

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

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on April 10, 2018 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

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

**MOMENT OF SILENCE**

Chair Pritchett called for a moment of silence.

**PLEDGE OF ALLEGIANCE**

Chair Pritchett led the assembly in the Pledge of Allegiance.

**MINUTES FOR APPROVAL**

Chair Pritchett stated she reads through the minutes and the Clerk to the Board does a great job.

The Board approved the March 1, 2018 Zoning Meeting Minutes and the March 6, 2018 Regular Meeting Minutes.

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

**ITEM I.A. RESOLUTION, RE: PROCLAIMING APRIL 2018 AS WATER CONSERVATION MONTH**

Chair Pritchett read aloud, and the Board adopted Resolution No. 18-041, proclaiming April 2018 as Water Conservation Month.

Abby Johnson expressed her appreciation for the Resolution. She stated she is excited to have the Board as continual partners of water conservation; they understand there is a lot of work to

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be done; they understand that every drop counts; and everyone can do a little to make this whole.

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

**ITEM I.B., RESOLUTION, RE: RECOGNIZING EARTH DAY 2018**

Chair Pritchett read aloud, and the Board adopted Resolution No. 18-042, recognizing Earth Day 2018.

Christine Kane thanked the Board for being gracious and accommodating to her; and she expressed her appreciation for the Resolution.

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

**ITEM I.C., RESOLUTION, RE: DUSSICH DANCE STUDIO 60TH ANNIVERSARY**

Commissioner Barfield read aloud, and the Board adopted Resolution No. 18-043, recognizing Dussich Dance Studio's 60th anniversary.

Representatives of the dance studio expressed their appreciation for the Resolution, and invited the Board to watch their show on June 9, at Merritt Island High. One representative advised there is a 1:00 and 7:00 show; and on June 10, they will have a special 4:00 Alumni show where many of the performers are coming back to perform, many of which have gone off to be famous, while others do family acts, and themes from the past.

**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.D., RESOLUTION, RE: PROCLAIMING THE WEEK OF APRIL 8-14, 2018, AS NATIONAL LIBRARY WEEK**

Commissioner Smith read aloud, and the Board adopted Resolution No. 18-044, proclaiming April 8 - 14, 2018, as National Library Week.

Shelby Love, a representative from the Library Board, stated she would like to thank the Board for continuing to recognize the importance of libraries in Brevard County.

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Jeff Thompson, Library Services Director, stated there have been libraries in Brevard County since 1895; this County loves its libraries; and on behalf of a Library Board member he would like to quote him saying, "The most important part of the library is the people who work there, who support it, the volunteers, the Board members, and the friends of the library." He noted it is a true community organization and they are grateful for the Board's support.

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

### **CONSENT AGENDA**

Commissioner Tobia pulled Items II.C.1 and II.D.3, from the Consent Agenda for discussion; and he stated he would like to vote no, without comment on Item II.B.2.

### **ITEM II.A.1., SAVE OUR INDIAN RIVER LAGOON PROJECT PLAN COMMUNITY GROUNDWATER MONITORING TASK**

The Board authorized the Chair to execute Task Order No. 271010-14-001-003 with Applied Ecology, Inc. to measure the performance of a subset of project types funded by the Save Our Indian River Lagoon Project Plan; and authorized the County Manager to execute change orders if needed.

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

### **ITEM II.A.2., TOWN OF MALABAR STORMWATER PROGRAM INTERLOCAL AGREEMENT**

The Board authorized the Chair to execute the Interlocal Agreement to allow the County to continue to administer and manage the Town of Malabar Stormwater Program.

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

### **ITEM II.A.3., DELEGATION OF PUBLIC INTEREST DETERMINATIONS FOR ACCESSORY STRUCTURES IN RESIDENTIAL SURFACE WATER PROTECTION BUFFERS**

The Board granted authorization for County Manager or his designee to approve public interest determinations for the exceedance of 30 percent impervious area for accessory structures in single family residential buffers; and approved Policy BCC-96.

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

**ITEM II.A.4., FINAL PLAT AND CONTRACT APPROVAL, RE: REELING PARK NORTH AND SEVILLE AT ADDISON VILLAGE - PHASE 4 (17SD00027)**

The Board granted final plat approval; and authorized the Chair to execute the final plat and contract for Reeling Park North and Seville at Addison Village, Phase 4, for The Viera Company.

**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., FINAL PLAT APPROVAL, RE: BREVARD OAKS SKILLED NURSING FACILITY (17SD00021)**

The Board granted final plat approval; and authorized the Chair to execute the final plat for Brevard Oaks Skilled Nursing Facility.

**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., FINAL PLAT APPROVAL, RE: THE LAKES AT ST. SEBASTIAN PRESERVE - PHASE 1 (16SD00017)**

The Board granted final plat approval; and authorized the Chair to execute the final plat for The Lakes at St. Sebastian Preserve, Phase 1.

**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., FINAL PLAT AND CONTRACT APPROVAL, RE: ADELAIDE - PHASE 5 (18SD00001)**

The Board granted final plat approval; and authorized the Chair to execute the final plat and contract for Adelaide, Phase 5, for The Viera Company.

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**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., FINAL PLAT AND CONTRACT APPROVAL, RE: TRASONA AT ADDISON VILLAGE - PHASE 8 (17SD00024)**

The Board granted final plat approval; and authorized the Chair to execute the final plat and contract for Trasona at Addison Village, Phase 8, for The Viera Company.

**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., FINAL PLAT AND CONTRACT APPROVAL, RE: LOREN COVE SOUTH AT ADDISON VILLAGE - PHASE 1 (17SD00004)**

The Board granted final plat approval; and authorized the Chair to execute the final plat and Contract for Loren Cove South, Phase 1, for The Viera Company.

**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., FINAL PLAT AND CONTRACT APPROVAL, RE: EGRETS LANDING - PHASE 2 (17SD00022)**

The Board granted final plat approval; and authorized the Chair to execute the final plat and contract for Egrets Landing, Phase 2, for Courtenay Parkway Properties, LLC and Egrets Landing MI, LLC.

**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: LIBRARY IMPACT FEE ADVISORY COMMITTEE PROJECT FUNDING RECOMMENDATIONS**

The Board approved the project funding recommendation as prepared by the Library Impact Fee Advisory Committee on March 16, 2018; and authorized the Budget Office to execute any budgetary changes required to implement project appropriations.

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

**ITEM II.A.12., BUS STOP 24 ASSIGNMENT OF EASEMENT FROM CITY OF TITUSVILLE**

The Board approved and accepted the Assignment of Easement from the City of Titusville.

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

**ITEM II.A.13., APPROVAL, RE: SUPPLEMENTAL AGREEMENT NUMBER 4 FOR ELLIS ROAD WIDENING**

The Board adopted Resolution No. 18-045, for St. John's Heritage Parkway at Ellis Road for a road widening project; approved and authorized the Chair to execute the Local Agency Program (LAP) Supplemental Agreement No. 4 with Florida Department of Transportation (FDOT); and approved any necessary budget change requests associated with this approval.

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

**ITEM II.A.14., S. TROPICAL TRAIL SIDEWALK PROJECT - EI KABANI AGENDA REPORT**

The Board approved and authorized the Chair to accept a Warranty Deed for South Tropical Trail sidewalk project from Samir R. and Kathleen El-Kabani.

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

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**ITEM II.A.15., APPROVAL, RE: TASK ORDER PO-004 ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES FOR PINEDA CAUSEWAY OVERPASS**

The Board executed and approved Task Order PO-004 in the amount of \$547,761.56 for the additional construction management services for the Pineda Causeway overpass, funded by Joint Participation Agreement with Florida Department of Transportation.

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

**ITEM II.A.16., APPROVAL OF ALLOCATION OF CONSTITUTIONAL GAS TAX**

The Board approved the allocation of \$1,700,000 in available CGT funds for transportation related projects to the Commission Districts in the same proportion as the centerline miles of the County maintained road inventory; and approved any budget change requests as needed.

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

**ITEM II.A.17., APPROVAL AND EXECUTION OF IN-KIND PROJECT IN ACCORDANCE WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CONSENT ORDER**

The Board executed and approved the in-kind project for FDEP Consent Order OGC File No. 18-0068.

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

**ITEM II.B.1., AGREEMENT TO AMEND AND EXTEND LEASE AGREEMENT WITH TITUSVILLE-COCOA AIRPORT AUTHORITY**

The Board executed and approved the Agreement to Amend and Extend the Lease Agreement with Titusville-Cocoa Airport Authority for North Area Parks Operations usage of building and space at 475 N. Williams Avenue, Titusville.

**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., PERMISSION TO SOLICIT AND AWARD COMPETITIVE BIDS FOR REPLACEMENT OF PUMPING STATION AT SPESSARD HOLLAND GOLF COURSE**

The Board granted permission to solicit and award to the lowest responsive bidder for the replacement of the variable speed pumping systems at Spessard Holland Golf Course; and authorized any associated budgetary changes.

**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.C.2., 800MHZ ICP ADVISORY COMMITTEE MOU**

The Board executed and approved MOU between the Board of County Commissioners, the Sheriff, and the municipalities for the 800MHz ICP; and authorized the County Manager, or his designee, to execute any additional documents and amendments, as may be required by the County Attorney's Office and Risk Management.

**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., PERMISSION TO ISSUE RFP FOR E-911 DIGITAL VOICE LOGGING SYSTEM**

The Board granted permission to solicit competitive proposals to design, provision, implement, and maintain a solution to replace the current E-911 Digital Voice Logging System; approved the contract be awarded to the best-ranked proposer; authorized utilization of the restricted funds from State 911 fees and \$12.50 surcharge; authorized the County Manager, or his designee, to execute the contract, subject to approval by the County Attorney's Office and Risk Management; approved any necessary budget changes required by the project; and approved a selection/negotiation committee comprised of stakeholders consisting of the Brevard County Sheriff's Office Communications (or designee), Melbourne Police Department Communications Manager (or designee), and Brevard County Emergency Management/E-911 Administration Systems Manager (or designee).

**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., ST. JOHNS HERITAGE PARKWAY PROJECT, 192 (NORTH) RESOLUTION**

The Board adopted Resolution No. 18-046, authorizing John Denninghoff, P.E., to make engineering related commitments on the County's behalf in condemnation proceedings regarding both the St. John's Heritage Project and the Washingtonia Road Project.

**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., INTEGRITY GOLF SETTLEMENT AGREEMENT**

The Board executed a Settlement Agreement in the amount of \$200,000 for the release of all claims against Eugene Garrote, Integrity Golf Company, LLC, IGC-Habitat Golf Course, LLC; IGC-Spessard Holland, LLC; and IGC-Savannahs Golf Course, 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.4., INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST MELBOURNE/BREVARD COUNTY JOINT COMMUNITY REDEVELOPMENT AGENCY**

The Board discussed proposed Interlocal Agreement between Brevard County Board of County Commissioners and City of West Melbourne/Brevard Joint Community Development Agency; and executed the Agreement as approved by the Board.

**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.D.5., RESOLUTION ACCEPTING THE PROPOSAL OF PNC BANK TO PROVIDE A TERM LOAN FOR THE REFUNDING OF THE RECREATIONAL SPECIAL DISTRICTS LIMITED AD VALOREM TAX REFUNDING BONDS, SERIES 2011**

The Board adopted Resolution No. 18-047; accepted proposal from PNC to provide a term loan for the refunding of the Series 2011 Bonds; and authorized the County Manager to execute the proposal and Rate Lock Agreement and deliver the documents to PNC.

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

**ITEM II.D.6., CAREERSOURCE BREVARD - 2018 TWO YEAR UPDATE TO THE 4 YEAR LOCAL PLAN**

The Board reviewed and approved the attached Two-Year Update to the 4-Year Local Plan developed by CareerSource Brevard for submission, review, and acceptance by the Florida Department of Economic Opportunity (DEO) and CareerSource Florida (CSF); and executed the document acknowledging the plan approval for submission to the State of Florida.

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

**ITEM II.C.1., BUDGET CHANGE REQUEST**

Commissioner Tobia stated while he disagrees, he understands and appreciates the work that went into the bond on Tourist Development Tax (TDT) revenue for the astro-turf; this is different, it is a budget change request for \$526,483; this is not TDT dollars; specifically it is dollars that come directly from South Park MSTU; he has a few questions prior to conclusion; and he inquired if the \$526,483 would be used to build or refurbish four baseball fields that are in need at Viera Regional Park.

Mary Ellen Donner, Parks and Recreation Director, replied affirmatively.

Commissioner Tobia asked if refurbishing two soccer fields at Wickham Park located in Commissioner Smith's District would be something that her Department might prioritize if the Board were to reallocate these dollars away from this additional bonding amount.

Ms. Donner replied it could.

Commissioner Tobia inquired if these resources could be used to improve access to existing parks for children with special needs in Brevard County.

Ms. Donner responded it would depend on the park; the funds are referendum construction dollars; therefore, it would depend on what the project would be.

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Commissioner Tobia stated even if he had agreed with the entire project and deemed it worthy, he would still ask that the Board maintain that amount at the \$5 million bond that the Board considered; in his opinion, this is exactly what is wrong with government; someone ask for \$5 million a few weeks ago; and now that person is asking for another \$526,000. He continued when the Board approved the bond it was clear under Florida Statute 125 that this was going towards a tourism project; when voters voted on this in 2000, the South Park Referendum Taxing District, he is sure they expected the resources to be used to help the residents of Brevard County not the tourists; and he suggested the Board maintain the total amount of \$5 million, and deny the Budget Change request.

Commissioner Isnardi asked Ms. Donner to elaborate on what those funds would be used for exactly so she knows what she is voting on; and she stated she knows what she is voting on, but would like the public to know.

Frank Abbate, County Manager, explained there are two areas that it would be covering; it was contained in the Board approved package as the exhibit for the contract that they were talking about, which was the amount of that astro-turf; this portion covers the sidewalks around each of the fields as well as the underlay; and rather than having limestone underlay it would have a granite rock underlay which would last significantly longer because of the location. He continued additionally, the funds that are part of the Parks and Recreation referendum money were for projects that were approved for that referendum; both Wickham Park and the Viera fields are part of that; and that is why it can be used for that purpose.

Commissioner Tobia stated if this was included in the initial plan then he would like to know why the Board has received a budget change request and why it was not dealt with two weeks ago.

Mr. Abbate explained the Agenda Item was submitted initially and had exhibits that had the amount in it; it had the \$5 million that was approved by the Board and it was written by the County Attorney's Office; when looked at, he saw that Exhibit C had the full amount of the project and that it was not specifically designated as to where those funds were coming from; and that is why this has been submitted to the Board.

Commissioner Tobia asked for clarification that the contract the Board received, less than 24 hours prior to coming to the Board, the estimate did not match the bonding amount.

Mr. Abbate explained there were two options; Exhibit C had the \$5 million for the astro-turf and its installation approved in it; it also had the amount for the sidewalk, which the Board could decide not to do, around each of the fields or the granite underlay which is not what was initially recommended; that recommendation actually came from the Assistant County Manager, John Denninghoff, who is very familiar with that kind of underlay; and Mr. Denninghoff advised what was being done in light of that project, that it would be worth the expenditure to have the granite rock underlay rather than the limestone that was recommended.

Commissioner Isnardi stated it is difficult for her to approve this Item mainly because she did not approve of the \$5 million project to begin with, or at least how it came about; this is actually one she was going to pull herself; and she will not be supporting it. She added she would rather see that going towards something else, since the Board just had to invest \$100,000 in a golf course unexpectedly for failure of a pump; and when she thinks of putting down granite underlay under a sidewalk versus taking care of something like that, she is sure there are other needs in the County that could benefit from that.

The Board denied the motion to deny the budget change request for \$586,423.

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

**ITEM II.C.1., BUDGET CHANGE REQUEST (CONTINUED)**

The Board approved the budget change request.

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

**ITEM II.D.3., CONFIRMATION OF JIM LIESENFELT AS ASSISTANT COUNTY MANAGER**

Commissioner Tobia stated the County Manager, Frank Abbate, has made another wise decision in selecting Jim Liesenfelt as Assistant County Manager; some weekend reading is to read Liesenfelt's Laws; he pointed out that Mr. Liesenfelt states the Commission and elected officials equals business attire including ties; and he announced to be clear that means staff, not Commission Members. He added Commissioner Barfield and himself when off camera they do not show up in ties. He continued on the first page there is a very good idea; he appreciates not only any elected official, but any staff member who lives by the mantra of the money being spent does not belong to the County; he welcomed Mr. Liesenfelt to the position; and he stated Mr. Liesenfelt is wonderful; he is a wonderful public servant, a great father, and he does not think Mr. Abbate could have made a better decision, withholding the picture on the overhead. He went on to thank Mr. Liesenfelt again, and commented he hopes Mr. Liesenfelt will continue with his ride-alongs because he would hate not seeing his picture on the County buses. He welcomed Mr. Liesenfelt to the team.

Chair Pritchett commented the Board appreciates him.

The Board confirmed the appointment of Jim Liesenfelt as an Assistant County Manager for the Community Services Group.

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

**ITEM V.A., OPIOID LITIGATION**

Commissioner Tobia stated he does not believe the pertinent facts have changed all that much since two weeks ago; his recommendation would be for the local council, Charpentier Law Firm;

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he contacted Brevard County Sheriff, Wayne Ivey, about his dealings with the opioid crisis; Sheriff Ivey has firsthand experience of how this is impacting Brevard County; it was Sheriff Ivey's opinion that no one could work better for Brevard County on this issue than Mr. Charpentier; secondly, Mr. Charpentier has a proven record of representing the County; he had dealt with Brevard County versus Priceline Incorporated, therefore, he has a track record that ended in success for Brevard County taxpayers; and thirdly, he has a cost structure that provides stability as well as flexibility. He continued Mr. Charpentier is committed to assume full financial responsibility, and has a very simple fee structure which includes fees and advanced costs; and he believes there are many other reasons that would make him a wise choice to lead Brevard County on the opioid litigation should Brevard County choose to move forward on this.

The Board approved the Charpentier Law Firm to represent Brevard County in the Opioid Litigation.

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

### ITEM III., PUBLIC COMMENTS

Robert Smith stated he is 92 years old and fought in the South Pacific; he has had his mobile home for 19 years and is about to lose it because of the appraisers; he received a letter where they are charging him with five years' worth of back taxes; he does not believe that is fair; he is at a point now, that he does not know where to go; and he mentioned he did go before the Value Adjustment Board, but time ran out. He recalled a moment in time when he was in the South Pacific, and he asked his commander what they were fighting for; his commander was a lawyer and he told him they were fighting for the Constitution, and most importantly people's rights to due process. He mentioned the Statutes state, people have a right to due process; he inquired where are his rights; he stated he has not had due process and there should be a way to get it; these are totaling about \$10,000; he was told his next move would be to go to Circuit Court; in the Circuit Court; and the judge is going to ask if he has exhausted all of his administrative remedies before he came to court. He inquired how can he, he cannot talk to the Value Board about his issues, he cannot talk to the appraisers because they will not even give him a conference, and it says that is what he is entitled to under due process; and all he is asking for is some answers. He advised he sent letters to Commissioner Tobia and Commissioner Barfield to try to get an appointment to explain what is happening to people with the appraisers board when they take away a person's homestead exemption; and he stated it is cruel because the appraisers hound the people's neighbors, and they put a spy thing on people until they go crazy. He went on to say all he is asking for is to talk to someone about this due process because his situation is not ready to go to civil court.

Commissioner Tobia thanked Mr. Smith for his service. He stated he appreciates Mr. Smith contacting his office; if the response he received was inadequate he would like to explain; the Chair has placed him on the Value Adjustment Board, so statutorily he is not allowed to communicate with him on the issues that come forth; Commissioner Isnardi also represents a large portion of Palm Bay, and he is absolutely sure she would be more than willing to help him out on this; and he explained he is very sorry, but he is just not allowed to have any communication with him.

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Mr. Smith responded he understands the Sunshine Law and the conflict with that. He stated he has to do something because after 19 years he is not going to be able to stay in his home.

Commissioner Isnardi asked Mr. Smith to contact her office.

Jim Liesenfelt, Assistant County Manager, responded Ian Golding is the Housing and Human Services Director; he is going to get with Mr. Smith to see if there is anything his office can do to help; and he advised this is a little out of their league.

Commissioner Isnardi stated her office will do whatever it can to help.

Matt Collins stated he spoke with the Board a few months back regarding some flooding concerns in the neighborhood; he is back tonight, with some of his neighbors, to follow up and provide some status for their perspective; he thanked those in the County for supporting and approving the larger drain that West Melbourne is putting in to connect out to the Evans Road Canal, however, this alone will not protect them from a repeat event; and since they last spoke some County officials have been out there first hand to witness what he considers three major issues that continue to exist. He advised the adjacent area does not drain properly to Evans Canal, instead it flows directly into his neighborhood; the water from the entire area around the Oaks Theater, from Hibiscus up to Nasa, is collected and instead of being directed to Crane Creek Canal it is routed to Evans Canal into the backside of his neighborhood; and the culvert that connects the two, Evans to the Crane Creek Canal under Crane Street, simply cannot keep up. He went on to say two years ago he had spoken to the City and County folks, sharing the same discussions, and no action was taken; unfortunately, but sure enough, they witnessed flooding again to the area; this time not from water inside the area, but from surrounding areas; currently the feedback from the group is that the model says the drainage is sufficient; and he asked what the evidence really shows, as they have repeatedly watched the water backup at their culvert, watching the water levels vary on both sides. He added he has personally scraped the top so water can flow over the street instead of going through the culvert to get relief; there have been witnesses who live on the back side, that have pictures from the last storm, of the water rising at the Oaks Theater, filling up, coming across Evans road, filling up into the Evans Canal, and ultimately dumping into this neighborhood; and many families have now been impacted. He stated they have been patient; it is impacting a variety of family types from young families to the elderly; the County must protect its citizens; and he asked the Board to take action and finally fix these drainage issues.

Vince Lamb stated he is very respectful of Representative Randy Fine's efforts to change Florida Law and allow Tourism Development Tax (TDT) revenues to be spent on Lagoon projects; he agrees with the statement that the Lagoon restoration requires more funding than the sales tax revenues will provide; with approximately 100,000 septic systems, removing just 20 percent of them would require every dollar of it from the 10 years it is available; the Save Our Indian River Lagoon Project Plan (SOIRLPP), under the guidance of the Natural Resources Management Department, the Citizens Oversight Committee, and the Board, is selecting the projects that remove the most nitrogen and phosphorus per dollar; \$40 million invested per year for 10 years seems likely to restore the Lagoon to a healthier condition, but nobody knows how healthy; and the general belief is that more money will be needed to restore the Lagoon to conditions it was in 30 or 40 years ago. He went on to say while the Lagoon restoration is a very high priority, it should not be done to the detriment of other factors impacting the economy and peoples quality of life; tourism is important too; many Brevard County jobs depend on the tourists; tourists and other visitors pay a large share of the County's sales tax which benefits both the schools and the Lagoon; the concept of using a tourism based tax to fund specific elements that attract tourists seems quite reasonable to him; and he favors this tax on recreational opportunities, museums, boat docks, and whatever attracts tourists. He added hopefully the individual choices will be made with thoughtful analysis; and if money is available

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after the priority needs that serve tourism, he would welcome the Board's decision to spend it on the Lagoon.

David Henry stated he is in attendance to present the proclamation for parental alienation awareness for the month of April commemorating nationally recognized child abuse; the Brevard County School Board passed the proclamation on March 27; three members approved; and he read the proclamation, "Whereas alienating behaviors often found in high conflict divorce and custody situations can cause mental and emotional anguish to children, depriving them of their right to love and beloved by both parents; whereas parental alienation takes advantage of the suggested ability and dependency of children and deprives them of their right to love and be loved by both parents; whereas parental alienation is considered harmful to children robbing them of their sense of security and can affect them into adulthood with tragic consequences; whereas childhood establishes the integral, fundamental understanding concept, and importance of gender, religious, economic, and racial equality; whereas parental alienation awareness month is intended to increase the knowledge and understanding of the problem and to help parents, care givers, and social service providers to stop the abuse of innocent children caught in the crossfire of people they love." He continued he has reached out to Governor Rick Scott's Office of Proclamations; he is still waiting on a response from that office; he has reached out to approximately all 16 cities in Brevard County; and those that he heard back from that will pass or put it to vote consist of Palm Bay, Satellite Beach, City of Cocoa, Rockledge, Indialantic, Grant Valkaria, Melbourne Beach, Palm Shores, and Titusville; he represents the Brevard County Father's Rights Movement; he is a Democrat; and Johnnie Dennis has appointed him as VP of the National Action Network. He clarified that he frequently helps mothers as well as children, although statistically fathers are the ones alienated; and other circumstances are that fathers are well off financially or have law enforcement careers. He reiterated April was established as Child Abuse Awareness Month in 1983.

John Gough stated he lives in the same neighborhood as Matt Collins; he is going to provide a timeline; they live in a neighborhood that is just half a mile oval with about 45-47 houses; it was platted back in 1961 and developed by Joe Wickham; in 1961, they put in Crane Creek Bridge made of 41-inch galvanized pipe; by 1973, Woodlawn Manor was 80 percent built out with homes and no flooding at that time; in 1986, Oaks Theater and the Oaks Development was developed; he does not know if it was Airport Authority or Melbourne at that time; but in 1986, the County gave easement to the Oaks to put in a 36-inch stormwater run-off pipe running from east to west and just north of the bridge; and now there are 36-inch concrete pipes running just north of the 48-inch pipe that was placed in 1961. He continued he does not know if there was an impact study done; they had no flooding until 1994 - 1995 when Hurricane Irwin hit; a third of the neighborhood is still the original owners who have lived there since 1965; in 1979 Hurricane David was about the same rainfall, and there was no flooding; what changed is they allowed the Oaks Theater and the Airport Authority to run their stormwater run-off just north of the Crane Creek Bridge; and he explained Mrs. Harvey is on a fixed income, now widowed, and has been flooded three times. He added she cannot put carpet down any longer because it is not worth it. He went on to say he is 39 feet above sea level and his garage was flooded; he thinks something can be worked out with West Melbourne and the County, whether it is the Airport Authority or West Melbourne, to do some cost sharing on the Crane Creek Bridge because he knows it is not big enough; and he noted he is a scientist.

**ITEM IV.A., SECOND PUBLIC HEARING, RE: AMENDMENT TO DEVELOPER'S AGREEMENT WITH WEST MELBOURNE, RMC PALM BAY, LLC, AND RIVIERA DRIVE COMMERCIAL, LLC**

Chair Pritchett called for a second public hearing on amendment to developer's agreement with West Melbourne, RMC Palm Bay, LLC, and Riviera Drive Commercial, LLC.

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Tad Calkins, Planning and Development Director, stated this is a request from RMC Palm Bay, LLC, to approve an amendment to a developer's agreement that the Board originally approved back in October 2017; the agreement was with RMC Palm Bay, LLC, Rivera Drive Commercial, LLC, and the City of West Melbourne; the City has requested some additional off-site improvements; and this developers agreement will bring the cost of those improvements back into the impact fee credits for part of this agreement. He added the amount that would change is \$43,708.

Commissioner Tobia stated he has no objection.

There being no comments or objections, Board approved an amendment to the Developer's Agreement with RMC Palm Bay, LLC; Rivera Drive Commercial, LLC; and the City of West Melbourne.

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

**ITEM IV.B., PETITION TO VACATE PUBLIC UTILITY EASEMENTS - COCOA - KENNETH V. AND OLIVE C. BORING**

Chair Pritchett called for public hearing on a petition to vacate portions of two public utility easements located in District 2 by Kenneth V. and Olive C. Boring

Andy Holmes, Public Works Director, stated this is a petition to vacate portions of two public utility easements; it is located in District 2; the reason is a pool deck encroachment; the total that are to be vacated is 121 square feet; and they have received no objections to this request.

Commissioner Barfield stated he is fine with this.

There being no further comments or objections, the Board adopted Resolution No. 18-048, petition to vacate portions of two 7.5-foot wide Public utility easements on Sierra Drive - Sunset Lakes - PUD- Phase One B, Merritt Island, as petitioned by Kenneth V. and Olive C. Boring.

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

**ITEM IV.C., ECONOMIC DEVELOPMENT TAX ORDINANCE, RE: MG FOODS, INC.**

Chair Pritchett called for public hearing on an Economic Development Tax ordinance for MG Foods, Inc.

Frank Abbate, County Manager, stated this is an economic development tax exemption ordinance for MG Foods, LLC; it was evaluated by the Economic Development Commission (EDC); and the EDC is seeking the Board's approval.

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Commissioner Isnardi stated she has no objections.

Commissioner Tobia stated he has a couple questions; the EDC's mission is to create economic growth in communities; and he inquired if that is a correct statement.

Greg Weiner, CEcD, Senior Director Business Development at EDC of Florida's Space Coast, stated that is correct.

Commissioner Tobia inquired if the EDC takes into account the negative effects on the local economy of any particular business.

Mr. Weiner stated they take into account the affects that can be modeled; and he is unaware of any model that takes into account the negative effects.

Commissioner Tobia stated Mr. Weiner has listed indirect positive impacts on the economy; and inquired if he is aware of any negative impacts of giving tax abatements to a certain businesses.

Mr. Weiner stated what is fair to say is there are only two nationally respected models for making those projections; one of which is the one the EDC subscribes to, which is Implant; the numbers that they reported are not EDC numbers, not State numbers, they are the result of that model; and he mentioned if what Commissioner Tobia is getting at is whether there is wear and tear on the roads, and he explained there is no way to do that.

Commissioner Tobia inquired if that is the same model that stated the apartment complex in downtown Melbourne would create \$1.5 billion of economic impact.

Mr. Weiner advised Commissioner Tobia knows that was an error, not in the model. He inquired if he could be provided the time to finish answering his question.

Chair Pritchett allowed him to finish.

Mr. Weiner continued to say that Commissioner Tobia knows that was not an error in the model, that was an error in the way a comma was placed in the string of numbers; they did not intentionally say that was \$1.5 billion.

Commissioner Tobia inquired if he is aware of any stores being empty of food right now.

Mr. Weiner commented he had not noticed.

Commissioner Tobia inquired if there was a lack of supply for said food.

Mr. Weiner responded not to his knowledge.

Commissioner Tobia inquired what businesses would be hurt by this creating an imbalance in the market; and he inquired if there is not a lack of supply, and the shelves are filled, and another business is brought in, what businesses would be affected.

Mr. Weiner responded he will leave that for Commissioner Tobia to speculate the damages, and he will focus on the positive. He stated to the 95 Brevard folks who will have jobs that currently do not have jobs, this is a big deal; to the six of them who have average wages probably in excess of \$50,000, it is a big deal; to the County and to the City who will continue to receive tax revenues, keeping in mind this is a six-year abatement it is not forever and not 100 percent so when adjusting for that based on the model the County is still going to receive County General

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Funds, schools, and some of the others, are still going to get \$10,000 a year out of it; he noted he would not throw that kind of money away; and he inquired if Commissioner Tobia would.

Commissioner Tobia mentioned Commissioner Smith had stated in a Workshop on May 15, 2017, that those people that make under \$16 an hour are not professionals; and he inquired if Mr. Weiner would call these employees professionals.

Mr. Weiner replied he believes all work has dignity, he does not make judgments.

Commissioner Tobia went on to say Mr. Weiner stated six of these jobs would make \$60,000 or higher.

Mr. Weiner stated based on the application he rounded it up; there would be one operations manager at \$90,000; five supervisors at \$45,000; six drivers at probably \$35,000 or \$36,000; so when that is added altogether the estimate of \$50,000 is probably low; and it is true that 83 of those jobs will be production people who will be paid \$12 an hour. He continued compared to \$220 per month unemployment check that comes from the State of Florida, some people may find that \$12 attractive.

Commissioner Tobia inquired if it is an accurate assessment to say that 88.4 percent of these employees will be making less than Brevard County's means per capita income according to the U.S. Census.

Mr. Weiner stated he did not calculate that but he assumes it is and he believes that is in part, because the EDC has done such a good job bringing high wage jobs to Brevard County over a period of years.

Commissioner Tobia inquired if any of these employees would qualify for subsidies such as Medicaid or Supplemental Nutrition Assistance Program (SNAP).

Mr. Weiner stated he is unfamiliar with those federal guidelines; he would assume that would depend on the number of people in the family; if there was a single head of household who was making at the lowest end, he would not think so; but if they were married with three kids, he would assume that would be a federal eligibility thing and frankly it is not an EDC or County matter.

Commissioner Tobia inquired if a member of the Ad Valorem Tax Abatement Council, which is making this recommendation to the Board, was just arrested for fraud.

Mr. Weiner responded not to his knowledge; and he commented he is not sure who Commissioner Tobia is referring to.

Commissioner Tobia stated this individual has allegedly stolen from veterans groups to pay for Miami Dolphin's tickets.

Chair Pritchett asked Commissioner Tobia to stick to the subject.

Commissioner Tobia responded this is the body.

Mr. Weiner interrupted, stating he knows West Melbourne has representation, but he does not believe that individual is a member of the Committee; and even if he is, this is still the United States, and he is innocent until proven guilty.

Commissioner Tobia inquired if he has not been removed.

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Mr. Weiner commented he voluntarily resigned; he is not an expert on the situation; he knows he has not been convicted of anything; he assumes if he is convicted there will be action to have him removed; he thinks at the time of this hearing, the news being referred to, was yet to be in the public domain; he cannot swear to that but the meeting they had two weeks ago was very close to the time when this story came to surface; and he noted he could be wrong by 48 hours.

Commissioner Tobia advised he is just looking to the credibility of the people making the recommendations.

Mr. Weiner inquired if Commissioner Tobia would like to hear about some of the other people who are on that council; some of the business leaders, some of the respected people in this community have been on there for a long time; and he noted Commissioner Tobia wants to focus in on one individual and he does not know if that person is even a member because he has never seen him at a meeting.

Commissioner Tobia stated he does not want to focus on just one; he would like to focus on another member who sits on that council, Doug Dombroski; and he inquired if Mr. Weiner is familiar with that individual.

Mr. Weiner responded he is.

Commissioner Tobia commented Mr. Dombroski's quote was, "What is our mission here, what kind of jobs are we trying to bring to this community." He noted someone else on Mr. Weiner's council has voted against this.

Mr. Weiner explained Mr. Dombroski is a EDC professional whom he respects; he also respects the diversion of opinion; one of the things that has happened in this community is the EDC has had an awfully good run; they have created a lot of jobs at very high wages; he understands where Mr. Dombroski is coming from, when he has voted on jobs where the pay is \$75,000 - \$100,000 a year, the \$29,000 may not be so exciting; he has not been unemployed for a long time, but not having a job is a bad thing; these jobs contribute to the community; and even though the wages are not great, not what the EDC is accustomed to; and he would like to know if Commissioner Tobia would prefer these jobs go to another County in the State of Florida.

Commissioner Tobia commented that Mr. Weiner used the words, he created; and he inquired how many jobs Mr. Weiner specifically created.

Mr. Weiner replied he thinks Commissioner Tobia knows that is a word.

Commissioner Tobia replied words and commas matter.

Mr. Weiner noted they sure do. He stated the EDC does not employ anybody and neither does the County Commission; what they both have in common is that hopefully working together, they create an environment that employers who do create the jobs, find this to be an attractive place; and the EDC competes regularly with jurisdictions who would not consider \$29,000 per year jobs as average; and he thinks there is dignity in bringing these jobs, and he does not regret doing it.

Commissioner Smith inquired if the voters voted at least once if not more in the last several years for economic development incentives and if this company qualifies under the incentives offered.

Mr. Weiner responded it passed by 70 percent.

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Commissioner Smith stated he does not know where Commissioner Tobia is coming from other than having some type of axe to grind; he wants to make it clear to the public that this qualifies under the voter approved passage of the EDC at least once and maybe three times over the last 10 years; and 70 percent of the folks voted to bring businesses in, and this one qualifies within those standards.

Commissioner Isnardi stated she has given Mr. Weiner a hard time over cash incentives, but as far as tax abatements that is what the voters voted for; she has never had an issue with that; everyone would love to have six figure incomes; however, there are everyday blue collar workers in this community and she believes it is a good opportunity for them. She went on to say she believes Mr. Weiner has done his job and stayed within the scope of what she has always been okay with.

Chair Pritchett stated she is thankful these things are coming up; Palm Bay and North Brevard still need a lot of love; she is glad this is coming to the Palm Bay area; and she thinks it is wonderful to get people working so she is in favor of it as well.

There being no further comments or objections, the Board adopted Ordinance No. 18-07, granting an Economic Development Ad Valorem Tax Exemption to MG Foods, Inc., specifying the items exempted; providing the expiration date of the exemption; finding that the business meets the requirements of Chapter 196.1995(16) F.S.; providing for proof of eligibility for exemption; MG Foods, Inc.; and providing an effective date.

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

#### **ITEM IV.D., AMENDMENT TO CHAPTER 35, ARTICLE II, CODE OF ORDINANCES OF BREVARD COUNTY**

Chair Pritchett called for public hearing on amendment to Chapter 35, Article II, Code of Ordinances of Brevard County.

Eden Bentley, Interim County Attorney, stated this related to the interlocal agreement with West Melbourne; and this is the ordinance that implements the interlocal agreement that the Board has already passed.

There being no comments or objections, the Board adopted Ordinance No. 18-08, amending Chapter 35, Article II, Code of Ordinances of Brevard County, Florida; specifically amending Section 35-54(5) to reduce expenditures of revenues on administrative expenses; amending Section 35-55 to address percentages of TIF payments, County increment payments, and CRA payments and address expenditures; amending Section 35-56 to shorten the term; amending Section 35-52(8) to limit authorization to incur indebtedness.

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

**ITEM IV.E., THIRD QUARTER SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2017-2018**

Chair Pritchett called for public hearing on the third quarter supplemental budget for Fiscal Year 2017-2018.

Jill Hayes, Budget Office Director, stated the primary purpose for this budget supplement is to adjust the budget for the balances brought forward from prior Fiscal Year 16-17, into the current Fiscal Year 17-18; as the Board knows, they begin budgeting and projecting those balances forward for the upcoming Fiscal Year in the Spring; the adopted budget includes projected balances forward based on estimated revenues, expenditures, and project completions; during the first several months of the new Fiscal Year, revenues and expenses are being accrued to the prior Fiscal Year; and around February, County Finance reconciles and audits the financial statements and they have the actual balance forward. She added that is primarily what this budget supplement is for; included in the Agenda package is the summary that was included in the *Florida TODAY* as part of the Florida Statute requirements; and they have also included budget change request forms for each individual form and grouped those in accordance with fund type and department.

Commissioner Tobia stated his understanding is the Board is going to vote on this as a group; he is registering a no vote for consistency sake on SAP document five, 0013269, on page eight.

There being no further comments or objections, the Board approved Supplemental Budget for the Third Quarter of FY 2017-2018; adopted Resolution No. 18-049; and approved the budget changes.

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

**ITEM V.B., COUNTY ATTORNEY RECRUITMENT**

Jerry Visco, Human Resources Director, stated he is back to discuss the direction he would like to take moving forward, on the recruitment for a County Attorney, based on direction he received from the Board; he solicited input from each of the Board offices with regards to experience and education; he has incorporated it into the job class description, included as an exhibit for the Agenda Item; this is really an opportunity for discussion at the Board level; if there are items on there that the Board would like removed or additions added, refinement of any of those items, he is ready to take the Boards input; and he will make appropriate changes before continuing on to advertising. He noted beyond that there are several other decision points he needs from the Board to move the item forward and begin the recruitment process full scale. He continued he would like to start there with the class description and he inquired if there is any discussion on the class description or items that the Board would like to see modified, added, changed, or amended.

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Chair Pritchett stated she went through it and she is good with those things; she would ask that all applications be brought to the Board.

Mr. Visco stated that is one of the several decision points that he will be asking from the Board.

Commissioner Smith stated before getting into all these proposals, he would like to let the Board know he spoke with Eden Bentley, Interim County Attorney, about this job recently, and probably a year ago when he was the Chairman of the Board; she declined having any interest in it as did several others in the County Attorney's Office; in his conversation with her yesterday, Ms. Bentley commented she likes the job; he questioned her on when she plans to retire and her response was three and a half years; while there is no guarantee that after doing this job for one or two years, that she would want to stay in the job, likewise that is not a guarantee if the Board hired someone from the outside; and his concern is that if the Board were to hire her and she agreed to take the job, the County would retain the institutional knowledge that she has, which would be lost if the Board were to give the job to someone from the outside. He continued to say he thinks everyone on the Board knows the caliber of person that she is; she is a very diligent worker; she is intuitive, she is an excellent attorney; and he thinks the Board would be making a good move if it decided to hire her now, before going forward and placing this out for bid.

Commissioner Barfield inquired if Ms. Bentley was offered the job, would she take it.

Ms. Bentley replied affirmatively.

Commissioner Tobia stated he has not had the luxury to have that conversation with Ms. Bentley, so he will go off the conversation that Commissioner Smith had with her; and he inquired if Ms. Bentley did not get this job, would she in fact be stepping down.

Ms. Bentley responded no; and she stated she is delighted to serve the Board in any capacity in which she is needed.

Commissioner Tobia stated Commissioner Smith mentioned that if the Board were not to select her, which the County would lose that institutional knowledge, and he inquired if the Board were to go a different direction, would it not lose her institutional knowledge.

Ms. Bentley stated she would hope not.

Chair Pritchett stated the last rodeo when the Board went through trying to hire a new County Manager it was not a pleasant one; Mr. Abbate finally stood up and accepted the job offer; she had great experiences with Mr. Abbate as the County Manager; she has been able to establish an incredible trust with Ms. Bentley; she is honest, does a good job, is impartial, and she seems to have the ability to tell her no when she believes she is doing something outside of what is best for the County; she truly appreciates that; and she stated she is good with this.

Commissioner Isnardi stated she believes Ms. Bentley would do a great job; she would like to have seen a pool of applicants because that is what the Board asked for; her only concern is that one foot out the door feeling; and without pointing to anyone in one specific department, that has been her experience with one or two people who were close to retirement. She added she does not for one second suggest that it is what Ms. Bentley would do, but she is concerned because Ms. Bentley is in the DROP program; and of course if the majority of this Board decides they want to go with Ms. Bentley that is okay and she will support it, because she believes Ms. Bentley is a fantastic attorney, there is no doubt in her character, and no doubt in her ability.

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Commissioner Tobia stated he is in the most precarious position because he sits closest to Ms. Bentley; he firmly believes that the cream rises to the top; the Board saw that in the search for the County manager; his disagreement with that was that the Board went to an outside firm and paid tens of thousands of dollars in order to end up in that predicament; and in all honesty the result was worth that money being spent. He went on to say Mr. Visco has gotten back with the Board with a pathway that is not going to cost taxpayers any extra resources; it sounds as though Ms. Bentley is not going anywhere anytime soon; and he thinks the Board would be shirking its responsibility by not going out for applicants. He continued he has no reservations with Ms. Bentley; he does have reservations without looking at all of its options, as this Board often does; as one of two hires that this Board makes, he believes it should be taken very seriously; and while he is sure Ms. Bentley will end up on top, he thinks the Board needs to do its job and advertise this.

The Board appointed Eden Bentley as the County Attorney.

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

Commissioner Isnardi stated her vote is not in opposition of Ms. Bentley, her opposition is with the process; Mr. Abbate was not even sure he wanted the position of County Manager, he wanted to sit in that spot for a while until the Board pursued him for that position; and she noted she supports the Board's decision and Ms. Bentley.

Chair Pritchett stated she believes the Board members highly respect Ms. Bentley and she is very thankful to have Ms. Bentley in this position. She advised if she had any hesitation with Ms. Bentley being able to do this job, she probably would have wanted it to go out for more applications; and she inquired if Ms. Bentley would like to comment.

Ms. Bentley expressed her appreciation to the Board for giving her this opportunity. She stated it is an interesting and challenging job to work for the Board, and she is looking forward to it.

#### **ITEM VI.A.1., DRAFT SAVE OUR INDIAN RIVER LAGOON PROJECT PLAN 2018 UPDATE**

Virginia Barker, Natural Resources Management Director, stated this Agenda Item is asking the Board to consider the recommendation of the Save Our Indian River Lagoon Oversight Committee, and to approve the Save Our Indian River Lagoon Project Plan (SOIRLPP) 2018 update; each year the Board is tasked with adopting an updated plan; this year's plan includes the addition of dozens of projects of the same types that was in the original plan adopted by the Board in 2016; and it also includes four new project types, sewer, lateral rehabilitation, treatment of muck interstitial water, adding vegetative shorelines to the Lagoon, and a section on how to being to restore seagrass. She noted when adding these changes to the plan the costs goes up; the reason the oversight committee recommended adding projects to the plan was, as the Board knows, the tax coming in and the revenues are coming in faster than anticipated; they went through an exercise of taking the first year of revenues and projecting them forward for the 10-year life of the tax, using the current inflation rate of 2.13 percent; when that is done, the 10-year collections go up to \$486 million; the oversight committee felt comfortable adding projects to the plan rather than the substitution process than occurred last year; as they did this, the distribution of funds between project types and between different sub-

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Lagoon areas, was maintained fairly consistently with what was in the original plan; and that is the importance of the pie charts in the Agenda Packet. She went on to say attachments A and B are the projects that were added to the plan this go-round; attachment C shows how those project types and the loading associated with pollution from those project types is reflected in how the funds are distributed among the project types; the plan includes projects that reduce incoming pollution, remove pollution that is already there, restore the eco-system, and respond to change and new information; of the projects that reduce incoming pollution, there are just under \$100 million dedicated for that; of that, \$84 million goes to projects that address human waste, as it has been a big concern to the public and the Board; and they have the new addition project type to help homeowners who have leaking sewer pipes in that pilot area, to get those pipes repaired. She stated the plan was initially written in 2016 dollars; if they factor in inflation into the 10-year projection on revenues then they also need to factor that into the costs of implementing these projects, so they used the construction index of 3.25 percent; and applied it to years two through 10 in the plan. She added the projects that the oversight committee has recommended add up to \$427 million for the 10 year life of the plan, leaving just over \$58,000 million for future allocation.

Chair Pritchett thanked Ms. Barker for her patience and answering all of her questions.

Dr. John Windsor stated he has been working on the Lagoon for 35 years; he is recently retired from Florida Institute of Technology (FIT) and with all of his spare time he likes to participate in efforts to restore the Lagoon; in 2016, he came in August, and he was lucky enough to be part of a team to present the original project plan to the Board; a few months later the Plan was passed; before the voters passed the Plan, there was a committee selected and he was fortunate enough to have been placed on the committee; they had their first meeting in December 2016; and they have met monthly ever since then. He explained he did a calculation this morning and there are nearly 700 man-hours or volunteer hours by the 14 committee members who attended all these meetings and that is only the time in the meetings; they also did a lot of homework because they are not allowed to communicate with the others outside the meetings; they have to review all the documents, ask questions of staff, and staff was always very responsive of the questions; they could attend the meeting and be prepared to discuss the meetings, review the Plan, and make updates; those meetings are televised on Space Coast Government Television (SCGTV); the meetings are archived; and they encourage people to come out. He added many of them go out and give presentations about the Plan. He mentioned during the meetings there always the opportunity for public comments; they take those comments very seriously; and he requested that the Board adopt this 2018 update of the SOIRLPP.

James Glass stated he is a member of the Florida Coast of Conservation Association, he is fly fisherman, and he is a member of the Florida Fly Fishing Association; he is a retired civil engineer with 40 years of experience; he gave up engineering 20-plus years ago and moved to Brevard County to be close to his grandchildren and to take up his passion of fly fishing; and it was great when they first moved here. He went on to say unfortunately things have deteriorated since then; he offered his expertise of civil engineering, having worked for the Tampa Bay Regional Planning Council and the Water Quality Management Plan; he noted he also worked in the Florida Keys for five years as Assistant County Engineer; and with that background, he stated seagrass is the life blood of the Lagoon. He went on to say there has been a major decline in seagrass; the good news is that both Tapa Bay and Sarasota Bay have recovered and the seagrasses are back to the levels they were in 1950; even scallops have moved into the Bays; and the good news is the Indian River Lagoon can also recover here in Brevard County, but everyone has to work together to do that. He stated the Florida Keys, Monroe County, passed a \$1 billion program to eliminate 23,000 septic tanks, 235 small wastewater treatment plants; they started the Plan in 1998; the Plan was finished in 2000; as of last year it has been completed, all the septic tanks have been taken off-line; and now the flats, the grasses, and the

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reefs are beginning to recover. He continued he attended the citizen oversight committee meeting, but unfortunately he did not realize he could talk until after it was voted on; that is why he is there today to talk about the Plan as it exists; there is \$427 million worth of projects in the Plan, but what really disturbs him is the sewage problem causing the algae blooms and the fish kills; it is ironic that two and half times more money is being spent on removing muck, than on fixing the sewage problems in the County; in the Plan it has proposed removal and upgrades of 1,700 septic tanks; it reports there are 15,090 septic tanks that ultimately need to be removed; and there is no path in that Plan as how to address the other 13,000 septic tanks, and that is a problem. He went on to say there are 60,000 septic tanks in the estuary drainage base; a lot of those need to be removed, but there is no talk about how to get rid of those; he spoke to the County Health Department and the County is approving about 100 septic tanks per year more to come into the County; he would encourage anyone who has any influence over the health department to ask them to do a moratorium on adding anymore septic tanks, or add the quality of septic tanks that will not add pollution to the Lagoon; he saw no money in the Plan for inspection of sewer gravity lines, force mains, and pump stations; and everyone knows that is a problem because it seems like when a pipe breaks the County fixes it. He noted in Tampa they ran TV cameras through all the collection system lines to determine if they were deteriorated, cracked, leaking, or whatever, so he would like to see some money put in there to inspect all of these sewer lines. He stated the County Commission needs to reprioritize the Plan; the Plan needs to fund the preparation of a comprehensive detailed master plan to completely fund and have a timetable to fix the Lagoon; and he thinks that is very important.

John Hitchcock stated he is the President of Florida Wetlands Forever and on the Board of Directors of the United Water Followers of Florida; he has a letter for the Board; this shows what Sarasota's priorities were; he read the original Plan that was conceived prior to the vote; within that Plan it stated there were about 59,000 septic systems in the County that were polluting the Lagoon; 13,000 may just be a start; people have to remember Brevard County has a system of stormwater canals through the entire County; and septic systems transport nutrients, via the ground water, into that stormwater system, therefore, it does contain sewage nitrogen. He noted what he wants is to make the top priority to be upgrading, repairing, and building out a full infrastructure, modernizing it with all the sewer plants on advanced wastewater treatment; that is what has to be done to take the nutrients out of the water, otherwise, wherever the water ends up, the treated wastewater goes and pollutes the Lagoon. He went on to say this is a \$1 billion problem; the County has a set of projects in the Plan that are not based on periviewed science; there are four to six periviewed studies that are published in journals; that is a big difference between just science that someone created and was paid for by the County; none of the projects in the Plan are based on periviewed science; and there is no history of success. He inquired if the County should put its hopes and prayers into a plan that has no historical data to show that it is going to work; he inquired if they should switch and do what Sarasota and Tampa did and make advanced wastewater treatment and building out sewers, and getting rid of septic tanks, as a primary priority; it has proven to work; and this County is 30 years behind Tampa Bay.

Charles Levi stated he is a lifelong fisherman; the river is his church; it is a place where he has dreamed of taking his children and teaching them life lessons, and now it has become a place where he does not let his children touch that water; and he has a friend who had recently cut his foot and the very next day his foot had a nasty infection set in. He went on to say there is a serious problem in this river, besides seagrass, besides manatees, and besides fish, there is a serious health risk with this river; there were tens of millions of gallons of raw and partially-treated sewage released into the river right after the hurricane; now every couple of months one of the beachside communities has a major line break; a lot of that sewage leaks into the Lagoon system; some of the cities get the opportunity to release some because they cannot keep anymore; and he commented on the importance of getting people off of septic, the infrastructure is old, outdated, and it needs to be fixed. He went on to say tourism dollars are being affected;

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the captains who make a living on the water are affected; a lot of his podcast listeners used to be huge fans of this water, but they no longer come here; guides are now having to leave their families behind and move on to places like Louisiana for months at a time to make a living; and this goes much deeper than a dead fish. He added he thinks when the manatees start popping out, the County will then see some action taking place.

Ronald Reed stated he is also a member of the Florida Fly Fishing Association; in response to the post Hurricane Irma sewage dumping, the Brevard County Utilities are proposing an additional tax; \$50 million was going to be used for wastewater treatment plant in Indian Harbor Beach which currently has none; \$50 million was going to be used for replacement of leaking sewer lines in Merritt Island, South Beaches, and Barefoot Bay; the County wants to implement another tax; there have been figures from \$416 million to \$486 million being generated by the Save Our Indian River Lagoon half-cent sales tax; and this money would help if the projects were prioritized properly. He continued there should not be muck removal if the root cause of the muck is not being removed, because it just comes back; Brevard County needs to do what Tampa and Sarasota did, versus looking at unproven projects; he has enough experience in business and has seen a lot of those; and he mentioned there is no periview science, no history of success, and they are unrelated to really improving the root cause problem; \$486 million is a lot of money; and he does not understand why there needs to be another tax.

Charlie Graham stated he was fortunate enough last week to be at the briefing in Satellite Beach on the wastewater; it does sound like they have a plan to reline pipes, replace pipes, and those kinds of things; the Plan they have does not include that \$50 million for a wastewater treatment plant; and taking away playgrounds and those sort of things will not help with funding, it will actually hurt by giving people a lesser quality of life. He noted the Board is going to hear a bunch of different theories on what people think would be better, but it does not matter if there is no revenue; Brevard County has a funding problem, not a people problem, or a technology problem; and the State and the Federal Government do need to match more for what is spent; that takes lobbying and friendships; and in order to show that the County is willing to put something forward, every time an impact fee is signed, and a building permit is done, the County loses \$2,000 because the impact fee does not cover what the house puts on there. He noted that is something the Board can do, very short term; it shows the County is going to put its two cents in and willing to do what needs to happen to get the Lagoon back where it needs to be. He went on to say the County needs to be careful; lottery was the first one, people were told to pass the lottery to get money for the schools and legislature found a way to switch the shells and the schools now get less than when the lottery started; years ago Amendment 1 stated buy more land and save the aquifer and what happened was the legislature does not let the County do what it wants to do, it does what it wants to do; and he thinks if the County gets more funds it should use the funds for what they are designated for.

Matt Fleming stated he is absolutely right, there is a funding problem; what people are seeing with the Lagoon is 30 years of impact fees that have been way too low; he listened to all the arguments about whether there is enough being done for the sewer or septic tanks, or the muck dredging; he thinks all of that should be done because he believes that is the bad stuff going into the Lagoon; and the citizens are not going to see the Lagoon recover in this lifetime, if the County does not introduce tidal flows into the Lagoon. He added that could be done by opening the locks, pumping stations with culverts, or building an inlet; and if people can land two rocket boosters at the same time on a launch pad, then the County can build an inlet, open the locks, or build some pumping stations.

Shelby Gorichky stated she has lived in Merritt Island her whole life; she has grown up right next to the river; seeing the river going down like this is not okay; she was on the water when she was a small child and recalls the beautiful blue water; just last week she was fishing with a friend in the canal and they only caught one catfish; and she mentioned what they should have

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been catching was snook, trout, red fish, off of good bait; there needs to be a change, and not just getting new septic tanks but maybe even having cleanups every week, or finding some new ways; and she noted if there is no change she wonders what her grandchildren will see.

Alex Gorichky stated he was standing knee deep in dead fish and dirty water just this morning; that canal his daughter fished in is now rolled over and dead in less than a couple days; this is a crisis; he stood in front of this Commission two years ago after the fish kill and said this is a billion dollar problem and decades of work, and he asked if the Board was up for the commitment; the people have not seen the \$1 billion commitment; the citizens have not seen the commitment to the septic tanks, or the commitment to fixing the stormwater systems; and he questioned how many more septic tanks are going in this year. He added they all get approved because the County wants more people and more businesses; there are several captains in this room right now that are moving their businesses out of Brevard County or into the ocean; the gentleman who was discussing the incentives for all these companies, the tax impacts that slide by so that these businesses will come in, it affects the people who actually live here; the half-cent sales tax is great; the dredging he actually likes, because he thinks it should have been done for the last 40 years, because the people do nothing but deposit filth in the dredge holes that were created by the people; and if the County does not get real about the septic problem, and treat it like the cancer it is, it is not just going to be guys who are going out of business, soon it is going to be the multi-million dollar real estate and the entire tax base here. He went on to say if the Board does not think that people are concerned about this Lagoon, then it is sorely mistaken; the people standing behind him in this room that are thinking the way he is, will replace every single last one of the Board members until they get it right; that is not a threat, it is a true statement; they are fed up with the dirty water, and the nasty Lagoon; and the people who sat in those exact chairs, for decades before the current Board got to sit in them, put the County in this situation. He added the current Board members took the Oath of Office and were willing to sit in those chair, so now it lies on this Board's shoulders. He stated he is sorry it is not a great hand to be dealt, but it is where the County is at; the Board needs to get serious about this; it needs to be treated like the crisis it is; the band-aids on the cancer patients are not working; the fish kill he was standing in today is just a snippet of what he has seen coming over Facebook from Cocoa Beach Canals, and other parts of Sykes Creek; it is not going to stop, and no amount of dredging muck is going to get that out of here; and the Board needs gets serious and take a serious look at the areas where they have done the right things, the areas that are already dealing with this exact algae, do what they have done, learn from their mistakes, and get this thing going now, not a couple years from now. He mentioned he thought the entire Banana River rolling over dead two years ago would have lit a fire, it got a lot of people angry, it got the ball rolling, but this is still a crisis and it is not being treated as the crisis it is. He advised there needs to be moratoriums on building, moratoriums on septic tanks, and the Board needs to understand that more people cannot come here if it wants a Lagoon; and he stated they can all clap, this is their house, and they will run it as these please.

Chair Pritchett stated all five Commissioners heavily support the Indian River Lagoon.

William Rutne stated he is a captain and has been a fishing guide for 13 years; he has been appointed as a member of the Indian River Lagoon Council National Estuary Program Citizen's Advisory Committee; given the conditions of the Lagoon and the rate of decline of fish populations, he would ask the Council and all the Lagoon stakeholders to petition the Florida Fish and Wildlife Conservation Commission (FWC) for special management of the Lagoon's fish stocks; catch and release status for the valuable game species is a sensible measure to help mitigate other loss causation, such as recurring fish kills; and he inquired if the Commission would perhaps consider such action. He continued in addition, there are also concerns about fecal bacteria and density and the reverse affect it could be having on the Lagoon stakeholders who are regularly exposed to the water; the beaches are carefully monitored for levels of species; and he inquired if there is a monitoring program to ensure the safety as those who are

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exposed to the Lagoon waters such as fishermen, fishing guides, paddle boarders, and others. He went on to say stakeholders Lagoon wide are relying upon Brevard's leadership in the process; and he thanked the Board for its continued commitment to the Lagoon.

Tom Baldwin stated he had come to Brevard County for 35 years on vacation; he became a full time resident in 2007; today something happened that really bothered him; he explained one of his friends from Iowa said the river is worse than the Mississippi; and his son was down visiting a few weeks ago and he commented the Lagoon looks like the Ohio River, now. He noted he grew up in Minnesota on a lake and when he was a kid his mother washed him on the dock because they did not have any facilities, and it was great; by the time he was 20, that lake was becoming covered with silk, and the algae just like here; a group of people got together and went to the county, the state, and the federal government as a team and put a septic system around the lake outlawing septic tanks; and people could either buy in right there or they could not sell their property on the lake until the septic tank was hooked to the sewage system. He was there about a year ago and the lake was back to what it was when he was about 10 years old. He believes the Indian River Lagoon is going to lose that; Brevard County has the largest Lagoon in the North American Continent, with over 4,000 varieties of fish, birds and others; the people are going to be standing here in a few years with a dead IRL if everyone does not get their act together as a group; and he mentioned the County has to work on it, the Board has to work on it, and the citizens have to work on it; and then they all must go to the State and then the Federal Government. He went on to say that is how the County is going to get the dollars it needs; and it has to be done real soon.

Lew Kontnik stated everyone is in the same boat, everyone lives here, and everyone is concerned about the Lagoon; he believes everyone shares what they want which is a restored IRL with clear water, abundant sea grass, plentiful fish, and a safe place for our families to live; he thinks the one thing that is really important is to take a perspective on the big picture; the SOIRLPP is important; that is \$460 million over 10 years, but it is not the billion dollars that people are talking about; and the Plan does not cover everything that causes the problem everyone is dealing with. He went on to say there are utilities, and they have been slacking and under-funded, and under-resourced in their fees so they have not been repaired, which led to the water-infusion issue; there are tons of septic tanks, and someone just mentioned 100 more were added this year; he is not sure if it is in the Board's purview to go ahead and place a moratorium on it, but whoever is responsible has to do that; the sources need to be boxed with the solutions; therefore, what the Board is voting on is a critically important issue. He continued there needs to be a broad issue that defines all of those problems, septic control, septic to sewer conversion, sewage treatment capacity and maintenance, agricultural run-off, and fertilizer; he believes standing there yelling about the plan misses the fact that there is a bigger system that needs to be dealt with; he suggested the County draw up a sources and solution matrix, that people really understand; he totally agrees with advanced treatment to stop it, but not before the muck removal; there is a really wonderful video by a doctor at FIT, that convinced him why the muck needs to be removed; and the reason is because there are 40 years or organic phosphorus and nitrogen imbedded in the ooze at the bottom of the Lagoon; it is anaerobic which means nothing happens there except bacteria that continually turns that into inorganic nitrogen phosphorus that is the very nutrient that creates the blooms; and that is why the muck must be removed. He stated the citizens had hopes that there would be a response at the State level for \$50 million this year, but it did not happen; he does not think it really even made it out of committee; he does not know that Brevard County's representatives did their job on that; this County needs to move ahead and go after that money for 2019; and it needs to go to the Feds, and the agricultural, or this County will not get back the restored Lagoon, with clear water, abundant seagrass, and fish.

Julie Roberts stated she is a lifelong resident of Brevard County; she has always lived on the river even when growing up; she is all for what everyone else has said tonight; the only thing

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she disagrees with is taking that sewage and everything else that has been put into that river and dumping it into North Merritt Island drainage, so that North Merritt Island ends up with a contamination problem; and she stated she does not understand the concept of that. She went on to say she knows there is a bid out there and there is a little more money involved with taking that muck and not dumping it into North Merritt Island, but carting it away; and she hopes the Board will consider that.

Nyla Pipes stated she works on the water issues at a little larger scale throughout the State of Florida; she is frequently in communities talking about these very same things, whether it be issues with the springs, issues in Martin County which are comparable, but Brevard has the added discharges, or problems on the Crystal River; she studies a lot and the one thing they all have in common is the sewage and infrastructure problem; this is a Statewide issue and arguably a nationwide issue; and people are beginning to see problems throughout the country that are toppling just like this. She added the science is coming along throughout the country to show that sewage is the number one issue with the algae blooms; that is what needs to be addressed, not just the periview science that is here in the State of Florida; septic systems do not work in coastal environments; they do not do well when sitting in a high water table; and on top of that, there never were any advanced wastewater treatment and it is important because that is where the extra removal of the nutrients comes in. She continued it is one thing to address the muck issues, but that is not the problem across the board; the thing with muck is if someone does not stop the sources, and are just going after the muck, he or she is just treating the symptom not the root cause; she encouraged the County to look broader and consider what has been said about this being proven time and time again in the Keys, Sarasota Bay, and Charlotte Harbor; this is not rocket science; and people know how to do this, it can be done, but funding is getting in the way. She went on to say if the County wants State and Federal dollars for this problem, then it will need to show that it spends its dollars very wisely at the local level.

James Anderson stated he has heard a lot of good things tonight; when he looks at some of the rescinding approval for the revenues of other things, he is not sure he understands why monies would be considered for things that are not cleaning up the Lagoon, like for a dock or a park; he asked if there is an open sewer, why would the Board want to build a dock; he stated it does not make sense to place the cart in front of the horse; and this is not a simple solution, it is a big problem. He continued this did not happen during this Board's watch, it has happened for a long time; the biggest problem for third world countries is improper management of waste and the reason for health problems; this is not a third world country and there is funding to work on the problems, and he would hope that the funding set aside for this project is not side-lined because of special lobbyists; he does not like to think that money over-rules common sense; and these people in the audience live here, work here, and try to enjoy the waterways. He commented he hopes the Board can put together a comprehensive plan that will address the problem systematically and the funding will be used for what it is intended for.

Courtney Barker, Satellite Beach City Manager, stated she would like the Board to support the Plan; the Plan when originally started, was reviewed by numerous scientists, not just the County staff and the cities; a lot of the scientific community in this area approved and worked with the oversight committee to produce it; all of them agreed on the priorities, the sources of pollution, and the spending priorities; sewer and muck dredging are both important and that is the emphasis that she would like to give today; the Plan, just because it does not have the sewer maintenance and sewer plant in it, does not mean it is not being done; the Plan does not pay for sewer and utility work, the sewer utility pays for that with sewer rates; and that is a completely different plan. She advised tonight the Board is approving what it will be doing with the Lagoon tax dollars, not what the sewer utility is doing with sewer utility rates; the Plan is working on numerous priorities which include septic tanks; and septic tank removal is a huge deal. She added there is not enough money in the Plan to do what they want to do and that is why they need State matching funds. She went on to say while it is great to have more flexibility with the

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local dollars, when looking at local funding sources or other local funding sources for these improvements, all it is doing is robbing Peter to pay Paul; it is just moving money around on a local level, when it should be really bringing in more dollars from the State level; and that should be the focus. She continued in regards to the sewer issue, she agrees something has to be done with the sewer; they are working very hard on that; the City of Satellite Beach is incredibly supportive of any decision the Board makes on that; and she thanked the Board for its interest in that and its partnership on this issue. She stated her City agrees with the Utility Director and they would agree if a plant was to be built; they would just request that the growth of all the cities affected by the plant make sure that the plant is built to accommodate some small redevelopment growth, but remember they are not really wanting to promote a lot of growth on a barrier island that is very conducive to flooding and storms; and she asked that be kept in mind when looking at a new plant environment. She noted if the City was affected by that, it would absolutely work with the County on that; and the City of Satellite Beach is more interested in seeing the Lagoon repaired than seeing recreation facilities continue on the one site. She mentioned they do have a lot of other priorities in, when looking at the sources of pollution it is not just muck and not just sewer, there is atmospheric sources that comes from people's cars and other things like transit and air pollution; those things need to be talked about at some point; when looking at transit expansion, those monies are not listed in the Plan; and everyone needs to remember, this Plan is here to address the funding gaps, where it does not have a funding source for. She advised there is a funding source for utility maintenance which is utility rates.

The Board recessed at 7:12 p.m. and reconvened at 7:25 p.m.

Commissioner Barfield stated if the Board cannot do a moratorium, if it can do a requirement where there is a high nitrogen scrubber to it or new technology for developments.

Commissioner Tobia thanked Ms. Barker for all she and her council have done. He inquired how Ms. Barker would define success with this Plan; he understands the rubric about the removal; but he would like to know how to define success.

Ms. Barker stated the Plan sets a number of success criteria; they marry up to the criteria that came from Florida Department of Environmental Protection (FDEP) and the Basin Management Action Plans for the three sub-Lagoons; the primary target is acres of seagrass which is about 50,000 to 60,000 more acres than what the Lagoon has right now; there are water clarity targets; those are outcomes, but there are also outputs in terms of how many acres of the bottom should be clear of muck, how many stormwater out balls are treated instead of untreated; and those are performance standards.

Commissioner Tobia stated he is sure she is aware that *Florida TODAY* reported that there was a fish kill on the Sykes Creek area; the Board is ready to vote on a Plan one way or another, and he recalls voting for the Plan last year that appropriated millions and millions of dollars; and he asked if Ms. Barker could help him with some of the citizens that have given up their time and came to the Board to say the Plan is not working, that staff needs to refocus; and when he sees that the Marine Resources Council giving Brevard County a failing grade, and literally there was a fish kill today, and the results from independent organizations are that stating millions of dollars are being entrusted by the County from the taxpayers and it is having these types of results, he inquired if she thinks the County should continue down this Plans path.

Ms. Barker stated from the get go, she has stated that it took decades of inaction and putting too much pollution into the Lagoon to get to where it is today and it is not going to get turned around overnight; they are not going to turn it around in one year, that is why it is a 10-year Plan; while it is very difficult and concerning to see the Lagoon continue in the condition it is in, and she agrees with the word crisis that Alex used, she said that could happen when the tax was passed; and there could be several more years where the conditions continue to be this

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bad because it is going to take years of projects to make enough of a difference to reduce nitrogen loading enough to start to see water column improvements and eco-system response.

Commissioner Tobia inquired if there has been any measurable progress based on any of the seagrass acres, water clarity, or any of the other measures of success; and if there has been any positive movement in that direction.

Ms. Barker stated yes, but only in the very specific areas where projects have been done; at the mouth of Turkey Creek where there has been dredging they can see reduction in the flux of nutrients from the bottom sediments into the water column above; in the Breeze Swept subdivision in Rockledge where they took 142 homes off of septic and hooked them up to sewer, the nitrogen and phosphorus levels in that ground water plummeted within three months, to close to back ground level; and although, someone can go to specific project areas and see results right there, but to translate that into improvements to the entire Lagoon is going to take a very long time.

Commissioner Tobia stated the Board has heard from many citizens and Dr. Duane De Freese that there is not enough money; and he asked if there is only success from the areas that have had projects and there is not enough money, what is the likelihood that 10 years from now, if she were to continue down this Plan with \$400 million in taxpayers money spent, that there is systematic success instead of spotted success.

Ms. Barker stated she thinks it is really important to have this discussion annually and that staff and the Board continue to look at the science and collect the performance data on these projects; they have heard a lot of comparisons to Chesapeake Bay, Tampa Bay, Sarasota Bay, and the Florida Keys; every one of those scenarios has a big open water connection to an ocean, Bay or Gulf, so when they turn off their sources of pollution, their water body cleans itself up; when Brevard turns off its pollution, it is still stuck in the Lagoon; and that is a primary difference between what Brevard County is facing compared to those other bodies of water. She noted those others can do septic to sewer or go to advanced wastewater treatment and that is enough, but here that needs to be done and the legacy load needs to be cleaned up; it is a healthy discussion; the balance of how much to spend on cleaning up the old pollution and how much to spend on turning off the new pollution, and certainly the more funding the more of each of those can be done and the more certain she will be in this success; however, with the funding that is available and the science that is available, they believe they have the best balance that they can come up with right now.

Commissioner Tobia inquired if the Board were to go forward with this Plan in its entirety to the tune of \$31.9 million will he be sitting here at this time next year having this same discussion; and he asked if she has certainty that this discussion will not happen again next year with a fish kill because there is certainty that the \$31 million will be expended.

Ms. Barker responded no, there is no certainty.

Commissioner Tobia asked what about the year after.

Ms. Barker again replied no.

Commissioner Tobia inquired at what point if the Board were to continue down this path, would it know that the County is on the wrong path, because at some point it is going to be very difficult to go to the citizens and tell them the County has spent 60 percent of their \$400 million and it is not working; and all the County has to show for it is some educational programs and some living shore things. He noted there has to be a contingency, if she cannot give him with 100 percent certainty that this Plan will work.

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Ms. Barker stated the majority of the pollution makes its way to the Lagoon one way or another driven by rainfall; whether rainfall is washing it off in stormwater, soaking it through the ground water, or pushing it out to the Lagoon; when the County has a wet year there is a lot more pollution in the Lagoon; when the County has a dry year there is a lot less pollution; and when the County had a seven year drought, that is when the seagrass expanded, so in 2009, there was more seagrass than what was mapped in 1943. She continued, that data can be looked at during that period of time and calculate what the loading was during dry spells; if that can be achieved during normal or wet years then the water quality should improve and the seagrasses should improve; and that is really the basis of the Plan and the project selection. She went on to say she cannot tell the Board exactly what year it will see things better because she does not know what years will be wet and which ones will be dry; and the County needs to clean up its act enough so that it reduces the loading enough not just in the dry years but in average and wet years as well.

Commissioner Tobia stated if this Plan does not pan out, and she cannot say it will with 100 percent certainty, he would like to make sure there is a Plan B, because the worst thing to do, in his mind, is to spend \$400 million plus and have to go back to the constituents and tell them it is not working; right now there is no evidence to show that it is working; in fact, the evidence shows just the opposite, with today being a fish kill; he did not give the IRL a F rating but he hears the Captains from the audience who make their livelihood off this, saying that it is not working; and this is a 10-year plan of collecting money. He went on to say he just wants to make sure that 10-year Plan includes spending that money correctly; he inquired if there is any way he will know next year, should this come back; and he asked what measures he should look for between now and then and \$31.9 million later, to know whether it is right to continue with this Plan. He advised to give him one single measure; he noted he is not a scientist he is a policy maker; and he asked if it is clarity, seagrass, or something else, because he is just looking for a measure one way or another.

Ms. Barker replied nutrient loading.

Commissioner Tobia stated he is looking for a number, whether it is pounds, or whatever because all he sees right now is negative. He inquired again if it is acres of seagrass, or water clarity.

Ms. Barker stated ideally it would be water clarity, but water clarity is impacted by rainfall, wind, and waves; there are a lot of other factors outside of the control of the Plan.

Commissioner Tobia inquired if the County went to infrastructure and build a water treatment plant, if that would be impacted by weather.

Ms. Barker commented it would.

Commissioner Tobia asked how building more capacity will be impacted by weather.

Ms. Barker replied the overflows occurred because the leaks in the pipes that allowed rainwater and ground water in; that overwhelmed the plant; so to build a new plant, with the old leaky pipes still in place, then weather is still going to impact the system; she would suppose if the plant was built large enough it could possibly handle a 25-year storm or 50-year storm event; however, there could be a 500-year storm event.

Commissioner Tobia inquired what would happen if the County spent that infrastructure on, not just that treatment facility, but lining the pipes; he inquired if that would be impacted by weather; and he inquired, not only the pipes that carry that ground water dealing with I&I, but also capacity, and if there would be certain measurable differences based on those results.

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Jim Helmer, Utility Services Director, stated the more the lining of the pipes the less water and so forth that can get into the system to overwhelm it; the pipe relining is to try to seal up the cracks and leaky clay pipes; his staff is going at that as aggressively as it can with the monies it has; they think if they continue to do that, they can get a handle on it; and if they should build another treatment plant hopefully they have most of their pipes lined. He noted that is being done with a prioritization of which pipes are worse; it may not be that every clay pipe in Brevard County has to be lined to make things better; and if they can get the worst ones lined it will eliminate the discharges into the lines and reduce the amount of water going into the treatment plant during storm events.

Commissioner Tobia asked going into the current budget how long will it take to reline all of the pipes.

Mr. Helmer responded if all the pipes were relined it would take many years and a large rate increase; that is why they are trying to look at something more moderate that they can get more bang for the buck, to get the worst pipes through inspections and calculation run times at the pumps before, during, and after an event; his staff takes all that into account; and his engineers have been trying to determine which ones to do first. He noted trying to do the entire thing is not feasible at one time, but it may be feasible to increase the revenue to speed up the process.

Commissioner Tobia stated Mr. Helmer said it would take a hefty increase, and he also said deteriorated pipes lead to more capacity which pollutes the Lagoon; and he asked if Utilities would be able to use Lagoon funds to line the pipes, that ultimately, if it is not done in an expeditious fashion, will lead to more pollutants in the IRL.

Mr. Helmer stated he cannot speak to any of the funds other than utilities water and sewer rates that people are paying for their monthly sewer bills; and he would have to let Ms. Barker answer on the eligibility of that.

Eden Bentley, County Attorney, responded the sales tax infrastructure money can be spent on facilities like that as long as there are some restorations of the Lagoon associated with it.

Commissioner Barfield inquired if water treatment facilities would be eligible.

Attorney Bentley stated that would depend on the research regarding the benefits to the Lagoon; and she suggested that would probably take Utilities and Ms. Barker working together.

Commissioner Tobia stated it sounds like the County has other ways to seal up these pipes without asking for rate increases that will not be affected directly by whether or not it rains more or less, or cloudy or not; and he asked if those things were looked at when dealing with this council.

Ms. Barker stated no, when the Plan was developed they knew utilities already had \$134 million referendum to line the worst pipes and repair the oldest lift stations; the understanding at that time was that the funding was sufficient and on track to make those repairs; and she thinks after two hurricanes, they have a lot more information on what the needs are for the infrastructure.

Commissioner Tobia stated he understands she cannot foresee the future; but he inquired, when in the oversight committee meetings, if they discuss using the IRL funds to deal with the situation, that they were unaware of to the severity, when the Plan came out; and did they discuss or incorporate the water treatment facility, or infrastructure needs in the \$31 million Plan.

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Ms. Barker replied affirmatively; she stated the Utilities Department were invited in and provided a presentation on what happened following the hurricane, what was experienced there, and what some of their challenges are; the committee also drafted a letter to all of the municipal wastewater treatment utilities and asked what sort of experience they had, what sort of failures they experienced, and what their critical needs are; all that information was compiled last week and a copy should have been received by the Board on the cities critical needs as well; the committee has been considering both the County needs and the cities needs; and what they recommended as the proposed Plan update is to start with the \$840,000 dedicated to the pilot project in Satellite Beach to help private property owners repair the leaky pipes on the customer side. She added that the utilities whether they are County or city utilities, they have a funding mechanism; the rate may or may not be enough to cover it, but they have a funding mechanism to cover the cost of maintaining and operating their systems; and the half-cent sales tax would fill the gap that is not covered by rate structures to assist the private property owners with the leaks in their private yards.

Commissioner Tobia stated Ms. Barker is just an administrative member of that committee; he appreciates all the work she has done; he knows everyone has a different solution to this problem or crisis; and he does not know how she does it. He went on to say it was the recommendation of that committee that these projects in the Plan are more important than lining the pipes as well as starting a wastewater treatment facility in the very area that he saw videos of the raw sewage being dumped, that lead into the Lagoon; he restated it was the recommendation of that committee to spend \$1.1 million on education before spending money on infrastructure; and he inquired if that is a fair assessment.

Ms. Barker explained they voted for this Plan; there were a lot of discussions in their meetings and she is sure they all have their personal opinions on exactly why they voted for that plan; and she would not begin to put words into 16 people's mouths.

Commissioner Tobia asked if the \$1.1 million in outreach or the \$884,00 in living shorelines do anything in a severe water event to stop continued discharge, raw sewage, into the Lagoon.

Ms. Barker stated the \$840,000 to help repair the leaky pipes will help reduce the inflow and infiltration problem that contributed to the overflows.

Commissioner Tobia commented he just picked out two the \$884,000 living shoreline and the \$1.1 million in outreach.

Ms. Barker stated those will reduce other sources; when looking at what the largest sources of nitrogen phosphorus pollution to the Lagoon, sewage overflow is not the largest; and the committee was trying to look at all the sources, the primary sources, how to prioritize them, and how to distribute funds between them.

Commissioner Tobia inquired if lack of knowledge is one of those shortfalls, because they are going to spend \$1.1 million on outreach.

Ms. Barker explained that is outreach about personal actions that people can take to reduce their pollution to the Lagoon.

Commissioner Tobia asked Ms. Barker to further explain.

Ms. Barker responded that is fertilizer practices following the County's Fertilizer Ordinance and not fertilizing the night before heavy rains and grass clippings.

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Commissioner Tobia replied he is not arguing that those things are effective, his question was how that \$1.1 million will be spent, are they going to go on television, will there be pamphlets, or are they going to hire a celebrity to advocate.

Ms. Barker advised they would hire a marketing firm to develop what that messaging is, to understand the target audience to know what message is going to work with that target audience, and determine if that is television, billboards, radios, signs, or pamphlets; and they do not know those answers, so they would leave that to the experts.

Commissioner Tobia stated so just in summation they are going to spend \$1.1 million to let citizens know that the Lagoon is broken and how to fix it.

Ms. Barker stated letting them know what they can do in their daily lives to contribute less pollution to the Lagoon and help be part of the solution.

Chair Pritchett commented the Lagoon is extremely important; she has lived here her entire life; she loves the Lagoon and it is so sad seeing all the things that have happened to it in the past years; and the County used to dump raw sewage into it before they treated it. She added the County is doing better with technology; it needs to start spending some money on technology for human waste; she does believe there is a real problem with septic tanks especially along the IRL; she thinks that is going to have to be a broader conversation; she does not know why any septic tanks would be put in right now along the Indian River; and if they did not want a moratorium inland, she would agree with Commissioner Barfield with that. She continued maybe the people should look at the fact that if someone owns a septic tank, he or she is responsible to make sure that thing is not leaking; maybe people need to be responsible or pay fines; if someone owns a home and has a problem, the city is going to charge him or her to come out and fix it; and this is still such a small thing. She stated to pretend all the muck equals 100 and if Ms. Barker could tell people how much muck has been removed with the total amount being 100, she inquired what that number would be.

Ms. Barker responded less than five percent.

Chair Pritchett commented the County has a long way to go with that and seagrass will not grow where there is muck; there are a couple areas in North Brevard where there is less muck so they have been able to do a couple sea grass trans-plantings like they did over in Tampa and it has been successful; however, in the Banana River there is no shot at that until all the muck is cleaned up; and she gets it that the bad stuff has to stop going in and they need to get the bad stuff out of there. She went on to say she is not one to jump ship in the beginning because if it is not given a chance then it will not be known whether it is going to work; she is probably going to support this; however, she thinks the County is going to have to get more aggressive with the failing infrastructure. She explained she lives in North Brevard; the City of Titusville is raising the rates two to three percent every year for the next six years for a total of 16.5 percent to fix these things; she thinks if they are going to use an enterprise Fund, then the people have to pay for those things; the citizens in Titusville have to; if this is picked up by the IRL Fund and everyone is paying these taxes, she is going to want reimbursed for all the money she is paying upfront because she believes user fees should be dumped by the users; and she stated the County has to be more responsible with this. She added there are going to have to be increases to these Enterprise Funds. She continued it is very important to start lining these pipes, and the County has to get aggressive to do that; 15.5 percent increase is a lot to chew on, so she is going to recommend that the County do what Titusville did with a two percent, a three percent per year increases, because it will help get aggressive with the sewage going into the river; everything cost money and the County has a major funding problem; and she believes it is fair that if someone is using the services then he or she must pay for them. She stated if the County put out this IRL referendum, she wanted five years instead of 10 because she never trusts

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government with all her money, but she jumped in with the 10 and voted for it; if it would have said a referendum to fix all of Brevard County users leakage problems and their infrastructure she would not have voted it in because she is already paying that in with the City of Titusville; therefore, she does not think it is necessarily fair to use what that was voted in for; the County needs to be aggressive with these funds; and for leakage with the infrastructure, she believes that should come from another resources.

Commissioner Smith stated he has enjoyed all the conversations going on tonight; there is a lot of passion and a lot of energy; everyone is emotional and when emotions get involved this, the facts go out the window, so he thinks it is the facts that need to be focused on; he purchased a property on the Indian River back in 1988 and he remembers in the early years sitting on that dock looking at the seagrass and all the manatees and fish; every weekend there were fisherman all around his dock fishing for hours on end; and he cannot say how many years it has been since that has happened. He advised he does not see fisherman anymore, he does not even see pelicans; and with no pelicans, there are no fish. He continued he remembers sitting on that dock way back looking at all that beautiful water hoping he would never see the day where he would have to tell his grandchildren that it use to be like this; now that he has grandchildren, they have no idea how nice that water was at one time; as it has already been pointed out, this is not something that happened, it has been accumulating over a lot of years; and there is no simple fix, silver bullet, or magic wand to fix it. He went on to say the County is going to realize a whole lot more money from the Lagoon Plan than anticipated; \$450 million is being talked about, but when numbers like a billion dollars is thrown out, the County is way short; the Lagoon needs help because of all the excess pollution; and this is a modern day problem with all the run-off and a legacy load problem. He stated Congressman Posey said the solution is easy; the County has to stop putting bad stuff in and it has to get the bad stuff out; he thinks it is easy to say, but it is not an easy solution; there is an awful lot of work and money to stop putting bad stuff in and an awful lot of work and money to get the bad stuff out; both need to be done, it is not one or the other; he explained it is just like an ill patient, if a patient is full of bacteria, then the doctor has to make sure the patient is not being re-contaminated with more bacteria, but he has to remove the bad bacteria as well or the patient will never heal; and that is just pure common sense. He stated the County has sewage overflows, leaky sewer pipes, failing septic systems, and nutrient rich reclaimed water that goes into the IRL, the County has a lot of problems; when he was going to the town hall meetings, he was not encouraging people to vote on this Plan nor was he discouraging people to vote on this Plan, his job was to educate people so the people could make an informed decision; he did vote for it; while in that process, he was on the phone with many elected officials in Tallahassee, and he was informed by every one of them that if the citizens of Brevard stepped up and voted for this tax, then there would be matching funds; then when all was approved by the voters, the elected officials stated that was never said; and he stated obviously the County could use a lot more money. He continued someone mentioned the County could use a new sewer plant; a sewer plant for Indian Harbour Beach was discussed, as it would also help the South Beaches; that would increase the capacity tremendously so when there are sewer failures, perhaps that would be enough capacity; but there is no silver bullet; during Hurricane Irma there was 268 sewer failures in the State of Florida and Brevard County was not the only one; in Houston when they had Hurricane Harvey last year, they had 100 percent sewer failure; this thing is not going to be built to never fail, that needs to be put out of people's minds; however, the County can do a whole lot better. He mentioned he is not a scientist, but he knows some scientists who have spent a lot of time on this Plan; he cannot say this Plan is great or that it is bad, all he can say is that an awful lot of intelligent people who worked on this Plan, and there are an awful lot of citizens who care about this system just as much as those in attendance; and they give up their time by volunteering and lending their advice to the oversight Committee, and that is how the ideas are formed to proceed forward. He went on to say performance data is important for the Board to know because it needs to know what kind of success the County is having; Ms. Barker said this should be done once a year, so the Board will have an idea as the whether the Plan is

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exceeding or failing; Commissioner Tobia mentioned at what point will the Board know that this is working; and he is not a scientist and does not know how the success is measured, but he does know if he is sitting at the end of his dock, and he can see clear water and seagrasses, then he would know this is going in the right direction. He noted there are events that occur which are beyond people's control, that can harm and benefit the Lagoon; he pointed out after the 2004 storms, in February of 2005, that IRL was as clear as he has ever seen it; by summer the seagrass was phenomenal; there was a dry spell after that and the Lagoon had more seagrass than what was documented in 1942; and that was a beneficial event; the County has also had storms that were not so beneficial. He went on to say the storms he just discussed had cleaned up the river, really did not, he moved the muck around and piled it up in places where it had not been before; now with the smaller storms, muck is transient and has been settling back; the deep holes accumulate where the muck goes, so the muck is just returning to where it was before; and he inquired where to go from here. He stated this is the only Plan he knows of; he has heard some ideas which are claimed to be better than the Plan, but he has no idea; all he knows is this Plan has been vetted by a lot of intelligent people; he has spoken to a bunch of those people; and it seems to him, this is the best option the County has right now. He added it is not perfect but he thinks it will give the Lagoon a big head start, and create a big impact on the Lagoon going forward 10 years; and he will be in favor of this. He stated Commissioner Barfield mentioned moratoriums; the septic tanks are State driven issues and the County has no control over them at all; on his street, he has one of the bigger lots, and a guy who lives on his street had a septic system that failed; he put in an application to add an addition to his house; and he does not believe there is any room on that property to place a septic tank. He went on to say, his neighbor did receive a permit to rebuild his septic system; he asked the County Health Department, which is actually the State, how they could do that; the answer he received from the Health Department was that they cannot tell him he cannot live in his house and the septic system is inadequate, but it is the best they can do; he asked why they could not mandate that he put an advanced treatment on that septic system; and they just said they could not do that.

Commissioner Isnardi stated many of these utility discussions came about in February when there was a budget meeting, and she has asked the question, where there was \$22 million overage expected in the Lagoon Fund; when Ms. Barker was giving her presentation she stated they were going to go out to the public to see how they wanted to spend this money; logic would say that there is \$22 million that is not allocated, so she suggested that it be used to fund infrastructure repairs; whether someone wants to argue whether it should be the rate payers now making up for not have increases in the past, or whether it was past Commissions that failed to maintain the infrastructure properly, she does not think it is fair to bump everyone's rates up 15 percent because someone believes it is the rate payers responsibility; and she does not believe the rate payers should have that entire burden. She added she does not know how the Board can go to the public and ask for another 10 years, because she can guarantee it will be needed, and put it out to vote when raw sewage is being dumped into the Lagoon. She continued to talk about nitrates and the total impact on the entire Lagoon, it does not matter because that is not how the public views it; the Board is not going to address the infrastructure, nor is it not going to address things that improve the taxing on the plants, utilities has wanted that plant and the County has needed that plant for a long time and to address all the failing pipes, private and public, she just thinks it is too much, and that there has got to be a better Plan; she knows it is obvious where this is headed, which is not all that surprising, but she cannot vote for a Plan that includes \$1.1 million in education, funding of private failures of pipes, which is nice they want to give \$840,000 to Satellite Beach for private residents to fix their pipes, but who says they deserve the funding more than someone who could have an impact on that system; it is a multi-faceted approach and she knows the importance of gathering that muck off the bottom of the Lagoon, but she cannot endorse a Plan that does not involve infrastructure repairs; and she noted she receives the calls asking why that is not part of the Plan. She inquired if many of the issues with I&I were corrected, if they would still need the treatment plant for capacity.

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Mr. Helmer responded the capacity would be very good for them; it would have some hydraulic assistance too, because the plant would be about six miles south of the north terminal of that long 13-mile pipeline; instead of all of the stuff being pushed 13 miles, to the South Beaches plant, they would add theoretically six million gallons a day with that treatment plant; it would open up possibilities of reclaimed water use in the future; it would reduce the impact of over loads on the system; it could bring capacity for septic and sewer conversions, if they can be done in the future; and just for perspective, they get about \$400,000 for one percent increase in rates, so for that plant to be built five or six years from now, they could have an eight and a half percent increase in rates over a five year period at 1.7 percent per year, and that would be enough to accommodate building the plant and accommodate hiring the people who would need to run it.

Commissioner Isnardi stated that is like 12 people.

Mr. Helmer stated it is something like 12 people.

Commissioner Isnardi stated she understands it is a \$50 million project and she most certainly would not expect the Lagoon Fund to fund that, but she thinks if Utilities could focus on the plant and maybe they could use the Lagoon Fund with the unexpected and unallocated, until this meeting, overage to do infrastructure repairs and let the utility concentrate on expanding services and fixing some of the things that are being fixed now; she thinks there should be a balance; she cannot account for what previous Commissions did, but she is not going to blame them either; there was a rough batch of time where people were being laid off, governments were shrinking because the economy was bad, and Brevard County had one of the highest foreclosure rates; she can only talk about the future and she has to justify how that money is being spent; and she has to do everything in her power to make sure there are no discharges into that Lagoon. She went on to say the one thing that cannot be predicted is the weather; Ms. Barker talked about that; she is talking about capacity, if there are some horrific rain events, no plan could be prepared for that; she also does not want to have to wait 15 or 20 years to do smoke tests in all the cities and try to get private property owners to fix their pipes, because if all that I&I is coming in from private property and old pipes, that is a whole other animal and will have to be tackled slowly; however, the thing that they can fix now is to move forward on the plant, at least that is something that is foreseeable and correctable now. She continued then they can fix the other stuff that is going to take longer.

Chair Pritchett stated she hopes people notice that the Board does not always agree, but by the time it is finished with discussion, there are usually some really good points and decisions made; and she really appreciates this Board because although it does not always agree, everyone on it is very respectable. She went on to say Commissioner Isnardi made a statement that rate payers pay the entire burden; she gets that, but there are all these municipalities out there who are picking up their own burden with this; and she thought about it and does not mind if they need to take a loan from Surplus to get this accelerated to get it moving faster. She continued she called the City of Titusville today and the rate increases are substantial; they are doing that to line pipes and fix infrastructure, which she hopes all the independent municipalities running these enterprise funds are aggressive on this because they need to be; it is nasty that sewage would flow into the river; if the County needs to look into receiving a loan from Surplus, she would be on board with that; however, she is not sure if that would be fair unless there was a plan to reimburse all of the municipalities that are already doing the rate increases to all of the incorporated areas that are paying their rates. She advised Brevard County's rates are pretty low right now; and she believes that is something the Board needs to discuss soon. She mentioned the Satellite Beach project, if that were to be done just in Satellite Beach, she probably would have fussed about it a little more; this is going to open up the opportunity for everybody in Brevard County to do this; she remembers the very first meeting she had where it

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was discussed about the leaking pipes; and this is something that has to be fixed, and if this program will work and it is available to every single homeowner then she thinks that is a fair tax.

Commissioner Barfield stated one thing that came out of all this is that the County needs more of a comprehensive plan that integrates the Save Our Indian River Lagoon Plan, Utilities, and what is going on with municipalities because a lot of people do not know what is going on in Utilities; and he knows they are two separate issues, but he recommended doing something together to show what the long term goals are across the board with infrastructure, and for recovery.

Commissioner Smith explained one of the problems is perception of septic systems; everyone understands septic systems are a real problem; if they are within 55 yards or 150 feet of an estuary, a successful septic system deposits nine pounds of phosphorus and 12 pounds of nitrate or vice versa, but to go beyond that 150 feet it is infinitesimal with the septic systems on the water; he had Representative Randy Fine in his office last year and they had corroborated on an idea to require septic systems be inspected; and they both agreed that it makes a lot of sense because someone cannot by a house without the roof being inspected, so why not have that with the septic system, because if a septic system is leaking that affects a lot of people. He noted Representative Fine carried that to the State and the State watered it down and the realtors rejected it. He went on to say the Board pushes a lot of buttons when it tries to fix things; a lot of people do not think the way the Board thinks or the way those in the audience think; he can tell everyone, from personal experience going back to his house, the original house on that property before he rebuilt it, he required that the septic system be inspected; when it was inspected they only inspected the tank; it was pumped out, they looked at the tank and informed it was in great shape; and about three years later he started having problems so he called a plumber to have his drain field dug up and he found that he did not have a drain field. He mentioned the property probably had one, at one time, but the previous owners rather than call a plumber to fix it and put in a new drain field or septic system, they ran a corrugated pipe out into the front yard. He commented he can just imagine how much septic stuff he was dumping into the Indian River, until he decided to put in a new system. He continued for most people they do not check their sewer system, if they do not smell it or see it, they do not think about it, so at the very least the County has to get rid of the septic systems along waterways.

Chair Pritchett commented everyone can tell this is a very passionate subject; she hopes there can be some progress made; and she really hopes when this comes back that the muck is up to 15 percent instead of five. She continued there is not as much muck in the north area so there is not as many problems as there is with the Banana River; she thinks from observing the river and the muck situation, that there will be some progress; the question before the Board is whether to go with this Plan; and she would like to entertain a motion on the will of this Commission.

The Board approved the Save Our Indian River Lagoon Project Plan 2018 Update; directed staff to come back to the Board with a Comprehensive Plan to show what is going on with Utilities and to show long-term goals across the board; and authorized any necessary budget change requests for the current fiscal year.

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

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**ITEM VI.F.1., RESCINDING APPROVAL OF TDT REVENUES FOR OARS AND PADDLES PARK AND PIER**

Commissioner Tobia stated he would like to echo the sentiment of Commissioner Smith who stated less than five minutes ago, that the County is way short, and that it could use more money; he found more money with the support, hard work, and dedication of one of the State Representatives; back on October 10, the Board voted to appoint \$14.4 million to five projects; one of them has already been funded, so he removed that \$5.5 million for astro-turf off the table; however there is \$7 million for a sports arena in Titusville that was voted on, \$1.7 million for a campground in Palm Bay, \$500,000 for a lighthouse and Keepers Cottage; and \$200,000 for a boat dock. He continued at the time the Board was informed by the County Attorney's Office that these funds were not available to be used for the Lagoon because it was technically it was a river not a Lagoon; that seems foolish but that is what the Statute said; believe it or not it takes almost an act of God or a decision by the State Legislature to make a change; constantly this Board says give it Home Rule, and let it make local decisions; this Board was fortunate enough to have Representative Randy Fine go to the State and he brought back another tool for the Board to use in the toolbox; thankfully he did it in such a timely manner that the Board did not already allocate all of that money; and that is why he is hear today. He went on to say this is Tourist Development Tax (TDT) money; all of these projects he is about to talk about in detail are tourism related; the number one tourism driver in Brevard County, according to Tetrattech, is the Indian River Lagoon for \$997 million; he is not arguing these other projects do not have a measurable impact, but they do not have a \$997 million impact; there has been a change in circumstances; he lost this because the Board hid behind the fallacy that it could not use the money for the Lagoon; that has changed; and he has four resolutions coming up on four separate projects. He stated he would like to describe the projects because this is about priorities; the Board has heard many folks ask the Board to help fix the Indian River Lagoon (IRL) and that there will not be enough money; here is almost \$10 million; and he stated the first project is Oars and Paddles which is a \$200,000 project to renovate a boat dock and add a parking lot to Oars and Paddle Park. He continued this location was featured in the *Florida Today* video in November 2017 as the place which residents have highly polluted, after years of neglect; basically the Board is going to spend \$200,000 to put a boat dock on a filthy water body; the water in the Lagoon has gotten so bad that many residents and tourists are uncomfortable touching it, yet the Board has allocated funds to renovate a water sports dock on it; until such a time when the IRL is cleaned of its filth, it is irresponsible to allocate funds that could be spent directly on the IRL for projects that although are important, do not rise to the level of the IRL; and he inquired if the Chair would like him to read the resolution.

Chair Pritchett advised that he could read the resolution and make his motion to see if it passes.

Commissioner Tobia read the resolution and made a motion.

The Motion was defeated due to lack of a second.

Chair Pritchett thanked Representative Randy Fine for helping with Home Rule. She stated this money was the Tourist Development Council (TDC) sixth-cent; before it was moved over it could only be spent on a professional stadium; if the Board did not make the vote at the time of the change there would be this huge trust fund filling up with millions of dollars that the Board would never be able to spend except on USSSA; they have plenty of funds now because what they are doing is working; they are promoting tourism and it is bringing in a lot of tax dollars, even for the IRL; and that may be what is helping to increase the funds that were not expected. She continued these projects were voted through by two TDC boards; they stated these were the projects they decided would help really come through to help increase healthy family tax dollars in the community and improve the quality of life; the Board was then able to vet it and vote the projects through; and she is real comfortable with that decision. She commented she

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knows that Commissioner Tobia has the right to bring that up; he has always said what he was for and against; and she respects him for that tremendously. She went on to explain that she likes what the TDC does and what the Economic Development Commission (EDC) is doing in promoting these projects; she believes these are good projects; she explained she has five children and if one of them is so much more expensive than the others, then she would just have to spend more time with that one, but she would not starve the four other children for the fifth child; and she thinks the Board has to be responsible for everything that it has the responsibility to care for. She noted she has no agenda on this; she is not in special interest; it is just really from her heart and what she believes is best for the community; and that is why she will be voting the way she is voting on these items.

Commissioner Isnardi stated the one project in her area in Palm Bay is a true tourist development project; it is campgrounds, a nature center, and the City has invested several hundreds of thousands of dollars in engineering and preparation for this property; the City of Palm Bay agreed to take over this park understanding that there would be the loss of County funds in the future; and this is how the City will maintain it. She continued she does not know how she would look to her 46 percent of the taxpayers in Palm Bay and say this \$200,000-plus invested in this park and is now going to be pulled out from under the rug; and she noted that project is the only one on the list that gives five percent back every year to the TDC, so it will have monies to put towards other valid projects. She stated she has already expressed her descent on some of the projects that the TDC has offered; she has discussed with the Board that she does not want to see any garbage projects in the future; and she believes she has been pretty vocal in that. She went on to say she is not going to ask the City of Palm Bay to lose several hundred thousand dollars of taxpayers funds invested into a tourism project that they have already committed to; she thinks that would be irresponsible; she feels it would be a slap in the face to some people; Palm Bay is not a rich city; and she noted they have already made the investment and she believes it is a true tourism project. She mentioned that is what the TDT funds are designed for. She noted people do not have to like it or agree with it, but until the IRL board and this Commission commits to spending the money on the infrastructure that will prevent the sewage discharges and take care of the things that she feels should be taken care of, the last thing she is going to do is give them more money, when they already have \$22 million more than projected; and she advised she just voted against that project Plan and now this proposal is to give them more money, so she is not really sure how someone can vote against something and then vote to give them more money; if someone does not support what the IRL board is doing why give them more money to do what he or she does not want them to do; and to her the logic is confusing.

Roger Ogburn stated the pier benefits not only the current residents but also tourists; a lot of those residents who actually use it, are teenage children; fixing the IRL is going to take many, many years so by the time it is corrected those children will be grown up and lose opportunities; if the funds are set aside for it and then taken away, then he inquired what are the children to do; there is an impact of the roads that come down to visit the park; however, the park and the improvements are not just for the pier, the pier is just a portion of the funds, the parking of the park is something that also needs addressed. He continued the park is used by runners, and bicyclers to go up and down State Road 3 every weekend; a portion of the funds would go to parking for them also; he is concerned about the IRL; he has two children, one of which is a member of the Space Coast Crew who goes on the river all the time; that is his life, it is what he enjoys, and it is what they have to offer their kids; and although it is dirty it is what is there. He went on to say that is the career path that his son is choosing and the sport he wants to participate in. He asked the Board to look at ways to help improve the Lagoon but also communicate; there have days that he and his son cannot go rowing because they know the water is bad, but they do not know every day whether the water is good or bad; and as users of the river they need to know that information. He advised people receive information all the time about how clean the air is, or what the pollen levels are; he inquired why people cannot have

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knowledge about what the water conditions in the Lagoon are; and he thanked the Board for its time and keeping the funding in place for the Oars and Paddles project.

Representative Randy Fine advised it has been interesting to be there; he came because Commissioner Tobia told him that the Board would be discussing issues related to the bill that was just passed; he wanted to share some of the perspectives as the Board thinks about some of the other initiatives; some of the comments he is going to make will reflect what some others have mentioned; and what he has heard is there is not enough money in the Plan to fix the Lagoon. He continued the Board and the County knows this because the Plan was predicated on matching funds; the Plan was predicated on the assumption that the County was only going to raise 50 percent of the money that it needed; if the County did not need matching funds it would not have asked for them; so there is not enough money to fix the Lagoon right now; why the County could not get matching funds, is because the bill was not heard in one committee nor by the House or Senate; he does not know why; maybe he will run that bill next session as he had a little more luck with his, and see if he can move it forward; it would have offered \$50 million a year for matching funds for Lagoon projects; however he does know one of the reasons it did not pass. He went on to say he used to work for a guy who had said to him he would give more money for projects but he could never ask for a dollar until he could prove that every dollar he has given has been spent wisely; the problem is the Board cannot do that today, in Brevard County; it is impossible for him to say the County does not have enough money to fix the Lagoon when there is money for museums, that celebrate workers and lighthouses; he just cannot say that this Board has exhausted every possible dollar available and there is just not enough money; that is part of what the Board needs to think about; and what he wanted to talk about coming into this meeting is the politics of all this. He stated he is not a very good politician but he is one; one of the things he knows is to eat an elephant , he or she must take it one bite at a time; this is a billion dollar project, \$1 million here, \$100,000 there, and so on; it adds up over time and that is how to solve the problem; the sewage issue talked about earlier matters for an important reason; Commissioner Smith had an idea for a bill that would attack septic tanks and require septic tanks to be inspected at the time of home sale; and he thought it was a great idea. He noted there were two groups of people who violently opposed the bill, realtors and regular everyday people opposed that bill; the reason he did not file it again this year is because he could not respond to the argument these people had made to him, which was how could he require the people or ask the people to change how he or she lives their life, when the government but raw sewage directly into the Lagoon; there is an optics issue and it is a fair argument; the government wants people with septic tanks to change their life, but every time it rains or a pipe gets old, the government puts raw sewage into the Lagoon; and he stated it just does not work. He continued there is a logical argument which is to stop a problem from getting worse before addressing the problem; it is basic first-aid, stop the bleeding then take the patient to get fixed; in Brevard County that is not being done, the County is letting the problem get worse while trying to solve the problem; the perception he gets from his constituents is the Lagoon can get worse for free; the perception is that it is not getting better, the perception is that the IRL is getting worse; and the reason people are so angry is because they agreed to have their taxes raised. He noted his bill says that the County can spend tourism money on tourism projects; he drove home with his kids after spring break and he guarantees the negative media attention from just the fish kill today, which has already been seen by hundreds of thousands of people around Florida brings more negative attention than the positive attention from billboards that say fish in Palm Bay or visit Cocoa Beach; this has a negative tourism impact from this stuff being public; and the Board needs to consider that. He went on to say charter captains are leaving the area; no one is say the projects being discussed are bad, they are all good things; but this world is full of unlimited wants and limited needs; what has to be done is to show the taxpayers that their money is being spent on the highest and best issues; and that is the option his bill has given the Board, and he hopes the Board will take it.

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Chair Pritchett stated Brevard County stepped up and asked for the half-cent sales tax where no other County in the State did that; and she requested that Representative Fine use that information to help get some more funds; she knows there are still some problems with the amendment one issue; and if he needs the Board to help him with that to get some of those funds released that could be used to help clean up water ways. She continued if there is anything this Board can do to help at the State level, they would be glad to help out.

Representative Fine stated he was not one of the politicians who stated the matching funds would be available; the comments he receives from the folks up there were what should have been done was for the County to state the voters approved the tax, the tax becomes effective when the matching funds are available; there are certainly people in Tallahassee who take the approach that Brevard County will solve its own problem; the bill that was proposed would have taken from the amendment one dollars \$50 million a year and guaranteed a funding source from that; and he does not know why that did not receive a hearing in either chamber.

Chair Pritchett asked if there is anything the Board can do to help on that.

Representative Fine responded the Board can show that it is spending the money as wisely as possible.

Chair Pritchett stated she believes this Board is doing that with the tax; she knows he has a different opinion on the sixth-cent tax and she respects that; but she has a whole different view of things that the Board has to do here; and she would hate to be held hostage for that with the State being able to dictate whether Brevard County receives the funds or not, when she knows his energy and persuasive abilities; and she stated she is so in, if he can get the County some of those tax dollars.

Representative Fine stated the way it works is typically someone will not take a bill away from a sponsor even if it does not pass; with this being the Chair's last term, that piece of legislation will be available to be picked up by someone else; should he be re-elected he would be happy to run it; and he mentioned he had all six of his house bills to the floor.

Commissioner Isnardi stated perhaps instead of worrying about how to ask for money when the County is discharging sewage into the Lagoon, maybe the argument could be the County needs this money so it does not have to discharge into the Lagoon because that option, and she could go back and talk about all the failures from past Commissions and past Directors that spent the money, perhaps would make it more urgent for the County to receive those funds so it can expand its utilities, fix its problems, and so the County can address the issues and it does not pollute the Lagoon; the County has already agreed to tax itself and this is the only County doing it; this is a 50 to 100 year problem and the County is doing everything in its power to do it; because of Representative Fine's social media blast, it has brought more attention to the Board because he implied this Board pulled the lever and dumped that into the Lagoon and that was just silly; and the thing that was disturbing to her was that it stopped the dialogue. She advised he can call her anytime or her office; he has called on other issues and she would hope he would do that from now on; her door is always open and she would love to talk about how she can help him; and she admitted she certainly did not want that sewage flowing into people's houses and the alternative was the Lagoon. She noted the County is doing really big things especially in those areas; she has stood in people's backyards because people had raw sewage in their backyards; they saw some very horrific stuff and that is why she is frustrated with infrastructure; and she stated this Board wants to help, no one wants the Lagoon to fail, but if everyone said they would not do this unless someone else does that then that is holding the County hostage and she does not think that is fair.

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Representative Fine stated that is a great point; she thinks that going to Tallahassee and focusing on infrastructure is not the way to go because as Commissioner Smith had talked about, this is a problem because political people are not investing enough over time, and it is a problem all over the State; Brevard County has the IRL here, but there are lots of places that because of bad political decisions they are releasing raw sewage into the Lagoon; he believes that numbers are actually very low here; and he remembers hearing more than a thousand shortly after the spill.

Commissioner Smith stated he thinks it is terrific that the County can use that money for different purposes; in the particular case that the Board is dealing with here, is that these five projects were on the Board and to put all that money into the IRL right now, those children will grow up and they will never have had better fields to play on; and he inquired what the triggering mechanism is that allows a Board to say it is going to take the TDC money and use it for something else.

Representative Fine stated prior to his bill there were about 15 things that TDC money could be spent on like building museums, zoos, advertising, beach re-nourishment, and others; what his bill did was it changed two things; the bill said the Board could spend money to rehabilitate tourism related rehabilitation of beaches, rivers, inland waterways, and streams; that is the provision that allows 25 percent of the TDC money to place sand on the beach; the County Attorney argued because the word estuary was not in that paragraph, that the money could not be used for that; the first change literally placed the word estuary and Lagoon into the bill; and however the Board makes decisions to spend money on beach re-nourishment the same can be done for the IRL. He added the second thing the bill does is it creates an entirely new purpose to spend TDC money on if the Board so chooses on anything tourism infrastructure related. He explained the example he used when he did the bill was there are counties that want convention centers, but they needed to build infrastructure to get to the convention center such as a road, sidewalk, a sewage line, or an electrical line; TDC money could not be used to do that; now TDC money can be used on any tourism related infrastructure such as a boardwalk, bike path, improve a road that was necessary for tourism, or place money towards a bridge as long as it directly relates to tourism; there are certain requirements; and that is the TDC has to recommend it to the Board, it cannot be originated by the Board. He went on to say only 70 percent of the project can be funded by TDC money; someone from the outside has to be hired to certify that it actually will help tourism because some people were concerned that neighborhood roads would begin to be repaved with this money; there are one or two other criteria; it does create an entirely new purpose; and sewer systems that are not Lagoon related, roads, anything that will help and is infrastructure related, but it does have to have life of five years or more. He advised something has to be built with that money.

Commissioner Smith stated the trigger is the TDC would have to make the recommendation to the Board, it cannot arbitrarily grab TDC money and spend it on whatever.

Representative Fine stated that is not the case for the Lagoon side, but if the Board wanted to build a new boardwalk in Palm Bay, it could not just come up with that on its own, the TDC would have to recommend it to you.

Commissioner Smith inquired if the same is for Oars and Paddles Park and those things.

Representative Fine stated that is outside the scope of his bill; he does not actually know that; and he thinks that is the way the Board set it up, but State law does not require it to be done that way. He noted on these new things that are not in those 15 purposes plus the Lagoon, it is how it used to be, but these new ideas have to be recommended by the TDC.

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Lew Kontnik stated he wanted to speak in opposition of shifting the funds; he is strongly in support of the Lagoon, so this does not come from lack of passion; he thinks the Plan and the work that was done in passing it, has created an open and adaptive process using the COC; the people have set up a well-designed process and he would encourage the Board to not go from one set of funds to another, shifting the funds around; it seems the County has processes rather than it coming from left field; and he does not endorse it shifting the funds from the TDC to the Lagoon. He added the County absolutely needs more money, but he still does not approve of shifting those funds.

Ryan Hall thanked the Board for dedicating this money to Oars and Paddles Park and ensuring that it stays that way; there are benefits of that \$200,000; surveys have been taken at Oars and Paddles Park and the park itself brings in \$2.5 million into the County coffers every year which is a 10 to one bang for the buck; the County's survey says it brings in \$17 million; that \$200,000 gives the park a bigger pier which allows for more boats to be launched; that includes more children rowing crew, more kayakers, more dragon boaters, and everything else; and it gives everyone much better access to the place that is not fit for human contact. He went on to say Space Coast crew has 100 rowers, middle and high schooler children go into that river every single day; that program has gone from a program that has a lot less kids with a few State Championships and Regional Championships; and in just the last few years they are now going to National Championships, where kids from Brevard County are placing in the top three on the national rowers in the nation which is bringing down a lot of attention. He advised coaches from other college teams are showing up to bring their college money and their kids to winter train at Oars and Paddles Park; the bigger parking lot and the facilities given them the opportunity to do that, not to mention it gives a lot more access to local residents; and he thanked the Board for giving the money.

Dean Pettit stated 51 years ago he moved to Florida from Germany; he started fishing in the Banana River and snorkeled the flats, something he would not recommend today; in the early 80's he moved to Titusville and in 1999 he joined a group called the Titusville Environmentalist Commission; they were an advisory Board to the Titusville City Council; he served as Chairman of that Board for 10 years; and he also chaired the Chain of Lakes referendum committee which was designed to use storm water and engineer wetlands cleanup before the stormwater entered the Lagoon. The point he is trying to make is he has observed and watched this Lagoon for half a century; he stated he has seen over the years, things happening; when he was about 14 the menhaden stopped showing up at certain parts of the Lagoon where they had always shown up previously; he could catch 100 of them in a single cast net; and now he sees zero of them. He went on to say after joining the Environmental Commission he got interested in the seagrass and everything; he picked out one dock that he used to walk out on and do some fishing, but he would watch how the seagrasses were fairing; sometimes they would disappear and summer they would start to come back; in the last few years he has seen the most dramatic changes; off of this one dock he stopped catching any fish whatsoever; and he has not seen seagrass there in about two years. He went on to say the change that people have predicted is coming for years that someday somebody is going to have to do something about this Lagoon; and today is the day and the Board is the somebody. He stated next the Board is calculating the cost of other pet projects, it needs to think about the \$4 billion impact of saving the IRL; he believes the County needs to put everything it has into saving this Lagoon; and he noted the Lagoon is part of who the people are as residents of the Space Coast.

Marilyn Waters stated her understanding is that there are over 15 different funds in Brevard County that are either restricted or single purposed meaning those funds can only be spent for the purpose of which they were designed; she is very much in favor of everything the County is doing for the Lagoon and the more money it can get the better; one of the concerns she has, is she spent months talking to people about the sales tax for the IRL and the one thing she heard more than anything else, is how will the people know the County is not going to steal the money

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and use it for something else; and she has already heard about taking it to use it for roads; and while she agrees that sewage is a big problem, the County needs sewage infrastructure, but she agrees with Commissioner Pritchett, there are fees for that. She went on to say she thinks there is a risk when people start seeing the Board try to take money from one account and transfer it for another use; there are a lot of people who would not have voted for this sales tax had a lot of those people been told that the Citizen Oversight Committee is going to make sure that the money is spent for what it was intended; she is not speaking against anything that has gone on, she just wants the Board to know there is a trust issue with the voters out there; and she thinks everyone needs to be aware of that moving forward. She thanked the Board for taking the time to listen to so many people tonight.

The Board considered resolution rescinding approval of the use of TDT revenues for Oars and Paddles Park and Pier, but took no formal action.

#### **ITEM VI.F.2., RESCINDING APPROVAL OF TDT REVENUES FOR CAPE CANAVERAL LIGHTHOUSE KEEPERS COTTAGE MUSEUM**

Commissioner Tobia stated he has another project here and another \$500,000; there is a \$500,000 expenditure for a Lighthouse Keepers Museum in Cape Canaveral; this museum is going to be owned and operated by the United States Air Force; this project plan includes purchasing period furniture; he stated this Board is about to make a decision on whether to purchase antique furniture or clean the Lagoon; and to install landscaping, and gardens. He inquired if they would be using fertilizer for those gardens; he went on to say according to the projects sponsor the primary reasons for the project is to preserve history, not drive tourism but to preserve history, and it is what is in the application; and while preserving history is a noble goal, the imminent and substantial risk of a tainted Lagoon far outweighs the impact of a keepers cottage museum at this time. He continued on that it gets worse; Florida Tax watch said that the appropriation for this individual project is a turkey because the project circumvents the established competitive review and prioritization process and are funded over projects that adhere to these processes; even the State says this project is a waste of money; but there is even more; and the document presented to the Board on October 10, indicates that this project could be completed without the subsidy of this money, so they are going to do it anyway. He believes anything on the Lagoon is more important than gardens, landscaping, and purchasing period correct furniture.

Commissioner Isnardi inquired if they really said they had the monies to do this because she missed it in the memo; she asked Eric Garvey, the TDC Director, to come to the podium; and she noted if they said they had the money it would be foolish to give it to them twice.

Eric Garvey stated Rocky Johnson is here and he can probably elaborate more; his understanding was that these were supposed to be matched with fund raising activities by the foundation; and he thinks he read the part of the application that stated the foundation will continue without the funds, but the project would not be built.

Rocky Johnson stated in short absolutely not; there is no way this could be built without these funds; the intent on the application was to simply convey they will continue the tours which they have been doing for years; they are operating out of a single-wide trailer on site; he has no idea, and is very involved in the funding, about any reference to period furniture; it is a museum so they are looking for gifts of historic artifacts, etc. to the history of the lighthouse; it is a profound tourist draw and it gets very positive reviews; and well over 50 percent of their visitors are from outside of Brevard and outside of Florida. He reiterated they do not have the funds; the State gave them an additional \$200,000 for the project; and the budget is \$2 million for the total project. He mentioned the State gave them \$250,000 and a watch group did take issue with the

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\$250,000 that was given to them; however, the State obviously agrees with the worthiness of the museum because they did give, in addition to the County's \$200,000, \$250,000. He went on to say it is a great program; and without the County's funding it certainly will not be able to be built.

Commissioner Tobia stated question number 28 on page seven of the application it asked if the project would be viable without the funding participation by the TDC; and the answer was yes; as a policy maker he takes this very seriously; and he does not know who filled this out, he is just privy to read it read here, so when he sees a project like that and an answer as specific as yes, then it says to him the County probably does not need to be in the business of helping.

Mr. Johnson stated that would be a reasonable way to interpret that question, it is just simply incorrect; the museum and the tours will obviously continue as long as the lighthouse is there and the lighthouse people come from all over the world and are crazy about them; the lighthouse foundation will continue, the tours will continue, whether they build the museum or not; however, this ups the game phenomenally to have an actual museum there instead of operating out of a single wide trailer.

Motion by Commissioner Tobia to approve the resolution.

Motion dies for lack of a second.

The Board considered resolution rescinding approval of the use of TDT revenues for Cape Canaveral Lighthouse Keepers Cottage Museum, but took no formal action.

### **ITEM VI.F.3., RESCINDING APPROVAL OF TDT REVENUES FOR THE TITUSVILLE MULTI-USE SPORTS ARENA**

Commissioner Tobia stated he is going back to what Chair Pritchett said back in April 2017 at a Workshop; Chair Pritchett stated she would love to get rid of debt and he could not agree more; this project is going to add \$7 million of debt; the Board can remove this and add more funds to the Lagoon and everybody will be happy; this Titusville multi-use sports arena hamstring the County's ability to allocate tourism tax revenue for years to come; and he is not the only one raising questions about this project. He continued the Community Development Director of Titusville, the very place this project is to be placed, has expressed reservations saying that she was uncomfortable with the presumption that Titusville would financially contribute to this project; these reservations are completely understandable, as like the County, Titusville may have higher priorities than building a sports arenas for indoor field hockey and tournaments; on Tuesday the Board placed a moratorium on new parking lots in the County, yet this design says there is not adequate parking; so the project design which is part of the Economic Development Commission (EDC), states there is not going to be enough parking at the stadium; and the people who want to go to the stadium would have to drive to businesses to park and they will shop at those businesses. He added this is how the Board is justifying the economic development. He inquired if this is such an economic benefit, then private enterprise should build it, because private enterprise is not going to help heal the Lagoon; he stated the Board should let private enterprise do what they do and build the stadium; and the Board can do what it was elected to do which is fix the Lagoon with all resources available. He asked the Board to rescind the \$7 million multi-use sports arena.

Commissioner Isnardi stated to her it is the size of the project, without knowing the complete benefit; and she knows this was in the works with the previous Commissioner of District 1.

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Chair Pritchett informed it was not and that this is a completely different project. She stated this is not a stadium; there is a lot of bad information that just came out from last time; and she received the package from last time.

Commissioner Isnardi stated this is a lot of money committed to one District; she does not think Palm Bay has ever received Tourist Development Council (TDC) money to speak of, other than a billboard or two; she knows Eric Garvey, TDC Director, has been proactive trying to take care of the South County; however, she believes \$7 million for a sports complex is too much. She added she is just not comfortable with the size and the scope of the project.

Chair Pritchett stated there is a lot of bad information in here; it is out for a feasibility study now; a lot of information here is not correct; they are waiting for information to come back on what type of revenue it would draw; if it comes back that it would not draw good investments then it would not be done; and Peggy Bussaca, Community Development Director of the City of Titusville, was uncomfortable because the project was still being set up and there was some brainstorming going on with the TDC. She continued this is still in baby stages; they do not have anything firmly set right now with this project; it is not just a \$7 million project it is up to a \$21 million project with a lot of private partner entities coming together in union on the project; and she asked Troy Post, EDC Executive Director, to explain.

Mr. Post stated he is one of the spokespersons who is trying to advocate for this project; he thinks it is a very good project as a potential for redevelopment for the City of Titusville; he does not know about Ms. Bussaca's comments but one of the early designs of this, and as a way to stimulate the downtown area, was to place a lot of the parking scattered throughout downtown to drive activity to some of those businesses; the particular lot being looked at would have the capacity to have a lot of on-site parking; and part of the feasibility study will hopefully answer for them is exactly the sizing of the facility itself, along with what the parking demands will be. He went on to say there were a lot of comments made in the resolution and it is hard to address all of those but he would like to address some of them; it is certainly a large amount of money but they are hoping to leverage that with some other monies to build a very nice facility that will represent a pretty large investment in that area; it is seen as a redevelopment project that they think will spread to the surrounding parcels and in the end have a benefit to the County by raising those commercial values, which is more money into the General Fund; he thinks it will also bring more tourists into the area because they think this is the kind of facility that would appeal to groups like USSSA and some others; they think that will generate more activity in restaurants and stores which adds more sales tax dollars and helps the Lagoon; and as a redevelopment project, if it does take place on the parcel they are looking at, most redevelopment projects tend to have to rework the infrastructure or the site, which means replacing utility lines, doing things that will help the health of the Lagoon. He continued they think this project really addresses several different economic development aims and that it could be a great benefit to the area.

Commissioner Tobia stated Mr. Post mentioned this is in the early stages and there is not a feasibility study; and he inquired if Mr. Post thinks it is still appropriate.

Mr. Post interrupted stating they did a feasibility study.

Commissioner Tobia interjected asking if he could just finish the question.

Chair Pritchett stated for Commissioner Tobia to allow Mr. Post to answer his question, and then he could continue.

Commissioner Tobia stated he had not even asked the question yet.

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Mr. Post stated they did a preliminary feasibility study for the purpose of going to the TDC which was done last summer; they then received the approval from the TDC and the Board; and they went ahead and authorized a third party to take a look at it just to make sure the feasibility of the concept would be approved, before they incurred any of the funds.

Commissioner Tobia asked if it is fair using the words Mr. Post just used, prior to a larger feasibility study in the early stages.

Mr. Post commented a third party.

Commissioner Tobia advised he cannot talk while Mr. Post is talking, and he allowed Mr. Post to speak.

Mr. Post finished by saying it was a third party feasibility study as opposed to the one that was done in-house by staff.

Commissioner Tobia inquired if he may finish and stated he has never been cut off by a speaker up at the dias ever and then have it made okay by a Chair, but that is okay. He went on to inquire if there is a feasibility study at this point with no third party.

Mr. Post stated to answer the question yes, it is being worked on now.

Commissioner Tobia asked if he thought it was wise for the County to appropriate potentially \$7 million, more than \$7 million because it will be bonded out and he does not know the length of the term, without having a third party feasibility study; the Board pauses for everything, even if there was just a word change; and he inquired once again if Mr. Post thought it was wise for the Board to make that decision without any verification of any of the numbers.

Mr. Post noted his understanding is the Board is not voting tonight to bond the debt; and the EDC is going through a process now based on a previous Resolution that has been approved which allows the EDC to now make sure that before it does come before the Board with that type of action, that they have fully explored the concept to make sure what they are proposing to build will work.

Commissioner Tobia stated the County hired a third party vendor, Tetrattech Services, that said if the County does not fix the Lagoon it is going to cause \$3 billion of negative economic impact on Brevard County; he inquired if this will be larger or not as large as that \$3 billion; and he knows Mr. Post does not have that economic impact but he asked if Mr. Post sees potentially a \$3 billion dollar impact from this project.

Mr. Post responded one of the EDC's charges is to try and create greater economic diversification for the area; they have a number of successes in commercial aerospace; they have done some things very well; and he thinks to really build a truly diversified economy it takes a number of projects which this is one of, to really fully develop those other industry sectors. He added tourist development is one of those industry sectors; it obviously pumps a lot of money into Central Florida's economy; it does pump some money into the north part of the County; but he thinks this facility has potential to do even more; and he cannot say if it will approach those numbers, but the EDC does think it will add in their mission to further diversify that economy in northern Brevard.

Commissioner Tobia inquired if that means there is a possibility that this will be more than \$3 billion; and he asked if the feasibility will say whether or not it is above or less than \$3 billion.

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Mr. Post replied he does not know if it will address that specific question, but Commissioner Tobia is welcomed to a copy once it has been completed.

Motion by Commissioner Tobia, seconded by Commissioner Isnardi to rescind approval of the use of TDT revenue for Titusville Multi-Use Sports Arena.

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

The Board considered resolution rescinding approval of the use of TDT revenues for Titusville Multi-Use Sports Arena, but took no formal action.

#### **ITEM VI.F.4., RESCINDING APPROVAL OF TDT REVENUES FOR PALM BAY NATURE CENTER AND CAMPGROUND**

Commissioner Tobia stated the good news is this one does not require a bond; this is \$1.7 million of taxpayer money that is going to go to an RV campground and nature center; he pointed out there are three county-owned short term RV parks, Brevard County Manatee Hammock, Brevard County Wickham Park, and Brevard County Long Point Park; currently there are four County-owned nature centers, Barrier Island Sanctuary, Enchanted Forest Sanctuary, Nixon Park, and Pine Island Conservation areas; the point he wants to make is, he believes it is incredibly ironic that the Board is building nature centers for people to enjoy natural beauty while just a few miles down the road where nature is being destroyed by the County's lack of fully-funding; and for that reason he is asking the Board to rescind the Resolution for the Palm Bay nature center and campground.

Motion fails for lack of a second.

Commissioner Isnardi stated she has already mentioned the hundreds of thousands of dollars the city has already put in; put aside the dramatics and the drama, she thinks this is a smart investment and is a tourist related project that will benefit the community; and she thanked the City of Palm Bay, Fred Poppie, and Parks and Recreation for putting it together.

Chair Pritchett stated all these projects have been vetted and hopefully they will be a great return on the dollar; if the community does not invest in itself, and have the ability to receive more tax dollars, then the people will have to pick up the burden; and anytime good tourism projects are found, they are good for the community.

The Board considered a resolution rescinding approval of the use of Tourist Development Tax (TDT) revenues for Palm Bay Nature Center and Campground, but took no formal action.

#### **ITEM VII., PUBLIC COMMENTS**

Charles Tovey stated his ancestors were the first settlers of Brevard County and that was checked through Titusville Advocate; his family comes from pioneers; the things he does on the Lagoon have not been mentioned here; and the way to eat an elephant is one bite at a time. He added he eats herds of elephants, the biggest one first, because he cannot stop at the first bite,

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no distractions, and of course one bite at a time. He continued if Brevard County did not have rain or sewage would there still be a problem with the Lagoon, he thinks so; he thinks the County is blowing smoke and trying to buy time; he has proven, provided photographs, he has done the work, and it is still clear today; is it at taxpayers' expense, no; and he mentioned he has done the work and knows what works. He went on to say he does not know if anyone contacted Sue Carlson; it is his understanding that she was head of south Florida Water Management Program; and he thinks maybe the County could work with her and get this program throughout the entire State of Florida. He stated he has the program and he will get busy and get it turned into the Commissioner's offices; this is not just a worldwide problem, it is a global problem; and this County can be the first to not only help itself, but think about what it will do for everybody else. He continued he was fishing by Oars and Paddles and there was excrement floating in the water with the shrimp; this is a marina and the County is worried about other things; he does not think this has the biggest impact as the County is making it out to be; the County is pouring reclaimed water back into the Lagoon; and reclaimed water is just clean sewage. He mentioned parking, commercial parking, and stated that Roberts Road is open for commercial parking any time and any day; he has a problem with that; he thinks that the seagrass is in parallel to a tortoise; if the County could make a place for the tortoises with 100 acres it would be more elaborated just like the elephants and everything else; two heads are better than one; and he saved the Board some minutes last Thursday night and he will submit all of his information. He noted he does have things that have not been addressed here and he does not know why.

#### **ITEM VIII., FRANK ABBATE, COUNTY MANAGER, RE: REPORT**

Frank Abbate, County Manager, stated staff was listening very carefully to all the Board's discussions and input received from the public, so they were glad to hear a lot of it in terms of helping them move forward; he highlighted in response to some Board's requests, staff provided the Utility Services Infrastructure Report; the important part of that, in light of tonight's dialogue, was that staff has a 10-year plan in place that was accelerated in an important area that the Board discussed, which is the pipelining; in the Report provided, they tried to focus on the three most important areas moving forward and how much would be an appropriate amount, if money was not an issue, and there would be a significant return on investment that would help the situation; and they are planning to, as part of the next five years Capital Plan, after the acceleration that was directed by the Board, that would be \$1.5 million per year in Merritt Island, the South Beaches, and Barefoot Bay as they were the most significant areas for the lining to help protect the Lagoon as best they can. He went on to say if they were to do everything it would be \$50 million; staff is looking forward to further discussions with the Board about the acceleration because what staff is saying is if money was not the object they would be able to move from \$1.5 million per year to \$4.5 million per year; they had the discussion on the plant and the \$50 million; what he is taking from the Board's discussions tonight is to couple that information with everything that came from the Board and try to put both the discussion from the Indian River Lagoon (IRL) and Utilities and try to address it in context of this Report; and he just wanted to make sure he understands so staff can follow up the best it can and bring something back to the Board.

Chair Pritchett explained if staff wanted to bring this back to the next meeting as an Agenda Item for further discussion she would be fine with that because the Board received a lot of information in a short amount of time.

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**ITEM VIII., EDEN BENTLEY, COUNTY ATTORNEY, RE: REPORT**

Eden Bentley, County Attorney, thanked the Board for the opportunity to serve it; and she will contact each Commissioner's office to see how the County Attorney's Office can serve them better.

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

Commissioner Tobia stated in the coming weeks he has some changes for the Workplace Safety Policies that are in place, specifically dealing with firearms in the workplace; his office has worked very hard on this; and he just wanted to provide the Board with a heads up. He went on to say Tad Calkins, Planning and Development Director, has been working with his office on tiny homes, which Commissioner Smith has brought up in the past and possibly has issues with them being built on property where they are not allowed to be; he would like to see if the Board could make any viable options where they can be placed on appropriate property; Mr. Calkins is still making the final touches on that; believe it or not his office is receiving tons of phone calls from folks wanting to do this; and he thinks it is an untapped group of folks whom he believes many of them to be green folks. He commented he thinks the Board needs to hopefully give these folks the ability to be productive members of society, both young and old; he noted there is a tiny homes manufacturer in Brevard County; he will hopefully have that before the Board within the next four weeks; and he would love to have the Board's feedback and any suggestions that it would like to bring forward so it can have a collaborative assignment working with Mr. Calkins. He added he thinks Brevard County could have a very viable option that other counties are not providing citizens; Brevard County can be the leader in this; and the only problem is that Brevard has no other county to copy from. He thanked the Planning and Zoning staff for taking the lead and working so diligently on it.

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

Commissioner Barfield stated he and Chair Pritchett will be going to Washington, D.C., tomorrow as part of the community leaders of the Economic Development Commission; they will be meeting in the Pentagon with all the different individuals who have something to do with this community; and just so everyone knows, he is paying his own way.

Chair Pritchett stated she is also paying her own way.

Upon consensus of the Board, the meeting was adjourned at 9:42 p.m.

ATTEST:



SCOTT ELLIS, CLERK



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

As approved by Board May 8, 2018