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BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS ON 2020-10-06 5:00
PM - REGULAR
2725 Judge Fran Jamieson Way
Viera, FL, 32940
Regular Agenda
Tuesday, October 6, 2020

IF YOU WISH TO SPEAK TO ANY ITEM ON THE AGENDA, PLEASE FILL OUT A SPEAKER CARD. PERSONS ADDRESSING THE BOARD SHALL HAVE FIVE MINUTES TO COMPLETE HIS/HER COMMENTS ON EACH PUBLIC HEARING AGENDA ITEM FOR WHICH HE/SHE HAS FILLED OUT A CARD.

THE BOARD OF COUNTY COMMISSIONERS REQUESTS THAT SPEAKERS APPEARING UNDER THE PUBLIC COMMENT SECTION OF THE AGENDA LIMIT THEIR COMMENTS AND/OR PRESENTATIONS TO MATTERS UNDER THE BOARD'S JURISDICTION. IT IS THE RESPONSIBILITY OF THE CHAIR TO DETERMINE THE TIME LIMIT ON COMMENTS UNDER PUBLIC COMMENT AND OTHER AGENDA ITEMS THAT ARE NOT PUBLIC HEARINGS.

- A. CALL TO ORDER 5:00 PM**
- B. MOMENT OF SILENCE**
- C. PLEDGE OF ALLEGIANCE: Commissioner Bryan Lober, District 2**
- D. MINUTES FOR APPROVAL:**
- E. RESOLUTIONS, AWARDS AND PRESENTATIONS**

E.1. 2146 Resolution Honoring Vincent Grimaldi

Board passage of attached resolution.

Legislation Text

Vincent Grimaldi.docx

E.2. 2152 Resolution Breast Cancer Awareness Month

It is requested that the Board approve a Resolution recognizing October as Breast Cancer Awareness Month

Legislation Text

Breast Cancer Awareness October.pdf

F. CONSENT AGENDA

(The entire Consent Agenda will be passed in one motion to include everything under Section F.)

Development and Environmental Services Group

Natural Resources Management

F.1. 2148 Agency Cost-Share Agreement with the Indian River Lagoon (IRL) Council for Testing Steel Gabions and Concrete Core Modules for Use in Oyster Bars in the IRL

It is requested that the Board of County Commissioners: 1) authorize the Chair to execute a Cost-Share Agreement with the Indian River Lagoon Council to complete a material testing study related to oyster restoration; 2) waive venue in the event of any legal proceedings to Indian River County; 3) authorize the County Manager or designee to execute any future amendments, change orders, or extensions; and 4) authorize associated budget change requests.

Legislation Text

AO-29 - Oyster Material Testing.pdf

IRL2020-18 Grant Contract.pdf

Planning and Development

F.2. 2145 Acceptance, Re: Binding Development Plan with The Daren T. Dempsey Revocable Trust (20Z00005) (District 2)

Planning and Development

In accordance with Section 62-1157, it is requested that the Board of County Commissioners accept, and the Chairman sign, the Binding Development Plan.

Legislation Text

BDP Package

Public Works Department

- F.3. 2043 Approval Re: Assignment and Assumption of Right of Way Use Agreement (Stadium Parkway) to the Central Viera Community Association, Inc. - District 4

Public Works Department

It is requested the Board of County Commissioners approve and authorize the Chair to execute the Assignment and Assumption of Right of Way Use Agreement (Stadium Parkway) from The Viera Company, Inc. to the Central Viera Community Association, Inc.

Legislation Text

Assignment Assumption Agreement for Stadium Parkway.pdf

- F.4. 2116 Approval, Re: Sanitary Sewer Easements for the Viera Charter School Expansion Project - District 4.

Public Works Department

It is requested that the Board of County Commissioners approve and accept the attached two Sanitary Sewer Easements.

Legislation Text

Viera Charter School Easements Agenda Documents.pdf

- F.5 2141 Approval, Re: Sanitary Sewer Easement for the Home 2 Suites at Viera Town Center Project - District 4

Public Works Department

It is requested that the Board of County Commissioners approve and accept the attached Sanitary Sewer Easement.

Legislation Text

Home 2 Suites Agenda Documents.pdf

Community Services Group

Housing and Human Services

- F.6. 2137 Approval, Re: Annual Agreement between Brevard County Board of County Commissioners and Brevard County Health Department and the Associated Health Department Fee Resolution

It is requested that the Board of County Commissioners approve and authorize the Chairman to execute: 1) the annual agreement with the State of Florida, Department of Health for operation of the Brevard County Health Department for FY 2020-2021; 2) the Resolution establishing and revising certain fees and charges for Brevard County Health Department and Health and Environmental Services, as authorized by State of Florida Administrative Code or Policy; 3) to further authorize the County Manager or designee to execute any future amendments, modifications, or agreements contingent upon approval of Risk Management and the County Attorney; and 4) authorize the County Manager to approve any necessary Budget Change Requests

Legislation Text

Brevard County Health Department Agreement

Library Services Department

F.7. 2147 Approval Re: State Aid to Libraries FY 2020-2021, Grant Application with the Florida Department of State, Division of Library Services.

It is requested the Board of County Commissioners approve and:

- 1) Authorize the Chair to execute the State Aid to Libraries Grant Agreement application and Certification of Hours, Free Library Service and Access to Materials
- 2) Authorize the Chair to execute any follow up agreements, amendments or modifications contingent upon approval of Risk Management and the County Attorney
- 3) Authorize the County Manager to execute any necessary budget change requests

Legislation Text

State Aid To Libraries Grant Agreement 2020-2021

Certification of Hours

AO29 Exhibit I InitialContractForm

FY 2021 Plan

Public Safety Group

Fire Rescue

F.8. 2154 Approval, Re: Interlocal Agreement with the City of

Melbourne for Automatic Aid for Fire Protection.**Fire Rescue**

It is requested the Board approve the Automatic Aid Agreement with the City of Melbourne for Fire Protection. It is also requested the Board authorize the County Manager, or designee, the authority to execute any revisions to the agreement, as agreed to by both parties and as outlined in the agreement, upon the review and approval of the County Attorney's Office and Risk Management. There are no substantive changes from the previous agreement, which has been fundamentally the same for the last fourteen (14) years.

Legislation Text

Melbourne Auto Aid Interlocal Agreement FINAL City Signed 9-23-20.pdf

AO-29 City of Melb Auto Aid NEW Contract.pdf

Melbourne Auto Aid Existing Agreement.pdf

Support Services Group**Budget****F.9. 2158 Approval of Budget Change Requests****Budget**

It is requested that the Board of County Commission review and approve the attached Budget Change Requests.

Legislation Text

Budget Change Requests 10062020

Central Services**F.10.2162 Request Approval to Extend Closing Date of Land Sale 2020-2401734**

It is requested that the Board of County Commissioners:

- Agree to extend the closing date from October 15, 2020 to November 30, 2020 to allow the buyer additional time to gather necessary documents to obtain title insurance; and
- Authorize the County Manager or designee to execute the resulting contract amendment to extend the date, subject to approval of the County Attorney's Office.

Legislation Text

Board Memorandum Approving Sale.pdf

Administrative Services Group

County Attorney

F.11.2160 Approval of Settlement for Tillman v. Miller, et al.

- 1) Approve proposed settlement;
- 2) Approve additional attorneys' fees for a total amount of \$126,143.09;
- 3) Direct County Attorney's Office to take all necessary action to seek an Order to Terminate Consent Decree.

Legislation Text

Miscellaneous

F.122118 Requisition of Fiscal Year 2021 Budget, Brevard County Sheriff's Office

County Manager

It is requested that the Board of County Commissioners approve the requisition of one-twelfth of the Fiscal Year 2021 budgeted funds at the first Board of County Commissioners' meeting in October 2020, and one-sixth of the budget in January 2021, and equipment (capital) budget.

Legislation Text

F.13.2123 Requisition of Fiscal Year 2021 Budget, Supervisor of Elections

County Manager

Approve requisition of 25 percent of the Supervisor of Elections' Fiscal Year 2021 budgeted funds at the first board meeting in October 2020, and 6.82 percent of the total budget each month thereafter.

Legislation Text

SOE original agenda.pdf

F.14.2151 Appointment(s)/Reappointment(s)

Legislation Text

D3 Appt.pdf

G. PUBLIC COMMENTS

H. PUBLIC HEARINGS

H.1. 2120 Public Hearing Re: Extension of Temporary Moratorium on New Applications of Biosolids to Lands within Brevard County

It is requested that the Board of County Commissioners conduct a public hearing on the extension of the 180-day moratorium on any new applications of biosolids to lands within Brevard County.

Legislation Text

BiosolidsMoratoriumExtension_Ordinance.docx

CAO Review_BiosolidsExtension.pdf

Ordinance 20-05

Brevard County Biosolids Report

Soil Sampling Results

H.2. 2143 Petition to Vacate, Re: Public Utility & Drainage Easement - 200 Cadiz Court - "Villa De Palmas Unit No. 4" Plat Book 25, Page 120 - Merritt Island - Jared F. and Susanne H. Maher - District 2

Public Works Department

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider vacating part of a public utility and drainage easement along the rear line of Lot 27, Block G, "Villa De Palmas Unit No. 4" in Section 14, Township 24 South, Range 36 East. If approved, it is requested that the Board authorize the Chairman to sign the attached Resolution approving the vacating.

Legislation Text

20200921-AgendaReport-Maher.pdf

H.3. 2144 Petition to Vacate, Re: Public Maintenance & Utility Easement - 1040 New Hampton Way - "Catalina Isle Estates Unit Six" Plat Book 20, Page 119 - Merritt Island - Manny and Michelle Canha - District 2

Public Works Department

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider vacating part of a public maintenance and utility easement along the rear line of Lot 108, Block 16, "Catalina Isle Estates Unit Six" in Section 25, Township 24 South, Range 36 East. If approved, it is requested that the Board authorize the Chairman to sign the attached Resolution approving the vacating.

Legislation Text

20200921-AgendaReport-Canha.pdf

I. UNFINISHED BUSINESS

J. NEW BUSINESS

Development and Environmental Services Group

- J.1. 2044 Waiver of Subdivision Perimeter Buffer, Re: Armen Groves Subdivision (20WV00014)
Developer: NAJJAD, Inc. District 2

Planning and Development

The applicant is seeking a waiver to Section 62-2883(d), that would omit the requirement to provide a natural 15' buffer tract along a portion of the northern property line of the subdivision.

Legislation Text

Application

Waiver Exhibit

Nov. 21, 2017 Minutes - Brevard County Commissioners

Recorded BDP

Location Map

Vicinity Map

Google Map

- J.2. 2119 Appeal of Administrative Decision, Re: Island Forest Preserve (20WV00017)
Developer: IFP Merritt Island, LLC District 2

Planning and Development

IFP Merritt Island, LLC (IFP) is seeking an appeal of an administrative decision requiring the installation of a reclaimed water line to service the Island Forest Preserve development pursuant to County Code Section 110-312. In effect, IFP is seeking to overturn this requirement.

[Legislation Text](#)

[Staff Report](#)

[Notice of Appeal](#)

[Recorded Binding Development Plan](#)

[Location Map](#)

[Resolution 87-157.pdf](#)

[Reuse District Map Merritt Island.pdf](#)

Community Services Group

J.3. 2156 Approval, Re: Tourist Development Council FY 2020-2021 Capital Facilities Grant recommendations.

It is requested that the Board of County Commissioners approve the Tourist Development Council's recommendation to approve funding for the following FY 2020-2021 Capital Facilities Grant applications: (1) Lori Wilson Park and Nature Center, (2) Veteran's Memorial Museum and (3) American Police Hall of Fame. It is also requested that the Board make the necessary legislative findings for each grant, request authority for the Director, Tourism Development Office, to negotiate and sign all necessary grant agreements and related documents to support the grants, upon County Attorney Office and Risk Management approval. It is further requested that the Board authorize the County Manager to execute necessary budget change requests.

[Legislation Text](#)

[Copy of Capital Facilities Grants 2020-21.pdf](#)

[History of Capital Facilities Projects.pdf](#)

J.4. 2157 Approval, Re: Tourist Development Council Cultural Grants for FY 2020-2021.

It is requested that the Board of County Commissioners approve the Tourist Development Council's recommendation to fund for the following FY 2020-2021 Cultural Grant applications listed in Attachment "A", as well as make the necessary legislative findings for each grant. Additionally, request authority

for the Director, Tourism Development Office, to negotiate and sign all necessary grant agreements, upon approval from the County Attorney's Office and Risk Management and authorize the County Manager to execute necessary budget change requests.

Legislation Text

Cultural Attachment A.pdf

Cultural Grant Scores - 2020-21.pdf

Miscellaneous

J.5. 2155 Policy Restricting Board Members from Negotiating with Unions During Formal Negotiations

Board consideration and adoption of the attached policy.

Legislation Text

BCC POLICY COLLECTIVE BARGAINING.docx

J.6. 2161 Request to Blue Origin to Refund \$8 Million Cash Incentive

Board ratification of attached letter

Legislation Text

Blue Origin Wetlands.pdf

Add Ons

J.7. 2164 Permission to Advertise Public Hearing to consider application for the 2020 Edward Byrne Memorial Justice Assistance.

County Manager

It is requested that the Board of County Commissioners grant permission to advertise a Public Hearing to consider the 2020 Edward Byrne Memorial Justice Assistance Grant application.

Legislation Text

BCSO backup.pdf

K. PUBLIC COMMENTS

L. BOARD REPORTS

L.1. Frank Abbate, County Manager

L.2. Eden Bentley, County Attorney

L.3. Rita Pritchett, Commissioner District 1, Vice Chair

L.4. Bryan Lober, Commissioner District 2, Chair

L.5. John Tobia, Commissioner District 3

L.6. Curt Smith, Commissioner District 4

L.7. Kristine Isnardi, Commissioner District 5

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in the proceedings, please notify the County Manager's Office no later than 48 hours prior to the meeting at (321) 6332010.

Assisted listening system receivers are available for the hearing impaired and can be obtained from SCGTV staff at the meeting. We respectfully request that ALL ELECTRONIC ITEMS and CELL PHONE REMAIN OFF while the County Commission is in session. Thank You.

This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Spectrum Cable Channel 499, Comcast (North Brevard) Cable Channel 51, and Comcast (South Brevard) Cable Channel 13 and AT&T U-verse Channel 99. SCGTV will also replay this meeting during the coming month on its 24hour video server nights, weekends, and holidays. Check the SCGTV website for daily program updates at <http://www.brevardfl.gov>. The Agenda may be viewed at: <http://www.brevardfl.gov/Board Meetings>

In accordance with Resolution 2014219 Section VIII (8.1) the agenda shall provide a section for public comment limited to thirty (30) minutes following approval of the consent agenda during each regular County Commission meeting. The purpose of public comment is to allow individuals to comment on any topic relating to County business which is not on the meeting agenda. Individuals delivering public comment shall be restricted to a threeminute time limit on their presentation. During this thirty (30) minute segment of public comment, speakers will be heard in the order in which they turned in a speaker card asking to be heard. Any speaker not heard during the first thirty (30) minute segment will be heard during a second public comment segment held at the conclusion of business specified on the regular Commission agenda. With the exception of emergency items, the Board will take no action under the Public Comment section, but can refer the matter to another meeting agenda.