

Regular

Brevard County Board Of County Commissioners Governing Board Of The Brevard Mosquito Control District Governing Board Of The Barefoot Bay Water And Sewer District

2725 Judge Fran Jamieson Way Viera, FL 32940 Agenda Tuesday, April 20, 2021

If you wish to speak to any item on the agenda, please fill out a speaker card. Persons addressing the Board shall have three 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 Quasi-Judicial Public Hearings. In Quasi-Judicial proceedings, fifteen (15) minutes shall be allowed for applicants and five (5) minutes for other speakers.

- A. CALL TO ORDER 9:00 am
- B. INTENTIONALLY OMITTED
- C. PLEDGE OF ALLEGIANCE: Commissioner Bryan Lober, District 2
- D. MINUTES FOR APPROVAL: December 3, 2020 Zoning
- E. RESOLUTIONS, AWARDS AND PRESENTATIONS
 - **E.1.** Resolution Proclaiming May 2021 as Older Americans Month (D5)
- F. CONSENT AGENDA (The entire Consent Agenda will be passed in one motion to include everything under Section F.)

Development and Environmental Services Group

Mosquito Control

F.1. Board finding of public purpose; Board and District approval of a loan from the County's Property and Casualty Insurance Program Reserves to the Mosquito Control District for \$1,000,000

Natural Resources Management

F.2. An Appointment to the Save Our Indian River Lagoon Citizen Oversight Committee

Planning and Development

- **F.3.** DELETED
- **F.4.** Final Plat Approval, Re: Viera Boulevard Commercial Center III Developer: The Viera Company District 4
- **F.5.** Final Plat and Contract Approval, Re: Ivanhoe Drive Extension Segment A Developer: The Viera Company District 4
- **F.6.** Moved to New Business Final Plat and Contract Approval, Re: Melbourne Beach Homes Developer: Oceanfront D & M, LLC.
- **F.7.** Approval regarding Transportation Impact Fee Technical Advisory Committee for the South Mainland Benefit District Project Funding Recommendation (Districts 3,4, and 5)

Public Works Department

F.8. Approval Re: Extension to Traffic Operations Fiber Optics Construction, Rehabilitation, Maintenance, and Emergency Repair Contracts

Valkaria Airport

F.9. Permission to accept the Airport Coronavirus Response Grant Program (ACRGP) Grant Offer from the FAA

Community Services Group

Transit Services Department

Budget

F.10. Approval of Budget Change Requests

Human Resources

F.11. Request permission to issue an RFP for Group Health Plan.

Administrative Services Group

- G. PUBLIC COMMENTS
- H. PUBLIC HEARINGS

H.1.

Grills Riverside Restaurant: Request for Public Interest Determination (PID) for Grills Riverside Seafood Deck & Tiki Bar (Grills) to allow impervious areas exceeding 30 percent of the required buffer area. (District 4).

- H.2.
- Ordinance Amending Section 6-3, Brevard County Code of Ordinances (Hours of Sale)
- **H.3.** Public Hearing, Re: Approval of Fire Assessment Rate Adjustment of up to thirty-five percent (35%).
- **H.4.** Public Hearing Re: Amending Brevard County Code Chapter 62, Article VI Zoning Regulations, Section 62-2118, Regarding Measurement Point for Dock Projection and Clear Navigable Zone between Docks at Residential Properties.
- H.5. Ordinance to consider an Ad Valorem Tax Abatement for Dark Storm Industries, LLC

I. UNFINISHED BUSINESS

J. NEW BUSINESS

Development and Environmental Services Group

- J.1. Waiver of Subdivision Perimeter Buffer, Re: Melbourne Beach Homes (21WV00003) (District 3)Developer: Oceanfront D & M, LLC.
- J.2 Final Plat and Contract Approval, Re: Melbourne Beach Homes Developer: Oceanfront D & M, LLC.

Miscellaneous

J.3. Relocation of Nonconforming Digital Billboard

Add Ons

- **J.4.** Approval of Resolution and Real Estate option contract for sale of property in County owned Commerce Park in Titusville.
- J.5. PLACEHOLDER re: Discussion Driftwood Escrow District 2

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, Chair
- L.4. Bryan Lober, Commissioner District 2
- L.5. John Tobia, Commissioner District 3
- L.6. Curt Smith, Commissioner District 4
- L.7. Kristine Zonka, Commissioner District 5, Vice Chair

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) 633-2010.

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 24-hour 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 2014-219 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 three-minute 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.

Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.



BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS ON 2021-04-20 9:00 AM - REGULAR 2725 Judge Fran Jamieson Way Viera, FL, 32940 Regular Agenda Tuesday, April 20, 2021

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 9:00 AM
- **B.** Intentionally Omitted
- C. PLEDGE OF ALLEGIANCE: Commissioner Bryan Lober, District 2
- D. MINUTES FOR APPROVAL:
- E. RESOLUTIONS, AWARDS AND PRESENTATIONS



E.1. 2748 Resolution Proclaiming May 2021 as Older Americans Month (D5)

> It is requested that the Brevard County Board of County Commissioners Proclaim May 2021 as "Older Americans Month".

Legislation Text

May 2021 Older American Month Resolution.doc

F. CONSENT AGENDA

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

Development and Environmental Services Group

Mosquito Control

F.1. 2777 Board approval of an internal loan from the Board's Property and Casualty Insurance Program Reserves to the Mosquito Control Department for \$1,000,000

It is requested that the Board of County Commissioners approve an internal loan from the Board's Property and Casualty Insurance Program to the Mosquito Control Department for \$1,000,000, authorize the County Manager to have the internal loan document executed, and authorize the County Manager to approve all necessary budget change requests to implement this request.

Legislation Text

Internal-Loan-Document-Mosquito-Control.pdf

Natural Resources Management

F.2. 2628 An Appointment to the Save Our Indian River Lagoon Citizen Oversight Committee

It is requested that the Board of County Commissioners appoint Mr. David Sherrer to the Technology Alternate seat on the Save Our Indian River Lagoon Citizen Oversight Committee.

Legislation Text

David Sherrer SOIRL COC Application

Planning and Development

F.3. 2584 Acceptance, Re: Binding Development Plan with HKH Tropical LP (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

F.4. 2598 Final Plat Approval, Re: Viera Boulevard Commercial Center III (20FM00015) (District 4)

Developer: The Viera Company

Planning and Development

In accordance with Section 62-2841(i), it is requested that the Board of County Commissioners grant final plat approval and authorize the Chair to sign the final plat for Viera Boulevard Commercial Center III.

Legislation Text

Final Plat

Location Map

F.5. 2622 Final Plat and Contract Approval, Re: Ivanhoe Drive Extension - Segment A (20FM00010) (District 4)

Developer: The Viera Company

Planning and Development

In accordance with Section 62-2841(i) and Section 62-2844, it is requested that the Board of County Commissioners grant final plat approval and authorize the Chair to sign the final plat and contract for Ivanhoe Drive Extension - Segment A.

Legislation Text

Contract

Bond

Plat

Location Map

F.6. 2634 Final Plat and Contract Approval, Re: Melbourne Beach Homes (20FM00011) (District 3)

Developer: Oceanfront D & M, LLC.

Planning and Development

In accordance with Section 62-2841(i) and Section 62-2844, it is requested that the Board of County Commissioners grant final plat approval and

authorize the Chair to sign the final plat and contract for Melbourne Beach Homes.

Legislation Text

Contract

Bond

Final Plat

Location Map

F.7. 2699 Approval regarding the Transportation Impact Fee Advisory Committee for the South Mainland Benefit District Project Funding Recommendations (Districts 3,4, and 5)

It is requested that the Board of County Commissioners consider approval of the project funding recommendation in the amount of \$20,000.00, as prepared by the Technical Advisory Committee for the South Mainland Benefit District on March 17, 2021; and if approved, authorize the Budget Office to execute any budget change requests necessary for implementing this appropriation.

Legislation Text

Public Works Department

F.8. 2763 Approval Re: Extension to Traffic Operations Fiber Optics Construction, Rehabilitation, Maintenance, and Emergency Repair Contracts

Public Works Department

It is requested the Board of County Commissioners extend the existing Traffic Operations Fiber Optics Construction, Rehabilitation, Maintenance, and Emergency Repair contracts with Advanced Cabling Solutions, Inc. and Precision Contracting Services, Inc. for an additional three months.

Legislation Text

Valkaria Airport

F.9. 2755 Permission to accept the Airport Coronavirus Response Grant Program (ACRGP) Grant Offer from the FAA

Valkaria Airport

It is requested the Board of County Commissioners grant permission and

authorize staff to accept grant funds delegated to Valkaria Airport through the federal ACRGP program. Further, authorize the Chair or County Manager to execute this application and other documentation on behalf of the County in this regard and to approve all necessary financial/budget adjustments

Legislation Text

ACRGP Grant Offer.pdf

ACRGP FAQ.pdf

Community Services Group

Public Safety Group

Support Services Group

Budget

F.10.2774 Approval of Budget Change Requests

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

Legislation Text

BCRs 4-20-21.pdf

Human Resources

F.11.2768 Request permission to issue an RFP for Group Health Plan.

In response to Health First Health Plan's decsion to sunset Large Group, Small Group, Group Medicare, and Third Party Administered (TPA) coverage in 2022. It is requested that the Board of County Commissioners authorize the office of Human Resources/Employee Benefits to release a Request for Proposal for Group Health program for plan year 2022 and authorize the Employee Benefits Insurance Advisory Committee (EBIAC) to act as the Selection Committee to evaluate proposals to make recommendations to the Board on the requested RFP.

Legislation Text

Health First Health Plans Announcement (003).pdf

Administrative Services Group

G. PUBLIC COMMENTS

H. PUBLIC HEARINGS

H.1.2720 Grills Riverside Restaurant: Request for Public Interest Determination (PID) for Grills Riverside Seafood Deck & <u>Tiki Bar</u> (Grills) to allow impervious areas exceeding 30 percent of the required buffer area. (District 4).

Staff requests the Board of County Commissioners consider options for a PID as requested by Mr. Joe Penovich, on behalf of EPH320, LLC (Applicant) for Grills, 6075 N. Highway 1, Melbourne.

Legislation Text

Att A - Applicant's Submittal.pdf



H.2. 2727 Ordinance Amending Section 6-3, Brevard County Code of Ordinances (Hours of Sale)

Approval of Proposed Ordinance

Legislation Text

Proposed Ord Amend Section 6-3 hours of sale.docx



H.3.2754 Public Hearing, Re: Approval of Fire Assessment Rate Adjustment of up to thirty-five percent (35%).

Fire Rescue

Request three actions for Board consideration:

(1) Approval of an adjustment up to 35% in FY2021-22 to the Fire Assessment rate.

Options:

- (a) 35% increase \$8.77M
- (b) 29% increase \$7.27M
- (c) any other increase (less than 35%) approved by the Board

with a further annual adjustment to the rate equal to the change in Consumer Price Index (CPI) or 3%, whichever is lower, until such time that further action is considered by the Board.

(2) The Board may wish to consider allocating general fund revenue replacement that becomes available through the American Rescue Plan Act funds to the Fire Assessment, estimated to be \$8.5M. This amount could be utilized by the Board to reduce the determined Fire Assessment rate in action (1) above by an adjustment (reduction of the proposed increase) of 4%.

These funds would be allocated and spent incrementally over a 7-year period to cover Fire Assessment requirements and would result in similar amounts of revenue being collected during the same 7-year period. If this item is approved, the Special Assessment resolution will be adjusted to reflect the updated Fire Assessment with the reduction caused by the increase in \$8.5M revenue being allocated from the general fund once the revenue replacement funds become available.

(3) Authorize the Chair to sign the Rate Resolution subject to changes necessary to reflect the Board of County Commissioner's approval upon review by the County Attorney.

Legislation Text

Fire Assessment Proposed Rate Resolution.pdf

Fire Assessment Residential and Commercial 29-35 Percent Increase Bins.pdf

H.4. 2769 Public Hearing Re: Amending Brevard County Code Chapter 62, Article VI Zoning Regulations, Section 62-2118, Regarding Measurement Point for Dock Projection and Clear Navigable Zone between Docks at Residential Properties.

It is requested that the Board of County Commissioners conduct a public hearing to consider the draft ordinance amending Brevard County Code Chapter 62, Article VI Zoning Regulations, Section 62-2118 to establish measurement points for dock projection and clear navigable zones between docks at residential properties.

Legislation Text

Draft Dock ORD clean copy.pdf

ATTACHMENT-DOCK SCENARIOS.pdf

Legislative Intent Agenda Report and Attachments from 1 26 2021 BOCC meeting.pdf

Email to Marine Contractors.pdf



H.5. 2775 Ordinance to consider an Ad Valorem Tax Abatement for Dark Storm Industries, LLC



It is requested that the Board of County Commissioners consider adopting an Ordinance granting an Economic Development Ad Valorem Exemption to Dark Storm Industries, LLC for 10 years at 100 percent of the real and tangible personal property that Dark Storm Industries, LLC invests in Brevard County, Florida and is added to the County's property tax roll.

Legislation Text

042021 Dark Storm Ordinance.pdf

Ad Valorem Tax Abatement Council Recommendation Dark Storm Industries, LLC.pdf

I. UNFINISHED BUSINESS

J. NEW BUSINESS

Development and Environmental Services Group

J.1. 2467 Waiver of Subdivision Perimeter Buffer, Re: Melbourne Beach Homes (21WV00003) (District 3)
Developer: Oceanfront D & M, LLC.

Planning and Development

The Board is requested to consider the applicant's waiver request to Section 62-2883(d) that requires a 15-foot perimeter buffer tract along the perimeter of a residential subdivision.

Legislation Text

Waiver Application

Perimeter Buffer Waiver Exhibit

Site Plan

Landscape Plan Tree Layout

Vicinity Map

Location Map

Community Services Group

Public Safety Group

Support Services Group

County Attorney

County Manager

Miscellaneous

2. 2762 Relocation of Nonconforming Digital Billboard

County Manager

Clear Channel Outdoor Inc requests the Board approve relocation of digital billboard from SR 528 (billboard Panel Id 005378) to I-95 near Wickham (billboard Panel Id # 005450) as shown in the attached exhibits. The billboard at State Road 528 may return to static nondigital face or be removed permanently.

Legislation Text

#005378 Conversion[27].pdf

#005450 Conversion[17].pdf

Add Ons

- 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, Chair
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- L.5. John Tobia, Commissioner District 3
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