt Mr. Kempfer's business but he also wants to make sure the County does not allow anyone to do something in a less than responsible way.

Mr. Kempfer stated Ms. Barker's proposal to start with, was to grandfather those who were already doing it and not allow anyone new; at least that is what she was proposing when she met with him and Deseret; Deseret is not applying anywhere in Brevard County, it is all Osceola; one of the test from the St. Johns data, North Wolf Creek was extremely high; they showed it to him and said it was a big pile of bio solids; however, it was all chemical phosphorus coming

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from the tile drainage and pivot fields where Deseret had leased that land to a farmer, and it had nothing to do with bio solids.

Chair Isnardi stated Commissioner Tobia prodded Ms. Barker a lot, but she is sort of the scientific subject matter when it comes to this; she is a lot like Ms. Barker whereas she finds it hard to commit without the science because she does not want to cause harm, that is her concern; it is one thing to say the County has banned bio solids, but if it causes a worse problem then that is where she is struggling; and because of the additives, that is a concern too. She asked if there is a way to test out at that property because if he is the only farmer using it and he is causing potentially less damage with the bio solids, and she is sure that is the intention of the County using them all these years anyway; they can be put in a landfill, but then it just fills up the landfill quicker; and how is that helpful.

Commissioner Lober stated it would break up too.

Chair Isnardi stated it will break up eventually, but then it is filling up the landfill and expanding it; then it runs the risk of landfill leaches and other stuff; she just does not want to cause harm by feeling like the Board is doing something good and finding that Mr. Kempfer's farm is not the problem; maybe the solution would be to ban them everywhere else or that he test the bio solids that he is placing on his land; she does not know what the solution is, but there has to be some way; she is sure Mr. Kempfer is a really nice gentleman, but she could care less if he has to pay for fertilizer, she just does not want him paying for fertilizer that is causing more damage to the watershed; and she thinks it is completely illogical just to say the County banned bio solids. She noted it would be a foolish scientific mistake if what the Board does here ends up causing more damage in 10 years; she would want to at least look at what his impact is; she would not be opposed to doing it anywhere else because no one else is doing it; and she reiterated she does not want to cause more damage by banning it where he is using it and causing less potential damage.

Ms. Barker stated SJRWMD has culled through all the common pharmaceuticals that would be found in bio solids; they have the list of 30 to 40 that they are starting to test for downstream of some bio solid application sites in the upper basins of the St. Johns; and staff could coordinate with them and coordinate with Mr. Kempfer.

Chair Isnardi stated she knows the number one problem is pharmaceuticals.

Ms. Barker continued she agrees and staff could look at those and perfluorinated compounds, if that is what the Board wants.

Chair Isnardi asked Ms. Barker what she would do if this were her decision. She advised that does not mean she will agree with Ms. Barker, but if she has an expert opinion, would she feel comfortable banning bio solids because of her background.

Ms. Barker responded the County Attorney's Office has done a lot of coaching on in order to adopt a ban there needs to be a good scientific argument; she went through what SJRWMD had done, the analysis, and the correlations they had developed to come up with their statements that bio solids, based on current available data, looks like the most likely culprit; she listened to the meeting tapes that Mr. Kempfer referred to where Dr. O'Connor and Dr. D'Silva asked very pointed questions about the St. Johns analysis; and the part of all that analysis that is the weakest, in her opinion, is the step where they had ruled out that the source was chemical fertilizer. She went on to say she is not sure that the way they did that was a strong enough scientific case for her to be able to say it was definitely bio solids and not chemical fertilizer; and she does not know how strong of a scientific base the Board wants for the proposed Policy, but she would want to answer those questions.

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Chair Isnardi stated the unique situation is that someone can base something on science and say this is the best evidence available but if it based on a decision that could actually cause more harm, she thinks that is irresponsible; and this Board can say it is going to do a moratorium on building in Merritt Island but it knows if there is no more building in Merritt Island, it does not risk flooding in North Merritt Island, but this is one of those decisions that if it bans bio solids from this area it could end up causing more damage.

Ms. Barker responded if the Board bans bio solids than it is protecting the water supply from pharmaceuticals and perfluorinated compounds, but it may be increasing the phosphorus leaching; and that could then lead to more blue green algae toxic blooms.

Chair Isnardi asked which is more dangerous and she stated she thinks probably pharmaceuticals.

Ms. Barker stated it is unknown; and the Environmental Protection Agency (EPA) science is undetermined.

Chair Isnardi advised she did not mean to put Ms. Barker on the spot.

Commissioner Smith stated this is very interesting; he does not know what Mr. Kempfer's application actually does because the Board is just going by generalities; the Board Members know that bio solids do not sound good, they know what bio solids are so they do not think it is good, but he questions if that is reason enough to cause Mr. Kempfer a lot of money to have to go buy chemical fertilizer; he noted he discovered by talking with Ms. Barker and others that it might cause more harm because it has greater loads of nitrogen and phosphorus; and then to couple that with the fact that the Board does not know what the State is going to do, it could come back six months from now and tell the Board it cannot do anything, and that it is the State's decision. He added what the State does may not make the County happy. He continued to say he spoke with Courtney Barker earlier and she gave him an idea; she said maybe the Board should look for a real solution that actually solves a problem; it is not going to happen overnight but he thinks looking with a long range attitude and attack the problem at the source which is processing the bio solids better; he has read articles where people are actually making electricity out of bio solids; the County has that land out on 192 that has been almost permitted to be a landfill; and he asked if it would not be great in 20 years to have a plant that re-processes bio solids. He noted what he is proposing is that the County partner with the State and ask them to help fund or fund some kind of an experimental plant; maybe it is not even experimental any longer, and maybe there are actually plants out there that are actually already doing this; he does not know if it is economical, but even if it is not real economical, look at what is being done now to the atmosphere and the environment, that has to make it worthwhile; and that is the idea he has, technology to process waste that does not decimate the water bodies and creates a positive product. He went on to say there would not be the worry of pharmaceuticals leaching into the land; that is where his proposal is; and he thinks the Board should reach out to its State representatives and see if they would be interested in carrying that issue to the State to partner with the County for some kind of processing plant.

Commissioner Lober stated first with processing being a cure to this, if the County processes 100 percent of the bio solids the County still has the problem because the agricultural land will still need to be fertilized and whether they use bio solids or fertilizer it is going to be the same issue down the road; he does not think it is a bad idea to explore it; however, he thinks that is separate and does not dissolve the issue that is before the Board right now. He added he knows there is a doctor working on essentially devices that will convert more or less any organic matter into a useful energy source; it is not something that is great from an energy production standpoint but it does get rid of the problem; and he thinks there is proof of concept at this point but beyond that he does not know that it is anywhere near the development level it would need

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to be to be scaled up. He mentioned he does not have a problem looking at that down the road, but he thinks to focus on the pharmaceuticals and the contaminants of merchant concern, he is fine going two ways with this; and he noted he does not want bio solids in District 2 for a variety of reasons.

Commissioner Smith commented Commissioner Lober does not want them in his neighborhood.

Commissioner Lober stated he prefers to not have them in District 4 either because it is adjacent to District 2, but if the only question is what the Board is doing with only one particular ranch in District 5, then there are a couple of options; the first option would be to exclude District 5, so that no one else is coming in and using them; alternatively, the Board could put in a moratorium of six months to a year and then have Natural Resources Management coordinate with the State to go check the levels; if the Board wants it can wait and check it now to have a before and then get an after; and the data can then be brought back to the Board. He explained it will then have the data, it would not be doing anything permanent, and it will be in a better position to make a long-term assessment to determine what it is that the Board would like to do.

Commissioner Smith noted he had thought about a moratorium but he is not sure that the Board can even do that legally.

Attorney Bentley stated it is hard to tell because the preemption issue is a question; the Board can see if it receives a notice that someone is going to challenge it; and then it would have 30 days.

Commissioner Lober stated he is thinking a short period; and obviously in terms of potential planters, if Mr. Kempfer is comfortable with that he does not mind making it six months instead a year just to give the Board an opportunity to figure out the least restrictive means of accomplishing the goal.

Chair Isnardi stated the Board is going to talk a little more, so she would like to wait and see where the thought of the Board is going before Mr. Kempfer comes back up.

Commissioner Pritchett asked Ms. Barker if bio solids are spread in Port St. John and Mims as well.

Ms. Barker responded the County does not.

Commissioner Pritchett advised the City of Titusville does.

Ms. Barker agreed.

Commissioner Pritchett commented this might be the only one in the County, but she advised this is happening in other places, it is no just isolated; she gets calls all the time from constituents because they can hardly take the smell; and she knows the Board is talking about the phosphorus and she cares about the Lagoon and all of that, but the antibiotics, antibacterial pesticides can cause a big problem, and the steroids and hormones in this, there are children developing at 10 and 11 years old where it use to be 13 and 14, so people are making a mess out of stuff. She mentioned she hopes they took the hormones out of the chicken nuggets because that was a problem too. She went on to say she thinks this is something that is on the forefront and something that has to be changed; she thinks as far as being able to control what goes in the fertilizer, and people are going to pay more for food, but it is worth it for the children's safety; that is something to look at because then it has the right compounds and like Ms. Barker said maybe people would have to put so much extra phosphorus to get the nitrogen levels where they need to be; and she just thinks this is where the Board needs to go.

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Chair Isnardi stated she wants the lesser of the two evils.

Commissioner Pritchett stated she knows; she suggested maybe if the Board wants to, it can start with a moratorium on any new applications so it is not coming from the south and then gradually move into this; she does not know, but she is still highly supportive of getting rid of bio solids as this moves forward; it is not so much the phosphorus but all those other items; she believes it is causing damage to future generations; and she noted there were not all those hormones 30 or 40 years ago.

Commissioner Tobia inquired if the County can measure for all the numerous pharmaceuticals; he thinks the moratorium sounds like a good, fair compromise; and he asked if Ms. Barker could let the Board know that as a measure.

Ms. Barker stated there are thousands of chemicals out there; there are new ones developed all the time, that is why she mentioned SJRWMD has identified 30 or 40 of what they think are possibly the most reasonable culprits to look for; and staff could definitely monitor those.

Commissioner Tobia reiterated he has no idea, and he asked if six months is enough time to give staff some discernable idea as to whether or not one is worse than the other is; and he asked if she knows how long that would take.

Ms. Barker explained monitoring for pharmaceuticals or PFAS is to go in and grab a sample, send it to the lab, and the answer comes within a month; trying to discern whether the phosphorus that is leaching off came from bio solids or came from fertilizer is not a question that staff can answer in a short time frame; and it is not a question that SJRWMD has not been able to answer with decades of data because there is no marker on the phosphate that is pulled in the sample that tells whether it came from bio solids, fertilizer, septic tanks, or leaky sewers.

Commissioner Tobia inquired if the only thing staff would be able to monitor for six months would be whether there was a decrease in pharmaceuticals; he inquired how long that would take with the assumption that they are there now; he mentioned Ms. Barker has stated she could get results a little later but it would have to have time to run-off from that; and he inquired what is the least amount of time.

Ms. Barker responded every single one has a different half-life meaning it breaks down in sunlight at a different rate; and if the Board provided a time frame, staff would test at the beginning and test at the end and tell the Board what has changed.

Commissioner Tobia asked if six months is fair or if three months is fair, he has no idea.

Ms. Barker respond she does not know either.

Chair Isnardi asked if nitrogen and phosphate are easier to manage when not thinking about the unknowns in addition to the bio solids; and she explained she means as in someone who uses too much nitrogen or phosphorus when they are fertilizing, is that easier to manage long term and project wise than the unknown metals and pharmaceuticals because that is not something that is going to be consistent.

Commissioner Smith stated he would like to call the question.

Chair Isnardi inquired if staff has any idea who uses the bio solids in the County. She mentioned she knows Mr. Kempfer does, but she questioned if there are other people who use it a little bit.

Ms. Barker stated there are only two active permits; one is Mr. Kempfer and the other is the City

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of Titusville's waste water treatment plant, which has an active permit to land apply.

Commissioner Lober inquired if the City of Titusville also brings a certain percentage of bio solids to the Cocoa landfill; and he noted his understanding was they were one of the depositors at the landfill.

Ms. Barker responded affirmatively.

Commissioner Lober stated it must be a mixture in that case.

Ms. Barker explained she believes most of the cities, some of their bio solids go to the landfill and some goes to haulers that take it to land applications.

Chair Isnardi stated the Board knows where Mr. Kempfer is placing this.

Edward Fontanin, Utility Services Director, stated Utilities signs a contract with the holler; the hauler has contractual relationships with farms so it could go all over the entire County or other counties; and he noted he knows some of the discussion is being focused on Osceola but there could easily be bio solids generated in Brevard County that could be spread in Polk County.

Commissioner Pritchett amended her motion to ban any new applications on bio solids and to have this discussion be brought back before the Board in six months so the Board can reevaluate if it needs to do a ban on all of them; she stated she has received a lot of good information; and as Chair Isnardi stated, she wants to make sure the Board is not doing any harm. She went on to say she is thinking it is already pretty nasty from the stuff she has read, but she thinks six months will not hurt that; and she thinks the ban on new applications is just a smart move right now.

Commissioner Lober inquired if there is anything magical about the six months because his thought was six months for a moratorium to keep it on the short side, not to hurt anyone.

Commissioner Pritchett advised this would not hurt him at all, because he already exists; however, in six months the Board can have this discussion again to see what it is going to do. She mentioned that gives staff time to provide input, gives Titusville and Mr. Kempfer time to give input, and it gives more time for staff to research that way the Board is not making emotional decisions.

Chair Isnardi asked if there could be testing at Mr. Kempfer's farm.

Commissioner Lober stated he would make that as a separate motion when this is over; and he advised his second would stand on Commissioner Pritchett's motion.

The Board approved banning any new applications of bio solids to lands within the County for six months, and directed staff to come back to the Board in six months for re-evaluation.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

Commissioner Lober stated he moves for Natural Resources to test for any contaminants of emerging concern, PFAS, and pharmaceuticals, and if staff thinks there is a need to test for

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anything else of chemical substance that may be of concern; and to begin testing with Mr. Kempfer's permission as soon as possible.

The Board authorized the Natural Resources Office to test for any contaminants of emerging concern, such as Perfluoroalkyl Substances (PFAS), pharmaceuticals, or any other chemical substances that may be of concern; and approved beginning testing, with Billy Kempfer's permission, as soon as possible.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

Attorney Bentley asked if the Board wanted to make a motion to waive legislative intent on that.

The Board approved waiving legislative intent on banning any new applications of bio solids to lands within the County for six months.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM J.6., BOARD DISCUSSION, RE: UTILITIES SEWER DISCHARGES

Commissioner Lober stated he spoke with Edward Fontanin, Utility Services Director, back in March; he does not want anyone to perceive his dissatisfaction as dissatisfaction of Mr. Fontanin because he is very happy with the job he has been doing; he was hoping Mr. Fontanin could make other folks aware of the process that Utility Services is undergoing now to make sure in the coming days the County will not continue to have sewage leaks like this; and he asked Mr. Fontanin to give some background in terms of what is being tested, why it is being tested, and where the areas of failure generally are.

Edward Fontanin, Utility Services Director, stated recently there have been a couple of discharges and some malfunction reports go out; one was in South Beaches and one was in West Cocoa; what occurred in the South Beaches was a value strap that broke and that day and time that this occurred was Sunday at 7:00 a.m.; a lot of time when those things occur they get called in and field staff shows up, but by the time field staff arrived there was already a breach that had to be reported; in West Cocoa they had one occur at 6:00 p.m. on a Monday and again it was a discharge event; however, the one in West Cocoa was not so much a malfunction with regard to the system in terms of a pump failure or anything like that, it was an accumulation of a wad of fats, oils, and grease that was clogging the line and resulted in a surcharge. He added the unfortunate part of this is the time it occurred because the crews go home at 3:30. He went on to say year 2014 was a pivotal year for the Utility; it was the year Utility Services received a raise increase to deal with a lot of the R&R; and since then, Utilities has done over 68 miles of sewer lining; when talking about discharge events, the big culprit but not the only culprit, is Inflow and Infiltration (I&I) and thinks that is the direction of this.

Commissioner Lober asked Mr. Fontanin to explain what I&I is.

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Mr. Fontanin explained I&I is Inflow and Infiltration; when the water table rises or water penetrates from the top down through the ground, if there a pipe is not completely sealed due to age or the material used at the time, the ground water penetrates into the gravity sewer and it takes up the capacity that should have been allocated for wastewater; as a result what happens in severe events like Hurricane Irma and Hurricane Matthew and a lot of rainfall it exceeds the capacity of the pumping and it requires them to make a really tough decision because as flow comes in they have to decide whether to stop pumping and allow everyone's homes up stream flood and have that discharge go through their homes, or have a discharge event; and unfortunately they decide to discharge because obviously no one wants to have sewage go through their homes; they have already completed the gravity sewer assessment for all of the beaches which is from Pineda to the south; he noted that is 103 miles of sewer assessment; and the reason for the sewer assessment is because they are trying to take a more precise approach to what they need to spend their dollar resources on in fixing things. He continued by saying he asked the field guys from the beginning of the assessment of that 103 miles what percentage they thought were going to need the sewer lined; his crews said based on age and what they know, 50 or 60 percent; after looking at the assessment, the first need is around 13 percent; they are looking at something where they were expecting to spend \$20 million and right now they will be investing \$1.4; he thinks that shows the success of what they are trying to do with assessment; and he explained the reason he says that is because people ask what they need to do to fix this and in order to answer that they really need to assess everything. He went on to say if someone were to ask him in March how much he needed he would have said \$20 million but now he is able to say \$1.4 million; the reason that is beneficial is because it gives the Department latitude to work within its budget without asking for rate increases; and he is not saying a rate increase is not going to be necessary at some point in the future, but as a Director he is really trying to make this work as best as he can. He stated he just wants to provide some highlights; they have all talked about the smoke testing and he knows there have been two phases done in Satellite Beach; by percentage, he thinks the total number of homes that were impacted by smoke testing, was something like 10,000 homes; he knows there was some logistical because if someone is identified as having a breach in their lateral, laterals are viewed as private property, what mechanism can they do in order to essentially force that home owner into taking the responsibility of the house, being no different than if someone did not cut their grass, what would be the measures; recently the Department has been working with the County Attorney's Office and they have looked into current Codes of the Utility and the Building Code and they believe there is language in the Code to be able to do the enforcement as a Code Enforcement; and what that means is as they do more smoke testing, which he encourages, it gives them a mechanism to not just identify what is wrong but to makes the homeowners take measures to correct it. He continued in order to do smoke testing, gravity assessment, and manhole inspection, keeping in mind his Utility District has 13,000 manholes, in order to do an assessment of all of that it is just under \$4 million; for that amount being assessed, it allows the Department to come back to the Board and let it know what the Department needs based on that assessment; in addition to that, the Department has current projects going on; they are in the 90 percent of the Micco forest main which is an I&I categorized project extension; West Cocoa there is a \$11 million extension; soon to go out to bid is the Riverside Forest Main; they are in the near completion of the south-central waste water treatment plant expansion; and just that alone is about \$70 million and it is currently active of being implemented. He went on to say in addition to that, staff has already been in contact with the consultants to look at some of the discharge events; they talk a lot about the negative publicity of the discharge that came about during Hurricane Irma; they are looking at the discharge events in Satellite Beach and Melbourne Beach, they are in the study phase right now; both of them seem to be promising right now; and he is coming up with a long term solution to greatly reduce the probability of another occurrence. He noted the Department is looking at those two projects alone, if they come to fruition it would be about a \$15 million investment; in addition to that they are probably at the 90 percentile of drafting a fats, oils, and grease program; the Department focuses so much on I&I, but a lot of it has to do with capacity of the pipe; if restaurants were allowed to

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dump fats, oils, and grease down the lines and it blocks the pipe the result is what had occurred in West Cocoa; and he advised fats, oils, and grease was designed to work in restaurants and food processing facilities; now they have to take it a step further to get into public education because the person who is deep frying something at their house and they are dumping it down the drain, it is going to have the same effect; and he noted prior to him, the Utilities was active in addressing I&I, and the \$15 million investment over three years of sewer lining was really a testament, because he does not think a lot of Utilities can make that statement. He added they have continued that program and added on and ratcheted up; and recently they have been looking at accelerating some of that which is some of the numbers he shared on how his staff wants to also pursue more assessment.

Commissioner Lober stated he has spoken with the County Attorney specifically about the smoke testing and the laterals; he does not know what the current numbers are but one thing that struck him as kind of indefensible is folks whose laterals were leaking and were notified during the last round, and were offered to select the plumber of their choice to replace it and be reimbursed for it, the overwhelming vast majority did not do it; to him and with the issues with the lines, there is no excuse for that; he has communicated to County legal that if they would be kind enough to help him put something together to essentially have some kind of onerous penalty for folks who are in that situation and are essentially ruining the County system because it cannot handle the volume, even though the County would otherwise the County would be under capacity, based upon issues on their end when the County is offering to pay for it and giving them the option of choosing the plumber of their choice; he believes if the home owners choose not to do that then they should be hit with a penalty, whether it is \$100 per day or whatever the County is lawfully required to hit them with because that is having an impact that is causing the County to have discharges; and as far as the fat, oils, and grease Mr. Fontanin definitely has his support when that come back before the Commission. He added if there is any question at all or if Mr. Fontanin thinks the penalty is onerous enough as far as Code Enforcement is concerned with those folks who have the leaky laterals, to please let him know because he would be happy to make it a D2 Item to put a new Code in place to make that very clear that the County is not going to tolerate it any longer; he thinks the County has enough cost with its own system that to have people who are irresponsible and their irresponsibility is causing the County to have these issues; and that is not okay. He went on to say if there are any programs that Mr. Fontanin thinks need to be put in place or that the County might benefit from immensely from putting in place, in the near term out of that \$4 million to assess whether it is to do half or all of the manholes inspections which he stated would top out at \$200 per manhole, to inspect.

Mr. Fontanin stated it is \$150 to \$200.

Commissioner Lober continued by saying worst case, if there are areas that have not been serviced in so long that Mr. Fontanin has reason to believe to let him know and he will place that on as a District 2 Item to try to get him some funding; he thinks the Board needs to stop worrying so much about assessing whether it is a municipality or County, if these problems are all over the place, and obviously if they are manholes, that is a County issue; now if there is any area where the County provides services for a municipality, he wants Mr. Fontanin to let him know where the areas of greatest concern are and he would like to focus the resources on that because the County is in a situation where he has constituents reaching out that are upset with the situation; and he understands this is not Mr. Fontanin's fault, he has not been in that position for even six months and he has not been in office for a year and these are decades of issues in the making, but it still does not make it acceptable; the County has failed these people and it needs to extricate itself from the situation it is in; therefore, if there are any resources the Board can provide whether it is monetary or otherwise, there is a reason the State revolving fund is half a percent in APR, it is essentially as close to free money as it will ever get. He went on to say if the County has to spend some reserve in fixing the system, that is the reason there are

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reserves; and whether it is a combination of borrowing, increasing rates, or going to reserves the County cannot continue to have these issues, so whatever he or the Board can do to push any of these initiatives forward he would like to know because he is just tired of seeing the leaks.

Commissioner Pritchett thanked Mr. Fontanin for all he is doing. She stated that Mr. Fontanin said he was working on a plan and that he would have more information in two to three months; they discussed the rates, just taking a medium amount for sewer, for what Brevard pays, moving up to Cocoa and Titusville, it is a 20 percent difference in what is charged in the unincorporated as far as the incorporated; when going to stormwater it is a 30 percent difference, so she thinks the County needs to make these adjustments; and she thinks Mr. Fontanin is going to come back with a good plan and she thinks this is the appropriate way to fund it because people using the system should be able to fund it. She noted she thinks this is the right thing to do, Titusville and Palm Bay certainly stepped up their rates to try to do these projects, and she does not want to cripple Mr. Fontanin's Department because they are doing the work; she does not think they will have to go to the full amount, but she wants him to know she is in favor of it; and she mentioned she will be in support of this when Mr. Fontanin comes back to the Board with his findings. She noted anything that can be accelerated to the front, and if he has to borrow it from another place in the County and pay it back with the rates or however it chooses to do it, she is in; she thinks that is a lot better than paying funds to the State, she would rather just get ahead of it than to have that problem and have to utilize those funds.

Chair Isnardi asked Mr. Fontanin to touch on the stuff the County takes care of for other municipalities because she thinks when people think of County they only think of the unincorporated.

Mr. Fontanin stated their service boundary is they do water and sewer in the Mims area; they do sewer in the Port St. John area; they do sewer in Merritt Island; they do some reuse in there for waste water; their jurisdiction on the beaches is everything south of Pineda; they also do Barefoot Bay; and then they have south central which includes Viera, Suntree, and the Palm Shores area.

Chair Isnardi stated she thinks people do not realize how far extended they are throughout the entire County.

Mr. Fontanin commented it is a lot and it is spread out over 70 miles north and south.

Commissioner Lober advised he does not want there to be any surprises later on as to where he is on rate increases; he thinks there is a happy medium somewhere; he thinks there have been so many years of lack of appropriate work done on keeping these lines intact and in good repair; so someone like him who moved into the County less than 10 years ago or maybe a better example would be someone who moved to the County last week, he does not think they should be burdened just because they happen to be rate payers, by having them catch up for years and years of rates that may well have been lower than they should have been; he is not opposed to raising rates, but he thinks what the Board really needs to do before going anywhere in that direction, is to determine, once the system is working properly, what the cost is to maintain it appropriately; these things may have a 15 or 30 year life span for the different components, and over that span while anticipating there will be a normal amount of things failing or replacing them at a normal interval so they do fail, which is even better, what would it cost the County; and he thinks to get over that initial hump is where he has a lot of hesitation by solely going with a rate increase. He advised he is not opposed to increasing rates if the rates are not sufficient to maintain the system, but he does not like the idea of funding all of the fixes right at the out-front solely out of rates; he may meet somewhere with that but he does not know that it will be all the way where it makes Commissioner Pritchett comfortable; he is not going to draw a

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line in the sand and say he will not increase rates; if they are not able to sustain the system then they may have to go up; and he hopes that everyone is able to keep an open mind in raising it to a new degree, and hopefully the Board can look at a way that does not ruin everyone, deplete the reserves to zero, or cause the County to borrow 100 percent of it.

Commissioner Pritchett stated if someone lives in Brevard County right now they pay \$44.50 per month for sewer, if someone lives in Cocoa they pay \$53.56, and if someone lives in Titusville they pay \$53.57; even at the delta if they catch up with what all the other surrounding areas are paying, she thinks that would be more than what Mr. Fontanin is going to need; she cannot imagine he needs a 20 percent influx; not only that, this shows why the County has probably gotten so far behind, because it has not kept up with things; and Chair Isnardi had mentioned before, that this Board is paying for what past Commissions probably should have done. She continued by saying she does not know why everyone cannot catch up to regular rates because she thinks that is appropriate and everyone else is doing it; not only are these places taking care of their own stuff but they are doing I&I and other stuff; she noted what else could be done is to increase capacity which is a problem; she thinks the Board definitely needs to look at what numbers Mr. Fontanin comes back with because she believes new plants need to be built; and she thinks it is the business of sewer and people who use the sewer should pay for it. She noted if this was Walmart, they would not say they are going to have their customers pay more for something because they charged too little before because they have to keep up with their profit ratio; the County does not do profits, but it has to be reasonable of collecting enough money so that what is coming in is paying for what is going out, because if it does not, then who is going to pay for it; and she mentioned it is going to fall on the backs of all of the County and some people are already paying those rates in the other areas and she does not think it is fair to add an extra tax to everyone when it should just be the 42 percent that needs to catch up to what the others are paying. She went on to say she does not think it is going to end having to go there; she is curious to see where it is; she is excited for Brevard County to be the leader in taking care of the problem and this situation; and she hopes in the next couple of years there will be no more leaks, no more problems, and that the County can say it stepped up to bat and fixed its problem, she would be very proud of that.

Commissioner Smith stated one thing to keep in mind about spending Lagoon funds on sewer upgrades is the fact that every dollar that is spent on the sewer upgrade is a dollar taken away from the Lagoon fund; if a dollar is taken away from the Lagoon fund, that is a finite source that is going to end; and he thinks the people who are getting the sewer should be spending the money and their rates should reflect the money needed to maintain the sewers. He noted that is where the responsibility lays. He mentioned people who live in unincorporated areas of Brevard County and do not have sewer, they give up their restoration money to fix someone else's sewer; and that is something else for the Board to consider.

Chair Isnardi noted the Board has had this argument before; she has a hard time, and she does not really want to get in the mud with this again, but her argument will always be, how to keep people's faith in the way the Lagoon is being prepared when the County is dumping sewage into it; and the Board has to do whatever it can to stop that from happening.

Commissioner Smith stated he thinks the Board needs to do both.

Chair Isnardi agreed. She stated if the Utility does not have enough money through rate raises, and she is not opposed to having a fair rate increase if it is fair across the board, but it may be a combination of both because there is zero chance that people will have faith in what the Board is doing, or believe in the County's cause, or believe in the projects or want to champion the tax, or to feel like the Board is doing the equitable and fair thing with the Lagoon and have confidence that it is making the right choices, if it is dumping raw sewer into the Lagoon.

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Commissioner Smith stated Mr. Fontanin has provided some great information; the County is spending \$100 million of the Lagoon funds on infrastructure and sewer upgrades, so they are doing all of those things.

Chair Isnardi commented maybe the short-term fix is finding a way to handle the capacity until it can repair all those pipes and repair everything, so when there is an overage, there is a place to store it; and she knows that sounds ridiculous but if that is a couple million bucks that is going to save the County in the long run, and maybe something that can be used later in these extreme circumstances to where the County is not discharging.

Mr. Fontanin stated that is one of the ideas they are kicking around.

Chair Isnardi stated that sounds like something really simple, but it is so impactful, the County does not want to do undo everything that it is doing now; there is not a way to measure just how bad it is, how treated it is, if it has gone through the system, or if some of it has been filtered.

Commissioner Lober stated this is one of those things that if the Board continues to worry about who checked the box last time and what is fair this time, that is not what people want, they want the issues fixed, they want the leaks to stop, and they want the Lagoon better; he does not live in an area that is on sewer so if the County subsidizes, or if people view it that way, the folks that are rate payers, he is subsidizing the rate payers to a degree; his property taxes are not the lowest in Brevard County and he is not trying to be a jerk about it; however, his point is he would not do something that indirectly or directly costs himself, unless he truly believed it was the best way to go about it. He continued he thinks this has already been said by a few of the Commissioners, but he does not think the answer is purely rate increases or purely pilfering money from any source whether it would be borrowing it from another Department or eating up the Reserves, or etcetera, he does not think the Board needs to just go this one route to fund this; he thinks the Board can be flexible with it; he wanted the Board to stop worrying about what is fair and think about how to fix the problem, what is the most efficient way to get it done that is not going to bleed any one source dry; and he mentioned he is flexible with it, he just hopes the other Board Members will be flexible too.

Commissioner Smith stated he thinks the Board is all on the same page.

Commissioner Lober and Chair Isnardi agreed with Commissioner Smith.

Commissioner Pritchett stated she is an accountant and there is a color of money in different pots that can be pulled from; she is very protective of those numbers being a CPA; she mentioned the Board can probably come to something that will work; and that is a little of her hesitation with that. She went on to say she thinks this needs to be a priority to be funded and to get fixed; she also thinks there is a possibility if there is surplus money sitting around in the Lagoon fund that it can be borrowed and paid back out of the rates collected in the 10 years, and it can all be accelerated up front; there are some creative things that can be done; and she agrees that this needs to be on the top and Mr. Fontanin needs to get funding to be able to fix these items.

Commissioner Lober asked Mr. Fontanin to let the Board know; he does not want the finances to be an issue for him in terms of what gets done for this; and he asked Mr. Fontanin to let the Board know if he needs money because it will do everything in its power to make it happen. He noted if he were to identify a need tomorrow, to put it on for the next agenda.

Chair Isnardi stated if Mr. Fontanin can get something done very quickly but it cost a little more, that is okay too because it still beats putting the sewage in the Lagoon.

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Mr. Fontanin stated as he is sitting there talking about rates, they are engaging an issue in the PA Appeal for rate consultants to look at their financial dynamics; if he comes in front of the Board to ask for an increase he has no doubt the Board will ask how he came up with that number; and he thinks that is due diligence.

Chair Isnardi asked if there was someone the County used before so this does not have to go out to Request for Proposal (RFP).

Mr. Fontanin responded affirmatively.

Chair Isnardi commented otherwise that would be like three more months.

Mr. Fontanin advised that is already being handled. He stated he has talked about the assessment; what is promising about the assessment is, like he said before about the beaches he would have asked for \$20 million now that the assessment has been completed he is only asking for \$2 million, which is fantastic; he is not that percentage is always going to carry forward, but that is the benefit of getting an assessment done; when he talks about accelerating, that is going to be one of the components they will be accelerating; because this is all related to dollars, as they talk about rates, there is another exercise they are doing; they are looking at not only what they need to fix, but what are opportunities in the County where they can expand the water and sewer; and he mentioned today's green land is tomorrow's development, as he has lived in Viera for 13 years and from when he moved there to today he just cannot believe they are almost ready to touch Pineda. He mentioned when he first arrived there, it was nothing but trees and bushes, he would not even call it farm land; when he looks at those trees and bushes today he has to see if that is where they need to plan for utilities because the rule that he was taught was that Utilities has to be three or four years ahead of the curve; if they are responding to development coming, then they would be turning back development because they cannot keep pace; Viera can build much faster than the County can build a wastewater treatment plant; and that is why he is doing what he is doing. He noted his Department is actually going through due diligence to find out where some of those pockets are and they will be incorporated; and it will be shared.

Sandra Sullivan stated to her it is despicable to be dumping sewage into the IRL; it is like living in a third world country; she knows I&I is a big issue, especially beachside; a lot of the issues are beachside; she thinks the County should increase the taxes, but from the Engineering Society, they made an estimate that Brevard County is looking at \$4 to \$5 billion to bring the infrastructure up to date; and she thinks the Board needs to look at the big picture in order to look at what needs done to plan. She mentioned it is great that Mr. Fontanin has started with an assessment. She went on to say the County has heavy rains and discharges; the wording of the half-cent sales tax was the \$302.9 million, 10-year plan for restoring the Lagoon within Brevard County and includes such thing as micro-removal storm water project, upgrades to waste water treatment facilities, septic system removal, and etc.; that is what the people voted on and they voted on it because they were tired of the degradation of the Lagoon; and they knew that the infrastructure was part of the problem. She reiterated that was the people's will. She continued by saying that was exceedingly offensive to her when she read the Lagoon Plan; the big elephant in the room was there was no mention whatsoever of infrastructure in that plan; she thinks the people's voices are speaking more loudly on this issue; the County needs to look at a multi-faceted way for paying for this, one being rate taxes; and she commented she has a proposal for the Board. She stated the Lagoon tax is bringing in way more money than what anybody expected; it made \$150 million last year so she suggests the County take the excess tax and apply it to infrastructure; she inquired how anyone could argue with that as it is more than anyone expected to have in the first place; and she stated in a sense it is free money. She went on to say the biomine issues is also advocating to the State level because the Environmental Protection Agency (EPA) allows 90 dumping days per year and the sewage

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plants are running at or near capacity; the County needs to address those because it is going to take a lot of money; and she asked the Board to please continue with the impact study and extend the sewage into the other areas for the beaches because it is not just the sewage it is sewage water and etcetera. She noted the County needs a full impact study.

Robert Burns commented he was not sure what this Item was going to be about but he is glad he is there to speak on it; he is not sure if the number was given for the number of lateral lines that the County has that are leaking and causing a problem and people are refusing to fix; he was glad to hear Code Enforcement may be an option to encourage people to do that; he thinks that may be something that can be done for some other issues as well; he is curious if there is another alternative to explore; before the sale of a home, people would spend \$10,000 to upgrade their kitchen to make it more appealing, could the County enforce that if there is a lateral line issue, that the house will not pass inspection or at least reveal during the inspection, before they sell their house or property that has to be addressed; and he noted he thinks that would have a significant impact overall.

Chair Isnardi stated she rather likes that idea, as part of the home inspection.

Commissioner Lober noted if the County is hitting people with \$100 per day.

Chair Isnardi interjected no, if it is not something that is inspected because they are not going to inspect every line in the County, but if it is part of the home inspection.

Commissioner Lober stated he understands what she means.

Mr. Fontanin commented he thinks the idea would work when they do smoke testing; if someone's house is identified as having a gas tight or water tight which obviously if there is gas coming up through the ground to the surface it would breach that.

Chair Isnardi advised they are not doing that every week so if someone sells their house five years later and it is just not used.

Mr. Fontanin stated he thinks the cycle needs to be when smoke testing is occurring because then there is proof; and they can work out the logistics on that.

Commissioner Lober stated he thinks the quickest possible way is charging folks with the \$100 daily fine until they get it done.

Chair Isnardi explained that is just the folks that will be identified while doing the smoke testing; but when speaking about the sale of a home as an inspection, would that even be reasonable.

Commissioner Lober stated he just does not know what it cost.

Chair Isnardi stated that would be the only downfall because it could be expensive.

Mr. Fontanin stated not to mention, if someone owned a house today and they knew it was not working correctly, but they did not sell it until 20 years from now, that is 20 years of compounding the issue; and their goal is once they do a due diligence to say that someone has a fault in their line that is when the Code Enforcement procedure would kick in.

Chair Isnardi explained she was thinking more of in addition to.

The Board considered discussion with Edward Fontanin, Utilities Services Director, regarding utilities sewer discharges, but took no formal action.

ITEM J.7., BOARD CONSIDERATION AND DISCUSSION, RE: BREVARD HOMELESS COALITION UPDATE

Mariam Moore stated she is with the Brevard Homeless Coalition; she would like to emphasize that this group does not like to focus on homelessness, but solutions; they look at ways they can improve the lives of people as they try to offer them housing interventions; other than their lack of affordable housing in Brevard County, one of the largest barriers that citizens facing homelessness have is transportation; it is hard to keep a job if there is no transportation, it is hard to get access to services; and what they would like to do is request a credit of source and work with Space Coast Area Transit (SCAT). She went on to say they would like to have up to 60 discounted rates, limited use, and 10-pass bus passes or 10 use bus passes per month; that would be an up to amount that would not be a definitive; it would likely be less than that, but those passes would be used to help the citizens that they are actively working with on housing interventions and have been identified through the chat process; there are working with case managers with community specialists to get into housing; and it would not be everybody. She added she would not want that to be confused, it would not be every person they are working with, just a limited amount. She stated right now they work with a bucket system so they might have 20, 30, or 40 people at a time that they are working with, but it would not be the 815 people.

Commissioner Lober stated he is going to move to approve the Agenda Item; he pointed out this is specific to this proposal, he does not want to set precedence for anyone else expecting to get the same sort of thing; he thinks this is uniquely situated in what this organization does; and he thinks where this is a minimal cost to the County, it can really help her.

Commissioner Pritchett stated she thinks this is such a good cause; she loves what they are doing; her struggle is the County had the Community Based Organizations (CBO) funds and the Board made that painful decision to start moving them to a different arena, so she thinks what this needs to do is to submit to those funds because she thinks they still have another year or two; Chair Isnardi brought up a good point when she said the Board is all picking its winners and losers that way; and even though this is a worthy cause, there are a lot of others too. She noted she does not know how to differentiate when they all come with their one; if the Board moves this to the CBO and they go ahead and run it through there and it gets funding that way she would be good with that; she reiterated that was a very painful process a few years ago when the Board had to make some decisions with children's organizations and all types of things; she would be willing to make that move and see how it falls in line with that; and this was one of those organizations.

Commissioner Tobia stated he agrees with every word that Commissioner Pritchett just stated.

Commissioner Smith stated he loves her idea and it is a noble cause; there are just so many organizations in this County that could make the same complaint; his understanding is that the County already gives discounts; and he inquired if that is correct that the County already gives discounts to other groups.

Scott Nelson, Transportation Services Director, stated they sell passes and tickets to different social service agencies, some that are working with the homeless as well; they estimate from the last calculations that the cost of a regular ride is \$3.32; when they charge \$1.50 or reduce it to \$0.75 or less, that really does not come even close to covering the ride; and yes, it is discounted.

Commissioner Smith pointed out that is the dilemma because all these other organizations that are paying \$0.60 for a \$3.50 trip; those people will all be showing up to the Board meeting wanting free passes too; the logistics to it makes it very, very difficult; and it is a hard position for

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the Board to be in because he thinks all the Board Members like to help.

Commissioner Lober stated his understanding is there are discounted passes for seniors, disabled folks, students, and veterans but he does not know if there are any for the homeless; and he asked if he is mistaken.

Mr. Nelson advised they do not have it for those that are homeless it is not a category.

Commissioner Lober stated maybe that is something the Board would want to look at separately or with this to expand that because if these other groups are getting discounts, which they certainly have a basis to get, he thinks the folks that truly need it the most as well should be looked at; with the CBOs he agrees with that Policy in terms of phasing that out, he agrees with that 100 percent; he is not talking about literally handing money away, he is talking about bus passes; and he understands there is a cost associated with that but at a minimum he would suggest the Board extend that discounted rate to this organization so they are not paying full fare for folks who are homeless because he does not think that is fair either, and he does not know if the concerns over precedence would apply. He went on to say other than that, he would invite Dr. Moore to speak and then if she is amenable hopefully she will discuss the donation box idea as well.

Ms. Moore stated the difference between the provider agencies purchasing the passes and the coalition purchasing the passes is that all the providers are part of the coalition so this is specifically for the chat process; it is only the people who are offered housing and interventions; they lose a lot of people because they cannot get transportation to where they need to meet with the case managers; and they cannot get services at the portals during that time when they are offering interventions. She mentioned the only agencies that are actually able to get these discounted passes are the ones who work with veterans; they cannot help the families with children and she has a lot of families with children in the woods; they are providing tents every week; they have a lot of senior citizens right now that are experiencing homelessness because of the rates that have gone up; these are all people and a great deal of them have not been out a long time, so when they offer a housing intervention and they cannot get to the case manager or the service portal, they get lost in the system; and she mentioned she does appreciate the CBO funds that are still being given to some of the provider agencies, but this is for the coalition as a whole. She noted this is where they offer the wrap around services and it is where all the agencies come together and work with the most difficult cases to get them housed.

Commissioner Pritchett stated she was going to go ahead and recommend the Board move this to the CBO and they can come back with an idea on funding because she believes that is the appropriate place for this to go; it could go through, she does not know; and she mentioned there is a budgeted amount for that already.

Chair Isnardi stated she would agree with that in the future, but right now, if those discounted rates are being offered to disabled veterans and seniors, that this is something similar because in reality if this was all coming out of the General Fund then the Board could argue that this group is a service provider or an agency which houses people, which she does not think anyone would argue over this being a basic human need.

Ms. Moore stated they do not house the coalition.

Chair Isnardi stated well she does not.

Ms. Moore stated the Brevard Coalition is not funded by the County or by any entities other than State and Federal Grant Funding.

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Chair Isnardi explained what she was saying was that the SCAT receives State funding; it grants funds and it is money that comes from the state that helps pay for transportation; given that most people who ride the bus are riding it to work and not for leisure and recreation; and she would not have an issue with a discounted rate, but it does not look like she has the support from the Board.

Commissioner Smith stated he would support that.

Commissioner Lober stated he is going to withdraw the old motion and make a new one that is more in line with that.

Frank Abbate, County Manager, stated the current reason they have the categories that they have is because there are some federal guidelines and requirements that apply and it is also by Board Resolution; therefore, when making a motion if the Board asks staff to modify the current resolution to add a homeless category for the coalition, they will work to revise that Resolution for the discounted rate, if that is what the Board wants.

Commissioner Lober stated that is what he wants.

Chair Isnardi stated there is no money exchanging hands if it is just for a discounted rate.

Commissioner Pritchett inquired if there are discounts for low-income people.

Mr. Nelson stated they do not.

Commissioner Pritchett explained that is opening up a whole other caveat because there are people who are low income that are going to need help too; if the Board is going to do this then it should be made \$0.60 per bus ride and eat it as a County because basically that is what the Board is doing because it is already so far under costs; this is not that she does not love this project, but she asked how would the Board just chip out one category because there are people who make hardly any money and they are still pulling out of their funds to ride the bus; and she sees this all the time in her neighborhood where people are riding the bus to go to work and come back. She stated she may need more time to think about this again; she thinks this belongs under the CBO funds because it is a CBO cause; and she thinks this is the correct path to where this request should go to be funded. She went on to say there are low income families, there are people who have short term problems; she does not know what the statistics are on that; it is definitely a worthy cause but someone is going to pay for this; there are two ways to earn a net income with revenue and costs; people have to either increase the revenue or decrease the costs, and if people keep decreasing the cost then it lowers the other part and then it dips into where people have a deficit; and someone is going to have to pay for that somewhere or it is going to have to come out of the General Fund. She noted it is whatever the Board wants to do, but that is the real discussion; and she really thinks this is going to have to belong in the CBO right now.

Commissioner Smith added there are also going to be other organizations; one he thinks of right off the top of his head is Promise of Brevard.

Commissioner Pritchett stated they are all worthy.

Commissioner Smith advised they work with homeless families and he thinks they will come to the Board as well.

Commissioner Pritchett stated she loves the bus system.

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Chair Isnardi asked if they were part of the coalition.

Ms. Moore responded this proposal is only for the people who are literally homeless not the ones who are in transitional housing or people who are already in programs that receive assistance.

Commissioner Smith commented he is just saying that Promise of Brevard will be there asking for the same thing because they take in homeless families.

Ms. Moore stated it would not apply if they were in transitional housing. She advised they are only asking for assistance with a few people whom they serve each month in the chat process that are literally homeless.

Commissioner Tobia stated he thinks there is a motion and a second; he knows how to identify someone based on age; he knows how to identify someone based on veteran status; and he asked how someone could be identified based on lack of housing.

Commissioner Smith advised it would come from the coalition.

Ms. Moore advised they have a process that identifies people and assesses them.

Commissioner Smith stated it would not be just anybody walking off the street.

Commissioner Tobia inquired if the coalition provides a card to these people.

Ms. Moore stated one of the suggestions in the proposal was that they would be eligible based on the Coalition's ability to confirm they are working with them, that they are homeless, and that the oversight would be with SCAT; therefore, it would only be for those people. She noted it would be an id card with an identification on it that was issued so they could not just hand it to someone else; and it is limited use with no more than 10 times within a month.

Commissioner Tobia stated he is just counting the free passes that just left the window; he thinks the motion is an extra discounted rate category; and his question was how to identify the homeless based on that discount.

Ms. Moore commented Commissioner Pritchett has also mentioned low income, and they could be verified as low income by what they make; that may not be too difficult; and they may not be literally homeless but if it is going to do the discount.

Commissioner Tobia asked if they would be expected to bring their W2 to the bus driver and say they make under a certain amount per month.

Ms. Moore asked what if someone is already receiving benefits that has already been authorized by the State government that they are low income.

Commissioner Tobia asked if that would be like a Supplemental Nutrition Assistance Program (SNAP) card.

Ms. Moore responded affirmatively.

Commissioner Tobia stated unfortunately SNAP cards look like debit cards now and they are very difficult to identify.

Ms. Moore stated she would have to get back with him on that, she would have to think about it,

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but she is sure there is a way that it could be identified; and she did not come to the Board to talk about everybody.

Chair Isnardi explained this is part of the coalition; and she asked if the coalition of multiple agencies keeps a log of everyone they work with to house.

Ms. Moore responded every agency has their own data; they have aggregated data on certain things that were required to be kept by Housing and Urban Development (HUD), they mandate it; the chat process they keep a number of how many people they are housing and that is the providers who are all working together on those housing interventions; and she could provide that information if the Board would like. She added that is why she originally requested a very low number because they do not work with a large number of people at one time in that process.

Commissioner Smith asked if SCAT sells those low cost tickets.

Mr. Nelson advised they do and that is what Ms. Moore is asking for.

Commissioner Smith stated the reason he asked is because Commissioner Tobia was unsure how the SCAT would know, but they would be buying the tickets.

Commissioner Lober advised it can be done that way or the Coalition could buy them and be paid back by the folks who are making use of them, because they are vetted that way; and he mentioned it would take the burden off the Board to have to go through and look into it.

Chair Isnardi commented her thing is, whether it is federally required or not, the Board is already discounting disabled veterans and seniors; denying Ms. Moore, she would have an argument to say why are the homeless being denied; and she does not have a problem with it because she knows the work Ms. Moore does. She mentioned maybe it is because she has that insight and she sees how this organization helps families get back on their feet and get housing; and if the County agency gets State funding and grant funding to provide public transportation and the Board cannot give them a discounted rate when it is a basic need for people she does not understand that.

Commissioner Pritchett asked if there is money in the CBO fund to fund this.

Mr. Abbate stated he believes when the Housing and Human Services Director came before the Board, he brought back the last funding and they established it for the next two-year period, that they would just be drawing down with the agencies from what the Board had approved last time.

Commissioner Pritchett advised she might vote this through today but she asked that in the next budget for it to go into that and be part of the consideration; this is just a discount; however, if the Board is going to do this, it might want to consider County-wide low income and find a way to supplement.

Jim Liesenfelt, Assistant County Manager, commented he does not know too many Transit Systems that do low income; he just read that Seattle is looking into reduced fare or fares based on low income; and it is not that easy of a process because what is low income.

Commissioner Pritchett asked what if the Board discounted the entire County.

Mr. Liesenfelt advised that would be up to the Board, it can reduce or raise the fares however it wants.

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Commissioner Pritchett stated maybe that is something to kick around.

Mr. Liesenfelt stated there will be an affect; when he was looking at the numbers, they are drawing about \$1 million in fares; however, there is elasticity so if they dropped it by half, it does not know mean they will lose half the money but they could lose \$300,000 or \$400,000.

Chair Isnardi commented it is kind of like healthcare, it is a service provider; the Medicare patients pay mediocre, the Medicaid patients do not pay anything, and the private health insurance makes up the difference; and she noted she is not saying it is right.

Mr. Liesenfelt stated the Transit Agency has reduced fare cards; the first thing they do on that is identify someone who is 60, then they do not have to worry about the other things; then they would work their way down the list if someone did not meet the age of 60; with low income they would need to develop some kind of standards, and develop a way people could come in to show they are low income, so there would be some paperwork; they would be issued an id card that allows them to show the bus driver and buy the passes; and in terms of the homeless, he thinks maybe the best way would be to work with certain agencies so they can say someone is homeless from now until a certain date and the id card is only good for that time frame or to sell the passes to the agencies.

Commissioner Pritchett stated this is good but she has met with him and five other people that reach out to homeless organizations, so she does not know if this is about to be multiplied by five or six; there are a lot of organizations that will be coming with the same request and she does not know how the Board will tell them no; if the Board does not move it to the CBO, at least there may be some kind of application process, she does not know; and that is why she is struggling with it. She mentioned this is breaking every Policy that the County has set up for the past three or four years; and she wishes Commissioner Lober would just write a check for it right now so this would not even be a County issue.

Chair Isnardi advised she does not have a problem extending this discount to people trying to transition from homelessness.

Commissioner Pritchett asked if Chair Isnardi would be okay with all the others doing it too.

Chair Isnardi advised George Taylor is probably the only other truly organized person that does this.

Commissioner Pritchett noted she has a couple others that met with her as Ms. Moore did.

Chair Isnardi advised in Palm Bay he is the one guy that has tried to work with this agency.

Ms. Moore explained the Brevard Homeless Coalition is the continuum of care for homeless prevention in Brevard County.

Chair Isnardi inquired how many agencies are part of the Homeless Coalition.

Ms. Moore advised there are at least 70.

Chair Isnardi asked if they all have a board and they are all volunteers, no one gets a paycheck or a salary.

Ms. Moore advised she has one employee; they operate on a small staffing grant from the State of Florida; all of the funding that comes through the coalition is distributed to the agencies to provide services in the community; the Coalition itself is not funded; and she mentioned this is a

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project of the Coalition that is why she was asking for that small credit, not even cash in hand.

Commissioner Pritchett stated she is probably going to vote this through; she is tired and would probably like a little more time to kick it around; she likes everything to be in its little box and this is not; it is a little bit of a struggle for her; and she thinks when the next guy comes in she thinks someone is going to make her eat it.

The Board acknowledged discussion and proposal of Miriam D. Moore, PhD., Executive Director, Brevard Homeless Coalition; and directed staff to revise the current resolution to include a homeless category for the Brevard Homeless Coalition, in order to receive a discounted bus fare.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
NAYS:	John Tobia

Commissioner Lober asked Ms. Moore to provide a 30-second recap on the donation box.

Ms. Moore stated this is just a suggestion at this point and she has not successfully contacted anyone.

Chair Isnardi interjected this is another big issue; everyone has been there all day and this is Commissioner Lober's Item; and she advised if Ms. Moore wants everyone to look at this and with an open mind that maybe she could bring it back.

Ms. Moore stated she would come back.

Chair Isnardi stated she promises if she comes back, that she will move her to the front of the Agenda if she is still the Chair when this comes back. She advised Commissioner Smith this Board does not do time certain; she gets many calls for that; and she has told the Sheriff no, so she has to tell everyone else no as well. She commented everybody wants to move stuff around and nobody knows when his or her Items are going to be read.

Commissioner Lober stated he thinks he has asked once.

Chair Isnardi advised when it started to get out of hand she stopped it, but she will move her up so she is not stuck sitting there all day; she just wants the Board to give it adequate time and consideration; and she asked if that is okay with Ms. Moore.

Ms. Moore responded affirmatively. She noted she could also work on it and send additional information before she comes back.

Commissioner Lober advised her to keep in contact with him and he will keep it on the Agenda.

ITEM K., PUBLIC COMMENTS

Grover Gregory stated he is in attendance to save the Board some money; he sees the County has been struggling with a lot of expenditures; some of them do not look like a whole lot of expenditures, but he does not know all the facts; he noted he lives on Rockledge Drive and

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there is a beautiful section of that Drive where there is a canopy of trees; everybody loves it, he really loves it not as a pedestrian or a biker, but his house fronts that; and those trees have provided him with protection from hurricanes, they cool the temperature down tremendously, and in his mind driving northbound on Rockledge Drive people are very attentive to the road because of the trees. He continued by saying he thinks that is great because people could easily hit a tree, a pedestrian, or a biker; he has recently seen where there was a mix up, and he did not get a chance to come and provide his personal opinion of this, but there were 600 or 700 people who kicked in a petition to ask the County not to cut those trees; the only notification he received was saying it is pretty much all of the trees that are going to be cut; for him as a homeowner this is like taking value out of his property; and he does not know what it would cost to trim and/or cut these trees, but looking at the 14 feet from the edge of the road, it is pretty much all of the trees. He mentioned the community is trying to protect the trees because once they are down, they are down; it takes 100 years to grow a live Oak tree to the size of these trees; and he does not want to see that destroyed.

Robert Burns stated he was trying to be quick last time and he forgot to ask a question of the Utilities Director, and he is gone now; he does not know who the PR person is for the County; it sounds to him like the County is doing a lot; he is not sure what else could be done but the perception and some of the rhetoric out there from the media and social media is that no one is doing anything and the County is just letting these leaks happen out of negligence right now as opposed to mistakes in the past; and he would like to see some kind of marketing coming from either the Utilities Department or individual Commission Offices letting everyone know what actually is happening; maybe not to the detail that the Utilities Director explained it, because that is hard to understand, but something quick and easy; and that way people will know what is going on.

ITEM L.6., CURT SMITH, COMMISSIONER DISTRICT 4, RE: REPORT

Commissioner Smith stated he would to give a shout out to the Viera Little League Juniors for making all the way to number two in the country that is quite an outstanding feat of timely hitting, slick fielding, and solid pitching.

Chair Isnardi responded that is awesome.

Upon consensus of the Board, the meeting was adjourned at 5:03 p.m.

ATTEST:

SCOTT ELLIS, CLERK

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