



Advanced Agenda

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS ON 2023-05-09 5:00 PM -
REGULAR

2725 Judge Fran Jamieson Way
Viera, FL, 32940
Regular Agenda
Tuesday, May 9, 2023

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

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

If you wish to speak to any item on the agenda, please fill out a speaker card. Persons addressing the Board shall have three minutes to complete his/her comments on each public hearing agenda item for which he/she has filled out a card.

The Board of County Commissioners requests that speakers appearing under the Public Comment section of the agenda limit their comments and/or presentations to matters under the Board's jurisdiction. It is the responsibility of the Chair to determine the time limit on comments under Public Comment and other agenda items that are not Quasi-Judicial Public Hearings. In Quasi-Judicial proceedings, fifteen (15) minutes shall be allowed for applicants and five (5) minutes for other speakers.

- A. CALL TO ORDER 5:00 PM
- B. INTENTIONALLY OMITTED
- C. PLEDGE OF ALLEGIANCE: Commissioner Pritchett, Chair, District 1
- D. MINUTES FOR APPROVAL: February 21, 2023 Regular Meeting
- E. RESOLUTIONS, AWARDS AND PRESENTATIONS

E.1. 5690 Resolution Recognizing May 2023 as Older Americans Month

It is requested that the Board approve the attached resolution recognizing May 2023 as Older Americans month.

Legislation Text

Older Americans Month Resolution

E.2. 5714 Resolution Acknowledging the Week of May 7-May 13, 2023 as Corrections Officers Appreciation Week

It is requested that the Board approve the attached resolution recognizing the Week of May 7-May 13, 2023 as Corrections Officers Appreciation Week.

Legislation Text

Corrections Officers Appreciation Week

E.3. 5716 Resolution acknowledging Emergency Medical Services (EMS) Week

Board support and adopt the Resolution proclaiming May 21, 2023 through May 27, 2023, as Emergency Medical Services (EMS) Week. This year's National theme for Emergency Medical Services Week is "EMS: Where Emergency Care Begins".

Legislation Text

EMS Week Resolution 2023 (003).pdf

F. CONSENT AGENDA

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

Development and Environmental Services Group

Natural Resources Management

F.1. 5715 Approval of the recently awarded Stan Mayfield Working Waterfront Grant for the acquisition and expansion of the Blue Crab Cove Working Waterfront site

Staff requests the Board approve the Stan Mayfield Working Waterfront Grant for the acquisition and expansion of Blue Crab Cove Working Waterfront site and authorize the Chair to execute the attached Florida Communities Trust (FCT) Grant Contract and accept the FCT statutorily imposed confidentiality provisions for the recently awarded FCT Stan Mayfield Working Waterfront Grant.

Legislation Text

Support Letters: Mayfield, Brevard Zoo, MIRA

Blue Crab Cove PhII - Site Layout

AO 29 BCC2 Stan Mayfield Grant

Stan Mayfield Grant Contract 22-001-WW23

Grant Contract Attachment A - Confidentiality Agreement

Grant Contract Attachment B - Special Audit Requirements

Planning and Development

F.2. 5683 Approval RE: Disbursement of Educational Facilities Impact Fees (Districts 1-5)

Planning and Development

It is requested that the Board of County Commissioners authorize the disbursement of Educational Facilities Impact Fees in the amount of \$7,620,267.67 to the School Board of Brevard County in accordance with the terms of the interlocal agreement and authorize the Budget Office to execute necessary Budget Change Requests to implement this disbursement.

Legislation Text

Letter to Brevard County requesting distribution of Impact Fees - Meeting 28.pdf

F.3. 5688 Approval RE: Transportation Impact Fee Technical Advisory Committee for the North Mainland Benefit District Project Funding Recommendation (Districts 1 and 2).

Planning and Development

It is requested that the Board of County Commissioners consider approval of the Brevard County Public Works Department project funding recommendation in the amount of \$1,000,000 as prepared by the Technical Advisory Committee for the North Mainland Benefit District on April 11, 2023; and if approved, authorize the Budget Office to execute any budget change requests necessary for implementing these appropriations.

Legislation Text

F.4. 5693 Final Plat and Contract Approval, Re: North Island Villas Developer: North Island Villas (FL) Owner IV, LLC District 2

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

Legislation Text

Contract.pdf

Bond.pdf

Final Plat.pdf

Location Map.pdf

Public Works Department

- F.5. 5694 Approval, Re: Dedication of Utility Easement from Brevard Constructors, Inc. for the Folsom Center Project - District 1

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

Legislation Text

Agenda Review Package - Folsom Utility Easement

- F.6. 5713 Approval, Re: Quit-Claim Deed in favor of Aridian Publishing Corporation for Purposes of Releasing Subsurface Oil, Gas, and Mineral Rights Pursuant to 270.11(2) (b) and (3), Florida Statute - District 5.

It is requested that the Board of County Commissioners approve and authorize the Chair to execute the attached Quit Claim Deed.

Legislation Text

Agenda Package Quit-Claim Deed Ellis Road

- F.7. 5725 Approval Re: Local Agency Program Agreement and Resolution with the State of Florida Department of Transportation for the Brevard County Intelligent Transportation System Operational Support - Countywide

It is requested the Board of County Commissioners: 1) approve and authorize the Chair to execute the Local Agency Program Agreement and Resolution with the Florida Department of Transportation for the Brevard County Intelligent Transportation System Operational Support Project FPN 428930-1-88-01; 2) authorize the Chair to execute any necessary Supplemental Agreements (amendments) and Resolutions contingent upon review by the County Attorney's Office, Risk Management, and Purchasing Services; and 3) approve any necessary Budget Change Requests associated with this request.

Legislation Text

Contract Review Approval Form.pdf

Local Agency Program Agreement

- F.8. 5726 Approval Re: Permission to Apply to the INFRA Grants Program for Ellis Road Widening - District 5

Public Works Department

It is requested the Board of County Commissioners grant approval for the County to apply for the INFRA Grants Program for Ellis Road Widening and authorize staff to submit via the Grants.Gov portal on behalf of the County. Upon posting of the Notice of Funding Opportunity, it is requested that the Board authorize the Chair to execute a

Resolution in support of the County's INFRA Grants Program application contingent upon review and approval of the County Attorney.

Legislation Text

Community Services Group

Housing and Human Services

F.9. 5736 Approval, Re: Competitive Solicitations for Community Development Block Grant - Coronavirus (CDBG-CV) funds

Housing and Human Services

It is requested that the Board of County Commissioners:

1. approve the Housing and Human Services Department's proposal to expend CDBG-CV unobligated and de-obligated funds for public service commodities / equipment per CDBG-CV rules and regulations;
2. authorize Purchasing Services to issue and award competitive solicitations;
3. authorize the Housing and Human Services Department Director to take all actions necessary for final disposition of commodities / equipment (such as acting as signatory on any required asset transfer documents and coordination with other entities); and,
4. authorize the County Manager to execute all necessary budget change requests.

Legislation Text

Parks and Recreation Department

F.10. 5687 Approval, Re: License Agreement for access across Environmentally Endangered Lands (EEL) Program managed lands at Grant Flatwoods Sanctuary - District 3

It is requested that the Board of County Commissioners approve a License Agreement that allows Shady Oaks Ranch, LLC (aka Patrick Noll) to access his property through the EEL Program managed Grant Flatwoods Sanctuary which is owned by the State of Florida.

Legislation Text

Shady Oaks AO29 Purchasing.pdf

Shady Oaks AO29 Co Atty Risk Mgmt.pdf

ShadyOaksLicenseAgreement.pdf

Support Services Group

Budget

F.11. 5744 Authorization, RE: Municipal Review of Local Option Gas Tax (LOGT) Percentages Allocations

Budget

It is requested the Board of County Commissioners direct the Clerk to mail a copy of the Local Option Gas Tax (LOGT) percentage allocations to each Municipality for review. It is also recommended that the Board conduct the final reviews of the allocations at the July 25, 2023 Board Meeting.

Legislation Text

LOGT Distribution May 2023.pdf

F.12.5745 FY 2021-2022 Merritt Island Public Library Tax District Board Annual Financial Report

It is requested that the Board acknowledge receipt of the fiscal year 2021-2022 Merritt Island Public Library Tax District Board Annual Report.

Legislation Text

Merritt Island Library District 2022 Annual Audit Report.pdf

Central Services

F.13.5743 Approval Re: Approval to Apply for a United States Department of Transportation Charging and Fueling Infrastructure Grant for Electric Vehicle Charging Stations

It is requested the Board of County Commissioners approve the County to apply for the United States Department of Transportation Charging and Fueling Infrastructure Grant and authorize the following actions in order to submit a grant application:

1. Authorize the County Manager to apply via the Grants.Gov portal on behalf of the County, and
2. Authorize Purchasing Services to competitively solicit the services of partners in the planning, designing, installing, furnishing, and maintenance of electric vehicle charging stations, and
3. Authorize the County Manager to execute any budget changes required to implement the requirements of the grant application; and
4. Authorize the County Manager to execute the revenue-sharing contract(s) with partner(s) selected through the competitive process that will provide funding to meet the County's 20% match obligation.

Legislation Text

Administrative Services Group

County Attorney

F.14.5752 Amendments to BCC-97, Board Meeting Rules and Procedures, to Provide for the Recording and Broadcast of Board of County Commissioners Meetings and for Public Comment to Follow Board Reports

It is requested that the Board approve amendments to Board policy BCC-97, Board Meeting Rules and Procedures, to provide for the recording and broadcast of meetings of the Board of County Commissioners, and to revise the meeting order of business so that public comment follows Board reports.

Legislation Text

Attachment 1 - BCC-97 (05-09-2023 final).pdf

Attachment 2 - BCC-97 (05-09-2023 redline).pdf

County Manager

F.15.5719 Confirmation of Phillip "Adam" Hied as Airport Manager

It is requested that the Board of County Commissioners confirm the appointment of Phillip Adam Hied as the Airport Manager.

Legislation Text

Adam Hied Letter and Resume.pdf

F.16.5733 Appointment(s) / Reappointment(s)

It is requested that the Board of County Commissioners approve the District appointment(s) / reappointment(s). The Board's approval of this will acknowledge the District Commissioner appointment(s), and approve at-large appointment(s).

Any of the attached reappointment forms that require a waiver of the term limit require a majority plus one vote.

Legislation Text

D3 Appt John C Davis Jr. VAB.pdf

F.17.5735 Central Florida Crimeline Serving Brevard County

Central Florida Crimeline is requesting the authorization of the Brevard County Board of County Commissioners to act as the County's agent for the purpose of applying, receiving and disbursing Crime Stoppers Trust dollars for approved Crime Stoppers initiatives in Brevard County as provided in Florida Statutes 938.06. No additional costs will be incurred by the County. This request is made as directed in Florida Statute 16.555(5)(b).

Legislation Text

Letter from Board re Crime Stoppers Grant.pdf

F.18.5739 Economic Development Commission of Florida's Space Coast, Inc. (hereafter referred to as the "EDC") Annual Audit Report and Bi-Annual Report

It is requested that the Board of County Commissioners acknowledge receipt of the EDC's Annual Audit Report for years ended September 30, 2022 and 2021 and the Bi-Annual Report for the period of October 1, 2022 through March 31, 2023.

Legislation Text

EDC Bi-Annual Report April 2023.pdf

Miscellaneous

F.19.5717 Bill Folder

Acknowledge receipt.

Legislation Text

Exhibit 1 D1 ODP Business Invoices.pdf

Exhibit 2 D2 DEXimaging AR9278255.pdf

Exhibit 3 D3 DEXimaging Inv AR9299137.pdf

Exhibit 4 D4 Receipts March-April - ODP, DEX, Culligan.pdf

Exhibit 5 D5 DEXimaging Invoice AR9298730.pdf

F.20.5723 Approval, Re: Fifty-three Month Copier Lease

It is requested that the Board of County Commissioners approve the fifty-three month copier lease and any required budget amendments.

Legislation Text

FY 23 Agenda for Copier Lease.pdf

F.21.5734 Precinct Boundaries - Altered and Added (Chapter 101.001(1) F.S.)

It is requested that the Board approve the revised precinct boundaries due to annexations by the Cities of Melbourne, Palm Bay and West Melbourne.

Legislation Text

SOE Precinct Boundaries.pdf

F.22.5747 Letter of Recognition to the City of Cape Canaveral for their 60-Year Anniversary

It is requested that the Board acknowledge the Letter of Recognition to the City of Cape Canaveral to commemorate their 60-Year Anniversary on May 16, 2023.

Legislation Text

City of Cape Canaveral 60 Year Anniversary.pdf

G. PUBLIC COMMENTS

H. PUBLIC HEARINGS

H.1. 5695 Public Hearing, Re: Ordinance Amending Chapter 2, Article VI, Division 2, Section 2-173, "Enforcement Procedure."

It is requested that the Board of County Commissioners conduct a public hearing and adopt the proposed ordinance amending Chapter 2, Article VI, Division 2, Section 2-173, "Enforcement Procedure."

Legislation Text

FINAL Ordinance Amendment RE Anonymous Complaints.pdf

Clean Final Ordinance.pdf

H.2. 5741 Approval of Third Quarter Supplemental Budget for Fiscal Year 2022-2023

It is requested that the Board of County Commissioners approve a Supplemental Budget for the Third Quarter of Fiscal Year 2022-2023, authorize the Chair to sign the Resolution, and approve the budget changes and such actions as are necessary to implement the adopted changes.

Legislation Text

Resolution-3rd Qtr 2023.docx

FY23 3rd Quarter Supplement Listing of Amendments final.pdf

FY23 3rd Quater BCRs final.pdf

3rd quarter ad for paper 22-23.pdf

I. UNFINISHED BUSINESS

J. NEW BUSINESS

Development and Environmental Services Group

J.1. 5724 Approval, Re: Contract for Sale and Purchase and Addendum 1 from Robin Bland for the North Merritt Island Fire Station 40 - District 2.

It is requested that the Board of County Commissioners approve and authorize the Chair to: 1) execute the attached Contract for Sale and Purchase and Addendum 1 and, 2) authorize the Chair to execute all required closing documents related to the contract.

Legislation Text

Agenda Review Package Fire Station 40 - Bland

Community Services Group

J.2. 5740 Approval, Re: Funding recommendations for listed FY 2023-24 Cycle 1 Sports Grant Applications and Approval, Re: Move \$12,000 for NKF Rich Salick Surf Festival from FY 2022-23 to FY 2023-24.

It is requested that the Board of County Commissioners approve funding the following FY 2023-24 Cycle 1 Sports Grant applications:

1. Columbia Classic Collegiate Golf Tournament (2/9/2024 - 2/12/2024) \$5,000.00
2. Men's Senior Baseball League Holiday Classic (3/15/2024 - 3/18/2024) \$11,500.00
3. Space Coast Showdown Robotics (10/7/2023) \$3,750.00
4. Red Bull Foam Wreckers Surf Contest (11/4/2023) \$3,000.00
5. ACS Gateway to Space Race (3/2/2024) \$3,375.00
6. Florida Marathon Weekend (2/10/2024 - 2/11/2024) \$20,000.00
7. Beach 'n Boards Festival (3/6/2024 - 3/10/2024) \$20,000.00
8. Cocoa Beach Half Marathon (10/22/2023) \$18,000.00
9. Moon Golf Invitational (2/18/2024 - 2/20/2024) \$7,000.00
10. Softball Magazine Spring Training (3/6/2024 - 3/9/2024) \$5,000.00
11. Softball Magazine Senior Softball Camp (11/13/2023 - 11/16/2023) \$5,000.00

Further, based on the facts specified, by approving this agenda item, the Board will make the legislative finding that Tourist Development Tax funds are authorized for sporting grants pursuant to Section 125.0104(5)(a)3., Florida Statutes, and Section 102-119(3)a, (5)a, and (6)a. of the Brevard County Code of Ordinances. Each of the tourist-oriented sporting and special events have as one of its main purposes the attraction of tourists, and the entity and the Space Coast Office of Tourism both intend to ensure marketing and promotion of these events to tourists.

Additionally, request authority for the Director, Tourism Development Office, to negotiate and sign all necessary agreements and related documents upon County Attorney's Office, Risk Management and Central Services approval and authorized the County Manager to execute necessary budget change requests.

It is further requested the Board of County Commissioners approve moving \$12,000 for NKF Rich Salick Surf Festival from FY 2022-23 to FY 2023-24. The NKF Rich Salick Surf Festival has changed its dates from September 2-4, 2023 to October 7-9, 2023; citing volunteer availability, weather, fewer competing events and accommodations as factors for the change.

Legislation Text

FY 23-24 Sports Score Sheet MASTER.pdf

FY 2023-24 Cycle #1 Grant Applications.pdf

- J.3. 5742 Approval. Re: FY 2023-24 Sports Event Grant Guidelines, Application and Committee Score Sheet for Cycle 2 (April - September, 2024).

It is requested the Board of County Commissioners approve the Tourist Development Council FY 2023-24 Sport Events Grant Program Guidelines, Application and Committee Score Sheet for Cycle 2.

Further, request that the Board make the legislative finding that Tourist Development Tax funds are authorized for each grant pursuant to Section 125.0104(5)(a)3., Florida Statutes, and Section 102-119(3)a, (5)a, and (6)a. of the Brevard County Code of Ordinances, because each grant supports an activity or event which has as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists from outside Brevard County.

Additionally, it requested that the Tourism Development Office Director be authorized to negotiate and sign all necessary grant agreements and related documents upon County Attorney Office, Risk Management and Purchasing Services approval.

Legislation Text

Edited Sports Grant Guidelines 3.28.23.pdf

Miscellaneous

J.4. 5718 Resolution Demanding Attorneys Ray Taseff and Jessica Travis Pay Forward their Settlement Fees to the Actual Victims of their Clients

It is requested that the Board approve the attached resolution demanding attorneys Ray Taseff and Jessica Travis pay forward their settlement fees to the actual victims of their clients.

Legislation Text

Sex Offender Settlement Resolution

Add Ons

K. BOARD REPORTS

K.1. Frank Abbate, County Manager

K.2. Morris Richardson, County Attorney

K.3. Tom Goodson, Commissioner District 2, Vice-Chair

K.4 John Tobia, Commissioner District 3

K.5. Rob Feltner, Commissioner District 4

K.6. Rita Pritchett, Commissioner District 1, Chair

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in the proceedings, please notify the County Manager's Office no later than 48 hours prior to the meeting at (321) 633-2010.

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

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

In accordance with BCC-97 Section G.1 the agenda shall provide a section for public comment following approval of the consent agenda during each regular County Commission meeting. The purpose of public comment is to allow individuals to comment on any topic relating to County business which is not on the meeting agenda. Individuals delivering public comment shall be restricted to a three-minute time limit on their presentation. Speakers will be heard in the order in which they turned in a pink card asking to be heard. With the exception of emergency items, the Board will take no action under the Public Comment section, but can refer the matter to another meeting agenda or request a staff report.

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