

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

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on February 26, 2019 at 9:01 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

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

ITEM B., MOMENT OF SILENCE

Chair Isnardi called for a moment of silence.

ITEM C., PLEDGE OF ALLEGIANCE

Chair Isnardi led the assembly in the Pledge of Allegiance.

ITEM D., MINUTES FOR APPROVAL, RE: JANUARY 22, 2019, REGULAR

The Board approved the January 22, 2019, Regular meeting minutes.

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

ITEM E.2., RESOLUTION, RE: RECOGNIZING DR. DUANE DEFREESE

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-020, recognizing Dr. Duane DeFreese as Champion of the Environment.

Dr. Duane DeFreese stated 21 years ago he was recognized by the Board as its first Director of Environmental Endangered Lands Program; two of his proudest moments were then and now; it has been a pleasure for him to serve the Board; and he expressed his thanks to the Board.

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

ITEM E.3., RESOLUTION, RE: FAMILY PROMISE OF BREVARD

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-021, acknowledging Family Promise of Brevard.

Tara Pagliarini, Executive Director of Family Promise of Brevard, expressed her thanks to the Board; and she provided the Board with a video presentation. She went on to say sufficient resources and political will are needed to end family homelessness in Brevard County; it is not acceptable that children are living in vehicles, tents, hotels and motels; and she is hopeful that others will say what more can they do after seeing the video.

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

ITEM E.4., PRESENTATION, RE: DR. DUANE DEFREESE ON THE FINAL DRAFT INDIAN RIVER LAGOON NATIONAL ESTUARY PROGRAM COMPREHENSIVE CONSERVATION AND MANAGEMENT PLAN

Dr. Duane DeFreese, Executive Director of the IRL Council and the Indian River Lagoon National Estuary Program, stated he would like to introduce the Board to where they are on the Comprehensive Conservation Management Plan process; to give the Board a sense of how that aligns with the Save Our Indian River Lagoon Plan that it will be discussing later; and to give it a sense of where they are heading as they move forward into the years in this restoration of the Indian River Lagoon. He went on by saying first and foremost the Board needs to understand that they are really a different kind of a program, they are a federal program authorized under Section 320 of the Clean Water Act, and they are recognized by the U.S. Congress along with 27 other estuaries, there are estuaries of national significance; what is unique about the National Estuary Program, when this was first convened in Congress, they wanted to know how to do this better, outside of the regulatory world how could they convene people and scientists, policy makers, and influentials to actually find a way to do large ecosystem restoration; as the Board knows it is a challenging concept when trying to build by consensus; but it is the best way to do large ecosystem restoration. He advised they are science-based, inclusive, community based, they extend across five counties on the Lagoon, and another two in the watershed; and one of the main drivers of the authorization is they convene a management conference to develop a comprehensive conservation management plan, and that plan kind of becomes the big picture of where they move forward with their local, State, and federal partners. He pointed out they have over 100 volunteers and three committees all meeting under Sunshine; a science, technology, engineering, and modeling group of over 23 representatives, 22 research organizations, they will double the size of their citizen oversight committee this year to get better representation; right now they have about four or five per county; that is coming back to council with a number of open slots to double it; and a management board that represents many of the players at all levels, from local government all the way to Kennedy Space Center that actually

manage property, with the IRL Board of Directors being the policy board, and they serve very much like the Board of County Commissioners do. He noted they do fiduciary oversight, final decisions, making sure they have done proper due diligence on the public funds that they are using. He applauded the Board for its deliberations and discussions with the Save Our Indian River Lagoon Plan is exactly where the Board is supposed to be; while ecosystem restoration is complex, and there is a lot of money on the table, if those tough discussions are not had, it will never get to where it needs to go; and he applauds the County Commissioners because each are engaged and involved, and they are doing the very same thing at the IRL Council only at a multi-county level. He went on to add they have had plans going back to 1996, plans have to change; when he took charge of the IRL Council, now it is almost four years ago, the idea was that the Council was going to change the way they did business to better engage and allow for full local community support, and also to bring kind of that oversight out of the State and federal level down to the local community level and drive it not from the top down, but from the bottom up; they have been doing that as they move forward; and today he wants to introduce the Board to the beginning of the beginning. He stated a management plan is just a start; they have a final draft management plan that has three years in the making, but with a concentrated effort within the management conference to build a plan that looks different and responds to these critical changes that they have seen since 2011 in the Indian River Lagoon; the prior plans, to be honest, they were looking at a Lagoon that was getting better; and now they have a Lagoon that is actually past the tipping point, they are concerned about a full regime shift, and really active intervention and restoration is the change from when he first started this almost 40 years ago to where they are now. He advised they are at a critical junction; they have made sure this plan has seen lots of meetings, lots of public comments, it is still on the website, anyone who is listening to this today, to feel free to go on the website; they are going to leave this plan even after it is adopted in perpetuity in public comments because it is a plan it will adapt and change when moving forward. He explained he thinks they are at the beginning of seeing an estuary differently; they have developed a vital signs wheel with 32 lanes of a highway that all lead to a healthy Lagoon; everything north of that circle is the environment and estuary kinds of science issues, water quality, habitats, living resources; everything in the southern half, the warmer colors, they are about humans, it is about them, how they need see behavior change; and these 32 lanes are not independent of each other, in fact, they are all dependent. He stated someone asked him a while back how this works; if he happens to be a citizen, he questioned what he actually controls as a citizen; he stated he can control the fertilizer he uses, pesticides, if he has sod or native vegetation, he can find a lane in here and say these are the things he controls, that he has authorization to do at his home or business; if he happens to be a federal government agency, that may be regulating, protecting human health, safety, and welfare with toxicants; maybe he goes over to that contaminate and says that is their lane and they have authority and responsibility here; and he wants to showcase that it is not just that lane, once they have contaminants then they have transport mechanisms, so it is surface water, ground water, legacy loads. He pointed out each citizen, counties, 38 cities along the Lagoon, all of the industries can look at this wheel, figure out where they can make change, solve a problem, or maybe contribute to a solution, and then go do it; if they all do that at the levels they can, they will see a healthy Lagoon emerge, and this will be a community effort; and most importantly, they need to look at this changing behavior. He noted the way things have been done in Florida for the past 100 years, is not the way it will be done moving forward and as the population grows; each one of those vital signs is a chapter in this management plan, and each chapter is structured exactly the same. He stated they try to drive the actions they are recommending over the next 10 years based upon the best available science; and they did something totally new for a national estuary program, instead of staying on the outside of the wheel, they brought it to the inside of the wheel, and they asked what they owe the citizens and their partners as a program. He further asked what the deliverables are they are going to deliver as a program over that next 10 years; they know they convene, it is one of their most powerful roles; but they also have opportunities to coordinate, collaborate, and actually conduct some of the things that need to be done at a Lagoon wide level; and the Board will see in their work plan coming up in

the next few months that they will begin to deliver some of those things, like re-looking at monitoring and seeing where the gaps are, to really get into the weeds of habitat restoration. He went on to say they also asked everyone they know where they think the critical health concerns are with each of those 32; normally in an NEP, the EPA likes to see these ranked; like what is high importance, medium, and low, that has not worked well, because everything becomes high, then it becomes irrelevant of how things are looked at; they took a human health standpoint and said to see if a person thinks it is critical or serious condition; they felt of what they did not know is maybe more dangerous than what they do, so the third level is undetermined of where work is needed; and what was surprising to him, it made him realize they hit the right 32, but the first 50 responses, not a single person responded to any large degree of majority that they are seeing improvement in a large degree. He added there is a big variety of how people see condition, but it was clear on the read, the critical and serious things that most of this needs work and investment; the key to this is not stormwater or wastewater or muck dredging, it is really 'and', they need to make good decisions; and he applauds the Board for being detailed and thoughtful in looking at the data driven decisions that it makes on how the money gets allocated. He advised the most important thing he has recognized after 40 years was not really clear in his head was that they are not managing just to the present; they are not managing the whole Lagoon, so the new mission one Lagoon, one community, one voice will get them there in the big vision; the Board started looking at what people can do to take action, and the Council thought it was brilliant; it was expanded from the Board's four to 10; and the key is that each of them will be applied differently and in different places. He concluded by saying they will continue to use their modest funding to move shovel-ready, turn dirt projects; but because of their federal authorization and obligation, in order to continue getting federal dollars, they need to be doing science, citizens engagement and education, and that is where they can really be an effective and powerful partner to the counties and cities in looking at some of those opportunities; in one area he is super excited about is the new technology development; if they can figure out how to do any of this quicker, faster, and better with new technology, then those dollars apply further; and lastly it is not really one Lagoon when it is implemented, what they need to do in the Banana River is going to be slightly different if not substantially different than the problems Martin County is facing when looking at the shocks of Lake Okeechobee discharges, which just started again in the past few days, or Volusia County in Mosquito Lagoon, so they will be delivering these interventions and their use of dollars for interventions differently in different places. He reiterated it is not 'or' it is 'and' figuring out where to surgically do the work to get the best return on the dollar. He thanked the Board for its support; he stated he wants the Board know they are here to serve it; this plan is now at EPA headquarters and Region 4 of being reviewed for certification; when it comes back to them, they will make the modifications; they wanted more numbers on how to project 10 years out on costs; and they will bring that final draft to the Board. He pointed out Commissioner Lober serves the Board on the IRL Council; he appreciates his service; he appreciates Commissioner Smith's long service; this is a good plan, but it is a broad plan; and they have a list of 485 projects that have been given to them by the cities and counties, including the project list Virginia Barker, Natural Resources Management Director, has created. He advised they are going to be at this for quite some time, and this is a general road map to help them get there; and the rubber hits the road with the Board at the local level, whether it is county or city and they are honored to serve it as they move forward.

Commissioner Lober asked Dr. DeFreese to go back to the wheel; with respect to that he wants to touch on something he alluded to with respect to the fact that they have five counties the IRL works with; each county has a slightly to substantially different take on the issues; one of the things he likes and became readily apparent after he was appointed to serve on the IRLNEP Council is this board and this wheel is as respectful of home rule as anything he has ever seen; and rather than forcing a particular county to take one or two options that it may or may not agree with, this allows something more akin to a buffet where the counties individually can look at the problems they have and select those items that are most beneficial, easiest, or logistically

more appropriate to implement, and that is great given there are five separate counties to work with. He went on by saying the other thing that is great is Dr. DeFreese has been incredibly available, at least to him and his office, even though they are one of five counties; he has come to his office, and spoke to his Aid Fritz as late as yesterday; and he does not know how he does it. He stated for the Commissioners who have not had the pleasure of serving on the IRLNEP, he or she makes a lot of contacts there; one of the folks he met with the St. Johns River Water Management District was at his office discussing concerns pertaining to the Lagoon, and he would have not met that individual if he had not served on the IRLNEP Council; the opportunities had in having State and federal agency presence there, he does not think they can be overstated by any means; and he expressed his appreciation for the opportunity. He stated Mr. DeFreese has done a stellar job in trying to keep the Council science-based as opposed to political.

Chair Isnardi expressed her appreciation to Dr. DeFreese for meeting with her on things she did not know, and giving her his thoughts.

Dr. DeFreese advised he did not want to come back to governmental service, and he liked it, the high tech; but he saw an opportunity and he asked himself why it was not working; there is no perfect science or policy, it has to be tweaked along the way; the Town of Oak Hill in Volusia County wants to go from septic to sewer in its entirety; if he looked at that as a single event and how much value it would really contribute to restoring the Mosquito Lagoon, the answer may be not much, but it is a value because nutrients are being released; but that contribution to that town transforms that community from a community that has really stopped at growth to a community that can grow in a Lagoon friendly manner. He pointed out it is more than just water quality, more than just environment, there is a human and economic context; and it is hard to find the balance sometimes, but it is worth the work, conversation, and due diligence that each of the Board Members bring to its job in finding that proper path knowing that mistakes will be made along the way. He stated Commissioner Tobia asked a question at one of the meetings if the Board knows when spending \$400 million it will have a clean Lagoon. He advised the answer is no, they do not, but they are absolutely 100 percent assured that if they do not move forward to do the interventions and the work, it will get worse, and that is what everyone is working for. He stated they can have a Lagoon that is vibrant, healthy, and supportive of the economy, and environment that delivers what most people want; it is not what the scientists tell people, it is people wanting to fish, swim safely, and if he or she gets a clam, oyster, crab, or fish, that it is safe to eat; and that is a high bar for him.

Commissioner Smith advised he was part of the IRLNEP and they were charged with coming up with an executive director; they had five really good applicants; they would have had a winner no matter who was chosen; but Dr. DeFreese was just someone who was head and shoulders above the other four that were really good, because he is a scientist, he thinks in facts, but he can convey those facts into policy, and he does it without emotion. He pointed out he thinks that is key, because when there is an issue like the Indian River Lagoon, which is highly charged, and people are very emotional about restoring this Lagoon, that calm sense of demeanor of policy and these are the facts, just serves the entire five county community extremely well.

The Board acknowledged Presentation given by Dr. Duane DeFreese, on the Final Draft Indian River Lagoon National Estuary Program Comprehensive Conservation and Management Plan.

ITEM I.2., SUPPORTING THE PASSAGE OF HB 141 AND SB 216

Commissioner Tobia advised the last time he brought this before the Board, he decided to table it for a unanimous vote, and to look at only House Bill 141; after speaking with Randy Fine,

State Representative, he considers the two primary aspects of the Bill are the matching funds and accountability to be linked; he respects the opinion of other members of the Board.

Representative Fine stated this is the week he is home prior to nine weeks of session starting next week; one thing this does is only pertains to the five-County Indian River Lagoon (IRL) area and the other is Statewide implication; the Bill provides \$50 million a year, recurring, so for the next 10 years \$500 million of matching funds would be available to the five Counties for three things septic to sewer conversions, sewer line extensions to already developed areas, and upgrades to existing wastewater utility plants; and it would create new Statewide standards to require accountability, and how people who believe in Home Rule will run their wastewater systems. He went on to say after a spill the Bill would require those problems to be fixed at a cost of \$2 per gallon; if a local government refused to fix the problem, they would be charged \$1 per gallon as a fine; but if there was commitment to fix the problem there would be no fines whatsoever. He stated the Senate sponsor of the Bill is Joe Gruters, who represents Sarasota; his area would get not one dollar of matching funds under the Bill; he agreed to sponsor the Bill because he believes the Red Tide in his area is a huge problem and is caused in part by the frequent, massive raw sewage releases; and the problem needs to be stopped. He advised Brevard County is well positioned to take advantage of the matching funds and he encouraged the Board to think about how to spend its half-cent sales tax money, and to keep in mind that \$50 million will be available for one year only; it will reset for another year, it can roll over to the next year; there will be \$50 million, assuming the Bill passes; there are five Counties that tap into that; and he believes Brevard County, in the first year could really grab the lion's share. He mentioned the second thing is the requirement to fix the problem; there are 11 governments within Brevard County that treat one million gallons or more of raw sewage on a daily basis, Brevard County is the largest of the Counties, but is one of 11; the School Board of Brevard County, Florida is even one, they do more than one million gallons; and there are dozens, and dozens, and dozens of organizations of municipalities of local governments that have the ability to put raw sewage directly into IRL. He continued to say government may not be taking the problem as seriously as Brevard County is, so there has to be a solution to not only hold Brevard County accountable but hold all of the dozens of wastewater treatment systems across these five Counties accountable for doing it as well; it is a no-brainer for Brevard County to have access to funds and an ability to use those funds to hold itself accountable, and everyone else as well; the Bill has a number of sponsors; he believes the Bill will start to move in the House and the Senate fairly soon, because the session starts next Tuesday; and he is very excited about the prospects. He added the requirement to fix is a fairly easy thing to get passed but the funding will be the hard part, because it is funding that only goes to five Counties; and generally Legislatures agree that local governments should not be able to put poop in the water. He expressed his appreciation to Commissioner Tobia for inviting him to be present today for an update; and he stated he is available for any questions.

Chair Isnardi inquired about the fine structure. Representative Fine replied there is no fine structure; and he stated the Bill says hypothetically, if there is a 100,000 gallon spill the local government have to either commit \$200,000 to fix that, if there is more money leftover fix other wastewater problems, and if refused to take responsibility to fix the problem that happened then \$100,000 will have to be paid to the State.

Chair Isnardi opined that is what gets lost in the conversation and this may bring people onboard; and she knows it is a concern of the people who expressed to her, how is the County going to afford to pay these fines.

Representative Fine remarked how it could be afforded to not fix the wastewater treatment systems.

Chair Isnardi agreed.

Representative Fine reiterated there are no fines, other than the fines that already exist in the law; but there are no incremental fines in the event of a wastewater treatment system spill, assuming the local government is willing to commit \$2 for every gallon spilled to fix that problem; if there is money left over, fix other similar problems that might exist in the system; and he is hopeful that there is never a dollar paid by anyone on this, because this Legislation creates a renewed sense of urgency to fix these long neglected problems so there are not any spills. He advised the objective is not to create fines for the State, the objective is to see the problems fixed; the problems happen with remarkable frequency in Brevard County; but not just here, they happen all over the State which is why the requirement to fix is not a five County, and the fund is only for the five County's on the IRL but the policy change is a Statewide policy change. He mentioned there is bipartisan sponsorship from folks who gain nothing; Senator Gruters' area will not get one dollar of the \$50 million and is solely charging forward on this because of his belief, that in his area the local governments have not taken this seriously; and is a widespread belief in the Legislature.

Commissioner Lober stated he wants to dovetail off of what the Chair said, with respect to the municipalities and Counties would have in the event of a discharge; he can tell Representative Fine, that his hope is the same as his hope that Brevard County never pay a dollar to the State, as a result of a discharge; he thinks it is truly a situation of shame if there is a discharge and the money is not put into fixing the infrastructure; however, tough it may be to come by that money, he thinks that is the only way to go unless there is something so outlandishly extenuating that it had not occurred to him at this point; he is not concerned at all about the possibility of \$1 per gallon; and he thinks that is something that is not going to be realized here, because he believes there is a willingness in Brevard County with the Committee and the Commission compromised as it currently is, to spend the money on the infrastructure. He inquired with respect to the \$50 million in the first year allocation; and it was alluded to why it is believed Brevard County is uniquely situated to take advantage of that money in the first year

Representative Fine responded the County made a decision to pass the half-cent sales tax and he wishes it was done as a trigger tax; he stated the number one issue he runs into on this is there is already a tax and there is no need to get money from the State; it is unfortunate that many of the backers of that plan mislead the public and said there was matching funds available, if that half-cent sales tax was passed; but having done that and overcoming that strategic mistake, that money becomes available at the beginning of the Fiscal Year. He went on to say there is \$50 million that must be matched dollar for dollar; it is more than accessible just by the five County Commissions' if cities come up with matching funds, and is not exclusively available just at the County level; who else would have a source of \$50 million that they might be able to offer very quickly, in order to get those matching funds; and Brevard County has \$40 million that is coming in every year, and no other government has that money simply sitting around. He added if Volusia County wanted to try to get their fair share of the \$50 million on a pro rata basis, which he is unsure of but wants to say it could be \$10 million of the \$50 million, and they will have to come up with \$10 million because it requires dollar for dollar matching; and Volusia County does not have a save our lagoon fund that is available. He stated he believes when there is \$50 million of matching funds, that people are going to say they want to be able to tap into it; that same argument that was falsely made to get the half-cent sales tax approved with be used accurately, mostly likely in those other Counties; but they will not have that done by the time that those dollars are available, which allows Brevard County in the first year to get more of its fair share.

Commissioner Smith applauded Representative Fine for his efforts; he stated he thinks this is a big step in helping the five Counties, particularly Brevard County; he would take exception that the community was led to believe that the Florida Department of Environmental Protection (FDEP) and the Governor's Office, that if it was passed Brevard County would be getting matching funds.

Representative Fine remarked whoever said that misled him; he does not know why anyone said that because there never were matching funds.

Commissioner Smith stated it has been repeated to him over and over again, that Brevard County is taking care of its own problem, and they have to help the other Counties who have not stepped up to help themselves; and what is happening is totally opposite from what he was told, and it is totally misfortunate. He advised he loves the fact that Representative Fine is spear heading this and wants to do something to help Brevard and the five County's; he is concerned with the punitive aspect, because as he mentioned at the last Board meeting when this came up that these failures are not malicious, and there has never been an effort by any of the communities, including the County to do something that would cause these breaks and failures; the County stepped up in 2013 and created \$139 billion bond issue to repair the system in Satellite Beach, that in the 90's was put in and was known that they did it cheaply; and to him it seems like it is punitive in nature. He added he is not saying when there is a break it should not be fixed, but he thinks whenever there is a break it is going to be fixed and has no need for punishment; if there is a fine of \$1 a gallon and if there is 20 million gallons spilt will there be a fine for \$20 million, or \$3 million for three million gallons of raw sewage spilt; and the rate payers are the ones being punished because they did not have anything to do with the failure of that system, or the planning of the system, and the community that put the system in is going to charge the rate payers; he likes the idea of this moving forward and what it can do; but he is not sure about the penalty aspect.

Representative Fine replied it is calculation based on the gallons released, so if 20 million gallons are released it is based on 20 million gallons; that is how the calculation would work as the Bill is currently constructed; he would challenge the notion that it is punitive; if the Bill said if a spill is made and one must pay \$1 per gallon to the State, would be punitive; that is not required and no fines are required to be paid to the State under the Bill; and there is a requirement the problem be fixed. He went on to say it was said that none of these spills are malicious and he challenges that statement because he believes every time a local government prioritizes non-critical needs over keeping their infrastructure up to date, is a malicious act that puts people in the situation that the IRL is in today; he believes largely it predates the Board; and after the 22 million gallons spill, the County had around the 35 days of Hurricane Irma; but after that spill he had some of the utility folks come into his office. He talked about asking them why the spill happened; they said that they could find out if the system does not work by doing smoke testing, which is a great idea because they have an idea how severe the problem is; the problems should have been identified, but there was no allowance of smoke testing; and he inquired about the last time smoke testing was done in Brevard County. He mentioned the response was it has been at least 17 years; he asked why it was not a priority to do smoke testing; and the answer was the politicians did not want to know how bad the problem is. He stated he would argue that is malicious and that the excuses used when the spills happen is creative; the most used excuses was there was a Hurricane that led the system to overflow; in a well-designed sewage treatment system stormwater and wastewater are kept separately; during a Hurricane why should the sewage system be overloaded; when there is not a Hurricane bathrooms, washing dishes, and laundry is being done in homes causes wastewater creation at home; when there is a Hurricane a lot of people leave, so their wastewater creation drops to zero; all of the people hunkered down at home are still using the bathroom, but the power is off and out, and people are still doing the dishes and laundry; and the actual creation of wastewater during a Hurricane is lower than almost any other time. He advised it is uncertain why there are discharges during Hurricanes, it is because there has been no investment in the systems, and there is stormwater penetration; to him to have allowed that to develop over the years and decades is a malicious act; and the goal of the Bill is not to be punitive, the goal of the Bill is to say it is unacceptable for sewage to be going in the water; and that problem has to be fixed.

February 26, 2019

Commissioner Smith pointed out during the Hurricane's there are power failures and power failures cause pumps not to work.

Representative Fine remarked they do not cause pumps to not work, because a well ran municipal sewage system puts in generators at those pumps to make sure that when they go out, the pumps do not stop; these are the malicious decisions that he believes gets made; Brevard County is not the worst offender of this; he has a former colleague in Broward County who talks about a problem they have all the time because they refuse to put generators in; and there, they actually end up having the sewage running in the street. He went on to say the decision to not prepare by putting in generators to use lift stations is a conscious decision that someone has made; so no the power going out does not mean that the lift stations do not work; and it is a choice that someone made to not have them work.

Commissioner Smith stated because generators get old and they fail, systems do not get replaced because they are expensive or is it really needed this year, and being hopeful that there is no Hurricane; that happens over the course of five or 10 years and now if 30 pumps are needed, that is a lot of money to replace; and he inquired if there is a 20 million gallon spill and the cost to fix that break is \$1 million, is there still a \$20 million fine or is it just cover the \$1 million to fix the problem that was discovered.

Representative Fine reiterated there is no fine, unless the local government chooses not to fix the problem; he responded in the case of a 20 million gallon spill, it would create a \$40 million obligation to fix that problem and other problems; for example, if it only costs \$1 million to fix that issue, there would be \$39 million available to buy generators to make sure that it did not happen again in the future; and the idea is to change behavior, to stop the putting off, the procrastinating, and the hoping for the best that so many local governments do; the whole idea is for people to say, if this is not taken seriously the consequences will be severe; and it is to change the thought process and to change the decision making, so the kinds of decisions that have been made stop being made.

Commissioner Smith inquired if the repair is made for \$1 million and it costs another million to bring all the generators up to current standards, there is still no fine. Representative Fine responded he would be open to changing the Bill in this hypothetical example, if there is a 20 million gallon spill, which creates a \$40 million obligation to fix the system, and if there literally are not \$40 million worth of necessary fixes to the system, whether it is that spill or others, and to just require \$40 million for no reason at all, he is okay with that; but the idea is there has to be \$2 per gallon of this spill to fix that issue, and to upgrade the system so future issues do not happen again. He went on to say in this example, say there is a 20 million gallon spill, \$40 million is a drop-in-the-bucket compared to a lot of the deferred maintenance on a lot of these systems; if there is only \$15 million worth of projects then there is literally nothing else to do, he would not have a problem amending the Bill as it goes through the process that says once everything is done that there is to do, the process can stop.

Commissioner Smith indicated that he likes that; he stated he thinks the challenge for Representative Fine is generators are enumerated; and he asked what are some of the other problems that could be addressed to fix that are not outwardly noticeable. Representative Fine replied the elephant in the room is the leaky lateral lines; he stated in these stormwater intrusions, what happens is all of the pipes that run from people's homes to that big pipe underneath the street, many of them are cracked and falling apart; and the stormwater intrusion happens when it rains a lot, the water table goes up, and the water pours in through all of those cracks. He mentioned what people do not like to talk about is if the stormwater can run in through all those cracks when the water table goes up, what happens when the toilet is flushed, and maybe the stuff goes out through the cracks and into the ground; the remarkable thing is nobody knows; one thing the Board agreed to do was testing in Satellite Beach; but that is a

February 26, 2019

small part of the County's service area, and fixing a lot of those lateral lines is going to be a very large amount of money.

Commissioner Smith inquired if smoke testing is added after a spill would solve the problem. Representative Fine replied smoke testing does not solve anything, it just shows how severe the problem is.

Commissioner Smith remarked he knows, but it does illuminate the problem; he stated those monies could be used to fix the lateral lines; he thinks manhole covers are another problem; and if those things were in the Bill specifically, he would feel more comfortable because it would be attacking a real problem instead of just having a blanket.

Representative Fine talked about the hypothetical 20 million gallon spill and that \$40 million would be spent by the County of the City, and it is not given to the State; how the Bill is worded today is very specific to fix that problem and upgrade the system; and it does not say to do only X, Y, and Z, so all of the things Commissioner Smith has brought up are allowable in the Bill as it is written, and assuming the problem that caused the spill does not require all of the money that is effectively required after the spill, which is already in the Bill.

Commissioner Smith added if the specifics are not put in the Bill, some community can just say the pipe is fixed.

Representative Fine advised as the Bill moves through the process he will add to the Bill; the Bill has to go through six committees before getting it to the House floor; there will be more meetings like this; he will add to the Bill, assuming it moves to say the money can be spent on the including but not limited to, smoke testing, manhole covers, and lateral lines; and that will make the Bill clearer, but it still will not excluding anything.

Commissioner Pritchett expressed her appreciation to Representative Fine for bringing this forward; she stated she was one of the ones who was struggling with the fine portion; she is concerned because it is really an Enterprise Fund and not the Ad Valorem tax that does this; she believes rates need to be raised for users because the County should be on top of this already; but if there is a catastrophe right now, she does not know how much that is going to raise the fee on the user if there are no limits to fix the problem. She went on to say the struggle she is having is where the funds are going to come from to do this; she knows under all the old Florida houses, it is leaking; it is not written in the Bill to fine individuals, but need to get people onboard to be responsible with their property; and if the County had the funds now, she would definitely want to apply them to fixing these issues. She inquired who is going to determine the complete scope of fix and would it be allowed for the Commission to decide through its process. She stated if those things were brought into it she would feel a little more comfortable with it.

Representative Fine replied the Bill does not limit the payer of the fixed fees to the Enterprise Fund; he stated it is the responsibility of the local government; it could be done through the Enterprise Fund, but other sources of money could be used; it is the Commission's responsibility, as the people overseeing the local government to do it; and this does not target the Board, there are thousands of different local governments that this applies to, and it does not say where the money has to come from in order to make the required fixes. He went on to say the amendment he is going to put on the Bill, is if there are not an additional \$39.5 million of projects that would affectively harden the system, and can stop when the money runs out; the reason for it not being applied to individuals is because he wants to fix the government problem before targeting regular people who may be dealing in pollution. He mentioned this would be a collaborative process between the local government, the spiller, and the FDEP.

February 26, 2019

Commissioner Pritchett advised she has a basic core belief that Enterprise Fund should pay for what they are doing because it is like a business run fund and it should be separate; as these issues come forward, she thinks the systems using them should pay for them; she is struggling with the depth of the fines and fees because she believes the problem is a multi-billion dollar problem; but the problem is there are not any funds to do this. She added if people were asked if they mind paying \$600 to \$1,000 a year to pay for this, they are going to tell her no; she is trying to figure out how to responsibly do this; she knows the Board needs to do it; but she is unsure if it needs to be done all at once. She referred to smoke testing needing to be brought up to surface; she reiterated she is trying to figure out where to get the enormous amount of funds from; she is in support of everything Representative Fine is bringing forward and she expressed her appreciation for him doing so; but she is having a hard time supporting this today and not that she does not want to support it, because she does not like not supporting something the Representative brings forward. She advised for the record that is her only struggle; and she added she really respects Representative Fine.

Representative Fine stated there are some local governments that sweep the Enterprise Fund and take dollars out of that Wastewater Enterprise Fund for other purposes; and he inquired if that is something the Board does. Commissioner Pritchett replied she hopes not.

Representative Fine stated there a lot that do and that is part of why the Board is looking at the perspective of its own lands; there are local governments that have nice City Hall's or police stations, because they are taking money out of that Enterprise Fund for other things; there are 39 other governments that all have to contribute to this problem; and he believes for the vast majority of local governments that he has observed, there are a lot of things funded that he thinks are much less important than making sure to not put sewage in the water, and a big part of this Bill is intended to force a reprioritization against some of the silly things that local governments often think are more important.

Commissioner Pritchett expressed her appreciation to Representative Fine for listening to her; and she promised she is going to come up and visit him next time, so she can run a lot of her questions through him offline.

Representative Fine informed the Board that he will be there for 60 days starting next Tuesday; he has very few visitors, but as a rule of pecking order he will kick another Legislature out of his office if someone from Brevard County just shows up without an appointment; and it is not hard to get a meeting with any Legislature Representative.

Commissioner Lober stated with respect to the half-cent sales tax at the time it was imposed, he had some consternation with respect to supporting it specifically because it was not a trigger tax; he is very skeptical when dealing with promises from people who one has not dealt with for years and years in a row; it was something and he is not going to say it was one particular individuals mistake, or several individuals mistake; but had he crafted that actual text that ended up going on the ballot, he would have had it as a trigger tax. He went on to say be that as it may, no good deed goes unpunished, people did what they thought was the right thing, and it is where it is; Commissioner Smith mentioned if a valve is broken, simply replace the valve without this particular Bill; but the purpose of the financial aspect of this, apart from the matching funds, so the fix it or fine it structure is to incentivize folks to do what they otherwise have demonstrated and proven they will not do. He added Brevard County is not separate and apart from that either, it has demonstrated as a County that it will not do what it needs to do unless there is some negative incentive, or some disincentive placed to force the County's hand to a degree; and he thinks it is necessary because the conditioning is needed in order to figure out the correct direction to go. He advised in the statement of there are not funds, he will not claim that if getting some proportional share of that in the future is not entirely convincing to him that the County does not have some amount of money and maybe not dollar-for-dollar, for the

February 26, 2019

amount available, but part of the discussion had with the Save Our Indian River Lagoon (SOIRL) Plan is how much to devote to infrastructure; his thought is, sewers without any question are part of infrastructure; the reason he thinks everyone has been pushing to have increased infrastructure has been pushing, is because they are concerned with raw sewage going into the Lagoon; and to a degree there may be some funds available to help with this particular objective. He expressed his apology if he is putting Representative Fine in an awkward spot; he stated he has come to the understanding that there are some concerns of cronyism being involved with the planning that took place, some form of self-dealing, of a conflict of interest in the SOIRL Plan consisting of what was submitted to the Board by the Citizens Oversight Committee (COC).

Representative Fine stated he shares Commissioner Lober's view with the trigger tax issue; he does not know how it got put into the public domain, that there were magical matching funds available if the tax was passed; it was clearly the public perception; his first official meeting as a Legislature about two and one-half years ago was in this Commission Room for a Legislative Delegation meeting; and the group of folks who advocated for that half-cent sales tax stood up before the Legislative Delegation and said they told everyone there were matching funds. He mentioned being astounded of the public admission in front of the Legislative Delegation and hundreds of people who knew there were no matching funds when they made that push. He stated when that 22 million gallon spill occurred, \$14.5 million was spent on things that were a lot less important than fixing the infrastructure; he replied that he is not aware of any collusion or any illegal activity with the half-cent sales tax; and he does have concerns with the plan, but they are more policy concerns. He advised his biggest concern being prioritization and every dollar should be spent for the highest and best use possible, just spreading it around is not how he would do things; and he reiterated he is not aware of anything criminal going on in the funding.

Commissioner Smith stated in principle he likes the idea of the punitive aspect because it gets attention; he has a problem with it becoming purely punitive and rubbing faces in sewage; and to make his point, or to say aha the people are caught he thinks is counterproductive. He inquired if Brevard County would receive credit if it was doing upgrades, smoke testing, and pipe replacements, and then a hurricane comes along causing the water to flow, the sand to move around, and the pipe to break; and he stated he does not want some bureaucrat saying Brevard County's nose will be rubbed in the sewage because its system failed.

Representative Fine opined that is not the objective; he advised he is very skeptical and there seems to be a hundred year rain every couple of months; he has contributed to raising awareness of the frequency of spills occurring; and he has yet to have any one say during a spill, if only the right money had been spent to maintain infrastructure this would not have happened. He stated the people of Brevard County, the IRL, and the people of Florida are owed to stop doing this; it is not about the Board or just Brevard County, it is a 67-County problem; his objective is to create some incentive changes in order to get people to do some of the things that Commissioner Lober talked about, that they have been loathed to do; and he is not targeting the Board, he is present because Commissioner Tobia asked him to be. He reiterated the spills are happening everywhere, it has to be stopped for the IRL and the State of Florida, because if not it is going to get bad; and he believes this will arc that curve, and get people thinking; and his goal is to change the thought process of local governments in their prioritization of wastewater infrastructure to fix spills.

Commissioner Smith agreed with Representative Fine; he stated it is an out of sight, out of mind; and he does not want to put the power of some punishment into the hands of a politician, or a bureaucrat that just wants to make a point.

Representative Fine remarked it is not a punishment and is a mathematical formula that says

February 26, 2019

there is no judgment; it is just saying the local government is responsible for these sewage systems and sewage has to be stopped being dumped in the water; no one has the right to pollute; he respects those who do not want the arc curved, to create incentives; but he owes it to his constituents and to the State of Florida. He added scientists disagree on a lot on all the different ideas of why this keeps happening; what no one disagrees with is putting poop in the water is helping; and he thinks that problem needs to be solved while a lot of science gets sorted out.

Commissioner Smith inquired if it is really not punitive, but making sure the problem gets fixed. Representative Fine responded affirmatively; he stated he is hopeful for spills to never happen; he clarified \$50 million cannot be used for maintenance that is a core function of local government; it is for improvement of septic to sewer, where there is not that possibility; and for upgrading wastewater treatment plants.

Commissioner Smith revealed he has some reservations and he has voiced them; he stated he does support what Representative Fine is doing; he will support this; and he knows it still has to go through committees, and be tweaked in many different ways.

Commissioner Lober stated in so far as Representative Fine's comment of no local government, or no local elected official has said they screwed up, and it was their fault because it was unforeseeable; the County screwed up, it had a leak last week; when he last looked it was only in the hundreds of gallons; but it was raw sewage that came out from the County's system, not a municipality, and it went right into a storm drain. He advised he does not think it is Utility Services' fault because it operates within the budget that it has to make the best use of funds that are available to them; and he believes historically the system has not been prioritized where it needs to be. He mentioned in correspondence with one of the folks who is sitting here is blue today about why he thought there was a need to shift some of the SOIRL funds toward infrastructure, as opposed to de-mucking; he brought up the point that the next leak cannot be predicted, but it is known with certainty that it is going to happen and the likelihood is overwhelming; a person who runs the actuary tables could be asked if it is going to be in the infrastructure that has outlived its expected lifespan; and there is a meantime between failure for a lot of these parts. He stated he is thankful for the Commission being willing to do what it needs to do in order to address this problem head-on, regardless of what political backlash there is; he agreed wholeheartedly with what Representative Fine has put together; he thinks if it satisfies folks who are concerned by putting something in there saying included but limit to, and list a variety of projects.

Representative Fine remarked he is going to do that.

Commissioner Lober went on to say with the spirit of what is trying to be put together and actually going to bat for Brevard County in Tallahassee has given incredible opportunity.

Commissioner Tobia stated he does not know if this is going to be unanimous, but unanimously the Board supports Representative Fine's tireless work in Tallahassee on behalf of the citizens of Brevard County; he will not put in his plug that he thinks the septic Bill was terrible; he expressed his appreciation for everything that Representative Fine does do, because his heart is in it; and some on the dais may disagree, but equally their hearts are in the right place and this will come to an understanding that resources need to be used to help fix the IRL. He expressed his thanks to Representative Fine for taking the time to come and speak with the Board today and for being a good, helpful partner trying to fix the IRL; and he stated he is hopeful for when this is passed with the added changes and after his vacation with his children, that he comes back to the Board to tell it what transpired.

February 26, 2019

Representative Fine stated this will not be easy; this Bill was introduced last session with no fine; it could not get a hearing in the House or the Senate; he was not the sponsor; he believes that the inclusion of the requirements to fix the problem has gotten support from outside the five-county region; this is his number one priority this session; he will work on it, but it is not going to be easy; and it is a heavy lift even with this. He went on to say he thinks creating some Statewide impact does give more of a chance, but he does not want to set any ones expectations of this being a slam dunk; and he is going to be excited when he gets the committee hearing, because that will be one committee hearing more than a fourth term House member was able to get. He added there is a chance that he will not be successful; but he is going to try to do everything he can to try to be.

Commissioner Pritchett stated Commissioner Tobia stated his comments so elegantly, because it is at the heart of what she wanted to say; her only struggle is the amount; but other than that, she is supportive of what is being done; she expressed her appreciation; and she is going to come and spend some time with Representative Fine in the near future, to see if she can talk him into other things.

Frank Abbate, County Manager, commented on the exchange about whether or not the County uses those resources for other purposes, it does not as Representative Fine described, but there is payment in lieu of taxes which is very common and does occur in the Enterprise Fund.

Chair Isnardi expressed her thanks to Representative Fine for his time and for educating everyone on the Bill, and on the fine structure; and she thinks there was a lot of misinformation early on that just kept perpetuating, which in today's social media world is not unheard of.

Representative Fine mentioned he is planning on sticking around for the discussion about diverting money to some future project in Palm Bay.

Chair Isnardi remarked it is actually the most obscene piece of garbage she has seen on social media; she stated luckily from the 70 emails she received in her office, she was able to say that it is a terrible rumor that has been started and feeds over a very long course of time; and it is sad having to explain how untrue the rumor is. She expressed her appreciation to Representative Fine posting on social media what he is doing in Tallahassee; and she stated the engagement is great and she has never seen a Representative quite this active, and it is kind of exciting to watch. She added she likes the Bill; it holds people accountable because some of the Board may be onboard to do 'X', but this sort of commits other Commissions in the future to do it because what it decided today may get undone in two years; this cannot be undone and it forces the hand of this government to do the infrastructure that should have been done many years ago; and she is going to support it.

Robert Burns stated when he read the Bill, it references the IRL south project; he inquired when does that geographically begin and end, and does money from Brevard County go to that project before it comes back to Brevard County; he inquired why is there an option to pay a fine at half the price over fixing the problem; and he thinks this is backwards, if the fine is to be a deterrent it should be higher than the fix. He inquired how does the Bill offer for natural disasters and where does the money come from; and he suggested building a plant that can handle Category Five Hurricanes. He mentioned Commissioner Smith bringing up the point that it is punitive, but Representative Fine said it is not punitive it is a fine by definition of a penalty; if the fix cost is \$1 million where does the other \$39 million come from, in the example given of a 20 million gallon leak; and he inquired if there is a timeline required to make those repairs. He mentioned the comment about no one has the right to pollute is disingenuous, but everyone does by driving cars; and he pointed out he does not understand the purpose of supporting the Bill at this time because it may change in the future due to having to go through six committees.

February 26, 2019

Commissioner Lober responded the penalty is based on the number of gallons of effluent that is released not the number of storms that caused the release, it is irrelevant as far as the Bill is composed whether it comes from back to back to back storms.

The Board adopted Resolution No. 19-022, to show Board support for the passage of House Bill 141 and Senate Bill 216.

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

ITEM F.22., LETTER OF SUPPORT FOR THE PERMANENT BASING OF THE NEWLY CONSTITUTED UNITED STATES SPACE COMMAND (USSPACECOM) AT PATRICK AIR FORCE BASE

Chair Isnardi asked the Board for its consideration of the letter for the United States Space Command center be brought to Brevard County; she stated it may seem like a feel good item, but it is very important to show Board support and to be the first municipalities to reach out, and ask for it in the County's area; and she would like to forward it to Congressman Bill Posey, Senator Rick Scott, and Senator Debbie Mayfield.

Commissioner Pritchett remarked it is a great letter.

Commissioner Smith stated the letter is outstanding; he expressed his thanks; and he pointed out he is going to Washington, D.C., in two weeks, he will be at the Pentagon speaking with leaders of the United States Air Force, and he will be expressing the Board's thoughts and concerns.

Chair Isnardi stated she is really excited; she thinks it may be a long shot, because Brevard County has the workforce, the space, and Brevard is a great County.

Commissioner Smith added by being there gives the Board opportunity to encourage them; he is hopeful for other Commissioners to get the opportunity to attend; options like this can be brought to the forefront; and it has an influence.

Chair Isnardi advised her schedule is busy and she is glad Commissioner Smith is attending the newly constituted United States Space Command (USSPACECOM) at Patrick Air Force Base.

ITEM F.1., APPROVAL, RE: DONATION OF WARRANTY DEED FROM OSPREY VILLAGE AT CEDAR CREEK FOR THE HALL ROAD PUMP STATION DRAINAGE IMPROVEMENTS PROJECT

The Board approved accepting the donation of a Warranty Deed from Osprey Village at Cedar Creek for the Hall Road Pump Station Drainage Improvements Project, located in Section 2, Township 24 South, Range 36 East.

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

ITEM F.2., APPROVAL, RE: DONATION OF WARRANTY DEED FROM THE SCHOOL BOARD OF BREVARD COUNTY, FLORIDA FOR THE ARTEMIS BOULEVARD BASEFLOW BASIN #979 DENITRIFICATION BIOREACTOR PROJECT AND ADDITIONAL RIGHT-OF-WAY FOR 4TH PLACE FOR BASEFLOW BASIN #998

The Board approved the donation of Warranty Deed from the School Board of Brevard County, Florida, for property located in Section 23, Township 24 South, Range 36 East; and authorized the County Manager, or his designee, to accept delivery of and cause the recording of any deed, grant of easement, or other instrument conveying interest in real property related to the Baseflow Basin #979 Denitrification Bioreactor Project, and the additional 4th Place Right-of-Way for Baseflow Basin #998, pursuant to Policy BCC-24.

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

ITEM F.3., CONSIDERATION OF SUPPORT, RE: FDOT CAUSEWAY IMPROVEMENT STUDY OF STATE ROADS 528 AND 520

The Board approved recommendation from the Save Our Indian River Lagoon Citizen Oversight Committee supporting request to the Florida Department of Transportation to evaluate options to improve water circulation by replacing portions of the State Road 528 and 520 causeways with elevated bridge spans over the Banana River.

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

ITEM F.4., APPROVAL, RE: SECOND AMENDMENT TO TRANSPORTATION IMPACT FEE DISBURSEMENT AGREEMENT WITH INDIAN HARBOUR BEACH

The Board approved and authorized the Chair to execute Second Amendment to Transportation Impact Fee Disbursement Agreement with City of Indian Harbour Beach, which provides impact fee funding for several sidewalk improvement projects with the City.

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

ITEM F.5., FINAL PLAT AND CONTRACT APPROVAL, RE: BRIDGEWATER CENTRAL AT VIERA (18SD00013)

The Board granted final plat approval, subject to minor engineering changes, as applicable, and developer responsible for obtaining all other necessary jurisdictional permits, for Bridgewater Central at Viera (18SD00013); and authorized the Chair to execute the Subdivision Infrastructure Contract with WCI Communities, LLC.

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

ITEM F.6., REQUEST #13 FOR DISBURSEMENT OF EDUCATIONAL IMPACT FEES

The Board approved and authorized the Chair to execute Amended Interlocal Agreement with School Board of Brevard County for the disbursement of educational facilities impact fees in the amount of \$7,222,439.94 to the School Board in accordance with the terms of the Interlocal Agreement; and authorized the Budget Office to execute any budget changes required to implement this disbursement.

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

ITEM F.7., ACCEPTANCE, RE: BINDING DEVELOPMENT PLAN - W.K. & R. GROVES, INC. (17PZ00158)

The Board executed and approved the Binding Development Plan with W.K. & R. Groves, Inc.

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

ITEM F.9., RESOLUTION AND RELEASE OF PERFORMANCE BOND, RE: REELING PARK NORTH AND SEVILLE AT ADDISON VILLAGE, PHASE 4 SUBDIVISION - THE VIERA COMPANY

The Board adopted Resolution No. 19-023, releasing the Contract and Surety Performance Bond dated April 20, 2018, for Reeling Park North and Seville at Addison Village, Phase 4 Subdivision - The Viera Company.

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

ITEM F.10., APPROVAL, RE: MAINTENANCE AND ACCESS AGREEMENT BETWEEN BREVARD COUNTY, FLORIDA AND SUNTREE COUNTRY CLUB, INC. (OWNER), FOR THE PINEHURST AVENUE AND DORAL LANE DRAINAGE IMPROVEMENTS PROJECT

The Board accepted and authorized the Chair to execute the Maintenance and Access Agreement with Suntree Country Club, Inc. for the Pinehurst Avenue and Doral Lane Drainage Improvements Project.

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

ITEM F.11., APPROVAL, RE: AUTHORIZATION TO ISSUE NOTICE TO PROCEED FOR GEOTECHNICAL ENGINEERING AND TESTING SERVICES FOR THE NORTHERN SEGMENT OF THE ST. JOHNS HERITAGE PARKWAY

The Board approved and authorized the Public Works Department to issue a Notice to Proceed to Ardaman & Associates, Inc. for geotechnical engineering and testing services for the Northern Segment of the St. Johns Heritage Parkway estimated at \$281,727.

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

ITEM F.12., APPROVAL, RE: CONSTRUCTION AGREEMENT AND LEASE AMENDMENT WITH FAWN LAKE COMMUNITY ASSOCIATION, INC.

The Board approved and authorized the Chair to execute the Construction Agreement and Lease Amendment with Fawn Lake Community Association, Inc. providing for the replacement of culvert pipe; and approved any necessary Budget Change Requests associated with this action.

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

ITEM F.13., APPROVAL, RE: AGREEMENT WITH FEEDING FLORIDA, FRESH ACCESS BUCKS PROGRAM

The Board approved and authorized the Chair to execute the Fresh Access Bucks Strategic Partnership Agreement with Feeding Florida, providing for grant funds to be used for the nutrition incentive program; and authorized the County Manager to execute necessary Budget Change Requests.

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

ITEM F.14., REQUEST TO EXTEND EXISTING EMS BILLING AGREEMENT WITH ADVANCED DATA PROCESSING, INC. FOR 90 DAYS

The Board approved and authorized the Chair to execute Amendment Extending Existing Contract for Emergency Medical Services Billing and Related Professional Services with Advanced Data Processing, Inc., a subsidiary of Intermedix Corporation, for a period of 90 days.

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

ITEM F.15., RESOLUTION, RE: SUPPORT SPACE FLORIDA'S INFRA GRANT PROPOSAL

The Board adopted Resolution No. 19-024; and authorized the Chair to execute a Letter supporting Space Florida's Infrastructure for Rebuilding America (INFRA) Program Grant proposal.

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

ITEM F.16., BUDGET CHANGE REQUESTS

The Board approved the Budget Change Requests.

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

ITEM F.17., CONVEYANCE OF PROPERTY ACQUIRED BY TAX ESCHEATMENT DEED

The Board adopted Resolution No. 19-025; and approved and authorized the Chair to execute County Deed with City of Palm Bay to convey property, Tax Account Nos. 2843441 and 2843382, acquired by tax escheatment deed to the jurisdictional municipality as required by Section 197.592(3), Florida Statutes.

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

ITEM F.18., REQUEST FOR PROPOSALS (RFP). RE: INTERNAL AUDITING SERVICES

The Board granted permission to advertise RFP for Internal Auditing Services; and appointed a Selection and Negotiating Committee consisting of an appointment from the Internal Auditing Committee, Kathy Wall, Special Projects Coordinator, and Euri Rodriguez, Solid Waste Management Director.

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

ITEM F.19., AMENDMENT TO 1ST RIDER TO BRIGHT HOUSE NETWORKS BUSINESS SOLUTIONS SERVICES MASTER AGREEMENT TERMS AND CONDITIONS

The Board approved and authorized the Chair to execute the First Rider to the Bright House Networks Business Solutions Service Master Agreement Terms and Conditions with Bright House Networks, LLC.

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

ITEM F.20., BREVARD COUNTY V. OWENS (MILLER COVE ROAD)

The Board approved and authorized the Chair to execute Settlement Agreement to settle claims relating to Brevard County v. Owens et al, Case Number 05-2018-CA-019771-XXXX-XX (Miller Cove Road Settlement Agreement).

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

ITEM F.21., CONFIRMATION OF EDWARD FONTANIN, PE AS UTILITIES DEPARTMENT DIRECTOR

The Board confirmed the appointment of Edward Fontanin, P.E. as the Director of Utilities Department.

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

ITEM F.22., LETTER OF SUPPORT FOR THE PERMANENT BASING OF THE NEWLY CONSTITUTED UNITED STATES SPACE COMMAND (USSPACECOM) AT PATRICK AIR FORCE BASE (CONTINUED)

The Board authorized the Chair and the Vice Chair, to sign a Letter of Support for the permanent basing of newly constituted United States Space Command at Patrick Air Force Base.

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

ITEM F.23., APPOINTMENTS/REAPPOINTMENTS

The Board appointed **Eric Hoppenbrouwer** to the Citizens Budget Review Committee, with term expiring December 31, 2019; and reappointed **Kelly Cover-Haugh** to the Marine Advisory Council, with term expiring December 31, 2019.

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

ITEM G., PUBLIC COMMENTS

Alex Greenwood stated he was not able to stay at the Budget hearing on February 21, and he is referring to property taxes; last September he was making an effort to talk about the increase on the rental properties that he has, but he was late by one week to address the Value Adjustment Board; in the meantime he started noticing statement that Commissioner Tobia and Governor Ron DeSantis had mentioned and because of those statements it compelled him to want to pursue this; in one year, one of his properties increased \$8,000 and his second property increased \$5,000; previous to that, he talked with the Titusville Property Appraiser's Office (PAO) who were accommodating to the questions he had. He went on to say he feels like there was a mad rush before the three percent cap situation was coming up, to try to increase property taxes as quickly as they can in order to have money for budget reasons; the reason he decided to come here is because he wanted to mention it to everyone; he plans to attend the next meeting in September of this year for the same subject; Commissioner Tobia and Governor DeSantis' statements made a lot of sense to him; and he urged the Board to be careful of how quickly it changes the property taxes because it could enhance a housing situation that could be detrimental for renters, and to those who own housing. He stated Governor DeSantis said raising property taxes will drive up rents and housing will not sell, which is absolutely true; using his two properties as an example would become foreclosable like the way they were when he bought them; it was also supported by Commissioner Tobia about the rising property taxes above the mandated three percent cap rate, would be something that is cost prohibited for people like him; and he is a State licensed builder and realtor who develops a lot of property from Boca Raton to Brevard County.

Chair Isnardi inquired if his taxes going up were due to the Brevard County Commission tax. Mr. Greenwood responded he did not identify what it was and the PAO did not identify it for him when he called; he stated they did say they were the proposed increases that he tried talking to them about in 2018, and he thinks in September they are going to be embellished again.

Chair Isnardi stated there are often a lot of line items that have to do with the County and other taxing authorizes.

Mr. Greenwood stated in the brief time he spent talking to the PAO they were not receptive at all; he will try to pursue this again in September; and it will cause a lot of renters not to be able to rent in an affordable situation and will be living in their cars, because they cannot afford what is happening with property taxes.

Charles Tovey stated the marine life senses toxicity in the Indian River Lagoon (IRL) and they stay away from it; he cleaned four feet of muck out where the Snook migrate and spawn; he has a soil test for the Board to see that works aquatically well by taking the nutrients out; there was a time when the IRL was starting to recover, which was when he was working; he has been re-framed from work but now since no one is doing it, he will go back to doing it; and he wants to put together a PowerPoint Presentation, and what good is a man if he loses his soul. He stated he can show the Board Statewide and Countywide maps; everyone is concerned about septic tanks; there are no more drive-in movie theaters, taxi's, and phone booths; and people go to the bathroom just as much on a boat as they do in a house. He mentioned Commissioner Lober

February 26, 2019

talked about someone on the IRL board at NASA; he asked if he would email to see if Grumfos pumps are used on the cooling system for the launch pad add on at NASA; NASA has the same problems; although he is not accredited would be a scholar, he has PhD; and he is going to get another one because he found it for a reasonable price called post hole differs. He added he has evidence that he wants to show the Board through a PowerPoint Presentation; and he asked Commissioner Smith to wake up.

Todd Griggs stated he appeared over three and one-half years before Valkaria Airport to put his name on a waiting list; he was less than 80th on the list at that time; they started recently building hangars, so he went back to the Airport to check on where his status was on the list, and his name has been removed from the list; it is upsetting to him because there is no transparency there or confirmation through email to substantiate where his position was on the list; and he had to re-put himself on the list, and he is now 187th on the list. He reiterated there is no transparency; he stated it is subject to corruption and the good ole boys syndrome which is not the way to do business in his mind; and he is registering a complaint today.

Chair Isnardi inquired if Mr. Griggs has anything at all. Mr. Griggs responded no; he stated they do not offer anything; they should give a confirmation email of where he is on the list today; and in a few months he could drop off the list again.

Chair Isnardi advised she does not think that will happen now because problems have been found; an audit was done; and those problems no longer exist.

Mr. Griggs remarked they exist for him and it is not fair.

Chair Isnardi mentioned Mr. Griggs is not the only one who has complained about this; this is why it was taken head-on as soon as the complaints came in; some people did not like the changes that were implemented; but the list issue really bothered her.

Mr. Griggs advised he was not offered any type of confirmation; to this day, he still has no proof where he is right now on the list; and whatever changes were done did not work.

John Denninghoff, Assistant County Manager, stated Mr. Griggs left the office on Friday before they were able to provide him with a written confirmation that he has been added to the waiting list, as of Friday; he was present while they put him into the computerized portion of the waiting list, so his name appears on the waiting list currently; there is no record of him having been in there three and one-half years ago; and ordinarily, when somebody signs up for the waiting list they typically keep a copy of the reservation form.

Mr. Griggs interjected that when he put his name back on the list, he did not have to fill out that form, so therefore, there is still no form.

Mr. Denninghoff went on to say they got the reservation on the computer while Mr. Griggs was there, it was reported to him; a paper version was filled out to give to him, but unfortunately he had left at that point; and they have a paper version in the file and they also have it on the County website that shows the waiting list.

Mr. Griggs stated he would like to have something physical, either an email, or some type of written confirmation that he is on the list; the form kind of thing did not work last time; it is not going to work this time; and he wants proof.

Chair Isnardi understands Mr. Griggs frustration because this was one of the issues that brought it to audit; she does not believe three and one-half years ago that he did not apply because how

February 26, 2019

would he even know what number he was on the waiting list; she can gather this is not being made up; it is a shame that this happened; and she wishes she could fix it.

Mr. Griggs reiterated they did not give him any type of written confirmation he is on that list; to this day, if he goes back three years, he will not have any proof; and he wants proof.

Chair Isnardi remarked she believes him without question.

Mr. Griggs stated the process needs to include some type of confirmation to him, so he has it.

Chair Isnardi agreed; and she inquired if there is any email done when someone goes on the list.

Mr. Denninghoff responded he can assure that if he left his contact information, that there will be some sort of a written confirmation of Mr. Griggs current status on the waiting list.

Commissioner Lober stated with respect to that as well, in the meanwhile the minutes for this meeting certainly will reflect this conversation; there is absolutely no question that Mr. Griggs will have something tangible that shows that this discussion was held; Mr. Denninghoff has already indicated that he was added to the list; he thinks there is not any question whatsoever at this point that he is on the list; it is unfortunate that whatever happened in the past, happened in the past; he thinks from this point forward, there is no way Mr. Griggs will fall off the list; and if that happens, appropriate action will be rectified in short order.

Mr. Griggs stated ok; but he strongly recommends changing the process.

Chair Isnardi suggested having something in place that sends him email confirmation, as well as written confirmation if applying in person to get on the list; it can be added and it is not a difficult change to make; and she will make sure to include that.

ITEM H.1., PETITION TO VACATE PUBLIC RIGHT-OF-WAY - COCOA - PIERCARLO CIACCHI

Chair Isnardi called for a public hearing on a petition to vacate a part of a public right-of-way on Old Sharpes Road, Cocoa, as petitioned by Piercarlo Ciacchi.

Corrina Gumm, Interim Public Works Director, stated this is a petition to vacate the 35 foot right-of-way that runs diagonally through Lots one, two, and three in Block 17, of unrecorded Canaveral Groves, this would allow for the consolidation and construction of two buildable home sites; staff has requested a 45-foot easement for continued maintenance of ditch that is within the right-of-way which the owner has executed; staff received one objection to this request yesterday from a nearby property owner; however, staff has since resolved the concerns; and the objection was withdrawn.

Commissioner Lober disclosed he received an email from John and Linda Anderson that was sent by way of staff to his office; and he asked Commissioner Pritchett of her position since it is in her district.

There being no further comments or objections, the Board adopted Resolution No. 19-026, vacating part of a public right-of-way on Old Sharpes Road, as petitioned by Piercarlo Ciacchi.

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

ITEM I.1., RENEWAL OF SOLAR PHOTOVOLTAIC (PV) PERMITTING FEE EXEMPTION

Commissioner Tobia advised this is regarding solar permitting fees; a significant increase has been seen in the activity of solar installation since granting this exemption; at the request of Commissioner Pritchett at that time, she asked for a one year sunset; that is about to expire; in the previous year there were 120 permits for Solar PV installation; and since implementation of the exemption, there have been 226 installations. He stated this is working; the exemption removes barriers between citizens and clean and efficient solar energy; these tax cuts benefit everyone; and the option of solar energy can be economically beneficial for many citizens, as well as helping the environment. He went on to say residents of the Sunshine State should not be charged for making the choice to utilize technology that benefits everyone; he has a resolution that is basically the same as initially presented; and places no sunset for the exemption to continue in perpetuity; and after Board discussion he will make a motion for adoption of the resolution.

Motion by Commissioner Tobia, seconded by Commissioner Lober, to approve and discussion.

Commissioner Pritchett inquired if the resolution is for another one year period of time. Commissioner Tobia replied he hopes not.

Commissioner Pritchett stated she thinks it does; she likes it and she thinks it is working, and she would like to look at it in another year; then establish it after three years, because it has almost doubled; she would like to do the statistics; if everyone starts going solar and the County ends up going in the hole, she wants to be able to look at that moving forward later on in the future; but she likes it right now and she agrees with him. She advised she is glad Commissioner Tobia brought this forward last year; and she is good to go another year.

Chair Isnardi stated it does say one year in the resolution.

Commissioner Tobia stated it was a complete and utter error on his part; and he saw the initial one but he did not see this one. He advised some sort of rubric was set up for success; and he inquired what success is, if doubling is not an indication of success would Commissioner Pritchett like to see quadrupling or is doubling bad, and only wanted it to do up 50 percent. Commissioner Pritchett responded the whole State almost doubled this year and she is trying to figure out if this is primarily because of what the Board did; she stated she does like it and needs to get more solar in; but she is concerned it is completely eliminating all of the permitting fees and everything becomes solar. She stated she is excited this was brought forward again; and her only concern is where to move tax funds from later because the County is paying for it regardless by moving fees from regular over to this to cover it.

Commissioner Tobia advised of the issue having many moving parts; everyone may not have had the opportunity to look at those moving parts; something that will come into play in the very near future, the Federal government set up a tax credit on solar, and that has been at 30 percent; if a \$10,000 system is put up a person would get a \$3,000 tax credit back on their taxes; that decreases in 2020 down to 26 percent; in 2021 that decreases to 22 percent; and in 2022 that zeros out. He went on to say solar has been getting marginally less expensive; it has

February 26, 2019

not been decreasing at the rate of the credits decreasing; there will be some outside pressures that will impact solar; and there is probably another year hedge on this, maybe two if people look at the eight percent deduction. He advised he will take credit for the error made, but since this was his issue he is hopeful for the seconder to understand that he explained it incorrectly with the one year; and he asked what it would take to get Commissioner Pritchett's vote next year.

Commissioner Pritchett replied she thinks Commissioner Tobia will have success moving forward; she looks at the numbers overall for the whole department on how it is doing on permitting and what the cost is on the County; the initiative of getting people to go with solar is so important; she is trying to figure out where the funds are coming from, as does he; if one more year is sunset and guidelines are established in how to maneuver costs, just in case everyone goes with solar; and continual zero permitting cannot be continued in moving forward.

Commissioner Tobia stated if the Board does not mind discussing this next year, he will move forward with the one year addition of the sunset.

Commissioner Smith stated he has solar at his house and when he got it five years ago, there was no waiving of permit fees; he looked at the bottom line and solar is worthwhile having; the system that he has cost \$23,000 and the Federal government gave him a 30 percent tax credit; Florida Power & Light at that time had a \$15,000 rebate; he took advantage of the 30 percent and the \$15,000 rebate, which brought his cost down considerably; and he paid it off in about 12 months. He opined free market works and he is a free market guy; he thinks people are realizing the value of solar, added to the fact that the cost has come down greatly; the system he has is about \$14,000 now; as the systems become cheaper, it would behoove everyone to go solar unless they have a lot of trees around their house; and the actual cost, according to staff is about \$42,000 a year that the County is not taking in for permitting fees, which over five years is well over \$200,000. He mentioned the idea sells itself and the Federal government agrees, which is why they are continually lessening the tax credit; he did not support it last year, but he thinks he voted for it; but he is not supportive of it this year and he will not vote for it.

Commissioner Tobia advised he has the PV system that he purchased prior to the sunset and he paid \$187 for the permitting fee; he is a free market guy; he stated Commissioner Smith paid out of pocket \$1,100 or 4.7 percent of his system, and in the free market he paid less than one-twentieth of that; he thinks everyone would get solar if it only costs \$1,000; that is not the case right now; the FPL system is \$2 per kilowatt and was absolutely horrific, because only a few people could take advantage of it; and the free market paid less than five percent of his system. He added this is not about free market this is about adding fees on consumers, which he thinks is a good thing; and it is about healing the environment, just because of being a conservative republican does not mean they throw out environmental regulations; Teddy Roosevelt created the National Park System; and the Grand Canyon National Park turned 100 years old today. He advised he is hopeful to get Commissioner Smith onboard in the future; and he expressed his thanks to him for helping the environment.

Commissioner Smith mentioned taking advantage of the item; he disagreed that if everyone could get as good of deal as he, everyone would have solar; the fact is, not everyone did because the money was limited; when the clock struck midnight, people had schemes of how to get on their computers to call a zillion times per second; he did not do that, but his provider did it for him; and what the provider did was hire a bunch of computer geeks and a mathematician who designed a system that made those phone calls. He indicated the system sells itself and \$190 is not going to make anyone buy it or not buy it; he understands Commissioner Tobia's intent, he does not totally disagree with it; he thinks the Board should not be in the business of subsidizing something that pays for itself; and it comes down to prioritization for him.

February 26, 2019

Commissioner Tobia advised he made an error in thinking that he made an error because Commissioner Pritchett tricked him; he is going to go with it, it was a sneaky move; the resolution says, "Whereas, for the foregoing reasons, the Brevard County Board of County Commissioners implemented an exemption to solar photovoltaic permitting fees on March 20, 2018, for a period of one year."; what this does is amend the resolution, but she tricked him and she did a damn good job at it; and he expressed his apology to Billy Prasad, Chief of Staff, for having it done correctly; he would like to change his motion to actually amend this; and he is hopeful for the second to stand to sunset if for one year because of the wonderful, political move of Commissioner Pritchett.

Commissioner Lober stated he is happy with that.

Chair Isnardi stated she thinks it was not intentional; usually an amendment not done quite like this resolution; it was on page two; she understands both arguments, as far as subsidizing because often times its critiqued and she likes the idea of reviewing this; she wants to get more people on solar; she would love to be able to afford solar; and not everyone was as lucky as Commissioner Smith, because it is quite expensive. She advised she would like to review this in one year as well to make sure it is not too much of an impact on the County; and she will support it today.

Chair Isnardi called for a motion on the vote. The Board adopted Resolution No. 19-027, for the exemption of Solar PV Permitting Fees for a period of one year.

*The Board recessed at 11:28 a.m. and reconvened at 11:44 a.m.

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

ITEM J.2., BOARD CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR JAMES WOODLING, NEW OWNER, 6576 CREST AVE., COCOA, FL, 32927 (11CE-00921)

Tad Calkins, Planning and Development Director, stated this is a request for the Board to consider the Special Magistrate's recommendation to reduce the accrued fine from \$26,460 down to \$6,974 and release the lien upon payment in full for a Code Enforcement Case at 6576 Crest Avenue, Cocoa; this Code Enforcement Case was for some unpermitted work, installation of a culvert in the County right-of-way; the property was in violation from December 2003 to April 2013; and if the Board has any questions, staff is happy to answer them.

Ada Yeager stated the new owner of this property is James Woodling, and the property address is 6576 Crest Avenue in Cocoa; Mr. Woodling is requesting the Board to approve the finding and recommendation of the Commissioner; he is asking if he can pay this in six months; the amount of the reduction is \$6,974; she believes \$539 has already been paid, which is the Enforcement cost; and Mr. Woodling is respectfully requesting that the Board approve the recommendation.

Commissioner Lober inquired if he is correct in summarizing that the lien that was imposed on

February 26, 2019

this property was recorded at the time it was sold to the new owner. Mr. Calkins responded affirmatively; and he stated the lien was recorded on September 20, 2007.

Commissioner Lober stated that was prior to the sale to the new owner, such that if they were to look in the Official Records, they could have found it; he inquired what the requested reduction was by the new owner requesting the reduction prior to it going to the Magistrate.

Mr. Calkins replied affirmatively and zero.

Commissioner Lober stated he would defer to Commissioner Pritchett being it is in her District; he just wanted to mention this for the people in his District, because he thinks requesting a reduction of zero was a little bit extreme; so if there is some extenuating circumstance an applicant may want to request something other than zero in District 2; and it is because it is something that seems so extreme, especially given that the lien in this case, and in many other cases is available should someone just do the basic due diligence of going to the Clerk's site and looking through the Official Records. He went on to say he will go with whatever Commissioner Pritchett wants but in his District, he does not know that he would be as inclined to be as receptive given the circumstances.

Commissioner Pritchett inquired if the applicant is willing to pay the Magistrate's Recommendation of \$6,974 and is asking for a six-month period of time to pay it in.

Ms. Yeager responded affirmatively.

Mr. Calkins advised payment plans are done and one can be set up.

Commissioner Pritchett advised that was going to be her recommendation today anyways.

Commissioner Tobia stated he looked through the public record and it looks like this was purchased in 2013; he went back on the Property Appraiser's site to see how much the property was worth, the appraised value, and that was \$70,000; and Commissioner Lober has brought to light, the purchaser was aware that there was a lien of some \$20,000 on the piece of property when they purchased it.

Ms. Yeager stated that was revealed in the title search.

Commissioner Tobia stated he believes that is correct because the sale price of the piece of property, according to the public record is \$20,000; it is his contention that when the individual purchased that, that value was taken into consideration to get a decreased price on the sale; there is no way a quarter of the appraised price could be paid, with there not being any type of extenuating circumstances, and the extenuating circumstances being the \$26,000; and he still thinks the individual got a pretty darn good deal if they took that into consideration they paid \$45,000 or \$46,000 for a piece of property that the person paid, that was valued at \$70,000. He inquired why should they get any reduction if when they purchased it, they knew there was a lien on it and they got a reduced value.

Ms. Yeager replied when he purchased the property, it had a lot of problems; she stated she does not know if the Board is aware, but the previous owner Canute Cooper, died on the property; this man was found approximately two weeks after his death and had water running in his house for two straight weeks; this property had water damage; and the property had a lot of mold, issues with the floor from all of the water seeping through the walls; there were tremendous amounts of expenses bringing this property up to where it is today; it has taken him several years; and if she needs to provide the paperwork, she is sure he has those records. She added the first thing he did do was the driveway, because it was one of the things he was a

February 26, 2019

aware of due to the lien on the property; he can probably provide approximately \$40,000 worth of expenses, bringing this house back to being livable because it took close to three years for him and his family to be able to move into the property; the reason he was asking for the reduction is because he did take immediate action of the lien deficiency issue; she read through the records and that particular problem with the driveway caused no harm to anyone; she believes that is why the County kept the violation there for so many years, because it was not going to pose any grave threat to public safety; and it was basically returning the right-of-way that was originally there. She went on to say the Board should have seen the property, the fact that Mr. Woodling spent a tremendous amount to fix the property; she believes he has pictures of the conditions of the property, the Board would probably understand why he had a reduced amount; and he also has the beneficiaries of the property also held a small mortgage for approximately two years for about \$25,000; and on top of the \$25,000, the \$20,000, and least \$40,000 worth of expenses that he spent on bringing this house up to livable, after almost three years is why he is requesting that the Board approve the recommendation of the Special Magistrate.

Commissioner Tobia stated Ms. Yeager had asked the Board to take into consideration the deceased person; and he inquired if the individual purchased the house and then found out there was a deceased person in the house.

Ms. Yeager responded no; and she explained he purchased the property from an estate.

Commissioner Tobia remarked knowing that there was mold and all this other stuff and he is assuming, but he inquired if they did their due diligence before purchasing it.

Ms. Yeager replied affirmatively.

Commissioner Tobia stated he thinks that is not helping Ms. Yeager's argument; it was mentioned why the fine was not taken off and she insinuated that it was public health, which he will pump that over to Mr. Calkins; the reason the fine was not taken off was because it was not paid; and that is generally why the Board does not take off fines. He went on to say he did some work on this and he did not find that mortgage; and he inquired where that was recorded.

Ms. Yeager responded she believes it was not recorded; she stated if she needs to, she can probably get a copy of it; it was up to the beneficiaries to record that mortgage; she does not have any information at this time, but she can probably try getting it from the homeowner; what she is mentioning about is the actual damage to the culvert that was in violation had not bad faith on the part of the original homeowner; she believes it was an unaffordable thing, but she suggested as soon as Mr. Woodling purchased the property, that was the first thing that he had done because he knew there was a lot of damage to due diligence; and there is no argument about that. She went on to say that he took every step and a tremendous amount of money to make this house livable; and she asked the Board to that into consideration as well.

Commissioner Tobia indicated when the purchaser bought this they knew there was a \$26,000 lien on it, hence they got it for a depreciated price, yet for years they decided not to pay that, and now they are asking for a reduction to nothing which is not fair; he thinks this is not an extenuating circumstance, that even the recommendation of the Special Magistrate is fair; but should it come back to the Special Magistrate, he is going to vote no but if it is going to dovetail into something, he would like to discuss at the end of this to probably mitigate these type of occurrences coming to the Board.

Commissioner Pritchett advised when the zero amount came forward, there was no way she was going to agree to that; she does hear Commissioner Tobia's point; she is struggling with what would be a reasonable amount; the only thing she knows to fall back on right now is the

February 26, 2019

Special Magistrate's amount, which if there was no lien on the property she thinks the fine would have been paid; but in moving forward she is going to make the motion to approve the Special Magistrate's recommendation on this. She remarked she does hear Commissioner Tobia and maybe they need to come up with some process of what is thought to be an appropriate amount on these types of items, if not going with the Special Magistrate's recommendation.

Chair Isnardi stated this is not the ideal reduction; she understands why zero was asked for because asking for zero is hoping to meet somewhere in the middle; she is sure that he had to expect he would have to pay something; and she will support this today.

The Board approved the Special Magistrate recommendation to reduce accrued fine to \$6,974, for Case No. 11CE-00921 for property located at 6576 Crest Avenue, Cocoa; directed staff to set up a payment plan over the next six months to collect the fine; and approved release of the lien upon full payment.

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

ITEM J.2., BOARD CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN (CONTINUED)

Commissioner Tobia advised he spoke with Mr. Calkins about these cases and he was surprised to learn that this process here was not required by State Statute; the request for fine reductions have reached the point where he believes it is time to look at the process; now that it has been made a regular practice to override the recommendations of the Special Magistrate, the current process has become unfair to staff, as well as the applicants; every time one of these items comes up, decisions are made based on a few pages in the packet; unlike the Special Magistrate who do not issue subpoenas in these cases or take the testimony under oath; and while it has come to the Board, staff has already gone through the process of representing the Board's interest to the Special Magistrate, including doing the research and making it arguments. He went on to say at a time when meeting lengths are exceeding six hours; he inquired if staff is going to be asked to come to the meeting fully prepared to essentially redo the Special Magistrate's hearing, even if it is the case why have a Special Magistrate at all; and once these cases are heard by the Special Magistrate due process has been served.

Commissioner Smith inquired how it can be streamlined. Commissioner Tobia responded the Board has to provide due process to all these individuals; the due process is met once they hit the Special Magistrate; staff has to do a heck of a lot of work to get from the Special Magistrate to the Board; the Board is not under any Statutory obligation; his motion will be requesting that staff bring back other option to the Board to streamline the process, to ensure there is no double efforts, and arbitrary decisions are being made without full amount of facts; and right-off-the-bat it never has to come to the Board.

Chair Isnardi urged the Board to be careful because sometimes it looks like the Special Magistrate's recommendation is reduced by 'X' percentage; that may be how they justify the reduction; but perhaps it is the fine structure that is egregious to even have to have the Special Magistrate reduce it to such a large amount. She went on to say she is not saying to hash all

February 26, 2019

Code Enforcement fines; t sometimes it could be why people do not rectify their stuff, because they are being fined \$50 per day; and maybe that is an area that probably needs to be looked at, so maybe the Special Magistrate would not be needed so much.

Commissioner Smith agreed about not knowing all the circumstances in every single case; there is a situation in his neighborhood with a gentleman who lives in Tampa being very negligent to take care of his house; he has had a squatter named Alex living in his house for over two years, to the point where Code Enforcement went out and found him living without electricity or water; the squatter named Alex is known by Tampa owner, they went to High School together; there is no proof but there is an awful lot of suspicion of drugs going in and out of the house, with people coming and going all hours of the day, and knocking on wrong doors asking for Alex; Code Enforcement shut the house down due to no electricity or water; it is pretty disgusting and has gone on several times; this house has had \$100 daily fine for two years; and it is still there with nothing being done.

Chair Isnardi remarked she is talking about a guy with a downed fence out back and his money is a little tight, or it is an old lady who has overgrown grass; the County does not have an extremely crazy, proactive Code Enforcement that just goes out to hurt people; but she does not people in the situation where they are opting not to address it or repair it because the fines are out of their reach.

Commissioner Smith opined if it was made \$1 or \$10 a day, they would ignore it because it is not a big deal; he stated at least \$50 or \$100 a day does get their attention; and he likes Commissioner Tobia's idea.

The Board directed staff to develop options to streamline the Code Enforcement fine reduction process by amending the Ordinance and the rules of the Special Magistrate, including converting Special Magistrate recommendations to the final determinations, while preserving the parties ability to seek judicial review if they so desire.

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

ITEM J.4., FEDERAL LOBBYING SERVICES

Frank Abbate, County Manager, stated this Item is for Federal lobbying services; in the Item the Board has been provided several options; the current Federal lobbyist, Eddy Pauley, Pauley Management, Inc., has been the Federal lobbyist for the Board since 2003; he has submitted to Central Services that he would continue under the same terms and conditions, if the Board so chose that he has been operating on since the inception of the Contract; the Board in the past has agreed to do that, which is one options before the Board; a second option would be to go out for Request for Proposals (RFP); and a third option would be whether or not the Board wants to continue with any Federal lobbyist services at all. He added he did a survey of staff that was involved of the various earmarks that Mr. Pauley has been involved in to assist the County, especially when it dealt with beach re-nourishment; but a lot of other areas involved in getting Federal permitting being expedited.

Commissioner Pritchett stated she does not know Mr. Pauley; and she asked if his services are saving the County some money.

February 26, 2019

Mr. Abbate responded over time there has been a substantial in the tens of millions of dollars that have been brought to the County for various earmarks over time from the Federal government, that he has been involved in.

Commissioner Pritchett asked if he has not changed the amount that he is charging the County over the years; and she stated over his period of time he has not cared about the Consumer Price Index (CPI), which she thinks is significant; if the Board is comfortable with this, she is fine with it; and she wanted to just give this information because those are the questions she asked of staff yesterday.

Commissioner Tobia advised he is going with option two, which is the RFP; he agreed with Commissioner Pritchett, he could not pick Mr. Pauley out of a lineup; the only time he contacted his office was asking if he would show up for a fundraiser at Congressman Bill Posey's fundraiser, which is a major no-no to call a Legislative office, and ask for something that is on the campaign; and if that was State, there would be some serious ramifications. He went on to say apparently Mr. Pauley potentially had helped the County receive money; and he inquired if there is any indication that anyone else could have provided the County with that, or better service.

Mr. Abbate responded he cannot answer whether or not someone else would have had success; and he stated he is really not in the position to say if someone else would do more or less.

Commissioner Tobia advised he will provide the Board his points for the RFP; he contacted a Congressman he used to work with, who was a state representative at one time; he had asked him if he had any idea who Mr. Pauley was; and he heard crickets. He stated he would expect the Item for Space Command from this meeting, would have not come out of a Commission office, and would have come from the Washington lobbyist Mr. Pauley; and he will move for option 2, to issue an RFP for federal lobbying services and appoint a selection and negotiating committee consisting of Ian Golden, Scott Nelson, Matt Wallace, or other designees, the recommendation is then brought back to the Board for consideration of final approval knowing that Mr. Pauley may be in the right direction to go, but RFP will certainly determine that.

Commissioner Smith advised he has met Mr. Pauley numerous times; he has been very active in his four and one-half years with the Commission; he has helped him with Congressman Posey's office and Senators Rubio and Nelson; he has been up there doing this for a long time; he knows what buttons to push and who to reach out to when needing stuff; he knows Mr. Pauley has been very successful in getting monies from and through the elected officials up there for beach re-nourishment, et cetera; he would give him a recommendation, but he is not really opposed to going out for RFP either, because he has been doing it for a long time; and he thinks if giving the opportunity to show the Commission how effective he is to whoever has been suggested, he is sure that he could do quite well.

Commissioner Lober inquired if the price quotes would be substantially higher than what Mr. Pauley has quoted going to RFP; and he stated it may cause him to re-evaluate because his quote was too low.

Commissioner Smith remarked good point.

Mr. Abbate replied that is pretty difficult to tell.

Commissioner Lober advised he has no idea what lobbying services cost; and he is relying on staff to give him some direction on this. He inquired if it strikes Mr. Abbate as being markedly

February 26, 2019

below what market charges are, or does it strike him being somewhat in line, because he has no idea.

Mr. Abbate responded he would venture to say he does not want to influence in any way what that RFP would be; but he stated it would not surprise him if it were substantially higher charges, in light of a few charges that he is aware of that other jurisdictions are paying for Federal lobbying services. He went on to say that he thinks the fact that the charge has not increased since 2003 is indicative that it is below the current market value.

Chair Isnardi stated she thinks it is difficult to tell; she has met him and talked to him once; it is very easy to take credit for items that already have the support of the Legislature; she is not saying that is what he is doing, but she has seen it done before; she asked staff if the Commission approves, look for an average to give a range for; she does not know what other Commissioner's thoughts are; but his is the County's Federal lobbyist pushing its priorities, perhaps the Commission can choose a Board member to sit as part of the selection committee.

Mr. Abbate advised he is happy to modify it however the Board sees fit.

Commissioner Tobia stated he has been on the other side of this; he suggested having as many responses back as possible; it would be nice for it to be as broad as possible.

Chair Isnardi advised she will support it; she thinks Pauley Management, Inc. has provided a good service; and there is no harm in looking at what is out there.

Commissioner Tobia inquired if Chair Isnardi wants to select a Board member to be on the selection committee.

Commissioner Lober suggested Commissioner Tobia.

Commissioner Tobia stated he has not received any funds from Mr. Pauley; he disclosed that he does know a number of folks who do lobbying in Washington, D.C.; and he thinks it is best that he not be on that selection committee.

Chair Isnardi stated she thought that would be an advantage; unless he is financially benefiting from them she does not know how that could be harmful.

Commissioner Tobia reiterated that he is not financially benefiting; and he stated he would be more than willing with the Board's consideration.

Chair Isnardi asked the Board for its thoughts.

Commissioner Lober agreed with Chair Isnardi.

Commissioner Tobia felt as long as he made disclosure he is fine with it.

Commissioner Smith suggested finding what the average is now is a good indication to see if the Board needs to go in a different direction; since Mr. Pauley has been doing this he thinks he has done a really good job, if it is found that he is not out of range; he had a lobbyist reach out to him two years ago when he was in D.C., who offered their services at substantially more money than what Mr. Pauley is being paid.

Chair Isnardi stated if they have to bid it, they may be willing because Mr. Pauley has been here for a long time; and she asked if he is fine with Commissioner Tobia being the representative on the selection committee.

February 26, 2019

Commissioner Smith responded affirmatively.

Commissioner Pritchett replied she likes it; and she stated Mr. Pauley can also submit for it, that might get him a little pay raise.

Commissioner Lober stated he is happy with that.

The Board approved Option 2, to go out for Request for Proposals (RFP) for Federal Lobbying Services; approved appointing a selection and negotiation committee consisting of John Tobia, Commissioner, Ian Golden, Housing and Human Services Director, Scott Nelson, Transit Services Director, and Matt Wallace, Public Safety Director, or other designees; and authorized for the recommendation to be brought back to the Board for its consideration and final approval.

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

ITEM I.3., MODIFICATION TO CITIZENS OVERSIGHT COMMITTEE RECOMMENDED 2019 SAVE OUR INDIAN RIVER LAGOON PROJECT PLAN

Commissioner Lober provided the Board with PowerPoint Presentation on emails received from Brevard residents; he stated some of them were really productive, with respect to this item, and some were very unproductive; the basic goal is to help constituents to understand how messages are likely to be received; and he has seen a lot of counterproductive attempts at communication that were not intended to be condescending, but is to try and help everyone from wasting their own time so that when they reach out to the Board they have as much impact as they possibly can. He stated he does not have a problem when people ask him if a rumor that they heard is true or not in their emails; he does not want to be accused of supporting a farfetched position that he does not hold; the trend that he has noticed with those threatening him with their votes are not entitled to his votes; to approach someone with actively working against them in the re-election bid where the vast majority are not constituents and hollow threats, is not the way to sway him to be more inclined to listen to them; and he does not know that a person would want to have an elected official who is going to change their vote based on being threatened, that is pretty spineless in his opinion; and he redacted nearly every person's name, but he did leave one name in and he will tell everyone why. He went on to say there was a call and his staff took a message, the message said they are opposed to misappropriating the Indian River Lagoon (IRL) funds on February 25; they think the local politicians are crooks, or are behaving like crooks; that does not lead to a productive discussion; Bill DeLuccia is the only individual, along with another family member who has the same last name, who he decided to name, and he will tell why in a moment; he asked to remember that last name, because he called on February 22 at 12:07 p.m., indicating that he objected to misappropriating the IRL projects to put into the City of Palm Bay; and Fritz VanVolkenburgh, Chief of Staff, shared with him that this individual said a lot of input and calls would be received because the pot was sired by this individual. He added Mr. DeLuccia called again on the same day saying that he called News 13 and he is trying to get them to come to the meeting on Tuesday; he does not see News 13 present today; a lot of folks present today may be here on some false premise of this nonexistent suggestion or thought to do something in Palm Bay with road repair; a District 4 constituent put on Next-door, which is a social media app where a person has to live in intervening area or the nearby area in order to be able to even see the posts; he has someone that lived nearby send him on the 23rd that information; and now he is going to talk about Carol

DeLuccia, who posted the rumor on Facebook on February 22 at 10:08 a.m.; he cannot guarantee, but it is the original post with of this fantasy rumor; it was shared by an individual onto Wake Up Cocoa Beach, the Chair had up to 70 calls and more emails on top of that; he had received approximately the same number; this not only wastes the Board's time, but staff's time as well because it could be working on other constituents issues; and that is why this is such a big deal. He advised the reason he points that out is if someone hears something, they need to consider the source, and with that individual, unless someone is able to track it back farther than he has been able to, he would keep in mind that that individual said something about what the Board is inclined to do or not do; this to him is a huge creditably hit; and he would be very disinclined to believe similar claims, or similarly outlandish claims from that person in the future or anyone with that particular last name. He stated the point of his side-show is to help constituents learn how to productively contact Commissioners; it is fine to disagree, the reason there are five Commissioners on the Board is because disagreement is healthy and is something that is productive; if there is no disagreement then he does not have the input to provide; constituents are welcome to contact any Board member and his office, even if he or she is not his constituent he will meet with him or her; but some of things that he thinks are not productive are accusing people, contacting them in a nasty way, or being standoffish. He mentioned having one individual threaten to call the police and then seek an injunction against him because he responded on a social media page publicly to a public comment about him, which is insane; they have had plenty of police interactions than he ever had; the point is they need to work together because when a person is combative, coercing, threatening, or posturing is not going to win anyone any points; if that is what a person needs to do for some optics within a particular group or within a particular venue, may be fine; but it is not going to sway any one's votes on the dais being bullied or threatened, and it should not because there really ought to be someone on there who has enough spine, not to buckle under the pressure of being threatened. He mentioned from his perspective why he had some concerns with the IRL plan; he does not know if Commissioner Tobia or Chair Isnardi feels the same way, but for him this is the big item is the problem with pounds nitrogen and pounds phosphorus being used as the sole criteria for determining what to do with the plan; when Representative Fine spoke earlier, there was a sewage leak this past week out of County pipes, and with raw sewage was spilling out of pipes and going into stormwater drains; and it happened because of the aging sewer system, with much of it being placed decades ago and some of it when dealing with the Apollo Program that all has an expected lifespan, none of it is intended to last centuries; and this stuff is intended to last decades, but is past that point in some situations. He went on to say there are variables that are unknowable; pounds nitrogen and pounds phosphorus cannot be factored in reliant plan of when the next leak with be, because it is unknown; there will be one after another, after another but it is unknowable what the extent of the leak is going to be, but it is known that the leaks will happen; and it is not unforeseeable because it can be foreseen that with an aging infrastructure system, it does not take someone who is brilliant to figure out that the same thing is going to continue happening, unless there is a different approach. He added he does not know whether the next leak is going to consist of completely untreated water, or a mixture; the problem is when not being able to factor in those variables, it does not fit into an equation of this is going to remove a certain number of pounds of nitrogen; if there is a leak that releases seven digits worth of gallons of effluent into the IRL, that equation has been rendered meaningless for a period of months and if not longer; and many of those folks who ignore infrastructure will become silent during the next inevitable leak. He advised he has never had anyone approach him that has been opposed to using any of the Save Our Indian River Lagoon (SOIRL) funds for infrastructure and say, gosh that leak was bad, and it needs to be looked at getting fixed; the Chair said at the last meeting, "We have got to stop dumping crap into the Lagoon."; she may have meant that figuratively, but he took that rather literally; and folks really do need to stop putting crap into the Lagoon, it is an environmental catastrophe waiting to happen. He advised the aging sewer lines need to be inspected and fixed immediately, not five or 20 years out, and needs to happen as soon as logistically possible; he provided images of sewer plants and he stated sewer plants are not

resilient enough to sustain a tough storm; at least one sewer plant in his District has to shedload, because there is not enough power generation capacity to power the entire plant when FP&L goes offline; and having nontrivial discharge, if infrastructure concerns are not addressed concerns of the immediate to near immediate future. He advised he received a lot of last-minute questions from folks about which scientists are in support of the plan, which scientists are not in support of the plan because he thinks there has been some sort of a strategy, trying to phase those folks as a kooks or as someone who does not know what he or she is talking about; it is not that there is an absolute unequivocal consensus that everything that is being proposed is bad, or ill intentioned; everyone wants the same thing; he does not really care about nonexistent political backers or reelection, he does not know if he is going to run again or not; and they only thing he is trying to accomplish is to try to get the IRL cleaned up, and if everyone worked together there would be a lot more buy in from the Citizens Oversight Committee (COC) than if there is this confrontational polarization. He went on to say he does not want to get into the weeds and pick particular projects that he thinks are going to be better, because the COC does have experts that are able to provide a lot of information that is probably better than he would be able to, apart from him spending the time going and talking to the same folks that they talk to; he is not trying to get into that; but he thinks there are folks who are disproportionately focused on one type of restoration for the IRL, rather it be muck removal, sea grass, working with oysters and filter feeders, or infrastructure who are going to recommend something that is geared to the degree of their area of expertise. He remarked he thinks there have been a lot of false assumptions that have been made, maybe some maliciously like that Palm Bay infrastructure thing, and unless there is some explanation for how that came about; he sees that as an invented fantasy; he cannot imagine anything he has ever said, thought, wrote, or intimated to lead someone to believe that; and he encouraged anyone to call him out on what he supposedly said or did, that led someone to believe that because he cannot come up with anything. He added he does not want anyone to come up to the dais with some false premise that they are arguing against, to look foolish because they did not know the County was not planning on putting roads in Palm Bay with SOIRL funds.

Commissioner Pritchett stated she likes when the Board has its discussion to help come up with better ideas and before the public comments, sometimes her mind is changed by the Board, and sometimes the Board changes her mind; she disclosed that she received harsh emails; she wishes folks would watch what the Board is doing on the dais, so they are not arguing about something that is not being done during the meeting; she does not know where they even get some of the stuff they come up with; and she wished they would watch the meeting because they end up with some construed opinion on it. She advised everyone wants the IRL to do well, there is just not an agreement of the path; part of her problem is she tries keeping her emotions out of it; she is not an expert and she relies heavily on Virginia Barker, Natural Resources Director, because her agenda is to fix the IRL, and the COC; and she wished there was a way that most of this could be vetted through them; and she does listen to them to get the best information that she can. She went on to say it is not that she does not want to do different things if needing done, but there are some things that she is not there yet, she feels very strongly about the Board trying to do the right thing with this, and ensuring to stay within the framework promised to be done with tax dollars; she did not want to vote for a 10-year tax, because she did not trust the government; but it is before the Board now, it is the Board's duty to watch over it, and for it to be sent back is very appropriate to get other opinions. She mentioned seeing all this work done at the Board's level with the people who work with this all the time and understand the numbers, phosphorus, and nitrogen; once she receives some information she wants to know what is extracting the most nitrogen and phosphorus out of the equation for the most amount of funds; she minds if there are leaks in the IRL; someone had said at one time that those leaks were causing less of a problem than the nitrogen problems to get the problems out of the IRL; she does not know about all of that; but she is counting on the information when it comes. She reiterated the Board is allowed to question it up here and it should be doing so; she is expecting all of the people with good knowledge to give good

information; she is not against fixing infrastructure; the question is where the funds are going to come from; and she wants to make sure the Board does not take any of these funds that the voters voted through for this and move them. She advised she is greatly in favor in raising the fees on the Enterprise Funds, to start moving forward, and doing these things; the Board should be, it is responsible; and she thinks the communities need to do those things also. She pointed out she is not against fixing it, she just wants to figure out how to do the funding; and if the Board comes back and says this part of the funding is appropriate under the Plan for the infrastructure, she is on board totally. She stated she does not want to be the one to supersede what the COC comes up with, but on that she wants there to be a lot of opinions going into that as it comes forward; and then the Board will have the ability to ask questions on that, because it is its duty to do that as elected officials. She stated she would like to kind of move those things to the stop with some of the sewer and septic problems to make sure those are being fixed, and there should be funding to do that; the Board needs to sit down and look through the sewer and water part of the responsibilities of the County; and it may want to make some changes in the priority things going forward. She noted she is excited about the new Utilities Director, he seems to have some good ideas, and he is looking into where the County should be going to in the future. She expressed her appreciation to Commissioner Lober for going back, staying on top of this, doing some research, and trying to figure out where a good place is moving forward, because she thinks he came up with something good, and it gives her a lot of comfort; she is not against changes, but Commissioner Lober brought up some good thinking about the County not losing grant funds, which are important; and she reiterated she thinks he did a great job with this, and he made a great compromise moving forward.

Commissioner Lober stated as far as this Agenda Item goes, for the folks who have not read it, and he hopes everyone has, this is not intended to be the final time this is address this; this is to get the Board past a stale mate or stagnation; just as he does not think anyone in their right mind thought the federal government shutdown was a healthy thing; even if what he is proposing is not perfect, it is better than where the Board is right now; he does not know if he is thrilled with it or if anyone on either side of the argument is going to be thrilled with it; but that is probably what makes it fair. He went on to say essentially there are portions of the plan that no one up there has said boo about, and if there is no reason to hold up those portions of the Plan other than to be vindictive, spiteful, or nasty, he does not know why the Board would do that; it does not help anyone; his thought is with this Item is to get those portions that are non-controversial, which no one has an issue with, pushed through; and in terms of picking a particular number, there is as much art as there is science at times. He noted there are some things that are not knowable, and that is why he says there is much art as there is science sometimes, because the Board cannot quantify absolutely every variable; in terms of determining how much of one thing to go one way or how much of another thing to go another way, there is an art to it; as to the roughly \$100 million, that is a lot of money that is kind of being put on hold for the moment until it gets recommendations back from the COC; and he thinks one nice thing it should do as a Board, if it is able to today, is to give the COC as much guidance as it can as to what it thinks will be palatable if there is something that is more palatable, because he does not want folks to spin their wheels for nothing. He stated at the last meeting the Board did not give the COC enough direction in so far of what specifically it is looking for; it said it wants more infrastructure, but how much was not said; he takes fault where fault is due; and he really feels bad for the folks on the COC because they were not given enough direction, and he thinks to whatever degree the Board is able to today, even if it is just Board discussion that does not rise to the level of a vote, if folks want to see the substantial majority go one way or he or she would be satisfied at half the amount being held to go in a particular direction, if the Board can give some inclination to the COC as to where folks are, he does not see that as being a harmful thing even if it is something that ends up being malleable down the road, he wants to make sure the Board gives the COC as much in the way of tools to work with as it possibly can. He stated the COC has been put to a rather difficult, uphill task not knowing what is going to be acceptable.

Chair Isnardi stated she does not need to talk about the misguided, outright untrue emails and that sort of thing, she thinks Commissioner Lober hit it, and at the extreme maybe a little; it gives people an idea of what the Board deals with; there were worse emails than that, that were quite vulgar; when a person sees things on social media, to not share them if he or she is not sure, to just call the Commissioners; and if a person does not get one of them because he or she is in a meeting with constituents, the staff can be reached to tell he or she what is up. She advised if it is something the Board voted for or supported, staff will tell them if she supported it, or what her thoughts are on it; she was shocked that these were not being shared by constituents that were pretty in tune with what is being done in the County, but by organizations; and that to her is what bothered her the most is that there were organizations that knew full well, or at least had paid attention to government, to know better, and that actually do know the truth. She pointed out she had a meeting with a few people yesterday, and it was interesting when she was handed a piece of paper that this person was given going to the movies; and she read it, "On 2/26 County Commissioners may vote to divert and misappropriate the half cent Indian River Lagoon Sales Tax fund to Palm Bay." She noted it has her contact information, Commissioner Tobia's, and Commissioner Lober's, so this is part of the problem, because whoever did or did not have the spine to put their name on it, because he or she knew they were lying; they knew they were just trying to fire up emotion and insight anger; but a person has to know that if he or she does contact the Commissioners or email them they will ask what this is. She stated she did get some emails where a person asked if it was true, and she responded to as many emails she could in between her appointments; it does take a lot of time; she received 50 to 70 emails; but telephone calls, she received 15 to 20 yesterday, not so many on Friday; and as the rumor kept being perpetuated, that is what she received. She commented shame on anybody who circulated or shared that rumor, and continued to share it once he or she knew the trust just to get people here. She stated for people to come out and give his or her ideas or thoughts; but she asked them not to spread lies just to push an agenda that did not exist to begin with; if anyone up here talked about misappropriating funds, that would be the headline in *Florida TODAY*, *Space Coast Daily*, and everywhere else; and nobody would ever suggest to misappropriate funds, a person may not agree with some of the ideas the Board has, however, that is why the County Attorney is present to make sure the Board is well within those boundaries. She stated no one suggested to wipe out the plan; when it is out there the Board rejected the plan, that is not true either, the plan was sent back to the COC; it said it would like to see something added to it; but no one said the County should stop doing anything, or that the plan should be rejected; and the Board just wanted to rework it some. She again stated to shame on anyone who spread false information just to get the Board to rubber stamp a plan that it did not even have for a week. She stated all of the time the COC puts into that plan, she would hope people would not want the Board to rubber stamp it, and she would hope people would want it to question it before spending the millions of dollars that everyone here is paying into that Lagoon tax. She stated she and Commissioner Tobia wanted to see a little bit of change in the plan, and that is their District, Palm Bay, and that is the only connection she can make.

Philip Stasik, Space Coast Progressive Alliance, stated first of all it is very exciting to be here, to speak on behalf of the COC and their recommendations to the Board; it is very interesting to watch State Representative Randy Fine; and to know he actually supports what he is doing and what Commissioner Tobia is saying. He went on by saying people are supporting solar power, infrastructure improvements, the healing of the Indian River Lagoon, and electric cars; this is a great day in this County. He pointed out the COC works very hard getting the action program implemented, this is something they all feel very strongly about; he personally, and the Space Coast Progressive Alliance, believe the Board wants to do the right thing; and in the end it is up to the Board as it is the decision maker of how that money is spent. He asked the Board to give proper priority to the recommendations from the COC before it makes its decisions, before it decides what actions to take; muck removal is the real deal, and people know it is a sizable percentage of the poisoning of the Lagoon; he has personally spent at least the last quarter of a

February 26, 2019

century diving in the Lagoon, cleaning the Lagoon, working on oysters, and this is something very personal to him; and many people here have the same shared experiences, and that is why they are here to encourage the Board to stay on track, to not get distracted, and not to allow the program to be slowed by perhaps infighting. He advised he understands the Board has to make rational decisions; he reiterated the Board is the decision maker; people recognize that; they are counting on it to do the right thing; they ask the Board to give appropriate priority to the recommendations of the COC; and they are the people's voice to the Board. He expressed his appreciation to the Board for listening to him; he advised he is sorry the Commissioners have to face the abuse, that people call and attack him or her, and say things on social media; and it bothers him deeply.

Chair Isnardi asked if he manages the Space Coast Progressive Alliance page, she knows he is representing them today.

Mr. Stasik replied he does not, but he knows that on the Facebook page it was up on there as well; Facebook makes him crazy.

Chair Isnardi advised it was posted by the Space Coast Progressive Alliance talking about the potential of the Board misappropriating funds.

Mr. Stasik noted he will have to take a look at that.

Chair Isnardi stated she thinks it was a message from Alec Buckness.

Mr. Stasik pointed out it did not come from him.

Chair Isnardi stated that is part of it, because she is sure they have a large following with their base; she would just caution him; and he is always so pleasant, and he always asks if the Board has questions. She advised the Commissioners all have thick skin; a good friend told her once if someone rips it off it will just grow back thicker.

Mr. Stasik stated if it is on their Facebook page, they are responsible.

Chair Isnardi stated she does not mind people getting upset with what the Board does or yelling at the Commissioners; what she does not like is just the feeding of the rumor when it is something that is not true; and that is what is frustrating to her.

Mr. Stasik explained they will look into it; social media is an important part of everyone's outreach these days; and he expressed his apology to the Board.

Commissioner Lober stated he thinks a lot of folks have been somewhere between surprised and shocked that he responded somewhat forcefully to some of these rumors; the one thing he will point out, and he will say it publicly, just because he is an elected official, and it applies to everyone else up here, does not mean he ever gave up his First Amendment rights; and if someone is going to dish it, he or she better be able to take it. He pointed out he does not mean that towards Mr. Stasik, because he has been nothing but respectful; but there have been a lot of folks who presume there has to be this artificial level of restraint in replying to these things; and he never intended to be a politician, he considers himself something between and elected official and a public servant. He stated this is not his long-term career plan, when he is done with this, he will go back and do what he did before; quite frankly, maybe his wife would disagree with him responding as much as he responds to, but he responds to a lot; and he thinks it takes people off guard when he or she is on these individual sub threads on Facebook, he will reply rather strongly. He noted he intends to continue to do that.

February 26, 2019

Mr. Stasik advised he is not here today because of that message or that threat; he is here today because of what happened at the last Board meeting, and the actions it took; he has done the research, watched, and he has listened. He stated they are hoping the Board will not be distracted, that it can stay focused; he has physically been in the muck at the bottom of the river; and it is the real deal.

Commissioner Lober stated he is Catron certified to dive, he has been diving forever and ever, his wife even longer; there are some caves he has been in that quite frankly had better visibility even with the silt stirred up than the Lagoon; he says that being in the Lagoon as well; he understands where he is coming from; and there are areas that have a profound amount of muck, and he does not mean profound in a good way. He stated he does not care if someone is a Democrat or Republican, when he knows something is factually incorrect, he would just say to encourage the members that if he or she knows something is incorrect to speak up, because all it does is wastes staff time, and it gets constituents riled up over a non-issue; and if people are upset by what the Board is doing, God bless them, they have every right to be upset, and to come here and tell him why they think he is wrong. He pointed out the manner in which this thing went viral, the County Attorney saw the video he planned to include in the slide show, there was an insurance company that had something with two individuals standing in front of an apartment or condo talking about where they read this on the Internet, so therefore it must be true, and the young lady of the two said that is her boyfriend, he is a French model.

Mr. Stasik asked the Board not to focus too much attention on what happened with that social media thing, that message should be, in his view set aside; the primary focus of hopefully what will happen today is the speakers will be speaking about the primary issue of allocating funds and supporting the recommendations of the COC; and he again expressed his appreciation to the Board for listening.

John Windsor stated he is a COC Member, but he is speaking for himself today. He went on to say the COC does not get together, drink beer, and talk about issues, they are all governed by the same Sunshine rules as the Board is; it is terribly inhibiting, but they have to have all of their discussion out in the open here; it is televised, and everyone is welcome to come; and he hopes people recognize who COC Members are, and who is claiming to be speaking for the COC, because none of the COC Members he knows of will come up here and say they are speaking for the COC. He expressed his appreciation to Commissioner Lober for bringing this Item forward; he stated he was very concerned at the last meeting about a log jam being created; he thinks they have a way forward now, he hopes everyone can see that too; sending \$100 million back to the COC for re-evaluation, reallocation, reconsider which he thinks is the way to go; at this point he thinks this is the only reasonable option to keep moving forward; and he wants to thank the Board for working so hard, and its continuing work on all of the Lagoon issues.

*Commissioner Tobia's absence was noted at 1:07 p.m.

M. J. Waters expressed her appreciation to the Board for taking its stewardship so seriously, that means a lot; and she stated every one of these meetings, she is delighted to attend. She went on by saying the people depend on the Board to be good stewards of the dollars; when she sees the Board talking about how the money is spent on whatever it is, that is a good thing, because that is something really important in the Commissioners' job description, and ways that benefit the County in the short-term as well as the long-term; and that is a lot of pressure just to do things right now, but the Lagoon problem is going to continue to be here for quite a while, and as the population grows more and more, the Board needs to think about what the future impact is going to be. She stated they do have a detailed, science-based program; it is a yes and problem, it is muck, septic, sewage, fertilizer, dog poop, and many things; and that is why she thinks it is so important not to just focus on one magic bullet, which it is easy when she is sitting at home and does not know anything about the Lagoon, and say something is not a good

idea. She pointed out she is glad they have so many people with expertise in so many different areas to help. She advised the fact that the plan is being updated, does not mean there is anything wrong with it; this is built into the process; it shows the wisdom to being open to what has happened, innovation to new data and research; and that makes her feel good that it is being looked at by scientists, the COC, and the Board to say how it can be made even better in the future. She stated making changes to the plan is clearly in the Board's purview; changes based on science, new data, technologies, and experience should be considered; she is a big fan of facts, logic, and data in making these decisions; one of the issues is trust between citizens and government and government and citizens; and she thinks it is essential that everyone tries to continue to build on that trust, because there are lots of fractures here and there, and getting the right information and asking questions is very important. She noted her preference is that the Board would adopt the 2019 Plan as it was presented, but this motion allows work to continue, as well as take advantage of some of the matching funds that are out there; projects would have to be stopped as a result of this should be rethought and put back into that; and she thinks that is really important, because the plan really needs to move forward as quickly as possible.

Commissioner Lober expressed his agreement that there is no single silver bullet, and everyone agrees on that; by looking at the pie chart breakdown, even if hypothetically 100 percent of the \$100 million goes into infrastructure, more money is being spent on de-mucking; one thing he does want to caution folks on, and it has come up time and again, he has had this conversation with a couple of folks wearing blue at least, the COC does absolutely consider scientific input from folks with a Ph.D., experts, but a person does not have to go to the COC in order to hear from the experts; he has heard from so many people; yesterday he met with one of the regional folks with St. Johns River Water Management District, he met with another Ph.D. separate from that who is an expert and is published in his field; and it is great if a person wants to go to the COC to get his or her input, but it is not that the COC is the one and only conduit on the Earth through which somebody has to go through in order to get knowledge on this particular field. He noted he is not saying Ms. Waters said that, he knows she has not, he is not going to be disingenuous and try to use a logical fallacy by putting words into her mouth, but he thinks it is important for folks to realize that those Commissioners sitting up here, with no exceptions in all likelihood, he or she did not sit in pajamas say something would be cool if it was done a certain way. He stated he has spent an inordinate amount of time both meeting folks in his office, meeting folks in County and out of county, on this particular issue; it is one of, if not the highest priority in the office for him; he cannot say this week how many hours he has put on it; his wife was upset on Sunday when he was working on it; and it is not the first nor will it be the last time. He stated there is kind of a disconnect between folks' assumptions that the Board Members are not hearing from particular scientists at the COC, that they are just not hearing from them at all; in his case that is flatly incorrect; and he can imagine that with his colleagues cases, that is probably incorrect as well.

Ms. Waters advised that is one of the things she enjoys about going to the COC is they do have a lot of different scientists with different perspectives, and so maybe if Commissioner Lober knows of others, they should come into the COC and share it in a more public forum.

Commissioner Lober stated he does know of at least one scientist who had concerns about how approachable the COC was, so he is happy to chat with Ms. Waters about that if she would like.

Vince Lamb stated the original Save Our Lagoon Plan was developed with the understanding that sewage utilities had adequate sources of funding to handle the movement and processing of sewage without dumping or leaking into the Indian River Lagoon, so at that time, that was what was believed; the developers of the Plan clearly understood the funds provided by a half cent sales tax for 10 years was not going to be adequate to fund everything that was needed for the Lagoon; and clearly they determined projects should be assigned priorities based on the

amount of nutrient pollutants removed for each dollar invested. He went on to say the COC was included to recommend specific projects based upon the best use of the funds available; this process appeared to work really well in 2017 and 2018, the first two years; on February 12, just a few weeks ago, the Board refused to approve projects recommended by the COC, with the general statements that the funds should be moved from muck removal to sewage and septic projects; and of course with no specific direction of what it was willing to accept. He advised the Agenda Item Commissioner Lober has proposed provides the means to move forward with the 2019 project plan while expressing an intent to shift some future funds away from muck dredging; the Agenda Item also includes support for projects which the State Legislature has been asked to provide matching funds; voting for this Agenda Item will allow the Lagoon restoration to continue while the future plans are discussed and considered; and he encouraged the Board to use the COC, this is a source of some of the public trust on how this program is working. He stated it is very important that the Board provide adequate direction to the COC to investigate and make recommendations as it goes forward.

Mitchell Roffer expressed his appreciation to Commissioner Tobia for responding to his emails rather quickly last night; he has been out of the Country and has not been able to follow everything; and he was apparently duped about the misappropriation, or supposed misappropriation of funds going from the Plan, so he wrote a letter to the Board last night. He went on to add he agreed with what he had to say; he expressed his appreciation to Commissioner Lober for his passion about the environment; this is a great day to hear all of the passion for saving the Lagoon, and for infrastructure; and this duping that came on social media shows the lack of trust in government. He stated he worked door to door in promoting the sales tax; the comments at the time were to be careful the Board does not take the money someplace else for its pet projects; that vein goes continually through the public; and it will have to be weary of that and to act in favor of that. He noted regarding trust, the Board has a panel of experts who work for the County and the citizens support; and he asked the Board to support and trust its scientific experts, they have been studying this many years longer than it. He suggested the Board adopt and approve the Plan as it goes in now, or if it has additional fact finding it needs to do, to please take the time, form the committees, and do the fact finding. He stated the Board needs to spend big money on infrastructure; it cannot be done on a little money taken from re-appropriating money from muck and putting it to sewage; it needs to spend, through user funds and big bonds, and it could be maybe a million dollars; and people do not mind paying for infrastructure changes, user funds, if in fact it will go to that. He asked the Board to take up infrastructure issues once the Lagoon is worked out, pay for it with a bond; and he stated he thinks the public will support it.

Commissioner Lober asked if Mr. Roffer heard the rumor from someone he knew.

Mr. Roffer advised he does not remember, he saw it, he had hundreds of emails because he came back from a country with not much Internet; he immediately composed the letter before sending it, he sent it to a couple of friends, he received minutes and comments about it, and he sent it out last night; just the idea of that shows the lack of trust the public has for the Board Members, that they really think it is taking the money and spending it for pet projects; and \$400 million sounds like a lot, but when considering what is really needed in this County for infrastructure changes and water treatment alone, a lot more money needs to be taken. He pointed out he thinks the public has been educated on the Lagoon issues and the sewage and septic; no one wants to see sewage go into the Lagoon; but when comparing the amount of nitrogen and phosphorous coming into the Lagoon compared to the sewage which dumps, which is not itself equivalent because now it is coming down to health issues; when putting sewage into the Lagoon it is changing the health system of it; and it is nothing to do with pounds of nitrogen, it makes it unacceptable for human safety.

Commissioner Lober inquired in terms of someone who lives here and cares about the Lagoon, what is the impression of the relationship between the Board and the COC in so far as what does he think is appropriate for the Board to do when they get a recommendation from the COC that they do not agree with. He stated his understanding is the Board can approve it, approve it with modifications, or it can reject it; but a lot of folks who have been giving the most push back have been upset because the Board has done anything other than just simply approving it without questioning it; and he does not know what the expectations are.

Mr. Roffer responded the Board is the representative of the citizens; the citizens would like the Board to review it with knowledge and education; if he or she does not have the knowledge, a report as intensive as it was which was turned over, and the Board Member does not have enough information, to please ask for a special briefing and become educated on the subject before it says to do this or that; when the Board comments back to the COC it is putting pressure on them that the Board does not like this and it must be changed; and he would like to see them turn back to the Board and say they agree with what they said the first time and they do not want to change it.

Chair Isnardi advised not even the scientists on the COC always agree; there are a lot of citizens on that board that do not have the scientific background; it can be argued of who is the expert; the Board takes the recommendations and looks at them; but if Mr. Roffer expects the Board to rubber stamp something, then it is not doing its job either. She pointed out she does not believe anyone up here would make a decision just to make it without any sort of scientific input from either experts or their own data.

Mr. Roffer stated the Board Members are very busy and focus on many things in the County; and there are people who focus just on this issue.

Commissioner Lober stated he does not want Mr. Roffer to get the mistaken impression if the Board does not agree is because he or she has a lack of knowledge, because that is something that is somewhat prevalent unfortunately, and it is factually incorrect; he does not claim to have the level of expertise that folks with a Ph.D. and relevant fields have, but he has certainly spoken with a lot of them, he has done his due diligence; and he would not presume to question a plan without having done that level of due diligence to have that concern that there may be a better way forward.

Bo Platt, City of Melbourne, stated he is going to say a little bit about muck; it is a major source of nutrient pollution and light attenuation in the Lagoon according to scientists who are the experts in the area like Austin Fox, John Trefry, R. P. Tosceen, and D. W. Woodall; the annual release of nutrients from decaying muck is almost as much as the annual external loading delivered by stormwater and groundwater outflow combined; and muck contributes 4,600 tons of nitrogen and 44 tons of phosphorous to the Lagoon each year. He went on by saying muck is toxic; he has a jar of it here; nothing grows in it; it kills fish, sea grass, shell fish, and other life considered beneficial to the Lagoon; and the Board can see when it is stirred up it spreads all over and fills the water around it. He pointed out if he had three hours instead of three minutes it would start to settle out and the Board will be able to see a little bit of clarity again. He stated the 2019 Save Our Indian River Lagoon Plan was based on the expertise as a scientist; people with years and years of expertise on the cause of the Lagoon's current problems; the plan targets four million cubic yards for removal, enough to fill a football field one-half a mile high; it is controversial because it is not only a major source of pollutants, it is a product of other problems, stormwater, septic's, and other pollution sources that create future muck; and both the muck and the factors that help create muck must be addressed. He noted the Plan as presented does that. He stated in 2016 his wife and he spent weeks canvassing for the passage of the Lagoon Tax; at the time Floridians were on the heels of Amendment 1, and the majority of the people they spoke with were skeptical that if the referendum passed, Lagoon

February 26, 2019

funds would be redirected by local politicians for other purposes, which in their mind is what happened with Amendment 1; and they assured them that the citizens oversight component of the Plan would prevent this from happening. He asked the Board to approve the Plan today as a further delay jeopardizes the ability of Brevard County and communities to attract matching funds; and he reiterated to the Board his hope that it will approve the 2019 Project Plan as initially submitted by the Brevard County Natural Resources Department that includes the key component of guidance from the COC. He went on to say he implores the Board to consider the will of the residents who overwhelmingly passed the referendum and every single precinct in Brevard County to move the existing plan forward.

Kristi Blanchard stated she is new to this, she is recently retired; she has always been passionate about the environment; she is a veteran who moved here from Washington State; she has 14 year old twins; and they live on the canal in Merritt Island. She advised she is here as a homeowner, and a person who has spent her whole life saving her money so she and her family could move on the water; they have reached their dream there; eleven years ago when they moved to Merritt Island, they could see the water and the Manatees, Dolphins, and the Mullet jumping in the water; and that is no longer true as the Board knows from brown algae. She stated she recently got her kids involved in growing mangroves, so they are growing six mangroves in their home to try to restore mangroves; they are using oysters, trying to grow oysters, which is a challenge with the silt that sits on top of those oysters that has to be removed every week to try to get them to grow back; she watches the COC, probably one of a few hundred people who watched it online; but it inspired her to come here today to say the muck is a real problem; and when a person worries about their children getting into the water, the muck is so horrible, and all a person wants to do is have their kids go on a boat, go fishing, and be happy what they bring back can be eaten. She noted the muck is an issue; she was always concerned about the sewage that goes into the water as well; but after watching the COC, and the scientific information that show it is roughly equivalent in derogating the water, the sewage, and the muck; and that they have scientific evidence. She stated Dr. Trefry mentioned 20 or 30 years ago he would have disagreed on removing the muck, but even now he thinks that is important; there are locations where the muck can be removed to make a bigger impact; she wants to express her concern as a homeowner, they can remove it from their canals; and she is happy to be part of that, and her neighbors would probably also join. She stated that way the Board can be transparent to the rest of the community, because this has been super educational to her, and she is glad to see so much passion; they do worry their government does forget them as citizens.

Commissioner Lober stated what he proposed today is to send \$125 million toward muck removal; it is the single largest component as best he can tell; if not, it is pretty darned close out of everything there; the amount being put to the side, the \$100 million, the Board is determining what to do with, based in large part what the COC comes back and recommends; and he does not think there is a question the Board is prioritizing muck removal, he has never asked to stop de-mucking all together. He pointed out the question is where that balance is; and in his mind based on the conversations he has had with governmental agencies and scientists, a couple of whom he sees sitting here, the question is does the Board want to have its constituents cheering and saying yay because it temporarily fixes the Lagoon and make it somewhat better quickly, or does it really want to have the long-term benefits for people who own property and want to reside here for a long time in the long-run will be better off. He stated if a person does not have a filtration system on a fish tank it can be cleaned out by syphoning the entire gunk off of the bottom and it will look great; but it will come back very, very quickly; and it will be something that has to be dealt with. He stated he is concerned about muck coming back in the future because of allowing more sources of nitrogen phosphorus to infiltrate the Lagoon; he agrees with the speaker; but the question is where the balance is.

Ms. Blanchard advised as a program manager in IT they have an agile method; part of that agile

method is to experiment, to test things, and to bring in the different opinions of the whole team; and then to move forward on some of those suggestions and see how far they get. She noted some things fail immediately, and they stop; some things show promise, and they continue on until either they prove out or they do not; but one thing that can be done is something called course correction; as different things are tried out, and she does not have the background of all of these scientists and such, she is just a homeowner who happened to see a video; and course correction allows to make the decisions and move forward, but it cannot move forward without data. She stated the data that is important to gather is as much the transparency the Board is trying to get in the communications to the community; it has to come from many channels, it cannot just be a video; her neighborhood is still filled with older people; some of them are dying off now; they do not look at social media; and a person has to walk door to door to talk to them. She advised there are a lot of people coming in a rebuilding the homes.

Courtney Barker, City of Satellite Beach City Manager, and voting member of the COC, stated she wants to say she hears the Board about the comments on Facebook; when the City went through the sewer discharges, there is no city in Brevard County other than Indian Harbour Beach that understands how hard it is to go through something like that on social media and otherwise; she remembers getting all of the complaints rolling in; and she would say it is not their utility, it is Brevard County's, and they would accuse her of passing the buck. She expressed her appreciation to the Board for bringing this issue forward, and trying to come to an agreement; she advised that is important to keep moving along; and the Board being willing to do that, she is very appreciative of. She stated in the COC they had, through the sewer discharges, the Utilities come in and speak to them; they asked what can be done, and what can be done to help them; part of the problem with the fund, not problem but aspect of it, is that they adopted an ordinance and it said, "Upon County Commissioner approval, a project or projects that deliver comparable nutrient removal benefits may be added to listed Save Our Lagoon projects or substituted for the funding allocated to one or more or other Save Our Indian River Lagoon projects in the same sub Lagoon. Unless otherwise agreed to by the County Commission, if a substituted project costs more than the project listed in the Save Our Lagoon Plan, the requesting partner must provide the balance of the cost." She advised that ordinance was ratified and included in every interlocal agreement with every city in Brevard County, so unless everyone agrees to change that, they are not spending Lagoon money on maintenance, because that is not a comparable nutrient removal project; what they did is they asked what is above and beyond; and they had one utility submit a project to them, Cocoa Beach, and it was above and beyond nutrient removal that went beyond their maintenance activities. She pointed out they did recommend that funding to be funded; the idea they are not approving utility projects is just not true, they just have not gotten any; they did shift a lot of projects from muck dredging to septic; and it is happening, the problem is they are not a speed boat, it is more like a big barge that has to go really slow. She stated when they start looking at projects in September, they start reviewing the projects in November, and then it is sent to the Board, so for them to change that, they need that advanced notice so they can start shopping it to the utilities and saying this is what the Board wants, the utility projects need to get in and to have those workshops; and that is what they would request from the Board just some more time. She stated she does not think they will be able to make \$100 million projects come up in this year for septic and sewer; they might be able to get some septic one's going; but if they had next year they would be more successful in that regard because they would have the time to shop it with the utilities and make sure they go to workshops, give them the forms, and make sure they know what they are looking for to get those projects in to a project to them so they have something to vote on. She advised that is her only concern; she is hoping the Plan passes and they can get some work done.

Commissioner Lober stated \$100 million in one year, he does not think anyone contemplated that, the Board is talking over the Plan life, so it would be probably closer to one-tenth of that amount rather than \$100 million; he promises her if she has any trouble getting in touch with

February 26, 2019

Eddie Fontanin, Utility Services Director, to let him know; he can get with him and get him to get the projects to her; and if there are any questions as to where the needs are, he can get that fast tracked.

Chair Isnardi stated the Board has gone through the Ordinance and the Interlocal Agreements; and she asked if there is anything prohibiting it from doing infrastructure or sewer related projects as long as it benefits, or there is not conflict with the Agreements.

Attorney Bentley replied it is all tied to the Ordinance itself and the adoption of the original plan, because it is an infrastructure tax, but it is also tied to the original plan; now the plan is being amended; there are these nutrient removal questions that arise; and the money cannot just be taken out and be spent on infrastructure without considering the plan. She pointed out it is legal to spend it on infrastructure within the confines of the plan.

Chair Isnardi stated she does not know how to measure potential nutrient impacts based on unforeseen events and untested infrastructure; the Board does not know how many millions of gallons of raw semi-treated, or whatever, sewage or otherwise, or even stormwater at this point, depending on what events happen, it is impossible to measure.

Ms. Barker stated there is no crystal ball in knowing the future, so what staff did is looked at the past; they did not just look at one year of discharges, they pulled the State records for the last 13 years and looked at discharges for over that period of time.

Chair Isnardi stated but everyone knows what the infrastructure was 13 years ago, and that matters as well.

Mike Mulleavey stated he is going to read his notes. "I ask you to implement the Plan as recommended. In light of what was just discussed, he wants to repeat what was said earlier about the off gassing of the silt, the muck. It far outweighs what you project may occur, and so I ask you to consider that when you are going over your potential vote. As Dr. DeFreese noted earlier today, it's not a matter of this or that, it is this and that; and I want to remind everyone that the de-mucking is part of a plan, a collaborative plan of several action items. So, I ask you not to disconnect from that but to include de-mucking. Muck removal in the Lagoon is critical and I think that the Committees' recommendation stipulate that. The funds have been allotted to restore a key asset in our community, the Lagoon, and it should be used for the designated reasons. As Representative Fine noted earlier this morning, sweeping funds from intended use are detrimental to a projects success. Representative Fine's bill discussed this morning also, addresses improving infrastructure, which seems to be a key issue with each of you, and that is a good thing; but I think that we should remember that he is going to try to solve the funding of the infrastructure problem, and that we need to keep our mind set on keeping forward with the recommendations from the Committee, this includes de-mucking. Our ancestors lived near, worked on, and played in the Lagoon. Current and new residents want to do the same, and visitors arrive year round to do that as well. You have the ability today to ensure successful restoration process continues. Let history portray you as a person who took positive action for the benefit of Brevard residents today and in the future. Please implement the Indian River Lagoon Project Plan as recommended by the Citizens Oversight Committee. Thank you."

Jim Glass stated he is a retired civil engineer; he knows muck is bad stuff; he had a course in sorrel mechanics in 1960 when he was in college; he knows what goes into makeup muck; he was an inspector for FDOT while a co-op student in South Florida; and bridges or paved roads cannot be built over top of muck, it is dangerous it is bad. He went on to say he worked 25 years in the Tampa Bay area as a civil engineer with Hillsborough and Pinellas Counties, City of Tampa, Clearwater, and Tarpon Springs on sewage projects; he is very familiar with the sewage infrastructure; what got his dander up is when he saw this Lagoon Plan was devoting more than

one-half the money towards muck; he talked with one of his colleagues who is now still practicing wastewater engineering and is familiar with Brevard County; and he told him after reviewing this plan that the cost to fix the infrastructure in this area is going to cost four times what is in that plan. He stated something needs to be done to fix the infrastructure; it is unfortunate the Board is put in the position of trying to weigh the balance of the two; he thinks it has a good start, it is on track to take money from the muck removal and to put it into infrastructure; and he wants to give the Board some examples. He explained a lady told him she did not vote to dredge muck on rich peoples canals, to let them pay; they put their fertilizer and yard clippings which cause the muck; she said her homeowners association has to pay for the maintenance of stormwater retention ponds and swales, and to pay for removing basic plants on wetlands and preserves in their subdivision; and he asked if the same principal applies for people who live on these canals. He stated there is \$78 million designated in this plan for removing muck in canals; the projects that were added to the plan this year, \$9 million, \$6 million of that money is going to dredge muck in canals, so he asked to go ahead and approve the plan the way it has; and he thinks the Board is on the right track.

Dani Straub, City of Melbourne Engineering Department, expressed her appreciation for the Board to moving the plan forward; she stated they have several projects in the budget for the next couple of years; and they are excited to see those projects moving forward.

Lew Kontnick stated he wants to encourage the Board to take a comprehensive sources and solutions type of perspective; it may be something that is missing; he moved here in mid-2016 and he was impressed with the willingness of the community to tax itself to restore the Lagoon; he holds an MS Degree in Environmental Engineering, and a law degree; and he has practiced in both areas. He went on to say he was impressed with the system that the plan referendum set up using the COC; he spent hours and hours at the COC meetings, but those hours pale in comparison to the time spent by the COC members and the County staff; one thing he wants to do in terms of this comprehensive point is he is hearing about scientists talking here and there, and those scientists are important; but he also believes that funneling that through a uniform process, or at least touching on that uniform process of review within the COC is really important. He pointed out they do not want three or four different bodies of science developing, they want to build towards coherence, towards understanding, so he encourages those people to come through the COC; he endorses the steps being taken today in moving ahead so they do not pause and wait, because that would be terrible; he recommends the Board go beyond the Save Our Lagoon, the SOIRL project; when it does its examinations to not just look at the COC output, but to look at what is being done both in terms of sources and solutions from the St. Johns River Water Management District budget, agricultural sources, he does not believe were included as part of what is going on with SOIRL, the utility repairs and step ups there, because it is not part of the upgrade; and there are sources and solutions he believes the Board should be paying attention to as it is looking at the SOIRL plan. He asked the Board to take a broader view, more money is needed to support the legislature to get that money; and the County cannot get done what it wants with what it has.

Dr. Leesa Souto, Marine Resources Council Executive Director, asked the Board to pass the Save Our Indian River Lagoon Project Plan, the 2019 version; she appreciates the Board's willingness to try to meet in the middle and try to get some of the projects underway, Commissioner Lober in particular for bringing this Agenda Item up today, and everyone for considering it; they support the process that has been put in place and described so well by people before her; and she again encouraged the Board to pass the plan as it was originally presented to it. She advised the plan is an evidence based approach, and they are using a cost benefit analysis which is the most logical way to make a decision, focusing on the nutrients being reduced and the cost of those nutrient removals; it has also been acknowledged that sometimes science does not have the information; and when it comes to wastewater in Brevard County that is an area where information is lacking. She explained MRC, applied ecology, and

Brevard County staff are working to try to fill in those gaps of information; there is a large wastewater study underway now, it was an appropriation from the legislature that was received several years ago that is underway to help prioritize where wastewater is really happening, the biggest impact on the Lagoon; that data is coming, it is still early in the process; and then they will be able to fill in how many pounds of nitrogen and phosphorus will be removed if those projects are done, right now there is a lot of speculation in trying to predict. She noted it is a hard time to look at the past to figure out the future, but those historical events have to be looked at to try to understand what the likelihood of these events if they are to happen in the future. She stated the public is very suspect and concerned; they have been concerned when the sales tax that the funding was going to be misused, so they are sensitive to it; she is sorry the Board had to take the abuse; she never thought the Board was being inappropriate with the funding, she does not question their questions about the Plan; she encourages anyone who is concerned about it to show up at the COC meetings; and she appreciates Commissioner Lober attending the Marine Advisory Council meeting to learn about what is being done by staff in marine management. She concluded by stating nitrogen and phosphorus are the only things being regulated right now, and they have reported on the health of the Lagoon in terms of nitrogen and phosphorus; she stated she hopes the Board has their Indian River Lagoon State of the Update Report, this year's is coming out soon; but the Board is also required by law to reduce nitrogen and phosphorus and that is why its plan is focusing on it.

Mark Ryan, Indian Harbour Beach City Manager, stated he apologized for somehow some way the community as a whole has not seen the work the Board does and has treated it like it has been on social media, that is wrong; the Board Members are public servants, and do not deserve to be treated that way, he is ashamed. He went on to say the muck removal issue is an issue they are dealing with, the County is dealing with; it has appropriations from the legislature for \$40 million; Indian Harbour Beach and Satellite Beach have made a similar application through the legislature, which is in the works now, so they are trying to dredge canals in their communities to remove the muck; and Dr. Trefry has talked about the benefits of the muck removal. He advised he is excited about the program tonight that Commissioner Lober is going to MC, because he cancelled their City Council meeting because he wants his elected officials to come hear that dialogue; he wants to learn just like Commissioner Lober; they want to move forward, dredge the canals; Indian Harbour Beach was ground zero for some of the discharges, not only from the Hurricane, but pre-Hurricane where there are malfunctions with the force main that go replaced; and not only are they removing muck, but they are also removing the stuff that settles at the bottom from those discharges. He pointed out this appropriation from the sales tax will benefit their community that they are going to the legislature for; they have skin in the game and they have a local match; and he asked the Board to consider moving forward.

Chair Isnardi asked the audience not to feel the need to apologize to the Board; worse has been done; each Commissioner knows what he or she signed up for; and the frustration is the just the rumor and how it snow balled.

Diana Schommer stated she lives on a canal in Merritt Island that she has not seen the bottom of for two years; she does not know what event caused that but something happened; always before it would get cloudy and clear up; and that last time it never cleared up. She went on by saying she wants to bring up a future potential problem, and that is flesh eating diseases; she does not know if anyone has looked into that, but she did; in the last 10 years there have been 346 reported cases of *Vibrio Vulnificus*, which is one of the flesh eating diseases; and of those 346 cases in Florida, 99 people died. She advised it is a serious concern because Brevard County led the State in deaths, there were nine deaths in the County due to that disease; besides death from that disease, the most common occurrence is an amputation, so people are dealing with what she considers an emergency; and she thinks every resource this County has that can be diverted to handling the infrastructure, the muck, the relocation of some Manatees, and everything it has needs to be thrown at this problem. She stated the CRA's are in place,

and the last count she has there were 22 of them; they are set up to take applications, their work could be diverted to these septic tank situations; if there is a septic tank approved to replace an old system, to let them make their matching grants to these homeowners who have been identified to go towards helping that problem; and if they are not willing to divert their energies, there is a \$30 million price tag that goes with them that could still be used for this same purpose. She stated they did their own Xeriscape in their backyard; there is no company here putting in fake grass in yards; they had a paver company, come in, prepare it for pavers, and her husband and her ordered the grass, they put it down; it requires no water or fertilizer or pesticides; and they are going to do their front yard the same way by choice. She pointed out if they had companies that provides that service, maybe more people would make that choice.

Todd Griggs stated a couple of years ago he was employed by General Electric to be a commission engineer for their water treatment plants and programs; he is here to tell the Board that the industry has changed dramatically, there is new technology that is outstanding; he is not sure the Board has pursued it, he knows their company would be more than happy to give the County proof of concept, to give it some preliminary budget ideas and stuff like that; this Lagoon cleanup is needed, but he thinks the symptoms are being treated and not the cause; and he has to push back quite a bit that the Board is no longer doing smoke testing, which is basic maintenance. He advised in light of the County not being able to predict a leak or the size of a leak, it is acting like an Ostrich, putting its head in the ground; the smoke testing needs to be done to know where the most potential gallon leakage would be; and he reiterated it needs a plan and budget for future plans to be able to fix those. He stated he does not think it is being approached in the correct direction, and the Board needs to do more fact finding before decisions are made; he likes that it has set aside funds; once it determines better options; and it needs to do due diligence and fact finding before coming up with a decision.

Jim McKnight, City Manager of City of Cocoa Beach, expressed his appreciation to Commissioner Lober for taking the time to come in and go through their plant to see how they operate and what they are doing, he asked a lot of questions that were difficult to answer, but that is part of it. He stated Wake Up Cocoa Beach has been corrected to say that was a false rumor, and sometimes municipalities needed to help the County with unfortunate information. He stated he is not sure where they are at as far as projects at Cocoa Beach; their muck dredging has been a success, and they started it December 2015; and while canals have houses on them, they are also the main entry point of these nutrients coming into the system. He pointed out if the canals are not touched, the problem is not being addressed; the project they have in will allow them to complete all of the dredging in the areas that were established to the City of Cocoa Beach by the end of 2020; and if they do not get the funding they will have a de-mobilization and then a re-mobilization, which is costly, so the process needs to be moved forward. He advised they are trying to be a speed boat and not a barge in this process as much as they can; beyond that they have a sewer project in; they are an AWP Plant, they are going beyond their permit with the improvements that will be made, including addressing reclaimed water systems that has kind of lead the State, making additional improvements to that in the way the treatment is done prior to it entering onto grass in the different communities. He stated the Board talked about the trigger and how it was sold previously, he never heard that, so maybe he is not in the loop like he thinks he is; certainly there are opportunities, but it cannot be based on that if they do not know they have that, and that is the problem; sewer systems are utilities; there is replacement and renewal for that; the funds are put aside; and he showed the Board the 2014 plan for the City of Cocoa Beach, they did the entire system analysis and replace through slip lining one-third of the pipes, 13 miles of their 39 miles of gravity. He added they also updated that last year so they are going to move forward with more replacement, it has to be part of the system; just as certain things do not seem to meet the smell test of why that is being done; putting money into infrastructure is a good thing, but it, too, may need a trigger; and he expressed his appreciation to the Board for its time.

February 26, 2019

Commissioner Lober expressed his appreciation to Mr. McKnight; he stated the municipal plant in Cocoa Beach is nicer than anywhere else he has ever seen; he did not anticipate he would be as impressed as he was leaving there; and he thinks they have everything figured out over there in the right way.

Grover Gregory asked if the Board knows if there are other sources that are readily available to remove muck, to pay for a project that it is currently allocating \$200 million to remove muck, is there some other way to get the muck out, because he does not get a bill in his mail charging him for muck removal; he noted does have one says sewage, waste disposal, water use, et cetera; and he asked if it is the place of the sewage, wastewater departments and that authority they have to collect money to collect the money to improve the infrastructure. He stated it seems to him the County is going to the easy pot that already got approved by the voters; he thinks in the voters' minds, and certainly in his, that this money was going to be strictly governed by the science; and he thinks the basis of pounds of nitrogen removed is an objective basis that encouraged the voters that there would be no other influences in this process; and that the County really wants to get the bang for the buck. He noted once money is being spent that should be put towards a different source to fix things that are not removing nitrogen in the most efficient, that is where they run into the issue can citizens trust the process.

Commissioner Lober stated what the Board is trying to do is make the best use of the fund consistent with the requirements it has for those funds; he would not say it is low hanging fruit as much as it can achieve the objectives that were set out for the funds; he will not penalize a project because it also happens to be a utility project if that project is the best use of the funds to improve the Lagoon; and he is not trying to raid the SOIRL basket to help utilities out, but if it happens to help utilities out he will not hold it against utilities that they are benefiting by something that is also helping the Lagoon. He explained he looks at the investment in infrastructure as something of insurance where a person knows he or she will get a better return immediately, so it is almost kind of inconsistent with it, but it is almost like insuring a drunk driver instead of a driver; most drivers are going to get in some sort of an accident or fender bender at some time, but it is not absolutely certain; and with a drunk driver, if that drunk driver is on the streets 24 hours a day, does not sleep, eat, or do anything but drive, they will get into accidents. He stated the County has essentially a situation where he would almost analogize that the sewage system and infrastructure would be like a drunk driver on the roads, the Board has the opportunity to insure this drunk driver to offset the costs that are going to be incurred namely to avoid them all together; and his goal is to ensure the Board does not have to figure out the scientific precision down the road of how many millions of pounds of nitrogen did it end up having with these inadvertent discharges result in the Lagoon, because if the Board has those numbers, it means something has been done wrong in the first place by allowing those leaks to occur. He went on to say he shares the concerns of Mr. Gregory, and he thinks that in so far as which particular projects are going to be the recipients of that money that is being put on hold right now, one thing he does want to highlight is it is going back to the COC for recommendations; he is not going to say there is no possibility that 100 percent of the money being set aside is going to go to infrastructure, he doubts it intuitively, but somewhere between zero and 100 percent is going to go towards infrastructure; it may be where some of that money goes back to de-mucking, he does not know; and if so, how much, he really does not know it depends on what they come back with and what basis they have for the recommendations they make. He noted even if it is something that is 100 percent infrastructure, if the COC comes back and they do not have a sound basis for it, he may question it further at that point, in fact, he will question it further at that point; he thinks everyone is trying to make the best use of the limited funds that are available to achieve the objectives that are set out; he heard others saying similar things so he is not directing this just at Mr. Gregory, but he just wants people to understand it is not that the Board is doing it for utilities, it is that utilities happen to have an incidental benefit or impact positively by the Board doing what is otherwise good for the Lagoon; that is where he is coming from; and he does not want that to be misperceived.

February 26, 2019

Mr. Gregory stated if Commissioner Lober looked into the enthusiasm of the public for cleaning up that Lagoon, he would find the same enthusiasm, people are willing to pay; some people are ideologically opposed to raising any kind of government tax.

Chair Isnardi advised she sees the enthusiasm that is incited when raw sewage is dumped into the Lagoon just as intensely.

Mr. Gregory pointed out the County has 60 years of history of dumping raw sewage through eight inch pipes into that Lagoon, and that is what needs to be gotten out; and he does not see any source of money to do it, and the money is taken away that has been approved to get the muck out.

Commissioner Lober stated that is the thing, it was not approved solely to get the muck out, that is one of many components; everyone said thus far that there is no single silver bullet.

Eric Ziegler stated he is a Brevard County resident, but he works with a group out of South Florida, and they spent 2016 following their flows; they imagine he has on the poster board is kind of an interesting image because it shows the Lagoon completely neon green in the middle of February 2016; where it comes from is South Florida; and what they were doing in 2016 was following the flows. He went on by saying he was in Sebastian Inlet February 2nd when they watched it start flowing out of the inlet; once they started realizing this was part of the problem, it was too late; in 22 days it decimated 65 tons of marine life in the north end of the Lagoon; doing that they started testing the water and realized they were dealing with massive amount of nutrients coming out of South Florida; unfortunately, it puts a big monkey wrench in just removing the Lagoon muck from the north end of the Lagoon because they are constantly getting nutrient loads, phosphates, the muck itself, silt from the runoff from the agricultural area, which is a huge section of the State of Florida, which people do not know because they all live on the coastline; and it makes a huge impact on the residents and every time it flows in certain scenarios they end up in the Lagoon. He added once they are there, they have no way to get out; that is why at one time they talked about some sort of an inlet system put in to restore flow to the upper end of the Lagoon; he believes it is absolutely necessary; and it will also help in removing the muck, because they will receive a greater flow rate in the north end of the Lagoon, which has about a 270-day turnover rate. He advised that means it takes 270 days for an amount of water in the upper end to move through the inlets; that is why they are so stagnated and the debris and muck stays on the bottom and it does not move; in South Florida they open up those discharges, and the inlets in the South Florida area are about 15 miles or closer together, so it moves that debris in and out; and once it is out, the water is crystal clear again, and Brevard County never gets to see that because it has basically a trap for all of their stuff in the north end of the Lagoon. He recommended that the Board look at, and he agrees it needs to measure twice and cut once; it means to check its research and do it again; and then take that second time and make its final decision on what plan to be made.

Chair Isnardi stated a lot has been said this afternoon; if the support is there, because there are only four Commissioners, if three Commissioners support his plan moving forward, it can be brought back again to discuss on what to do on the other \$100 million; she thinks it will probably be split, and Commissioner Tobia is not here, so it will be at a stalemate; the COC knows where the majority of the Board stands as far as using some of that money for infrastructure and stormwater projects; and that was made pretty clear. She went on to say that what Commissioner Lober has proposed, moving forward of almost the majority of the plan gets them on track and allows them to move forward with their grants, matching funds, and it does not hold up any projects. She advised she supports it just as it is without modifications or too long of a discussion.

February 26, 2019

Commissioner Lober stated the only thing, and this was actually brought to his attention by a constituent earlier today, there was a portion of discussion had at a prior meeting, prior to the entire plan coming up, pertaining to advertising; there were five different categories; he believes the COC basically said three of them were more critical than the other two; he does not know if folks want to put those two that were deemed non-critical in, and he may be using slightly different terminology; and he asked if the Board wants him to put that in with 100 and say to hold off on those two.

Chair Isnardi agreed to hold off on those two because the Board voted on that item; and to put that back in is going against the action of the Board.

Commissioner Smith stated he is good with anything as long as there is direction; he just does not want the \$100 million sit; it needs to be used, and both things need to be done; and his question then is how the decision is going to be made going forward on how to spend the \$100 million.

Chair Isnardi advised it will come back to the Board with recommendations; the COC has clear direction and pays attention to what the Board does; and they know where the majority of the Board wants to see those funds go.

The Board reviewed all non-muck removal and non-interstitial water treatment items contained in the 2019 Save Our Indian River Lagoon Project Plan, with the exception of stormwater pond maintenance and excess irrigation advertising funds, as proposed by the Save Our Indian River Lagoon Oversight Committee; approved an initial maximum of \$125,000,000 toward muck removal and/or interstitial water treatment; and authorized staff to process any and all necessary budget change requests, for the current fiscal year, to comply with the directives contained within this motion.

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

ITEM J.1., APPOINTMENT OF MEMBERS AND ALTERNATES TO THE SAVE OUR INDIAN RIVER LAGOON CITIZEN OVERSIGHT COMMITTEE

Chair Isnardi stated the Commissioners will fill out its ranking sheets, and it will move on to another Item while Virginia Barker, Natural Resources Management Director, calculates the rankings.

ITEM J.5., RESOLUTION, RE: SUPPORTING BREVARD COUNTY'S PREFERENCE OF MAINTENANCE AND OPERATION POLICY OF MATHERS BRIDGE

Commissioner Smith stated this is a resolution supporting Brevard County's preference of Maintenance and Operation Policy for Mather's Bridge; this is an Item that has been going on for two years; primarily he brought this up, because he spoke to Mr. Denninghoff, about the maintenance on Mather's Bridge; and he will let him give the Board a brief synopsis of the maintenance and why it is important to limit the amount of times the Bridge opens and closes.

John Denninghoff, Assistant County Manager, advised the Bridge, as most are probably aware of, is a pivot bridge; every time the Bridge opens, a great deal of gears, hydraulic fluid, pumps, and rotors start running, and it swings the Bridge open; there is a main bearing on the bridge which also wears each time it is opened and closed; if it is opened frequently, it heats up, and it causes premature aging of the equipment and the materials, including the main bearing. He pointed out if the Bridge is opened in an on demand basis, every time a boat or vessel approaches the Bridge, then the vehicular traffic has to stop, the Bridge is swung open, and the boats travel through the channel; and then the Bridge closes and the traffic can move on. He advised one of the advantages of going to a half hour to hour schedule to open the bridge rather than on demand is that it will allow more cooling time for all of the equipment to cool down as well as it has the potential of significantly reducing the number of times the Bridge has to swing open and close; he thinks money can be saved; and there is always the potential to go to an automated system, which would reduce the amount of manpower for the Bridge, which would reduce the maintenance cost over the course of the life span of the Bridge. He noted to replace that main bearing; the bridge structure must be removed, so losing that bearing is a good deal.

Commissioner Smith stated he talked to the Coast Guard to see what would be involved in doing that; then a lot of emotion got involved; on one side, the boaters screamed because they want the convenience of being able to approach the Bridge and have it open when they got there; the motorists scream because when it opens, instead of waiting for both boats to get there the Bridge opens, closes, and opens again; and he sat there through both of those. He advised the Coast Guard has been told by local boaters this is a safety issue; they said it is hogwash because the Banana River at Mather's Bridge is not a thoroughfare, it is not like the Intercoastal; the only boats that traverse Mather's Bridge are local boats; and a person can gauge their departures accordingly. He stated Wayne Justice with the Coast Guard said he would take the Board's recommendation directly to the powers that be in Jacksonville, Florida, because he knows them. He submits it will save the County money over time if it made it an on time half hour or hour opening.

Vince Lamb stated he has lived there for 45 years; he has lived through two complete rebuilding of the Mather's Bridge center span; they went through a six month period, trial period, where the bridge opened on the half hour and the hour; the boaters survived; and some of the ones that have flipped down tops learned how to get their tops down so they could get under the bridge. He stated a lot of the traffic on Mather's Bridge is commercial. He stated having it once every half hour works for everyone; it makes sense that opening and closing it frequently will wear it out again; and he encouraged the Board to vote in favor of the half hour openings and send the Board's recommendation to the Coast Guard.

Commissioner Lober stated the only input received from his constituents has been in favor of doing what Commissioner Smith wants, so he will support him.

Chair Isnardi stated she is fine with it.

Commissioner Smith stated it will save the County money going forward.

The Board adopted Resolution No. 19-028, supporting and encouraging the United States Coast Guard to approve the permanent opening schedule of every 30 minutes on the hour and half hour, providing a more predictive and cost effective operation, reducing traffic backup, and providing a more predictable and safer transportation environment.

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

ITEM J.1., APPOINTMENT OF MEMBERS AND ALTERNATES TO SAVE OUR INDIAN RIVER LAGOON CITIZEN OVERSIGHT COMMITTEE (CONTINUED)

Virginia Barker, Natural Resources Management Director, stated the first order of business was to rank the candidates, which the Board has done, and she provided that back to it; the County seats that were vacant for Technology, the top ranked candidate is John Luznar; for Education/Outreach, the top ranked candidate is Melissa Martin; in addition to filling those two seats it needs to confirm the League of Cities vacancies, and their recommendations were Dennis Basile for the Real Estate Alternate Seat, and Laurilee Thompson for the Tourism Alternate Seat.

The Board reviewed applications for volunteers to serve on the 2019 SOIRL COC; approved the appointment of **John Luznar** as the Technology Member; approved the appointment of **Melissa Martin** as the Education/Outreach Alternate Member; approved the appointment of **Dennis Basile** as Space Coast League of Cities Real Estate Alternate Member; and approved the appointment of **Laurilee Thompson** as the Space Coast League of Cities Tourism Alternate Member.

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

ITEM K., PUBLIC COMMENTS

William Deluccia stated he is here today because he has an area of expertise, the Board Members have an area of expertise, and most of the people present today have an area of expertise; people need to entrust the experts in their fields to do their jobs to come up with the data, the facts, and trust those facts; he is here because there has been a lot of concern throughout the public with regard to passing the tax; and as a concerned citizen, as a taxpayer who pays a lot of taxes, having voted for that tax, and having voted for the money to be spent in the proper areas, it scares the citizens of this County to death to hear that there may be alternates in where that money is going to go as opposed where it was originally intended to go. He went on by saying when the COC plan is rejected, it puts a real shock factor into the public; the Board needs to entrust the scientists in this community who have provided that data; some of the data he originally heard from Virginia Barker, Natural Resources Management Director, on the early days before this Indian River Lagoon Coalition Plan was put together was that 70 percent of the nutrient loads in the Indian River are attributable to fertilizer loads, yet today when he was here earlier, there was an hour long monologue by Representative Randy Fine about the compromised infrastructure of sewer pipes and wastewater, which is important, but if 70 percent of the nutrient loads in the river are coming from a source such as fertilizer and land

February 26, 2019

usage, why is the bigger picture not being addressed instead of talking at length and diverting funds potentially to projects that should be lower on the totem pole. He noted it is a disproportionate portion of money that would go to projects that do not have as much bang for the buck; he does not understand why a higher anarchy of needs cannot be done on where this money should be spent, and to look at the science behind it.

Commissioner Lober stated there is an elephant in the room, and he could not sleep at night was he not to address it. He went on to say Mr. Deluccia talked about what scared the public to death; one of the things that scare the public to death is someone spreading a false rumor that inconvenienced countless people and cost he does not know how many hundreds of hours out of well-intentioned folks, including County staff; and the best he could find was Mr. Deluccia and someone who shares his surname were the originators of that particular rumor.

Mr. Deluccia advised it was not a rumor.

Commissioner Lober asked what was not a rumor that the Board was going to fund a road in Palm Bay.

Mr. Deluccia replied no, not a road, infrastructure projects that were yet to be disclosed, infrastructure projects with undisclosed money in undisclosed percentages of those funds going towards it.

Commissioner Lober inquired what led him to believe that.

Mr. Deluccia responded several scientists he knows in the community led him to believe that.

Commissioner Lober questioned how they led Mr. Deluccia to believe that specifically.

Mr. Deluccia asked how he would get the information if he was not led to believe that; he noted he has an area of expertise that has nothing to do with this; and he again inquired where he would get that information.

Commissioner Lober stated it seems like he made it up and tried to spread falsity, because he cannot point to a single individual.

Mr. Deluccia pointed out he did not make it up, and he would never throw those people under the bus, but if the Board looks at the science and trusts the scientists in this room when it was full, those are the experts that should be telling the Commissioners where to spend that money just like the COC that has three scientists on the board.

Chair Isnardi explained they do not always agree collectively, and many scientists with the same or even more scientific background have given their opinions as well; it is not that anyone here wanted to scrap the plan; but when someone accuses a Commissioner body of potentially misappropriating funds, that is like basically accusing somebody of a crime.

Mr. Deluccia asked if the Commissioners looked up the definition of misappropriation; and he stated one of the definitions is misuse.

Chair Isnardi noted that was not the intention, the intention was to insight emotion.

Mr. Deluccia stated no, it was not; the COC plan was rejected.

Chair Isnardi advised the Board sent it back, it did not reject the entire plan; she wishes Mr. Deluccia would have watched the meeting, because if scientists told him that, that the Board

February 26, 2019

was going to divert money to unknown projects in Palm Bay, or unplanned projects in Palm Bay, no one ever on this Board has ever said that during any public meeting or any public forum.

ITEM L.2., REPORTS, RE: EDEN BENTLEY, COUNTY ATTORNEY

Eden Bentley, County Attorney, stated on February 21, 2019, the County Manager received a certified letter from an attorney allegedly representing the dissolved Children's Service Council; they are seeking to invoke the governmental dispute resolution procedures provided in Chapter 164, Florida Statutes; there is a 30-day time-limit under the Statute to respond; and an extension has been requested but a response has not been received, so in an abundance of caution she is requesting permission for staff to attend an initial conflict assessment meeting if no costs are incurred by the County for the former Children's Service Council, and all other rights can be preserved.

Chair Isnardi stated she wants to be sure as an elected body, and Attorney Bentley as its representative, it is not even acknowledging that the board exists.

The Board granted permission for staff to attend an initial conflict assessment meeting under the governmental dispute resolution procedures with the dissolved Children's Services Council, if no costs are incurred by the County for the former Children's Services Council and all other rights can be preserved.

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


ITEM L.6., REPORTS, RE: CURT CMITH, COMMISSIONER DISTRICT 4

Commissioner Smith stated he wants to give a shout out to Sheriff Wayne Ivey and Keith Winston, Brevard Zoo; he stated about six or eight months ago he was talking with Mr. Winston about projects with the Zoo; and one of the things he mentioned that has had profound effects was the oyster mats. He added the problem they had was getting oyster shells and getting labor because it is very labor intensive to put those mats together; he thought if he could get Sheriff Ivey involved and he would be willing maybe the inmates could start making oyster mats; and Sheriff Ivey, after working with the Zoo, is going to announce a plan to do just that.

February 26, 2019

Upon consensus of the Board, the meeting adjourned at 2:42 p.m.

ATTEST:



SCOTT ELLIS, CLERK



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

As approved by the Board May 7, 2019