

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 May 22, 2018 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Rita Pritchett	Chair/Commissioner District 1	Present	
Jim Barfield	Commissioner District 2	Present	9:00 AM
John Tobia	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	9:00 AM
Kristine Isnardi	Vice Chair/Commissioner District 5	Present	

MOMENT OF SILENCE

Chair Pritchett called for a moment of silence.

PLEDGE OF ALLEGIANCE

Chair Pritchett led the assembly in the Pledge of Allegiance.

MINUTES FOR APPROVAL

The Board approved the April 24, 2018 Regular meeting minutes; and the May 3, 2018 Zoning meeting minutes.

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

ITEM I.G., RESOLUTION, RE: RECOGNIZING ROBERT TOENJES

Commissioner Isnardi, District 5, read aloud, and the Board adopted Resolution No. 18-066, recognizing Robert Toenjes.

Mr. Toenjes thanked the Board for the Resolution; he stated it is all about the kids; and the kids loved the obstacle course.

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

ITEM I.A., UF/EXTENSION SERVICES 2018 4-H YOUTH TROPICANA SPEECH CONTEST WINNERS

Chair Pritchett called upon the University of Central Florida to provide its presentation.

Gus Koerner, 4-H Program Assistant, stated he would like to introduce two students, Hannah Adams of R.L Stevenson Elementary, and Gavin Shoemaker of Surfside Elementary; recently they had the 4-H Tropicana Speech Contest finals; this program was developed in 1952 by a Florida teacher and was quickly adopted by the Tropicana Juice Company; and they aligned with the University of Florida Extension in all of the counties to help children develop better skills in public speaking; eight schools, 45 classrooms, and 880 students participated in Brevard County Tropicana this year; and as a result of the Tropicana to this program it is evident in the confidence displayed by the young people in making or preparing extemporaneous speeches later and in their professional careers.

Hannah Adams read aloud her speech about Blob Fish.

Gavin Shoemaker read aloud his speech about airplanes.

Mr. Koerner thanked Hannah and Gavin for their speeches.

ITEM I.B., RESOLUTION, RE: RECOGNIZING BREVARD

Chair Pritchett read aloud, and the Board adopted Resolution No. 18-067, recognizing Brevard County Talking Books Letter Carrier of the Year.

Linda Jones Tisdale stated she just loves what she does.

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

ITEM I.C., RESOLUTION, RE: RECOGNIZING DEBORAH MARTIN FOR 30 YEARS

Jeff Thompson, Library Services Director, stated Debra Martin leads the Talking Books Program and has for a number of years; this Department did have seven people and it is now Ms. Martin and one part-time person; she does so well with it that the Library of Congress gave Library Services an award for her work; awards aside, what a great service this is; and he is very proud to be affiliated with it and the work that Ms. Martin does. He commented Ms. Martin had an elderly women call and stated she had a photo that she needed to see and Ms. Martin had the women come to the Library and she used an assistive device to enlarge the photo so this lady could see it; the elderly lady burst into tears immediately and said it was the first time she had

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seen her grandchild; and that is the kind of work Debra Martin does every day and why he is so proud of what she does.

Commissioner Barfield read aloud, and the Board adopted Resolution No. 18-068, recognizing Debra Martin for 35 years of service.

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

ITEM I.D., RESOLUTION, RE: RECOGNIZING NATIONAL SAFE BOATING

Commissioner Barfield read aloud, and the Board adopted Resolution No. 18-069, proclaiming May 15 through May 25, 2018, as National Safe Boating Week.

Commander Greg Purden, Brevard County Sheriff's Office, stated they have great partnerships out on the water with Florida Fish and Wildlife Conservation (FWC), the Coast Guard, and their partners at the Port; keeping people safe is priority number one; and he expressed his appreciation for all of the support from Board.

A Representative from the Coast guard Auxiliary stated last year Florida led again the nation in boating deaths at 70, as well as the nation in damages in property, which was approximately 700; in the cases of boating death fatalities, 80 percent of those were drownings and 83 percent of those drownings was due to people not wearing life jackets; they help with boating education; and he thanked the Board for the Resolution.

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

ITEM I.F., RESOLUTION, RE: RECOGNIZING MAJOR GENERAL JOHN CLELAND

Commissioner Smith read aloud, and the Board adopted Resolution No. 18-070, naming the soon-to-be constructed bridge over FEC railroad on Pineda Causeway the Major General John Cleland Memorial Bridge.

Clara Cleland, wife of Major General John Cleland, thanked the Board for the Resolution and naming the bridge in honor of her late husband.

A friend stated General McArthur once said, "All soldiers never die, they just fade away." and although Major General Cleland physically has faded away, his memory lives on in spirits of all the veterans that are represented on his behalf; what a tribute to his life and a life well lived to have this bridge dedicated in his honor; he epitomized the army values of loyalty, duty, respect, selfless service, honor, integrity, and personal courage; and as the result of this bridge, his memory will live on. He thanked the Board for the Resolution; and Mrs. Cleland because when ROTC first started up in the Viera high school she and her husband were the first speakers at

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the ROTC Ball which meant so much to the cadets that they still talk about it today; and that was seven years ago.

LTC Tim Thomas stated the submission to place John Cleland in the Veterans Hall of Fame was restricted to 10 pages, however, there was enough material there for 20 pages; and if anyone is in the area of Tallahassee he asked that they please visit the Capital building and see John Cleland as the first member of the Veterans Hall of Fame.

George Rosenfield stated he has known John and Clara Cleland for 32 years; they were together on the Return to Korea Programs a number of years ago; and he got them a visit to Panmunjom, Korea.

Ms. Cleland invited the Board to her home for coffee.

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

ITEM I.J., RESOLUTION, RE: RECOGNIZING MARY BARTOSEK

Commissioner Smith read aloud, and the Board adopted Resolution No. 18-071, recognizing Mary Bartosek.

John Bartosek stated there were eight siblings; his mom loved children; her full time job was her family; and she poured immense love and energy into it. He continued on she was a 4-H leader for more than 20 years; more than 500 children were in her 4-H clubs over the years; at least six of them went on to become officers in the 4-H State Council; and they are very proud of her foresight in establishing the Brevard 4-H Youth Foundation in the 1970s and to see it today transition into the Mary Bartosek Brevard County 4-H Club Endowment. He went on to say if his mom were here today, this is the moment she would stand up and shoo them away from the microphone to avoid any more family boasting; and he thanked the Board for its time, honor, the recognition of his mother, and the 4-H Program.

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

ITEM I.I., TOURISM ECONOMIC UPDATE AND OUTLOOK

Commissioner Barfield stated this presentation is a Tourism Economic update; he congratulated Tourist Development Council (TDC) Executive Director Eric Garvey, on being selected as the Executive Director of Florida's Space Coast Office of Tourism, to serve as a Chairman of the U.S. Department of Transportation National Advisory Committee on travel and infrastructure; it is a two year term; and his role began in April 2018. He continued this is a major accomplishment for Brevard County to be the head of the new Travel and Tourism Committee; and he again congratulated Mr. Garvey.

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Mr. Garvey stated he told staff he thinks this is the only place in the entire country that has a space port, a cruise port, international airports, and interstate highways running through the community; he is looking forward to serving on that committee; today he just wanted to provide the Board a very brief, high level update on the state of tourism economy; last week they celebrated national travel and tourism week with the annual tourism luncheon; and he could brag all day long on the tourism business here. He went on to say he brought Dr. Mike Slotkin to present his insights; they have an ongoing program to work with Florida Tech with gathering ongoing data so Dr. Slotkin and his team can do regular analysis and publication of different insights into the hospitality and leisure segment of Brevard's economy.

Dr. Slotkin stated he has been before the Board in the past when the data was not so favorable so it is nice to be there with some favorable data for a change; there is about five or six slides from a presentation he made at the TDC about a month ago; and he will show bed tax data and how it can be used with some of the estimates that his team has come up with to give an economic impact for a sector of tourism or a segment of tourism. He went on to say this is the actual data reported from the County in terms of bed tax collections going back to the Fiscal Year 2006, because that is when the tax collection changed to five percent on the sale; he has excluded the numbers from 2006 to 2013 just so there is less congestion on the graph; truth is it does not matter much when looking closely at that because there was stagnancy over that period; there was about a three percent in collection overall in that eight Fiscal Year period; then there was the rebirth and the regrowth in the recovery of all those economic disservices and nice increases from 2014, 2015, to 2016; and in 2017, there was still an increase but the increase slowed down. He explained that should not have been unexpected, at some point the rate of growth cannot hold up at the same rate, and that was his attitude going into 2018; all of a sudden, there is lift-off again; there is a variety of why that could be, but he does not think it will hold the same growth rate into the future, but it has been a great year so far; in fact, the increase, which shows only the first five months of this Fiscal Year, already exceeds what the County had in total from Fiscal Year 2017 in terms of an increase; therefore, this is a pretty strong year to date. He went on to say here is a TRIM line he created awhile back where he was looking at data going back to 2006 and doing a rolling average to see where the County was before the housing bust and financial crisis; he tried to project what would happen in the future; everything held up reasonably well as it gets to 2017; the recovery can be seen as it happens through the years; once in 2017, the County starts straddling on the TRIM line again; low and behold in Fiscal Year 2018, the County is lifting off once more; and the rate of increase through the first five months is basically at a 17 percent rate which is wonderful news. He stated this slide shows the actual percentage increases through the years; as for looking into the latter years, the recovery in 2014 through 2017, the high growth can be seen; then the rate of increase, which he thought would happen, would slow down and move back towards more of a long term trend; and then Fiscal Year 2018 is the kind of unexpected surprise that they love to have. He noted it is very interesting when actually looking at the composition of where this is coming from; he knows Cocoa Beach tends to be the anchor of tourism; when looking at the increase over last year, most of that increase is coming from the Palm Bay, Melbourne, and Viera areas; the increase in the first five months is about \$900,000 of additional collections and most of it is from those areas; the Melbourne Beach area lost some capacity with the Hurricane; Cocoa Beach already had a pretty high occupancy rate, their increase over the year was like seven percent; it seems to be a changing picture; and he does not know if it will necessarily continue at that rate, but it will be interesting to see how this picture changes as the year goes on, particularly when it gets into 2019 with some of the new demand drivers like USSSA coming onboard. He added every three or four months he does a presentation for Mr. Garvey; if they were to use a conservative projection of about \$15,650,000 as the bed tax collection for this year and they divided it by the five percent rate, that gives a gross output of about \$313 million; anything on the slide in red is the estimates coming in from their project; to use \$656 of lodging spend per party and divide it by 4.6 room nights per party it is about \$142.60 per night; to factor out the taxes collected on that is a room rate of about \$127.33 per night, and to divide that by

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gross output of \$313 million it is about 2,458,180 room nights; and dividing that by 4.6 room nights per party that gives how many parties there are. He explained if that is multiplied by gross spending per party, that is a direct spend per party; that is a direct spend of just under \$800 million and with an economic impact analysis with a multiplier, and he used a multiplier of 1.6, it is a total of just under \$1.3 billion; and they call that DTAB impact, because it is tourism but it is accommodation based. He continued there are a lot of other segments of the tourism industry that do not come into play here; this does not include day trippers, the shadow market who are people that stay in the building but do not pay the bed tax, or the people who come to town who are visiting friends and family, it is strictly an economic impact of people who come into town and are procuring lodging and what that means for the community; and that is basically the lay of the land as he sees it right now.

Mr. Garvey stated Florida is the 100 pound gorilla in tourism leading the country and the good news is, Brevard County is leading the State in terms of peer markets as seen on the chart; this is data compiled by FTR which is the leader in the industry for compiling hotel data; through April year-to-date they are at a 12.1 percent year-to-year growth for rev-par, which is revenue per available room and takes away the changes in the hotel inventory; it is the easy way to compare market to market; Brevard is head of the pack; and because of the tourist development tax that is collected off the room revenue, he likes to look at just the gross room revenue growth. He added this shows it at 13.7 percent and leading the peer markets in the State; FTR also provides forecasting data and the summer ahead looks very good; the projected rev-par increases is at an average of six percent year-to-year growth through the summer and this is clearly the impact of USSSA's programs as they bring in a lot of youth activities through the summer that will take up all the excess hotel inventory; it starts to fall off in the growth rate in August and September; and the marketing teams start looking at ways to drive that number a little better than what is showing. He asked to share a short video with the Board. After the video, he went on to say they publish all their information on the County's website including financial information and contracts; they also have a wonderful publication that wraps up Dr. Slotkin and his team's work in a seasonal publication that is distributed to spread the good news; and he noted he can answer any questions the Board may have.

Commissioner Smith stated he would like to thank Mr. Garvey for all of his hard work and efforts in getting things done; he has talked with the tourism folks since the change in State law about how tourism monies can be spent; he is a big proponent of the Indian River Lagoon so he talked with them about how they could support the IRL; and they have been in full agreement to do that. He noted he has asked Mr. Garvey to come up with a plan to help the Lagoon and compliment what tourism is doing; the Lagoon is a big attractor of tourism; he also found that the County Attorney's Office has to make a change in the Ordinance to adjust the language so that the local tourism money can be used for the IRL; and he has asked County Attorney Eden Bentley, to do that. He mentioned after the June break the Board will be talking more about that; he is real excited because he believes a fully integrated plan between Natural Resources, Tourist Development, and the Indian River Lagoon Council can really make some major impacts on the IRL; and he expressed his appreciation once again to Mr. Garvey.

ITEM II. ITEMS PULLED FROM THE CONSENT AGENDA

Commissioner Tobia stated he would like to vote Nay without comment on Items II.B.2, II.D.4. and II.D.6.

ITEM II.A.1., FDEP CONTRACT FOR SERVICES AGREEMENT AMENDED AND RESTATED

The Board executed and approved the Amended and Restated Contract with FDEP, to provide pollutant storage system compliance verification related to services in Brevard and Indian River Counties; authorized the County Manager, or his designee, to execute future contract amendments and annual renewals; authorized the Program Manager to execute task assignments consistent with the Contract; and authorized any necessary budget change requests to provide adequate staffing, operating budget, and acquiring the necessary capital item to meet contractual obligations.

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

ITEM II.A.2., APPROVAL, RE: RE: EMS IMPACT FEE ADVISORY COMMITTEE RECOMMENDATIONS

The Board approved the Project funding recommendation as prepared by the EMS Impact Fee Advisory Committee for Benefit District 1 on April 20, 2018; and authorized the Budget Office to execute any budget changes required to implement Project appropriations.

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

ITEM II.A.3., APPROVAL, RE: TRANSPORTATION IMPACT FEE TECHNICAL ADVISORY COMMITTEE RECOMMENDATIONS

The Board approved the Project funding recommendations as prepared by the Technical Advisory Committee for the Merritt Island/North Beaches Benefit District on January 25, 2018; executed the Transportation Impact Fee Trust Fund Disbursement Agreement with the City of Cape Canaveral; and authorized the Budget Office to execute any budget changes required to implement Project appropriations.

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

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ITEM II.A.4., ACCEPTANCE, RE: BINDING DEVELOPMENT PLAN - SOUTHERN SELF STORAGE (17PZ00148)

The Board of County Commissioners, in regular session on May 22, 2018, executed Binding Development Plan with Southern Self Storage, LLC. Said Binding Development Plan was recorded in OR/BK 8172/567.

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

ITEM II.A.5., APPROVAL, RE: EXTENSION OF AGREEMENT REGARDING RESERVATION OF RIGHT TO OCCUPY BETWEEN BREVARD COUNTY AND WILLIAM J. PAGE RELATED TO THE PINEDA GRADE CHANGE PROJECT

The Board executed and approved the Extension of Agreement Regarding Reservation of Right to Occupy between Brevard County and William J. Page dated December 15, 2015.

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

ITEM II.A.6., RESOLUTION AND RELEASE OF PERFORMANCE BOND, RE: BRIDGEWATER NORTH AT VIERA SUBDIVISION - WCI COMMUNITIES, LLC

The Board executed and approved the Extension of Agreement Regarding Reservation of Right to Occupy between Brevard County and William J. Page dated December 15, 2015.

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

ITEM II.A.7., CONTRACT AND SURETY PERFORMANCE BOND, RE: BRIDGEWATER NORTH AT VIERA SUBDIVISION - LENNAR HOMES, LLC

The Board executed and approved the Contract and Surety Performance Bond for Bridgewater North at Viera Subdivision - Lennar Homes, LLC.

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

ITEM II.A.8., APPROVAL, RE: BUS STOP #23 EASEMENT FROM EAGLE EYE DEVELOPMENT CO., LLC TO BREVARD COUNTY, FLORIDA

The Board approved and accepted the Bus Stop Shelter, Maintenance and Pedestrian Ingress and Egress Easement from Eagle Eye Development Co., LLC.

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

ITEM II.A.9., APPROVAL, RE: PERMISSION TO ADVERTISE A REVISED PROPOSED EXCHANGE OF PROPERTY BETWEEN R. C. KIRK AND ETHYL MAY KIRK (KIRK) AND BREVARD COUNTY (COUNTY)

The Board granted permission to advertise for a revised proposed exchange of property between KIRK and COUNTY, as required by F.S. 125.37.

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

ITEM II.A.10., APPROVAL, RE: CONTRACT FOR SALE AND PURCHASE BETWEEN BREVARD COUNTY AND THE AMERICAN NATIONAL RED CROSS REGARDING EMERGENCY OPERATIONS CENTER ACCESS AND EXPANSION

The Board executed and approved the Contract for Sale and Purchase with The American National Red Cross for property located in Section 09, Township 25 South, Range 36 East, and for the Emergency Operations Center access and expansion.

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

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ITEM II.A.11., APPROVAL, RE: HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT AND RESOLUTION WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR STATE ROAD 520 CORRIDOR

The Board adopted Resolution No. 18-073; executed and approved the Highway Maintenance Memorandum of Agreement with FDOT for portions of the S.R. 520 corridor; authorized the County Manager, or his designee, to execute Agreement renewals; and approved any necessary budget change requests.

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

ITEM II.A.12., APPROVAL, RE: INTERLOCAL AGREEMENT WITH CITY OF PALM BAY AND CITY OF WEST MELBOURNE FOR TRAFFIC SIGNAL MAINTENANCE OF THE PALM BAY ROAD AND DURHAM DRIVE/VIVIERA DRIVE INTERSECTION

The Board executed and approved the Interlocal Agreement with the City of Palm Bay and City of West Melbourne for traffic signal maintenance of the Palm Bay Road and Riviera Drive/Durham Drive Intersection; and approved any necessary budget change requests.

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

ITEM II.A.13., APPROVAL, RE: OFF SYSTEM CONSTRUCTION AND MAINTENANCE AGREEMENT AND RESOLUTION BETWEEN FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND BREVARD COUNTY RELATED TO IMPROVEMENTS TO THE INTERSECTION OF SISSON ROAD AND S. R. 405

The Board adopted Resolution No. 18-074; and executed and approved the Off System Construction and Maintenance Agreement with FDOT for the intersection of Sisson Road and S.R. 405.

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

ITEM II.B.1., INTERLOCAL AGREEMENT BETWEEN BREVARD COUNTY AND THE CITY OF TITUSVILLE FOR AUTOMATIC AID

The Board executed the Interlocal Agreement between Brevard County and the City of Titusville for Automatic Aid.

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

ITEM II.B.2., ABANDONMENT OF SAVANNAHS GOLF COURSE

The Board abandoned the Savannahs Golf Course, effective immediately; executed the Agreement with the Homeowners Association (HOA): authorized Chair to execute County Deed for Savannahs Golf Course to HOA; authorized staff to accept from the Savannahs HOA quit claim deed from the HOA for mosquito control impoundments and easements for storm water maintenance; authorized the Chair to execute the note granting line of credit to the Savannahs at Sykes Creek CDD, contingent upon Board establishment of the Savannahs at Sykes Creek CDD; authorized the County Manager to approve all necessary Budget Change Requests to execute budget documents to transfer funds necessary for the Line of Credit; authorized amendments to IGM and Christovich agreements to end services at Savannahs Golf Course, effective June 30, 2018; and authorized Andrew Holmes, Public Works Director, to execute Agreement (license) to modify stormwater discharge systems (2 locations).

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

ITEM II.B.3., TRANSPORTATION DISADVANTAGED TRIP AND EQUIPMENT GRANT APPLICATION

The Board adopted Resolution No. 18-075; executed and approved the Trip and Equipment Grant Application with Florida Commission for the Transportation Disadvantaged; approved all budgetary documents; authorized the Chair to sign the Joint Participation Agreement (JPA), contingent upon County Attorney and Risk Management approval; and authorized Transit Services Director to sign any and all assurances, warranties, certifications, and any other document which may be required in connection with JPA or subsequent agreements.

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

ITEM II.C.1., AUTHORIZATION, RE: MUNICIPAL REVIEW OF LOCAL OPTION GAS TAX (LOGT) PERCENTAGES ALLOCATIONS

The Board approved directing the Clerk to the Board to mail a copy of the LOGT percentage allocations to each municipality for review; and authorized the Board to conduct the final reviews of the allocations at the July 10, 2018, Board Meeting.

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

ITEM II.C.2., ACKNOWLEDGE RECEIPT OF COMMUNITY REDEVELOPMENT AGENCIES ANNUAL REPORTS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017

The Board acknowledged receipt of CRAs Annual Reports for FY ending September 30, 2017.

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

ITEM II.C.3., FY 2017-2018 MERRITT ISLAND PUBLIC LIBRARY TAX DISTRICT BOARD SEMI-ANNUAL REPORT

The Board acknowledged receipt of the FY 2017-2018 Merritt Island Public Library Tax District Semi-Annual Report.

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

ITEM II.C.4., ACKNOWLEDGE RECEIPT OF AUDITED FINANCIAL STATEMENT FOR THE MELBOURNE-TILLMAN WATER CONTROL DISTRICT FOR FY 2016-2017

The Board acknowledged receipt of the Audited Financial Statements for the Melbourne-Tillman Water Control District for FY 2016-2017.

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

ITEM II.C.5., ACKNOWLEDGE RECEIPT OF FY 2019 PROPOSED BUDGETS FOR COMMUNITY DEVELOPMENT DISTRICTS

The Board acknowledged receipt of the FY 2019 proposed budgets for the Baytree Community Development District and the Montecito Community Development District.

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

ITEM II.D.1., OPIOID LITIGATION

The Board approved the Legal Services Retainer Agreement between the Litigation Team of Charpentier Law Firm, P.A.; The Maher Law Firm; Wagstaff & Cartmell LLP; Robbins Geller Rudman & Dowd, LLP; and Lieff Cabraser Heimann & Bernstein, LLP for the opioid epidemic litigation team to pursue all appropriate legal and equitable remedies in connection with the harm incurred by the County as a result of the unlawful, wrongful, deceptive, and fraudulent practices of the pharmaceutical opioid drug manufactures, and entities in the chain of distribution.

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

ITEM II.D.2., PAY AND CLASSIFICATION PLAN STUDY

The Board accepted the rankings of firms responding to the Request for Proposals #P-3-18-09, Consultant for Pay Classification Study; and authorized the Human Resources Director and County Manager to negotiate and execute contract documents necessary to secure the services with the number one ranked firm, Evergreen Solutions, LLC.

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

ITEM II.D.3., RESOLUTION, RE: ACCEPT THE PROPOSAL OF SUN TRUST BANK TO REDUCE THE INTEREST RATE

The Board executed and adopted Resolution No. 18-076, accepting the proposal from Sun Bank to reduce the interest rate on the County's outstanding Subordinated Sales Tax Revenue Bond, Series 2009A to 3.37 percent per annum and the final maturities will remain unchanged; and authorized County manager to approve all necessary budget change requests.

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

ITEM II.D.4., RESOLUTION AUTHORIZING THE ISSUANCE OF TOURIST DEVELOPMENT TAX REVENUE BONDS, SERIES 2018A NOT TO EXCEED \$5,000,000

The Board executed and adopted Resolution No. 18-077, authorizing the issuance of a Brevard County, Florida Tourist Development Tax Revenue Bond, Series 2018A (Series 2018A Bond), not exceeding \$5,000,000 in aggregate principal amount and a fixed interest rate of 2.94 percent per annum; delegated authority to the Chair to execute various closing documents relating to the issuance of the Series 2018A Bond; and authorized County Manager to approve all necessary budget change requests.

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

ITEM II.D.5., CONFIRMATION OF JOSEPH M. FAELLA AS MOSQUITO CONTROL DEPARTMENT DIRECTOR

The Board confirmed the appointment of Joseph M. Faella as the Mosquito Control Department Director.

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

ITEM II.D.6., APPROVAL OF A GRANT AGREEMENT WITH THE EAST COAST ZOOLOGICAL SOCIETY OF FLORIDA, INC., D/B/A/ BREVARD ZOO

The Board executed and approved the Grant Agreement with the East Coast Zoological Society of Florida, Inc., d/b/a Brevard Zoo (Brevard Zoo), to provide 25 percent of the net revenue from the 3rd cent of the County's Tourist Development Tax receipts to finance the design and construction of capital project at the Brevard Zoo, as approved by the Tourist Development Council at its April 25, 2018, meeting; and authorized County Manager to approve all necessary budget change requests.

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

ITEM IV.B., APPROVAL OF ORDINANCE AMENDING ORDINANCE 16-14, LIST OF PERMITTED INVESTMENTS

Chair Pritchett call for public hearing on an ordinance amending Ordinance 16-14, List of Permitted Investments.

Mark Peterson, County Finance, stated the Board appointed the Investment Committee and the County Investment Advisor to discuss alternative ways for the County's Investment Program; this Public Hearing is to change Ordinance 16-014; and requesting approval of the Multi-asset Class Portfolio Investment Policy. He continued in amending the Ordinance, the list of permitted investments will add multi-asset class investments which includes domestic and international equities, emerging market debt, real estate investment trust, treasury inflation protected securities, exchange traded funds, and mutual funds of registered investment companies; these items are ways of diversifying the County's portfolio and trying to earn better yield; and these types of investments can generate higher returns, but also bring on higher risks than those instruments that are currently in the County's portfolio. He went on to add financial information in policies that generated this recommendation is based on business models along with consistent levels of cash the County has carried and that are not expected to be spent; the funds utilized in this new portfolio is not expected to be used within five to 10 years; and the Boards approval of amending the Ordinance and the new investment Policy will allow public financial management to add this class of investments, which will be between five and 20 percent to the long term portfolio, but it will not affect the short term funds which are managed in Finance. He advised if it pleases the Board, PFM and a few committee members are in attendance to speak on this.

Daniel Ciuro stated he is a licensed financial planner with Edward Jones; he knows there is a change in the Board in November with at least one seat; he thanked the Board for allowing him to serve in the organization; he believes the organization has worked together to come to a concise and collaborative decision here; they have precedent in regards to how this has worked for other counties in the past; and it is certainly something he sees as a positive initiative. He noted looking historically over the last 80 years, there has been 66 up years and 12 down years as far as market return; while this certainly adds a measure of risk, it is a very calculated measure of risk and an uncertain risk; on average this will exceed the market; and with that consistency and logic he asked the Board what it can do with a compounding growth of a few million dollars here and there. He noted he certainly looks forward to that answer in the future.

Mr. Peterson inquired if the Board would like to hear from PFM who is the County's Investment Advisor and the ones that will be managing this pool.

Chair Pritchett responded affirmatively.

Steve Alexander stated it has been a pleasure to work with Brevard County staff and the Investment Committee; this is a topic that they have been reviewing and discussing for about a year; they had very detailed analysis and discussions; they are looking at the cash flows for the County, understanding this is a long term strategy for long term assets; and the idea is to help minimize overall risk, to increase diversification, and it is appropriate for the long term assets. He mentioned he has also worked very closely with the Investment Committee to design a Policy specifically for this strategy so it is a very detailed Policy that will provide the appropriate guidelines for permitted investments; and he will provide answers to any questions.

There being no further comments or objections, the Board adopted Ordinance No. 18-11, amending Ordinance 16-14, which provides a list of permitted investments, pursuant to the requirements of Section 218.415, Florida Statutes; providing for inclusion of multi-asset class

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portfolio investments in the list of permitted investments; providing for severability; providing for repeal; providing for inclusion in Code; and providing for an effective date.

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

The Board approved the Multi-Asset Class Portfolio Investment Policy.

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

ITEM IV.A., PETITION TO VACATE PUBLIC UTILITY EASEMENTS - MELBOURNE - WARREN AND CHERYL BRADBURY

Chair Pritchett called for public hearing on a petition to vacate public utility easements in Melbourne by Warren and Cheryl Bradbury.

John Denninghoff, Assistant County Manager, stated this Item is a vacating request to resolve a partial encroachment of a public utility and drainage easement; and the County has received no objections to the petition.

There being no further comments or objections, the Board adopted Resolution No. 18-078, partially vacating a public utility easement Plat of Pineda Crossing, Phase 1, in Section 25, Township 26 South, Range 36, east Melbourne, as petitioned by you. Said Resolution has been recorded in ORBK 8179, Pages 1087 through 1091.

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

ITEM IV.E., REQUEST FROM SAVANNAHS HOA TO ESTABLISH THE SAVANNAHS AT SYKES CREEK COMMUNITY DEVELOPMENT DISTRICT

Chair Pritchett called for public hearing on a request from Savannahs HOS to establish the Savannahs at Sykes Creek Community Development District.

Sonia Bosinger congratulated the Board on no longer owning the Savannahs Golf Course at Sykes Creek. She stated she is very happy and proud to represent the Savannahs Homeowners Association; she is here to petition the Board to establish a Savannahs at Sykes Creek Community Development District (CDD); to adopt the ordinance establishing the CDD over the real property legally described in Exhibit 2 that was attached to the ordinance; and petition naming the initial members of the Board of Supervisors of the District, establishing the

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name of the District as the Savannahs at Sykes Creek Community Development District, designating the purpose of the District, designating the power of the District, providing for the severability, and providing for an effective date. She continued they look forward to this next step of having the Savannahs at Sykes Creek Golf Course being a profitable adventure and a fun place for the public to continue to play golf.

There being no further comments or objections, the Board approved request from Savannahs Homeowners Association at Sykes Creek to establish the Savannahs at Sykes Creek Community Development District (CDD), less and except the portion of land to be conveyed to the County for Mosquito Control; and adopted Ordinance No. 18-12, establishing a Community Development District over the real property legally described in Exhibit two to this Ordinance comprising approximately 168.07 +/- acres; naming the initial members of the Board of Supervisors for the District; establishing the name of the District as the Savannahs at Sykes creek Community Development District; designating the purpose of the District; Designating the powers of the District; providing for severability; and providing for an effective date.

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

Commissioner Barfield stated everything that has been done is amazing; there has been a lot of people who have done a lot of work; they have something that is way out of the box to get this done; and he wanted to give special recognition to legal, Matt Soss, Assistant County Attorney, for doing a tremendous job with that.

ITEM IV.D., PUBLIC HEARING, RE: FIRE SERVICES SPECIAL ASSESSMENT RATE INCREASE WITHIN THE BENEFIT AREA

Chair Pritchett called for public hearing on the Fire Services Special Assessment Rate Increase within the Benefit Area.

Chief Mark Schollmeyer, Fire Rescue Director, stated he is bringing forward a Fire Service Special Assessment in a public hearing; he handed out a corrected resolution and asked the Chair to correct any scrivener's errors that may have been made in that document; page three 2(h) there was a change of the word "of" to "or"; on page eight there was added language to section seven in terms of the hazardous materials operation team responses to the fire inspection fees for services not being included in this item; on page nine there were some dates changed and the title to October 1, 2018 through September 30, 2019; and on page 12 there are multi-family rates in Section 2 and the 2,501 square foot to 5,000 base area in the multi-family is actually \$487.44, not the \$579 that is listed.

Chair Pritchett inquired if Chief Schollmeyer is doing a presentation as well.

Chief Schollmeyer responded affirmatively. He stated in a regular scheduled meeting at the end of last month they brought forward two options for the fire assessment to the Board to choose from; option one was a 15 percent increase across the board with no CPI moving forward; option two was a six percent increase and CPI each year until the 15 percent was met; and the Board chose option two. He added they sent out a notice to property owners throughout unincorporated areas of Brevard as well as the contracted cities in compliance with State

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Statutes; when those notices were sent out, there was a lot of information in order to comply with State Statute and they were deemed very confusing by some; it was a lot of documentation to read and the print was kind of small; most of the confusion was with the actual posted rate so he wanted to clarify the presentation today is the same presentation that was presented last month, with the addition of the charts; and he used his own house as an example of the posted rates because people were under the impression that they were being double charged or charged an exorbitant amount when in reality, as when looking at his home, he was previously paying \$177.87 with the six percent increase he will be paying \$188.54, which is an increase of \$10.67 per year. He noted many people thought they were being charged an addition \$188 for their homes; he apologized for the confusion and stated it could have been expanded on a little better; however, their main concern was compliance with Statute and getting the notices out properly. He went on to say the charts on the screen are also available in the back of the room with Pam or Sally and they may shed a light on the confusion with the notices; the fire assessment operation is two-fold, they do fire and Emergency Medical Services (EMS); the fire assessment does fund the fire operation side, which is what is being talked about today; looking at the history of the fire assessment or the revenue in general from 2008 to 2018, not much has changed in 10 years; as a matter-of-fact there has been a slight reduction in the fire assessment which was that 15 percent and spending down the reserves over the years; that fire assessment funds 22 fire stations, 17 fire engines, five ladder trucks, 21 brush trucks, a hazardous materials truck, and a technical or heavy rescue truck; and on the bottom of the chart it shows, although the assessment in the revenue has remained relatively flat, call volume for those fire apparatus have steadily gone up over the course of time. He added the fire assessment was originally developed by Burton Associates back in 2009; the assessment revenue was decreased by 15 percent for the purpose of drawing down Fire Rescue Reserves; it was to be re-addressed in 2012 but that did not occur due to the down turn in the economy; and Fire Rescue has been trying to find the right time to address it. He stated the Reserves that have been drawn down are down to \$2.1 million; the Reserves are being used at approximately \$1.1 million a year to meet operating costs; the chart shows in red the expenditures, and the blue showing operating revenue, with one being higher than the other it shows that the Reserves are being used to fund operating costs; and with that, he will answer any questions.

Chair Pritchett announced the Commissioners have received a lot of calls this week with people thinking the rates were going to be \$187, but as the Chief stated that is not the case, the average homeowner is going to be paying less than \$1 per month extra to get the Reserves built back up.

Janis Gregory stated she wants to make it clear that she supports the Fire Department receiving additional funding, it is desperately needed; her concern is the current plan for an across the board six percent increase as those with larger homes are under taxed and those with smaller homes are over taxed; this is taking from the poor to subsidize the rich and is morally wrong; the County has postponed appropriate funding for too long for services people hope they will never need but may need at any time; and lack of appropriate funding can have catastrophic results. She noted in Brevard County the residents are blessed to have a wide variety of different sized homes and a wide variety of incomes; multiple tiers and higher fees for homes that are larger than 2,600 square feet is a more fair and equitable plan that she urges the Board to consider; larger homes require larger resources and cost more; and it is only fair that the homeowners with these larger and more expensive homes pay a higher fee.

Sara Ann Conklin stated this discussion and objection that many people will be bringing this morning is not against increasing the fee; she personally wants the Fire Department to have every cent they need as they have saved her life; if they ever need money, she will be in front of the Board asking it to give money to the Fire Department; she wants Brevard County to have the best EMS, and the best Fire Department in the State; and there is no confusion about that. She mentioned what she is imploring the Board to do today is to make this a fair increase; she

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was actually involved 10 years ago in formulation of the original increase, which as it was originally proposed was a \$212 across the board pay increase for all owners of residential homes; she was successful in fighting that while Stockton Whitten was the Budget Director at that time; and it was sent out to consultant Burton and Associates who came up with a tiered plan to implement different sizes of fees for different sized homes, which looked pretty good. She added, since then the County has had a booming construction of larger size homes; the County does not have the same distribution of homes that it had 10 years ago; many of the categories have changed, not just the larger homes; she sent the Board a spread sheet basically demonstrating that she feels if the Board were to fairly allocate this fee amongst people who have homes larger than 2,600 square feet, which are larger homes, if that fee tier was expanded in conjunction with Burton's previous methodology it will bring in almost all of the current revenue the County needs, and there is less than one percent that would be an across the board increase; she is sure the Board will hear some objections to this from County Managers and others, like there is no time to do this, it needs to be done right now; however, the Burton report was submitted 10 years ago on August 18, 2008, and Burton only needs 90 days to do this, she knows this on personal authority. She went on to say if the Board were to decide today that it wanted Burton to revise the tiers, it would take 90 days and the Board would have the report by August 22; the Board was obviously able to act on it 10 years ago in that time frame; and she does not see why this year would be so remarkably different. She stated one of the more upsetting comments she has heard in relation to the proposed increase is that it is only \$10; if she had a prayer for every person on the Board, it would be that each of the Board Members realize what \$10 means to a family living in poverty in Brevard County; it might be nothing to most people who can go out and buy lunch for \$10 or less, but \$10 to a family living in poverty is whether their child will receive a birthday cake, a new pair of shoes, or gets to go to the doctor; the County does not need to be subsidizing the rich by over taxing the poor in Brevard County; it is morally wrong and there is a way around it as it was done before with Burton and Associates; and Mr. Burton is still alive and well with the same phone number, and willing to help. She commented in her mind there is no moral, ethical, or administrative reason to not do this the correct way; the Board has the power to do that; and if it voted today that it wanted a more fair increase and to tax larger homes at an appropriate rate it can do that today instead of the six percent increase and in enough time to get it in the budget for this year. She asked the Board to take that step, be moral actors on behalf of the County, and to not tax the poor to subsidize the rich; the residents need the Board to be beacons of light in that regard; and to take into consideration the people whom she will always be in front of the Board talking about. She noted Commissioner Infantini never voted on anything she wanted hardly ever, Commissioner Infantini always commented she was talking about the poor, and the Commissioners should be doing more for the poor; she advised she will always be a voice for the poor; and she asked that the Board send this back to the overpaid consultant and let him advise the Board on how to rearrange the tiers so that it can get a fair assessment instead of the one proposed.

Philip Stasik stated he is speaking on behalf of Space Coast Progressive Alliance; they strongly support what was just stated; they support this being a more progressive assessment; in fact, they strongly support the Fire Fighters, Paramedics, EMTs, and operations which have been under-funded for a very long time; he has spoken to the Board about this before and they know the Board members believe that as well; and they know the Board believes in improving the quality of the Firefighting Services in this County. He added the key is just the proper way to fund it; the Space Coast Progressive Alliance strongly encourages a more progressive program rather than the tiered system that is currently envisioned; and he literally cannot say it any better than Ms. Conklin just did. He asked if the Board had any questions for him.

Karen Moser stated she does not have a personal stake in this regarding her own home, but she is there to speak in the interest of fairness and equality; she would echo what Ms. Conklin just stated; she supports giving the Fire Department the resources they need; she understands

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they have a pension plan to fund, and that is the sort of thing that can be short changed when money gets tight; and she urged the Board to add tiers above 2,600 square feet because with the houses being built today, 2,600 is considered relatively modest in most neighborhoods. She noted there are a lot of houses much larger than that; they have to be more complex if there is a fire; she believes it is only fair to add those tiers; and she commented that would reduce the across the board increase. She continued to say the across the board increase right now, given the fact the County has a tiered system that cuts off at 2,600 square feet, would just exacerbate the unfairness; she would endorse what Ms. Conklin stated; and she asked the Board to consider that.

Gail Meredith stated she is in support of what Ms. Conklin has suggested; she thinks it is very important that the Board treat the rich as it does the poor and that the poor not be asked to subsidize the rich; she asked the Board to work out a system to give Fire Services their appropriate budget without creating a burden on the poor; many people during the last budget hearings were shocked by how the County was treating the poor; the business with the hotline, the meals on wheels, and the cavalier way the people who are in terrible need are treated in this County is truly shocking; and the people want the County to get its act together. She went on to say this is a good example; everything the County does it should look at the situation of the poor because there is dire poverty in this County; she would like to see the County be more sensitive to the poor; and be more appropriate in its policy making.

John Faulkner stated he lives in a district area that is not identified by the four cities for the increase in Fire and Rescue Services; the assessment that has been put in front of the Board assess the property by its construction technique and secondly by its size in which size represents money; Fire and Rescue people are trying to serve the community in terms of needs by size and again size represents money; therefore, he does not believe there needs to be a distributed sliding scale for taxing. He noted the things he has seen from the initial paperwork sent out and dated May 1, saying there was going to be an increase in the cost associated with this ad valorem tax, reached most homes on May 3; he created a petition and forwarded it to the Board with 14 signatures, whereas 11 of them did not receive the notice until the 3rd, two on the 4th, and one never received the notice; the notice said the public had 20 days to write a response; people can only write a response to something they receive or see; and that would mean that if the mailing showed up on the 4th, then people would have until tomorrow to write a response. He went on to say there is no way the Board should be able to make a decision today until it sees all the responses that have been put in front of it and that cannot happen until tomorrow. He continued the other thing is there are 97,000 properties that are not listed in those cities that are identified; so 87 percent of the people are not represented by the City boards that have put this on the Agenda for review; those people need to be represented by Brevard County; they are not represented by the cities that have put the contract in front of them and are mentioned in the distribution; he believes there is reason for delaying this action; there is already consideration for the value of the property; and he thinks the Board should reconsider how it taxes and when it taxes. He stated he looked at his particular assessment and it went up 9.8 percent; he has that documented and it is in his submittal; there is a lot of ambiguities in the financial position, and those ambiguities need to be addressed before it is put in front of everybody else; he would be glad to review that with anybody who wants to review it; and he is more than willing to show how the assessment is not consistent with the documentation that was distributed and on the internet for people to review.

Darlene Hillers stated she supports giving the firefighters a raise in pay; they provide a vital service to the community in protecting the citizens and properties often at times risking their own lives; what she would like to address is the Fire Services Special Assessment Rate and how that is determined; it is her understanding that the rate for each property owner was determined by the square footage of the home beginning at 400 square feet and ending at 2,600 square feet; she has learned there are 11,000 homes in Brevard County that are larger than that, yet

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those homeowners will only be assessed according to the rate based on the 2,600 square footage; it seems to her it would be more equitable to add more tiers to the formula thus allowing the owners of the larger homes to pay their fair share of the assessment; and she has learned, based on how larger homes are constructed with higher ceilings and more open floor plans, fires in those homes are difficult to control or contain which could be a potential threat to the firefighters. She continued by adding more tiers to the assessment formula it would generate more revenue for the County that could result in more money for needed equipment for the Fire Department and pay raises for the firefighters.

Teresa Parrish stated she is one of those people Ms. Conklin spoke of; she is a senior citizen and receives the senior citizen, the widow, and the homestead exemption on her taxes; she only receives \$751 per month in Social Security; everyone she knows misunderstood the paper as well and thought that was the actual amount they would be paying; and in her case with the little bit she to live on, she would pray for the Board not to pass this increase.

Mark Ewald stated he has no problem with a rate increase, he just hopes some of the money will go towards paying the first responders higher salaries and better benefits; it is no secret this County is losing highly qualified people to neighboring counties due to better pay; he thinks something needs to be done to increase the base and keep hold of some of these people; secondly, people in larger homes are already paying more across the board; and all the talk about the rich versus the poor is disconcerting to him because a lot of the bigger homes and newer homes are built to better Fire Code and will probably not require any intervention at all.

Pamela Castellana stated she is very grateful to be part of a community that is so engaged; she has had some thoughts also on the idea of a regressive tax increase versus progressive tax increases; she will always oppose a regressive tax of any sort; flat taxes sound so great in theory until looking at the fact they are not very fair; the salary for Brevard County Commissioners is \$58,145.36; and she assumes many or all of the Board members have other jobs or other sources of income. She continued the average household income in Brevard County is \$48,483; the average income per capita is \$27,360; there is 14.7 percent of the County living in poverty; the average rent in Brevard County for a three bedroom home is \$1,255, and the average cost of living aside from rent is \$2,977 which is \$50,784 and more than the average household income; therefore, she highly supports expanding the tiers over the 2,600 square foot homes. She explained she does want Fire Rescue to receive its resources and cannot believe they have been living on no increases for over 10 years; and she stated she hopes the Board recognizes that fair tax is not fair, it is regressive and it is not who Brevard County is.

Thomas Dickmann stated he supports the Fire Department, they do a great job putting their lives at risk almost every day; he thinks there could be another way of handling the increase for the Fire Service by impact fees generating income from all multi-family properties being built in this area right now; it could provide a good portion of what the Board is looking at; he totally misunderstood paragraph two as he believes many others did as well; he has heard increases of \$1 dollar a month to \$10; and he has an assessment that says \$282.82, so he is totally confused. He added hopefully he can pick up a report and figure it out for himself.

Bruce Moncrief stated he too was misreading the document as it came to him; it came across as though he was going to be assessed lots and lots of money; he thought to himself, why is there a major assessment happening if this is built into property taxes and if there is a need for additional funding for the different things the Fire Department provides then it should be built into the property taxes and thought about in increments; it was looking as though it was almost a double taxation; and it caused him to come to Brevard County from Orlando to speak because he owns properties in Brevard that are affected by that. He continued as to the equity of the assessment he would venture to say, although he does not own many houses over the 2,500

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square feet, property taxes based on a percentage of the property values and the assessments coming on larger homes are larger assessments; and the property taxes are millage based on the larger assessments so they are paying a larger amount. He went on to say he agrees with a gentleman who spoke earlier about fire codes on larger homes; they will probably require less attention from the Fire Department and Rescue Units; and he believes a distribution based on the current market value and millage is probably appropriate.

Catherine Ely stated she lives in the Diana Shores section on Merritt Island; they have houses that run from probably 1,600 to well over 2,600 square feet; she supports raising revenues for the pay and benefits of the Fire Department; she supports them in every way; she believes the County needs to raise revenues and should assess the very large homes so that the owners of modest homes are not subsidizing the owners of the homes over 2,600 square feet; and her neighborhood represents every size home in square footage of the range being affected. She thanked the Fire Department for everything it does.

Richard Webb stated he appreciates the Fire Department for what they do; they have come to his house on several occasions for rescue situations; he believes what he sees with Fire Rescue is called featherbedding; the reason for this unfair labor practice is to keep people working in jobs that are no longer necessary; what is not necessary is to have the fire trucks chasing the rescue units down the street every time someone has a heart palpitation; there is an old folks facility down the street from him and several times a day he sees a fire rescue truck either chasing a fire truck or being chased by a fire truck to that facility; each case where they have come to his house, it has been the fire truck and the rescue truck; and he believes there are alternatives. He noted Chief Paul DeYoung in the City of Hialeah was able to stop this practice, increase the number of people on the rescue truck by one, still maintain their rating of 1A which is important for insurance rates, and decrease the response time and cost of Fire Rescue; there are ambu-cycles in Israel that have a response time of 45 seconds to respond to bombings and heart palpitations using motorcycles that get through quickly; and if reinforcements are required then they have the radio to call and request reinforcements. He went on to say Brevard County could do that by simply adding one more person to the existing emergency vehicle; the County could maintain its rating; it could add more emergency vehicles, and not waste the mileage on the fire trucks, or costs for additional fuel, nor for the personnel that are showing up for routine emergencies; if there is a big fire, then okay, that is what the radio is for. He asked the Board to please be the County's representatives; and he advised this is a process management issue and it is something the Board should be looking at as managers of this critical facility.

Commissioner Isnardi stated she appreciates the discussion regarding the tiers, but looking at the numbers, going off of Ms. Conklin's numbers there are about 8,300 houses between 2,600 and 3,000 square feet and another 8,900 that are above that, so given that there are over 107,000 people paying, she believes this is already a tiered system; she does not know how it would be justifiable to charge six times the amount without sending out six times the amount of resources; as it exists now, the fee is about double the 1,200 square foot versus a 2,000 square foot home; she knows this is the best way to calculate it; and she does not think that punishing people with bigger homes and multiplying their fee by the six times the amount is justifiable just because they happen to be successful or own a larger home.

Maria Silveira stated she bought her unit in August 2017; in November Brevard County evacuated her, so she lives outside right now and is paying almost \$3,000 rent; she has been dealing with the Appraiser's Office as far as tax deductions; she lives at 3035 Highway A1A Unit 3B; and she inquired why she has to pay \$235 when she does not live in the place and does not know when the problem is going to be solved. She continued the Appraiser's Office said if this tax is passed, they cannot do anything for her; she provided the Board with the letter that she sent

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to the Appraiser's Office and they have to consider her case; she explained there are 25 units and they do not live in the place because she was evacuated; and she stated this is impossible.

Commissioner Isnardi stated the difference between a 1,000 square foot home to a 2,000 square foot home is \$105.59 or \$329.95; considering that the Board is not sending out that many resources, she does not see how that is justifiable to punish the family who has a 2,000 square foot home as opposed to the family who owns a 1,000 square foot home; they are already paying more; and if the Board wants to look at something over 3,000 as a whole she still does not think they should have to pay six times the amount because it is not fair and equitable, as the County is not sending out six times the resources.

Chair Pritchett stated she probably would not have agreed to \$20 per family; she explained if someone is paying \$1 right now they will be paying \$.06 more, if someone is paying \$100 they will be paying \$6 more, and there is a percentage that is being prorated this way with the larger houses paying more, so she thinks it is built in with the lower base that was started a few years ago; and after a year she would like the Board to see how it is playing out with the six percent being agreed to.

Frank Abbate, County Manager, stated just for the Board's information he believes if the Board were to change the proportion of the dollars based on the square footage, it would require a new study so he would have to bring on a new consultant to do that; he does not have the exact cost to do that but it would be in the area of \$60,000 and may take two or three months to do so; and then the assessment would have to come back to be considered by the Board. He advised the County would have to go through the public notice again; the County is statutorily required to send out notification; and it would have to have two public hearings 20 days after notice was given. He advised if the Board does not pass this at this time, those are the requirements; the County is in the Budget Process right now; a tentative Budget will be brought to the Board in July; and he just wanted to clarify for the Board what the additional costs would be if it decides to re-evaluate the way the assessments are handled.

Commissioner Barfield stated there was a lot of confusion with what the rates were; he knows the letter went out and was not very clear; one of the Commissioner's sent out a letter that clouded the issue even more; and he is calling out Commissioner Tobia for the email he sent out. He read the letter sent out by Commissioner Tobia, "Dear Neighbor, You may have recently received one of 104,000 disturbing notices from the County informing you of the increase in the Fire Services Special Assessment included on your tax bill. I'm sorry to say, this letter which cost \$47,000 to send to residents, is legitimate and you should take it seriously. Three County Commissioners, Curt Smith, Rita Pritchett, and Jim Barfield voted to raise this line of your tax bill by 15 percent over the next few years. I voted against this tax increase. I apologize that it had such small text and may have been difficult to read, but those Commissioners that voted for it would, I'm sure, prefer it that way after all they voted against putting their name on it. Nobody should be surprised, just a few months ago this same group of politicians callously voted to raise fees on the sick and injured in need of an ambulance by more than 30 percent, I descended. Before that, the Board thoughtlessly voted to raise your property taxes; you may have seen a notice of tax increase in *Florida TODAY* late last year, again I voted no. I have no doubt that the politicians who voted for this 15 percent increase will be quick to claim that this is not a tax increase because it is 'below the line'. I believe if your tax bill goes up, it is a tax increase. In the end, however, the slimy semantics make it no different. I am disgusted that the Board continues its habit of out of control spending on the backs of our hardworking tax paying citizens. There is still time to convince Commissioners." He noted his problem is that once again politics threatens the future of this County; Commissioner Tobia is a professional career politician and government worker; he published a letter filled with these half-truths and self-righteousness to follow through with getting Curt Smith and himself out of office; and Commissioner Tobia with two degrees in Political Science and employed by the State as a

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Professor of Political Science, is well versed in what it is to be a politician, which is to get elected and re-elected. He continued this latest fiction concerns a proposed increase in the Fire Service Special Assessment fee for unincorporated Brevard County and four cities; no change has been made in fees in 10 years; no inflation adjustments, yet deceptively he states this will raise the line of the tax bill by 15 percent over the next few years; the truth is, the increase will be for six percent and will be based on inflation adjustments after that; and to take the numbers from right now back to 2009, it would be over 15 percent, if he would have built in the inflation factor. He went on to say he is bothered most by this letter because nowhere in the letter did Commissioner Tobia explain why these changes or what they would be used for; he leads people to believe that the Board just likes to raise fees and taxes, which is pretty much ridiculous because the Board hates paying taxes too; and he explained one reason is because the firefighters gave up all their raises during the recession because of budget constraints. He advised the turnover in firefighters is alarming; as one gentleman spoke, they get their training in Brevard County and then go to higher paying municipalities; what is being heard is Commissioner Tobia's position on firefighters in an October 31, 2016, campaign forum where he states, "We need to shut these folks down." Commissioner Barfield stated these are highly trained first responders who save lives; he was lying in bed one time and had to call 9-1-1 all by himself, and fortunately they were there and he is alive today; he has the utmost respect for the firefighters; and another item that was not mentioned was that two-thirds of Brevard County's front line engine fleet and all reserves are manufactured by American LaFrance, which went out of business in 2014 after a 145 years in business. He added with the exception of motors and transmissions, all parts are proprietary and cannot be found for purchase, so the County has to cannibalize on the reserve units and everything else it can; only so much can be cannibalized; therefore, inevitably new equipment will need to be purchased and the price of equipment has escalated tremendously. He stated nobody should be surprised by the political antics going on, look at how politics work; Commissioner Tobia was all for voting on spending Tourist Development dollars for the Lagoon and then votes against the moratorium for septic tanks; the one that sticks out the most, which he feels is an embarrassment to the County, is bringing a Resolution for Puerto Rico not to be a state; this Board does not have the power to do things like that; he believes it is okay to say no, but this Board has to put the politics aside and look at what it needs to do for this County; in the past there have been Commissioners and Commissions that have only done certain things for the short term and that is what puts the County in the situation it is in right now; and he wanted the people to know they can always blame politics and politicians, but the gaming ship has to stop and the Board has to do what is best for this County.

There being no further comments or objections, the Board adopted Resolution No. 18-079, adjusting the Fire Services Special Assessment Rate within the benefit area by an increase of six percent in FY 18-19 followed by an annual rate increase equal to the Consumer Price Index (CPI) or three percent, whichever is lower, until a 15 percent increase over the FY 2018 rate is achieved.

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

Chair Pritchett noted she does not mind people having different opinions; she thinks that is what brings out the best of taxation with representation, that the Board members are all able to speak and try to come to the best decisions; she thinks a couple things probably were disingenuous of what the Board has done; and as far as the letter going out, some of it was fine, but other parts

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were a little too political. She stated her constituents are getting used to it and she is receiving less responses than what she used to receive; she feels it opens up some dialogue with her constituents so she is able to explain what is going on and what things mean; and by the time it is done, it has helped her become closer to her community. She mentioned the letter stated the Board voted for a tax increase; the Board had to send out the letters because the voters voted for higher parks and Environmentally Endangered Lands (EELS) and that is what the Board had to do; everything else was a tax decrease last year; and anyone who checks their tax bill will see they had paid less in taxes last year and hopefully it will be the same this year.

ITEM IV.C., SECOND PUBLIC HEARING FOR TEMPORARY SEPTIC MORATORIUM

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

Virginia Barker, Natural Resources Management Director, stated this is the second reading of an ordinance establishing a 150-day limited moratorium on new conventional septic systems or any system which does not provide for a minimum of 65 percent total nitrogen reduction on the barrier islands, including Merritt Island, and within 50 meters of the Indian River Lagoon (IRL) system and connective waterways County-wide. She explained the proposed changes that have occurred since the first hearing is nitrogen is contributing to the pollution, algae blooms, and fish kills in the IRL; nitrogen loading from septic drain fields is a recognized source of pollution in the IRL through ground water pollution migration; it has been determined that septic drain fields contribute approximately one-third of all new nitrogen pollution; a properly functioning conventional septic system is designed to treat human pathogens but only reduces nitrogen pollution by an average of 30 - 40 percent; and requiring higher performing septic systems where it is not feasible to connect to sewer can provide immediate additional protections to the IRL. She went on to say the Local Planning Agency (LPA) and the building contractors advisory committee both heard this item; there were no public comments at those meetings, but considerable discussions by each board; members were concerned about the definition of shoreline and how people, the septic industry, and home builders will be affected by the timing of the moratorium; these concerns were addressed with two proposed changes shown in the Agenda Packet; and that included adding top of bank to the shoreline definition and adding an exemption for people who have already contracted with a home builder for their new home. She continued additionally representatives from the septic industry met with Commissioner Barfield on Friday afternoon; Commissioner Barfield had staff and the County Attorney's Office work on clarifying the language the Board may wish to add; that clarifying language does not change what was in the Agenda Packet, it just adds examples of what systems would be allowed to provide clarity for the general public; the moratorium is temporary, up to 150 days; its purpose is to provide time to develop a more informed ordinance to address the impact of septic systems on the Lagoon in Brevard County; and ordinance preparation will consider the appropriateness of the 65 percent TN reduction standard, refine the overlay area looking at risk factors including proximity to a surface water connected to a Lagoon, depth to ground water density of development, age of the septic system, and numerous soil characteristics. She stated staff will also evaluate the feasibility of expanding sewer service to areas of high risk for septic pollution, consider how to address hardship cases, and identify potential funding sources to prevent social justice implications.

Janis Gregory stated she would like to express her support for the septic moratorium and to thank the Board for its forethought and care of the IRL.

Sara Ann Conklin stated ditto.

Philip Stasik stated the Board knows his position and he knows the Board's position which is to defend the IRL; the IRL is in serious trouble, in fact it is dying; he has done dozens of clean up dives on the bottom of this Lagoon over the years and he has seen it personally; he has been in

that muck and received a staph infection from it; he really understands the threat to the ecosystem, every resident of the County, and all of those who visit this County; and he is really excited the Board is taking this step, although small, it is important. He added he expects the Board to continue stepping in this direction; he truly supports the Board in making this step; and he encouraged the Board to continue not only reducing the number of septic systems but also approving the sewer service in this County. He went on to say the County must upgrade the sewers; it must put the money behind modernized sewer systems; for what it is worth, he thinks the Board appreciates the value of Ms. Barker, although most citizens in this County do not know about her; he thinks they all benefit greatly from her service, and her team; what they are doing benefits all of Brevard County; and he believes she deserves the recognition. He expressed he hopes the Board will support her in her continuing efforts. He went on to say this is not something that is a six-month project or even a six-year project, it is a long-term, on-going project that is so important for everyone. He reiterated he really supports this small step in the right direction; and he strongly encouraged the Board to proceed with a further septic moratorium improving the sewer systems, reducing the nitrogen load, and bringing the beautiful Lagoon back to health.

Darlene Hillers stated as the Board well knows the goal of Save Our Indian River Lagoon Project Plan (SOIRLPP) is to improve the health, productivity, aesthetic appeal, and economic value of the Lagoon; the referendum, which the citizens of Brevard County passed, was to provide a funding mechanism for the projects listed in the Plan; almost all of the projects are contingent upon additional fund raising such as matched funding from the State and Federal grant programs; in other words, the County needs more money than what will be generated by the half-cent sales tax; she believes by passing the temporary 150-day moratorium on the permitting and installation of conventional septic systems will be one more step in helping to achieve that goal; the County needs to find ways to reduce the amount of harmful nutrients from entering the Lagoon and other waterways; and the moratorium will only affect beach-side areas of Brevard County and on Merritt Island as well as mainland areas within 164 feet of the IRL and its tributaries. She explained developers, builders, and home owners would still be able to install the more effective septic systems; in her opinion this would be the responsible thing to do; she agrees with Commissioner Isnardi that the County also needs to focus on ways to extend Sewer System Services to areas that do not have it; and the Indian Harbour Beach area may need a new wastewater treatment plant, but she believes these issues should be addressed separately. She noted the utility companies need to come up with a plan on how to implement these needs; the County and city governments need to plan on how to generate the revenue needed; no one wants to see their utility bill increase, but community growth that seems to be desired by the government leaders, may merit an increase because with growth comes responsibility of how to plan for the needed infrastructure; as to the concern that there is no science to support the moratorium, she recommends that the Board read the 2018 updated SOIRLPP; it clearly states that nitrogen loading from septic drain fields is a recognized source of pollution in the IRL through ground water pollution migration, as Ms. Barker has stated; and because of the greater than projected revenue collected so far by the half-cent sales tax the SOIRLPP will be able to add new projects such as identifying leaking or broken sewer lines, and assisting property owners with the cost to repair leaky sewer connections to help with the healing of the Lagoon. She suggested the Board put some additional funds into a reserve account to cover the inevitable cost increases of future projects. She thanked the Board for taking the time to listen; and she stated she believes together they can save the Lagoon.

Gail Meredith stated she is also on the Brevard Indian River Lagoon Coalition; she supports the septic moratorium; and wanted to recognize Commissioners Barfield, and Smith along with Chair Pritchett on their leadership in this; she is so glad that someone is finally looking carefully at the septic issues and that they are willing to regulate it; a few months ago when the Board decided to give additional septic permits in the wetlands areas, the community was extremely concerned about the Lagoon; the Lagoon has gotten a lot worse since then; and she is glad to

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see the Board doing the regulation that is necessary and going to be necessary in the future for many years to bring the Lagoon back to where it should be.

Danny White stated he and his wife moved to Brevard a few years ago; they were surprised coming from Texas that aerobic treatment systems were not used more widely here; in the area they come from it is required; and they could eat the fish being caught out of the lake there. He mentioned he is all for the moratorium; naturally anyone who lives along the IRL can afford these types of systems; maybe inland and along the waterways leading into the Lagoon, it may require some sort of subsidy to off-set the costs for people of lower incomes; he definitely thinks the Board needs to take a look at that; and he noted he supports it fully and hopes the Board will as well.

Karen Moser stated she would like to thank those who are supporting the moratorium; she has always heard when someone finds themselves in a hole to stop digging and she feels that is what the Board is doing until it figures out the way forward; it was no surprise to those who were following the discussion during the campaign for the half-cent sales tax, that septic tanks were a problem, it was very clearly stated by everyone and thoroughly discussed; it was her understanding that part of that money was going to go to help people upgrade the septic systems and tying in with city water was also necessary; and this is a very similar issue in which she saw living up in Maryland with the Chesapeake Bay. She stated they passed a tax on water and sewer of \$5 to upgrade the sewage treatment plants up there; it ran into some opposition but it was passed and that has helped turn around the problem with the Bay; and she thinks the same thing can be done here with the IRL if the Board continues to work the way it is going.

George Rosenfield thanked the Board in advance for passing the five-month septic moratorium; he hopes his previous presentations to the Citizens Oversight Committee, Transportation Planning Office, and this Commission had some influence in this decision; this will give some breathing space for considering the sewage infrastructure problem and also the connection, improvement, and building of sewer treatment plants; the house he was raised in was over 120 years old when his mother sold it and it never had a sewage problem; and although he does not know where the pipes led to, they never needed repaired or replacement during all of those years. He commented maybe if the job had been done correctly in Florida, there would not be these problems now; maybe the \$10 million in excess tax money collected could be allocated towards fixing the present sewage infrastructure problem; improving and building sewage treatment plants should be at the expense of the developers building homes for the expanding populations; he inquired if the County has ever replaced the stalled impact fees; and he stated he thinks maybe those should be increased. He added the writer in Thursday's paper wrote about the science of the Citizen's Oversight Committee is incorrect; the persons on the oversight committee represent the people of the County, not scientists; the science is provided by Ms. Barker and her well qualified staff; and he has spoken with some of them, and Ms. Barker is well-founded in environmental science with her degree from Duke University. He stated Friday's paper had a well presented letter from Leslie Malone a member of the IRL Coalition, that he also follows, and the leader of the local Sierra Club; and today's paper M.J. Waters of the Indian River Lagoon Coalition had an editorial that was very well presented.

Ron Davenport thanked the Board for all the hard work. He stated he lives in Windover Farms, Melbourne, and they have a septic system there; more importantly he is not the regular home owner; he has worked for an on-site company for 50 years now; he served on the government TRAP committee; he would like to applaud the Board for this ordinance, it is a great brave first step; he encouraged the Board to keep it at NSF245; it is a standard for the industry and everybody knows it; it treats nitrogen, while there are others out there that do not treat nitrogen; and they cannot be let in because of the nitrogen issue with the Lagoon. He asked the Board to keep the standard high; he mentioned there are other places doing this; one of the ladies spoke

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about Chesapeake Bay; Suffolk County in the Hamptons is going through the same thing; and this Board can lead the way.

David Lentz stated he is a licensed professional engineer with Infiltrator Water Technologies and he is their Government Affairs Director; Infiltrators is a manufacturer of onsite treatment and dispersal products including nitrogen treatment systems; they made a proposal to Commissioner Barfield as part of the public comment process last week to expand the allowable systems from performance based systems, which were in the original proposal on May 8, to include NSF245 certified systems which treat nitrogen; this is an industry standard and published by NSF International; and in that standard, a system that is certified must treat to at least 50 percent nitrogen, so whether it is incoming on the tail end of the system after treatment, the concentration would be reduced by 50 percent. He advised his proposal was to combine NSF245 certified system with a properly constructed and maintained drain field; the drain field will contribute another 20 to 30 percent reduction of nitrogen; what this does is it expands the number of manufacturers of these types of systems from eight to about 21; and he noted he was just doing some internet research from NSF International and Gulf Coast Testing which are two organizations that are accredited by the American National Standards Institute to certify NSF245, and with that expansion there is more competition in the market place that is better for Brevard County residents because pricing is more favorable when there is competition. He went on to say his recommendation on how the ordinance is written is to provide a prescriptive list of options that are available to the designers of these types of systems rather than leaving it open-ended and letting professional engineers pick any type of system they like; and if the Board gives them a list that is based on either the Florida Department of Health (DOH) approved systems, the Florida Department of Environmental Protection (FDEP) work with the base in management action plans, or those types of technologies that he has discussed, they will have plenty of options available to design septic systems.

Stephen Chalmers commented someone said everyone should run for public office at least once in their life as either a dog catcher or President; he is amazed what people in service put up with and do; he appreciates the Board for being there whether it agrees with what he wants it to do or not; he loves the expression ready, fire, aim; he thinks taking a moment to pause as Commissioner Barfield once stated, is a good idea at this point; there are a lot of people now who contribute to the discussions and consider the choices; and there are a lot of different resources to do what people want to do.

Catherine Ely stated she supports passing this temporary moratorium on permitting and installation of conventional septic systems which will be helpful in reaching the goal of saving the IRL; she is sure the Board is aware of the dead fish along the water; it is not appealing to go fishing and this impacts the tourism industry; she completely supports the moratorium; and she thanked the Board for hearing everyone. She noted the water is absolutely disgusting right now; it is dark brown; in the barely eight years that her family has lived here this is the second fish kill they have seen; her family moved to Brevard County because it is beautiful; there was clean water when she first came here; and now there has been two fish kills.

Dr. John Windsor stated he has been working on IRL restoration and preservation for 36 years; he serves on the Citizens Oversight Committee for the SOIRLPP, but he is not speaking for them today, he is speaking for himself; that organization recommended to this Board more than \$22 million in septic system upgrades and the Board approved it; that money is going out now to do those upgrades; it seems illogical to him to be adding new septic systems when the County is paying to have other septic systems taken out; there's another \$50 million in septic system upgrades coming in future years of the plan; and he strongly recommended to the Board to consider this moratorium and come back later with some good ideas from Natural Resources and from the citizens of this community for dealing with the septic system issue.

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Vince Lamb stated he served as the Chairman of the Save Our Indian River Lagoon Political Action Committee that tried to help pass the referendum; he also has a vested interest in the Lagoon; he is a member of the steering committee of the Coalition, although he is speaking on his own behalf today; he strongly supports the moratorium and the concept of requiring the advanced septic systems within 50 meters of Lagoon and the waters that lead to the Lagoon; and he thinks the details of the ordinance will be very important, so he is glad there will be up to five months to get the details right. He noted he has looked at the advanced septic tank industry, a merging industry; it reminds him of the automobile industry in the 1900s in terms of small manufacturers, the change in technology, and lots of different approaches; and he thinks this is good, but the County needs to find its way to a truly effective ordinance. He continued with the coalition, they have been working to bring representatives from other water bodies to Brevard County to share information on what has been successful; they have had representatives of the Chesapeake Bay and recently Tampa Bay; a common element of these success stories are elected officials who have made difficult decisions to stand up and protect their water bodies; perhaps this is a difficult decision for some of the Board; however, it is an opportunity to stand up and protect the Lagoon.

Roxanne Groover, Executive Director of the Florida Onsite Waste Water Association, stated she agrees with a lot of the speakers today; the industry supports moving forward and understanding that conventional septic systems are not taking care of Florida's waters as it relates to nitrogen reduction; she applauds the Board, Ms. Barker, and Ms. Barker's staff for working so diligently to make sure the County has available options in the on-site industry; she is working towards a marriage of all kinds of onsite waste water treatment and waste water treatment in the state of Florida; and to make it easier, after talking a lot about different types of systems, she agrees with Mr. Lynch that the 245 needs to be the standard opted in the State. She went on to say it certainly is an indicator of a strong waste water treatment system that has passed rigid third party testing; currently it is not written into the Code so for the Board to be able to make sure it is adopted, those 245 systems can be used because it is a specific protocol written for nitrogen reduction systems; she would also encourage other systems with the additional use of low pressure dosing and a shallow trench or strict irrigation; to make it a little easier she has actually made a handout with QR codes so if anyone wants to go to any of those different technologies that are standard through NSF40 or 245 it will take them directly to the link for more information; and she thinks as communities such as Brevard and the State of Florida keep moving towards looking at nitrogen and understanding that OSTDS can be part of that wastewater challenge that is out there, she thinks they will see more of these standard 40 systems go over in test to NSF245. She continued she sits on the joint committee and one of the challenges she has had is that manufacturers did not see a need to test for nitrogen; she thinks communities such as Brevard County are letting the manufacturers know there are concerns with the waters; she knows OSTDS can be part of the solution but the County needs to prove to them that it can treat nitrogen; and that test is very, very helpful in that determination. She commented with the Board's permission she will leave the information with the Board.

Helen Voltz stated she is probably going to be one of those who is not in support of this ordinance; she inquired 150 days to do what; she stated she is not sure what the County is going to be doing in that 150 days; new septic tanks are not going to be put in; new sewer systems are not going to be put in; it is going to be another study to do something else down the road; something should have been done before now; and she mentioned there have been years, and years, and years to determine there is something wrong with the IRL and nothing has been done. She inquired why not and why now all of the sudden this has to come up; she advised that new septic tanks will help, but people are not going to get new septic tanks after 150 days; she asked then what happens, the Board extends the moratorium for another 150 days until everyone has their ducks in a row to be able to put in new septic tanks; she is not sure how that is going to get done because she knows how government works and how slow it is; and she noted she would speak against this ordinance only because something should have

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been done a long time ago and it has not been done. She added her son is a boater who goes to the ocean to fish because he cannot eat the fish from the IRL; he takes his boat up and down the IRL just to go boating; she and her son would love to see the IRL cleaned up, but she thinks there is a better way to do that; increasing the sewer system has got to be number one, which the County is going to need money for; people are going to need to be able to hook up to it, which not everybody wants to spend the money to hook up to it; and she believes the increased septic tanks will help.

Chair Pritchett stated the fishermen in District 1 are catching some really nice fish at Mosquito Lagoon if anyone wants to come out and do some fishing.

M.J. Waters stated she is the President of the Board of the Indian River Lagoon Coalition; she thanked the Board for seriously considering this, she never thought in a million years that she would be standing in front of a government body talking about septic tanks; the board whole heartedly endorses the passage of this as the first step in taking a look at what can be done to reduce nitrogen in the Lagoon because that is the big problem; one of the things to remember is it is not just leaky septic tanks, it is sewage systems that need repaired, it is residential fertilizer, it is stormwater runoff, and it is the muck that regularly re-releases nitrogen; and this is not an either/or proposition, every single one of these has to be addressed concurrently as much as possible. She noted this is a great way to further address the sewage problem. She continued even a properly functioning conventional septic system reduces nitrogen pollution by only 30 - 40 percent, whereas some of the advanced systems can get closer to 70 or 80 percent; one of things she was shocked to learn is that while all of this is going on, where they are looking at sewage and septic tanks, the Florida DOH is approving new septic permits in Brevard County at double the rate of the removals and upgrades that are in the 10-year Plan; that is a Florida law and Brevard County does not have a say in it; she suggested the Board take a look at some of the State representatives and ask for their help at the State level; if DOH is still approving conventional systems at the same time that the County is taking them out, then the right hand does not know what the left hand is doing; and while the County has the five months to study this, that would be a great time to figure out what the appropriate steps are to mitigate the problems and also take a look at the impact on the homeowners, which she knows the Board will do. She added she knows the Board will make this palatable to people; when people are building a new home it is just as easy to put in an advanced system as it is to put in a conventional one because the cost can be spread out over many years; they applaud the Board's consideration of this; the community is very passionate about the restoration of the IRL; she is a volunteer at the Brevard Zoo where she chats with families and visitors; and not a day goes by that she is not asked what is happening with the IRL.

Anthony Dutton urged the Board to vote to adopt the proposed ordinance on the five-month moratorium; he stated he believes most everyone agrees that action must be taken soon to restore the IRL's water quality and to secure the \$2 billion in benefits the restoration will provide; and to avoid the \$4 billion in damages that will result if the Lagoon is not brought back to health during the next decade. He continued the County must focus on ways to extend and pay for sewer service to those developed areas of the County that do not have it, especially those located beach side; little will be lost while avoiding for five months the installation or renovation of conventional septic systems while the County decides what is the best way to proceed; and he asked the Board to please vote yes on the moratorium.

Linda Behret stated she is speaking for both herself and the local Sierra Club Group, the Turtle Coast Sierra Club; they are all in favor of passing the temporary moratorium on septic systems; 15 years ago when she and her husband were looking for a house in Brevard they came down to a choice of two houses; one was on Merritt Island and had a septic system and the other was in Viera and on sewer; they chose the house in Viera and have been very happy there; and part of the consideration was definitely that they did not want a house on a septic tank. She added

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that was before she knew was much as she does now about what septic systems can do to the Lagoon. She continued it may not be the only cause of pollution in the Lagoon but it is one of the biggest sources of pollution for the Lagoon; anything that can be done to remove that pollution has to be a good thing for the Lagoon, tourism, and the real estate industry; and for all those reasons she would urge the Board to pass the moratorium.

Dan Peterson stated he works with the James Madison Institute and this is an area that he has followed for some time; as he was reading in the newspaper recently about this particular vote coming up, he was in contact with Commissioner Isnardi who suggested he come to the meeting and share something that is going on in Central Florida regarding the Basin Management Action Plan (BMAP) system; these are designed to protect Florida's aquifer and springs; tomorrow there is going to be a meeting that FDEP will be holding in Orlando; and they will be presenting the results of their plan for the Wekiva Springs basin area. He added Wekiva Springs basin area is a spring that has about 55,000 homes with septic systems in it; they have narrowed that down to 25,000 that are a primary focus area; these are the things they will be presenting tomorrow; he got this information from Drew Bartlett, the Deputy Director of FDEP and in charge of all the restoration projects in Florida; this is perhaps more information regarding the future, but it is interesting to see the approach that they are beginning to take; and obviously this is subject to change, but these are some of the things that are going to be there. He explained the four big moving parts to the Plan, and it is only for the primary focus area in the Wekiva Springs area, are first is new construction on lots that are less than one acre and will be required to either connect to a sewer or use a nitrogen reducing septic system; secondly, beginning on July 1, any County involved in this area is going to do an assessment, assessing the homes in the primary focus area to decide if they are appropriate for sewer or if they need to use some sort of nitrogen reducing system, then they will move forward from there; they will have five years to do that; the DOH will need to come up with a set of rules and approvals of the kind of systems that can be used in that area which may be a template for all over Florida; there is not a lot of detail with that but it will be coming; and the FDEP is really in charge of putting together the funds. He noted the reasoning is, if this is going to be a public benefit then the public should be paying for it; the DOH and FDEP have three ways, in which those required to use nitrogen reducing systems, there are three general categories and evidently they have approved a completely passive none electric septic system that operates like a conventional system but it is underlined with wood chips; the wood chips will reduce well over 65 to 70 percent of the nitrogen that comes from those septic systems; that is a big change and should be good news to home owners because the other systems are all electricity driven which is a dangerous thing in Florida with the number of times the power goes out; some of these systems being offered have yet to be field tested; and all the homeowners will be able to choose the passive system using the wood chips, the anaerobic systems, or the advanced systems. He went on to say the existing septic systems that are there, when those systems fail is when they will be required to use a nitrogen producing system; a lot of the homeowners in that area will not have to do anything for a number of years, but upon failure that is when they will have to replace their system; then of course there are the existing systems which are nearby enough to be connected to sewer systems; and the taxpayer money will fund the extension of sewer systems and the homeowners will be required to pay the cost for connection to those systems. He stated that is a thumbnail of what is going on over there and he hopes it will help Brevard County in its future planning.

Roland Van Arsdale stated he is there to applaud the Board for finally moving forward with something to get the Lagoon back to where it used to be; he applauds the moratorium, but he would hope that it is not getting in the way of doing additional work with the expansion of the sewers because he thinks it has to be more than a single solution; and the professionals have gotten into that part more than he can.

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Lew Kontnik stated he wanted to thank the Commissioners who have brought this moratorium forward, and Ms. Barker and her staff for the work they have done; he wants to focus on leadership and the signal that the Commissioners are either sending or not sending; most people know the facts; 82,000 septic systems in Brevard, 60,000 contributing nutrients to the Lagoon, septic systems accounting for like 30 percent of the new pollution into the Lagoon each year, and the hundreds of new septic systems being permitted each year; the community voted 62 percent and some are in attendance asking the Board to please help fix the system; and he sees it is really incumbent on the Board to exercise its leadership and adopt this important five-month moratorium so the County can do the evaluation rather than taking a position that communicates a weakness that the Board is powerless. He noted Tampa Bay, Chesapeake Bay, and other estuaries have demonstrated when people come together as a community and as a political body of leaders they can revive these estuaries; the community needs the Board to send the message today that it values the Lagoon, that it is taking steps today to improve it, and that the community will succeed in restoring the IRL with abundant with seagrass, fish and birds, and a place where families can enjoy.

Carol Hamilton stated she is in favor of the moratorium; she thinks it is a good first step; the best step is to have the proper infrastructure in place before development occurs; she previously owned a home with a septic system in another state and even though it was pumped out on a regular basis, it would occasionally overflow putting raw sewage onto the ground; when they had parties they would have to rent port-a-pottys; when the home was sold, the sale was subject to a successful Health Department inspection; and she inquired why that is not done in Brevard County. She went on to say there is no Health Department inspection prior to closing that she is aware of; everyone knows what the problems with the Lagoon are and the County needs to come up with solutions; and this moratorium is the beginning of the solutions.

Elizabeth Rademaker stated as a concerned homeowner, the numbers have not come out on how much the new system will cost; she has done some research and she found that a regular system costs anywhere from \$8,000 to \$10,000; a new system will cost anywhere between \$16,000 and \$25,000, which is two to three times more than the normal system; an engineer is required to design it which adds more costs; and she believes every two years people will have to pay to have the Health Department come out to inspect it which is another additional cost. She stated everyone was talking about how much money for the Fire Department and she wondered if the Board was concerned about the money the homeowners have to pay out which is three times more than a regular conventional system.

Commissioner Tobia stated her was initially concerned about the lack of science underlying this moratorium and he asked Ms. Barker in an email whether there were any studies that supported it and she responded very few papers provide units of loading per distances; that was a week ago and he knows Ms. Barker is on top of things, so he inquired if she has found any additional data supporting the moratorium of septic tanks miles away from any body of water, since he received her last response.

Anthony Gubler, Save Our Indian River Lagoon Program Environmental Specialist, replied what the science is showing is that past about 200 meters it becomes a non-point pollution source; they can follow the plume until around 200 meters and after that they cannot say that the nitrogen is coming from a specific plume; and they see signatures of septic pollution but it cannot be pinpointed as to where it is coming from.

Commissioner Tobia inquired if there is a method in which Natural Resources will be able to identify that plume's origin after the 150 days.

Ms. Barker responded her team has been working on a scope of work to implement depending on the Board's vote today, that would take the County and divide it up into 10 meter wide slices

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with different distances from the Lagoon, its connections, or its tributaries; there would be a sliver of all septic systems between 30 and 40 meters from the Lagoon, from 40 to 50 meters, 50 to 60 meters, all the way out to 200 meters from the Lagoon; then there would be another slice at 300 meters, 400 meters, and 500 meters; and that information would be run through statistical monte carlo analysis using the State approved septic model to provide answers of how important the pollution is coming from septic systems at those different distances.

Commissioner Tobia stated on another Item there were a number of individuals who stood up concerned about regressive fees; one individual talked about how \$10 a year was a lot each month as she was living on a fixed income; one speaker just came up and talked about her research; and he inquired on Ms. Barker's research what the additional cost would be to consumers to get the anaerobic versus the conventional.

Ms. Barker explained as previously discussed there are currently over 20 different technologies out there so depending on what the home owner chooses, they could go with an ATU base system or with a performance based system; the NSF245 certified ATUs cost between \$9,000 and \$15,000 to install compared to the conventional that are in the \$8,000 to \$10,000 range; those systems do not have the delta that the last speaker brought up; and she advised it is the performance based systems that are in the \$18,000 to \$25,000 cost bracket.

Commissioner Tobia asked what that delta is. He explained he would imagine a regular consumer would say they were looking at the most affordable option that would meet the ordinance; and he inquired again what that delta is whether it is performance or nonperformance.

Ms. Barker stated at the least cost delta would be \$4,000 and it could go up significantly from there depending on the site constraints and owner interests.

Commissioner Tobia stated the best case scenario then is an additional cost of \$4,000; the Board heard about regressive taxation; and he inquired if that \$4,000 would impact smaller homes the exact same way as it would impact larger homes.

Ms. Barker stated she has not analyzed that; the only thing she can think of off the top of her head that would be different is that smaller homes with fewer bedrooms would require smaller systems; the delta may be less for homes with fewer bedrooms; and she reiterated she has not asked the industry that specific question nor has she compared those costs.

Commissioner Tobia asked at a minimum it would be a \$4,000 increase for the smaller homes.

Ms. Barker replied approximately.

Commissioner Isnardi explained she has stated from the beginning that she is not against some changes to the septic systems; what she is concerned about is that if the Board moves forward with this and installs all these fancy new systems in the newer homes, which by the way do not have the impact as repairing those broken systems that are probably causing most of the damage to the Lagoon, and any lack of sewer out to these old systems that probably should have had sewer a long time ago, that it will probably become less of a focus not just of the council but of future Commissions; she thinks back when they all had discussed this, she stated the Board needs to prioritize sewer and a new sewer plant on beach side, she did not say only that, and she thinks it is being a little misrepresented here today, she just stated that should be the Board's priority; the fact that the Board has rushed through another plethora of projects where they have education, hire more people, and doing all these things instead of repairing the sewer that caused the County to dump all that sewage into the Lagoon, is concerning to her; and she will not apologize for being hesitant to jump on this sewer kick because it feels good.

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She added she thinks there are things the County can do concurrent with one another, but the Board should take the leadership role and prioritize expanding sewer lines and sewer plants so the County can handle the capacity and not have to dump into the Lagoon; when talking about pollution and nitrogen that is it, dumping millions of gallons of raw sewer into the Lagoon; that is always going to be her priority; it does not mean anything else takes a back burner, or that everything else is a no, it just means that is where she believes the focus should be right now; and if the Board puts its time and effort into taking care of that, she does not believe the newer systems are going to matter quite as much, or have the long reaching impacts if the County is providing sewer to these properties. She went on to say she is not going to support it; she thinks it is ill-organized; and she does not think a moratorium should be done to find out if it is beneficial, she thinks if the County focuses on what is broken now and what it is doing to harm the Lagoon instead of helping it, then that is where the priority should be.

Commissioner Barfield repeated what he said the first time this was brought up, the Board needs to take a pause; he stated it needs to make sure it has everything in order before it takes any regulatory action; he believes this is the best route to go; as one speaker said to stop digging a hole, and he thinks that is a good way of looking at it; he thinks the Board should go ahead and do this; and like he said before, action has not been taken on this as it should have been done a long time ago. He reiterated he thinks this is the best route to go because it gives the County a chance to look at all the regulatory opportunities and gives it the opportunity to work with DOH to hopefully bring it back in less than the 150 days.

Commissioner Smith stated Ms. Barker was talking about different distances, but really the distance to be concerned about most is the first 50 meters from a tributary; and he inquired if that is correct, because that is where the most detrimental influence occurs from the seepage of nitrogen and phosphorus into the system.

Ms. Barker replied affirmatively. She stated there was one study in the southern Lagoon that is the basis of what is in the Lagoon Plan where they looked at systems that were within 50 meters of the Lagoon and systems that were within 200 meters of the Lagoon, and then everything that was further away than that; right now they only have distance in those three categories; if they had more information, finer slivers, then the Board may be able to optimize its decision making better than only having the three; and she explained this would tell if they need 50 meters versus 30 or 40, or if they need 70 meters to capture the majority of the impacts.

Commissioner Smith asked when she anticipates the Board will have this information.

Ms. Barked responded it would be during the 150 days.

Commissioner Smith stated given that they know the proximity is important to the detriment of the IRL when discussing septic systems, he is guessing that if someone lives within 50 meters of the IRL, it is probably a house on a property that is worth a considerable amount of money versus houses that are perhaps 80 to 200 meters away; he thinks there is a responsibility that goes hand in hand with the ownership of that property; if someone owns a property within that distance and there is no sewer, he thinks it should be incumbent upon the homeowner to have the desire to do what they can to have a septic system that will protect the IRL; he noted that is his own opinion; and he can put his money where his mouth is, because when he was faced with putting in a new septic system 12 to 14 years ago, he did the research and replaced his with the ATU. He went on to say he thinks it is important that people understand if they are going to clean up this Lagoon then everyone needs to start taking responsibility for it.

Chair Pritchett commented everyone is going to have to pay sooner or later whether they are on septic or sewer; there will be more costs coming; the Board probably should have started this a while ago; there are a lot of old pipes underground that are leaking in the sewer system and

there are leaking septic systems; these changes are going to have to be made; the County is starting to have a water issue on top of the Lagoon issue; and she thinks the County needs to continue changing out the systems as much as it can on items that the County can use the Lagoon funds for. She added a lot of them are already done; she thinks they are doing a great job with that; she thinks they need to work on getting the newer systems in; there will be increases in the sewer costs with the County and the municipalities; where she lives it has already increased over 15 percent in a six-year period of time to start lining the pipes; and the County is going to have to start following suit on that. She noted if the County needs to build new systems it probably needs the users to pick up the cost of doing that; it is not just the septic users that will be paying more, those on the sewer systems will also because the County has to take care of its waste; it is the proper thing to do; she thinks they are all good suggestions that she has heard today; and she thinks the County needs to get working on them.

There being no further comments or objections, the Board conducted the second public hearing and adopted Ordinance No. 18-13, establishing a 150 day temporary moratorium on the installation of new onsite sewage treatment and disposal systems (OSTDS) or conventional septic systems that are not capable of reducing total nitrogen in effluent by at least 65 percent on the barrier islands including Merritt Island and within 50 meters of the Indian River Lagoon System including all natural and manmade tributaries; providing findings of fact; providing definitions; providing for exemptions; providing for extension, expiration; providing for conflicting provisions; providing for severability; providing for area encompassed as County wide, including municipalities and the unincorporated areas; providing for an effective date.

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

The Board recessed at 12:07 p.m. and reconvened at 12:12.

ITEM V.A., JETTY PARK FOLLOW UP REPORT

Frank Abbate, County Manager, stated the County Attorney's Office was asked to come up with a variety of options; he had some discussions with the CEO of the Port who had some dialogue based on Natural Resources Management Director, Virginia Barker, looking at some Port property related to muck removal and if there was any ability to use that property; however, that is only in preliminary discussions.

Eden Bentley, County Attorney, stated there are three big categories; the Board can sell the property, it can reject or remove the Port, or negotiate with the Port; she provided to the Board, in Subsection 2 a variety of subsections for each of those categories; depending on which route the Board wants to take, the details can be refined according to the Board's direction; with that information from Mr. Abbate, the Board does have opportunity for exchanges of property with real estate; she has not explored that in this report; and that is something that could be addressed in some way if the Port were willing and County were interested in that option.

Commissioner Smith stated in view of the fact that the Port is in this County, and many of the Commissioners are acquaintances and or friends of his, he does not want to create some kind of hostile atmosphere between the two entities; he thinks it would behoove both Boards to come together and do some face-to-face negotiation, friendly negotiation; and he fully understands

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that friendly situations can become unfriendly, but at the end of the day, they are still friends. He commented it is one thing to have a disagreement, but it is another thing to become disagreeable; he thinks there are mature people on both Boards that can sort those differences out; and he thinks that would be the appropriate first step.

Commissioner Barfield explained the issues with this is the County paid \$862,000 in the late 1980s with beach and riverfront referendum dollars; those dollars were voted on by the taxpayers; they taxed themselves to buy beach and riverfront property and this was part of it; the Port at this point does not want to pay what the County paid for it without any mark up or inflation; the problem with that is the taxpayers paid for that; if that property were to be sold at a lesser price, then the taxpayer is actually paying for the Port; and there is no taxpayer money going towards the Port. He added even more than that, there have been discussion lately about using that money for something else, like the Lagoon; if they pay the County for it, they would be able to tell the County where to spend that money; that would be like selling a person's house and then telling the person what to do with it when they buy it; that is not the way it works; the point is the County has done everything it can, it is only asking what it paid for the property; the Port has done work to that property by adding a retention pond and a road, but that does not really affect the County; and he knows the Board could probably sell this and make more money, but he wants to give the Port one more chance to buy it. He went on to say he wants the Port to know that the County is serious about selling this property; and he asked attorney Bentley if the County were to sell this property to someone else and their access is cut off because it is landlocked, if they could make a Burt Harris claim against the Port.

Attorney Bentley stated she does not think so, that is a proprietary issue not a regulatory issue.

Commissioner Barfield inquired even if the Port denied them access.

Attorney Bentley stated there may be ways they can go after the Port, but those would be private actions.

Commissioner Barfield stated he just wanted that on the record.

Attorney Bentley stated there may be implied ways of necessity out there depending on who purchases the property, who may have rights next door, and that sort of thing; she does not know all the different access points to all the parcels in the area; and that would have to be researched.

Commissioner Tobia stated in his opinion the Port insulted this Board when they came back with an appraisal of \$192,000 on beachfront property; the Property Appraiser values it at nine times that amount; there was an appraisal a few years old that was at \$2.4 million; if he had his choice he would pull back the \$862,000 offer, but he thinks the Board needs to have all its ducks in a row if it allows the Port a little more time; Board action number two directs staff to advertise and put the property out to bid, subject to all the existing conditions, letting the purchaser know there is a hold over tenant, there may be some access issues, but what this would not do is require the Board to sell it; however, it would allow for a fair market value. He added if this were a difference of 10 or 20 percent maybe the Board could negotiate that 10 or 20 percent; he is going to go with the County Appraiser who valued it at more than 10 times the amount; he does not believe the Board has the negotiation skills to increase the Port by a factor of 10, so he would like to go with option 2 directing staff to advertise and put the property out to bid subject to all conditions with the understanding that this provides the County with a better bargaining chip; if the Port really does believe the property is worth \$192,000, then it could bid that price and if they were the high bid they would receive his vote to purchase for that market rate; and he noted this does not obligate the County to sell it, it just gives a fair market value so if the County chooses to go into negotiations, it actually knows what it is worth. He stressed the

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County states \$2.4 million and the Port stated \$192,000; this is a great difference so how does the Board solve it, very easily it lets the market determine that; that is option two; and once everyone has given their opinion he would like to make a motion for option 2.

Commissioner Isnardi stated she agrees with Commissioner Barfield that this property was paid for with tax dollars so the Board has to be cautious of that; the back and forth and what is public and what is not so public with the Port Commission has been insulting; the fact that the Port does not want to pay what the County paid for it is ridiculous; and the fact that they want to do land trades and tell the Board what it can do with those monies is beyond her. She went on to say she is up for selling the property or putting it out to bid, whatever the majority of the Board wants to do.

Chair Pritchett stated she loves the Port; she loves what they are doing and the tourism coming through; she would love to continue a good relationship with them; and she inquired when the County first bought the land for \$862,000, if that was the market cost of the property at the time.

Attorney Bentley stated it was purchased and it was condemned; there were a number of parcels that had to be condemned; there were some additional costs because of condemnation; she believes the parcels were negotiated purchases; the County had appraisals on them; and it was basically fair market value.

Chair Pritchett stated her point with that question was she wanted to make sure the Board or the County did not over value it when it bought it; she thinks Commissioner Barfield makes some great points; the Board has a fiduciary duty to the Brevard County citizens to not lose money on things that the Board purchases on their behalf; on that note, the Board probably should be doing the accelerated future value number on the dollar amount the County spent; she would still like to have good relations with the Port; and she would hope that genuinely good attitudes would rise to the top and there would be negotiations. She added they are all Brevard County citizens so it is common sense in her head and she is looking for that outcome.

Attorney Bentley stated she would recommend that the Board look at the items that would require a supermajority vote or a simple majority vote when making its decision.

Chair Pritchett asked if Attorney Bentley would let the Board know if it made one what it would require.

Commissioner Barfield inquired if it is possible for the Board to do it by a certain day, if the Board and the Port have not worked it out, that they could go ahead and advertise.

Attorney Bentley responded if there is a supermajority vote.

Chair Pritchett stated Commissioner Isnardi had a good question, how would the Board determine if they got something to work out.

Commissioner Barfield stated if they want to buy it at cost, if not then it would go out to bid.

Commissioner Isnardi asked if that was the only option.

Commissioner Barfield responded affirmatively.

Commissioner Tobia stated he thinks Commissioner Barfield has a great idea to come up with a gap period; he does not want to wait the entire month of June; and he asked Mr. Abbate how long ago he sent that letter.

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Mr. Abbate stated within the last month he sent a second letter; the second letter reiterated the offer and that he did not see or believe that the nominal lease was a viable option; the first letter was sent 60 - 90 days ago; and the last was within 30 - 45 days.

Commissioner Tobia clarified by saying the County tendered an offer three months ago; the offer was put out again within the last month or two; he thinks Commissioner Barfield is correct in giving them one final opportunity because in fairness it is going to take some time to put this together for advertisement; and he inquired when the next Port meeting is.

Mr. Abbate stated he was going to suggest the Board make it a short time period after their next meeting that way they would have the full opportunity.

Commissioner Smith stated it does not need to know right now, it can just be stated so many days after the Port's next Board meeting.

Commissioner Tobia motioned for option 2 to direct staff to advertise, put the property out to bid subject to all conditions, at a time that is 10 days past the next Port meeting.

Jim Leisenfelt, Assistant County Manager, stated May 30, is the next meeting for the Port; and they have one June 27; and no meeting in July.

Commissioner Tobia finished his motion adding the date to be June 9; and in the meantime, staff can work to put the advertisement together so the County is ready to drop it the following day.

Chair Pritchett noted this does require a supermajority.

The Board approved Option 2, to direct staff to advertise and put the property out to bid, subject to all existing conditions, ten days after the next Canaveral Port Authority board meeting of May 30, 2018, giving the Port the opportunity to consider the Board's offer.

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

Commissioner Barfield and Commissioner Smith were excused from the meeting at 12:30 p.m.

ITEM V.C., AMENDMENT TO INTERLOCAL AGREEMENT REGARDING REHABILITATION AND TRANSFER OF A PORTION OF SOUTH BABCOCK STREET, MELBOURNE

Frank Abbate, County Manager, stated this Item is an amendment to the Interlocal Agreement with the City of Melbourne; he is pleased to report he was successful in having a very productive exchange with both the City Manager and the City Engineer; this Item relates to drainage under Babcock during the period of time after the County entered into the Interlocal Agreement; there was video taken of that drainage system which showed problems with it; and through efforts between both parties they came up with this amendment to the Interlocal Agreement which would extend the CRA for one year and dedicate the funds relative to the lining and other improvements needed in the drainage system to assure it works well over time. He continued the City and the County came up with this language in such a way that they would be splitting costs for the repairs that occurred and any dollars left would be dedicated for any overruns relating to the project from the County dollars or TIF payments; he is hopeful in

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bringing this back to the Board today to keep the project moving forward because it is important to the City and the County; and it is important to everyone who drives on Babcock.

The Board adopted Resolution No. 18-080, and executed Amendment to Interlocal Agreement with City of Melbourne and City of Melbourne Babcock Street Community Redevelopment Agency extending the CRA termination date by one year to September 9, 2024, in order to provide funding to perform repairs to the drainage system underneath the portion of South Babcock Street that is being transferred to the City of Melbourne.

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

ITEM V.B., WORKPLACE VIOLENCE/CONCEALED CARRY POLICY BCC-05

Jerry Visco, Human Resources Director, stated he is bringing back an updated Workplace Violence Policy; he took direction that was provided by the Board when it first approved the Policy at the last Board meeting; it includes some updates to the language; and he is just bringing the Policy back for the Board approval.

Chair Pritchett stated she thinks it is a great piece of work.

The Board approved revision to Policy BCC-05, Zero Tolerance of Workplace Violence, pursuant to Board direction on April 24, 2018, and additional changes recommended by staff.

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

Philip Stasik stated it has been suggested that it is a good idea for the ranking file County employees to be carrying weapons while at work, it is not; weapons, specifically guns, do not de-escalate conflict; the truth is all of Brevard County employees face conflict at work on a regular basis, sometimes on a daily basis; adding a gun to a conflict does not make things safer; it does not make things safer for the employees themselves, nor does it make it safer for the citizens of the County or visitors; having a gun in an equation can escalate a simple shouting match or shoving match and with deadly incident; and allowing or even encouraging employees who rank in file employees who have guns at work, he believes increases the risk to everyone. He continued people might argue that there is a second amendment right to carry a weapon and why should that be taken away from people at work; the truth is, the rest of the people also have a right to life, liberty, and the pursuit of happiness; when someone with a weapon takes away a life that is clearly a conflict of their rights; he asked the Board to please step away from this Policy; and he noted Space Coast Progressive Alliance believes that guns are the problem, not the solution.

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Commissioner Isnardi thanked Mr. Stasik because even though often times they do not agree on many issues, he is always extremely respectful and offers something to the dialogue; respectfully she would have to disagree with him for obvious reasons; she noted Mr. Stasik is assuming a concealed weapons carrier or someone who has a permit is not responsible; she would caution that he is among concealed weapon carriers all the time, that he is not aware of; and for her, she feels safer if someone in her office has a concealed weapon with them because of the times people live in, because there is an unstable environment in this world, and people get angry. She reiterated she would much rather have someone at work protecting herself or others with a concealed weapon than not have it; she thinks this is a great Policy change; and she thinks Mr. Stasik should have more faith in people because concealed carry people are responsible people. She went on to say people who are active shooters and shoot up the workplace are not law abiding citizens; and she will respectfully agree to disagree.

Mr. Stasik noted it is one the great debates of his time; as they say, all politics is local; so it comes down to the School Board and the County Commission to be debating gun laws, which he believes should be settled at a higher level and should have been done long ago; the truth is everyone recognizes that there is a problem in this country; children are being murdered in schools and that attracts attention; however, the picture is so much larger and in his experience when a weapon is added to a conflict situation, it just escalates it. He went on to say he is a retired airline pilot; he was trained over and over again; when in an aluminum tube people must face people and undoubtedly there will be conflict; he was trained to deescalate that type of situation; it is very hard to control a situation when a gun is involved; the truth is adding a weapon is an additional variable to a conflict situation that people do not want to have there; and when someone who is in a face-to-face or hand-to-hand fight and feels the necessity to defend themselves, they will go to that weapon; and he reiterated what Commissioner Isnardi stated, he will just have to agree to disagree.

Commissioner Isnardi stated once again Mr. Stasik should have more faith in people.

Mr. Stasik stated he does have faith and confidence; he indeed has friends and family members who are concealed carriers; but he wishes the County could do better than this.

Commissioner Isnardi stated she wished everyone had the right to defend themselves no matter where they went and she is hoping this Policy will help the community get there.

Mr. Stasik thanked the Board for listening to him.

ITEM VI.F.1., REQUESTING THE FLORIDA ATTORNEY GENERAL TO JOIN SUIT CHALLENGING DACA

Chair Pritchett explained this Item will be moved to Thursday night, but she has two speaker cards so if anyone would like to speak now that is fine.

Sanjay Patel stated he was a year old when his family arrived in America; his parents did not have any money, they did not know the language, and they did not have the correct papers to remain in this country; it was President Reagan that gave his family a pathway to citizenship and he is beyond grateful to be an American; because of his story he identifies deeply with the dreamers; he wonders after being brought here as a toddler what he would do now if the government tried to deport him to a country he does not know; and if President Reagan had not made it possible for him to become a citizen he could not image the hell or the limbo he would be in right now stuck between a place that is his home and a place where he does not know anyone and they do know him. He continued last year he found a note in his parents basement for a donation they made in 1989 to the Ellis Island Foundation; back then \$200 was a ton of

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cash for his family; it said his family name has been recorded on the American Immigrant Wall of Honor; it said that it would serve as a testament to the heroism and triumphs that his family had experienced in coming to America for the first time; and the many thousands of visitors who come to Ellis Island each year would recognize and respect his family's role in fulfilling the American dream of hope, freedom, and opportunity for all. He stated this is his American story; they are the destination of dreamers, the land of opportunity, the worlds melting pot; and anything that this Commission does to threaten dreamers, the most vulnerable immigrants who came to this country as children without their knowledge or consent, sends a message to the world that it has drifted from its fundamental values and from its proud history as a nation of immigrants. He inquired what the country has to lose by protecting the dreamers, absolutely nothing; they contribute \$2 billion a year in taxes; they are ineligible for American social programs including cash assistance, food stamps, and Medicaid; and their incarceration rate is less than one percent, which is lower than those who are born in this country. He added it was actually Ronald Reagan who coined the phrase, "Make America Great Again" in a speech about immigrants; he said these families came here to work, to make America work, they did not ask what this country could do for them, but what they could do to make this refuge the greatest home of freedom in history; they brought with them courage, ambition, and the values of family, neighborhood, work, peace, and freedom; they came from different lands but shared the same value and the same dream; and Ronald Reagan believed that immigrants and an administration that supports them would truly make America great again. He announced by fighting against DACA, it is destroying that dream for many, destroying America as the destination of dreamers, and for all of them and for the World, he hopes no one will support this Agenda; and in addition to being un-American, it detracts from this Commissions ability to focus on the important issues in this County, which is its job, like the County Services, the roads, and the Lagoon.

The Board of County Commissioners, in regular session on May 22, 2018, tabled consideration of the resolution requesting Florida Attorney General to join suit challenging DACA to the May 24, 2018, Zoning meeting.

ITEM VII., PUBLIC COMMENT

Sara Ann Conkling stated there has not been a lot of public hearing on the public budget that will be finalized with Department heads next month and finally presented as a tentative millage rate in July; this is the first year she has noticed there has not been a lot of workshops for the Budget and not a lot of transparency; she just wanted to convey some budgetary priorities that she would hope the Board would consider this time around that are important to not only her but she feels she is speaking for the majority of the local Democratic party, which she is governmental affairs for; and she would like to speak about three things that not only relate to the Board but also relates to citizens of the County who would benefit. She noted the first thing is there is an automatic cut scheduled this year for the Community Action Agency which is the only agency that prevents homelessness of the poor in the County; it was scheduled last year and was put back in at the 11th hour because of the hurricane, but is scheduled for immediate elimination this year and she would like that money put back in the budget so the County is not placing the most vulnerable citizens out on the streets; and she added these are the poorest of the poor in this County and somebody needs to speak for them in terms of the County's budgetary priorities. She continued secondly, there are some library hours that were cut approximately 10 years ago as part of a horrible budget year in which the County had to make some really painful cuts; this item she believes is pretty much relatively neutral and just needs Board direction for any new revenue to be used to restore those hours to the Library; she thinks the citizens would really appreciate having the Libraries open more because Brevard County libraries are full and bustling with activity; and she asked the Board to consider that. She went on to say last but not least, the County needs a transit plan which is not an embarrassment to the County; this County only contributes \$3.21 per capita to public transportation, whereas

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Volusia County contributes \$22.44 per capita for transportation; the County needs \$4 million additional monies to even make the transportation system come into respectability, so she suggested to the Board, instead of throwing in an extra peanut this year, to please think of a long term plan to get the County to an acceptable level for funding public transportation; and she thanked the Board for its time.

Janis Gregory stated in 2017 she attended the wonderful and educational Brevard Citizen's Academy; it is something she would highly recommend because they take people through County government; they take them through the budgets, the personnel, what is expected of them, and it is incredibly educational; she learned how the County government works and sometimes does not work because there is not enough money; she is going to go against the grain and go against, with great respect, Commissioner Tobia and say to take the unpopular stand to increase taxes because the County is losing wonderful employees on a regular basis; the Firefighters are making \$11.45 per hour; and that is ridiculous. She continued that being said, where she lives in Cocoa is where the central library is located; it is only open until 7:00 on Tuesday and Thursdays which means school kids who have parents that work do not have access to the library three days a week; she thinks that is a great disservice to the children; and the other thing is adding the \$185,000 back for the homeless. She added there are children and families that are deeply affected by this and she thinks it is a shame that this under-served population is not being taken care of.

Chair Pritchett stated she hears this all the time about the \$11.45; there are no Firefighters making \$24,000 a year; she is not saying that they are not wonderful and that the County should not pay them more, but that started going around and it is just not truthful; and she wanted to state for the record that Brevard County is not paying poverty wages to its Firefighters.

Catherine Ely inquired if Commissioner Barfield is going to come back because he is the head of her District.

Chair Pritchett advised Commissioner Barfield is not feeling well.

Ms. Ely stated she will tell her story.

Chair Pritchett pointed out Liz will take her information.

Ms. Ely stated great, and inquired if there would be another meeting on Thursday evening.

Chair Pritchett responded in the affirmative.

Ms. Ely stated she lives in an area near Diana Boulevard; they allow hunting during the months of December and January; this past Christmas when her son-in-law took her new granddaughter outside to comfort her around 5 a.m., which should be safe because they are all fenced in and on the water, and he heard what he thought were bullets flying over his head; he could hear it tearing through the air; they are supposed to use pellet guns which in her opinion if someone gets shot in the wrong place could be devastating; people in her neighborhood say that their docks and sea walls can be covered in shell casings from either bullets or pellets that they find on there; she does not see how the right of someone who wants to hunt is greater than her or her granddaughters right to survive or not be injured by someone who may not be obeying the law by using the proper type of weapon to hunt; and she does not see how this could turn out well for the County because if someone were injured there would of course be a lawsuit. She noted maybe this was put into effect before this was a populated area; that is why she needs to speak with Commissioner Barfield; there are other areas far less populated on Merritt Island should someone want to hunt; this is allowed for approximately two months out of the year; it is done at dawn; apparently they want to hunt ducks but there are other areas where

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people can hunt; and she just does not understand. She asked if it is going to take someone getting shot or someone's pet being shot; she reiterated the bullets can literally be heard tearing through the air at dawn; people cannot even stand outside to see the sun rise because it is not safe; she asked how this could be okay; and she stated the County needs to prioritize the safety of the residents over someone's right to hunt in a populated area. She added it can be made safer by moving it two miles north on Merritt Island; she will come back and speak with Commissioner Barfield; and she wanted to present that to the Board members who are present.

Commissioner Tobia stated he wanted to make comment to Ms. Conkling and Ms. Gregory; he thanked them both for showing up and stated they are very good at doing their job; and he gave kudos to Mr. Stasik, and the Progressive Democratic Party for always showing up. He stated he just wanted to give a heads up as they talked about the budget; on Thursday's meeting Agenda there is the Children's Service Council millage; he hopes they will show up on Thursday as this is an opportunity for millions of dollars that could go into those types of services; he is sorry that they do not feel it has been transparent; and he offered them to get in contact with any Board member and they would be immediately willing to share whatever information they have. He asked that they please show up for Thursday's meeting because right now it is on the Agenda but he does not know whether that will transpire; the Children's Services Council is something that the voluntary millage, potential millage could be millions of dollars, and could go into what they are concerned about.

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

Commissioner Tobia stated a fellow Commissioner brought to light an email that came out; he greatly appreciates him taking the time to go as far as reading that email; if someone is watching this and did not receive that email, they can contact his office and his office would be more than willing to send out all information, no matter how factual; he noted it is 100 percent factual; it was an oversight on their part if people did not receive it; and he appreciates getting out as much information to as many people as possible at no cost.

The Board recessed for an Executive Session for Price vs. Brevard County, Case No. 6:18-CV-428-ORL-22-DCI and Gil vs. Brevard County, Case No. 6:18-CV-642-ORL-28-DCI.

Upon consensus of the Board, the meeting was adjourned at 12:57 p.m.

ATTEST:



SCOTT ELLIS, CLERK



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

As approved by the Board 7-10-18.