

September 17, 2019

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, September 17, 2019

9:00 AM

Regular

Commission Chambers

A. CALL TO ORDER 9:00 a.m.

Present: Commissioner District 1 Rita Pritchett, Commissioner District 2 Bryan Lober, Commissioner District 3 John Tobia, Commissioner District 4 Curt Smith, and Commissioner District 5 Kristine Isnardi

B. MOMENT OF SILENCE

Chair Isnardi called for a moment of silence.

C. PLEDGE OF ALLEGIANCE

Commissioner Smith led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL: July 23, 2019 Regular Meeting; August 1, 2019 Zoning Meeting; August 13, 2019 Melbourne Tillman Meeting

The Board approved the July 23, 2019 Regular meeting minutes, August 1, 2019 Zoning meeting minutes, and the August 13, 2019 Melbourne-Tillman meeting minutes.

Result: Adopted

Mover: Bryan Lober

Second: Curt Smith

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

E.1. Resolution proclaiming Hunger Action Month 2019

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-154, proclaiming September 2019 as Hunger Action Month.

A representative thanked the Board for bringing awareness to the County. He stated about one out of six individuals in this County are food insecure; if one hardship were to hit them, they would not know where their next meal was coming from so they have a long way to go; their mission is to distribute as much food as they can to those in need; and they do that by partnering with over 80 faith-based organizations and social services organizations throughout the County. He mentioned there were seven million pounds of food distributed last year; they still have a long way to go; and he is thankful for the Resolution.

Commissioner Smith stated he just cannot comprehend seven million pounds of food, that is a lot of food to manipulate and distribute.

The representative advised there is still a large need out there.

Commissioner Pritchett stated her church is able to get food from them and they are able to feed over 150 families a month because of that ministry.

Result: Adopted

Mover: Curt Smith

Second: Bryan Lober

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

E.2. Resolution Proclaiming Constitution Week, September 17-23, 2019

Commissioner Pritchett read aloud, and the Board adopted Resolution No. 19-155, proclaiming September 17 through 23, 2019, as Constitution Week.

A Representative of the Daughters of American Revolution (DAR) expressed her appreciation for the Resolution.

Result: Adopted

Mover: Rita Pritchett

Secunder: Bryan Lober

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

E.3. Resolution proclaiming September 13, 2019 as Commodore John Barry Day

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-156, proclaiming September 13, 2019, as Commodore John Barry Day.

A Representative expressed his appreciation for the Resolution.

Result: Adopted

Mover: Curt Smith

Secunder: Bryan Lober

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

E.4. Resolution acknowledging Brevard County Public Works as Brevard County's Unsung Heroes

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-157, acknowledging the Brevard County Public Works as Brevard County's Unsung Heroes.

Corrina Gumm, Interim Public Works Director, thanked the Board for the Resolution. She stated many of the employees of the Public Works Department are sitting at their desks watching their monitors as they would rather do that than be publicly recognized; they like to work behind the scenes; much of the public is unaware of the work that is involved in preparing the County for a storm that is coming; it is a lot of work to maintain the health and safety of the residents; and she mentioned that Public Works is in the forefront when the weather turns rough. She noted a lot of effort goes into clearing ditches and making sure the drainage systems are working properly; immediately after the storm passes they are out there before the winds subside to make sure the roads are clear and the traffic signals are operational for the residents and for the First Responders; and while the County is fortunate that Hurricane Dorian finally decided to turn away from Brevard County, Public Works was ready to do whatever it needed to be there for the residents; she noted she is extremely proud of this team and their ability to pull together during these times; they have done it since she has been there, and two times before when there were real threats impacting the County and it is amazing how they all come together to respond. She advised whenever the public needs them they are always willing to be there and go above and beyond.

John Denninghoff, Assistant County Manager, stated he is extremely proud of the Public Works group and all of those that help them be successful in a number of ways, much of what does not get noticed unless it goes undone, then it gets noticed; and he is proud of the Ms. Gumm for the work she has been doing to help lead the Public Works Department.

Result: Adopted

Mover: Curt Smith

Second: Rita Pritchett

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

E.5. Resolution acknowledging Brevard County Fire Department during the 2019 Atlantic Hurricane Season

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-158, acknowledging the Brevard County Fire Department during the 2019 Atlantic Hurricane Season.

Chief Mark Schollmeyer, Fire Rescue Director, stated he is a little apprehensive about accepting this Resolution half way through the hurricane season; the amount of work that goes on pre-storm, during the storm, and post storm a lot of assets are moved around; there is a lot of preparation; they have policies and procedures to follow; and they are flexible enough to allow them to respond in storm conditions especially with an unpredictable storm like the Hurricane Dorian; and fortunately the County has been lucky over the past few years which both concerns him and makes him happy. He noted if it was not for the dedication and commitment of the hundreds of employees of the Brevard County Fire Rescue Department it would not happen; and he is thankful for them each and every day.

Result: Adopted

Mover: Curt Smith

Second: Bryan Lober

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

E.6. Resolution acknowledging Brevard County Sherriff's Department during the 2019 Atlantic Hurricane Season

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-159, acknowledging the Brevard County Sheriff's Department during the 2019 Atlantic Hurricane Season.

Wayne Ivey, Brevard County Sheriff, expressed his appreciation to the Board for recognizing his team; the team that is standing around is only a small portion of the agency and those that worked so hard and diligently during Hurricane Dorian; that also extends to those from the Emergency Operations Center (EOC), their Fire Fighter partners, and the local Police Departments that all work so closely with them to make sure everyone was safe during this storm; it also extends to a small portion of the inmates that worked so hard throughout the storm and in preparation of the storm made sure the citizens had sandbags; and that team, not only the inmates but their crew supervisors, distributed over 70,000 sandbags to citizens here in Brevard County. He mentioned that extends to the Public Works Department who made sure they had all the supplies they needed. He went on to say those who are standing with him have families in Brevard County and this was an opportunity for them to make sure their own families were taken care of and being part of helping this community prepare; it is a team effort and part of that team extends to this community who without question followed everything the Sheriff's Department asked them to do; they worked with them, they followed all the advisories, and tried to make sure they were as prepared as possible; and he tells everyone it takes a community to protect a community, and this community understands that because they worked with him diligently. He noted a true testament of that is Brevard County was the only County in the State of Florida that did not have a curfew and that was because the citizens here understand that they are there every day to keep them safe; and he reiterated his appreciation for the

Resolution.

Commissioner Smith stated he was the Chair when Hurricane Irma went through; he just realized there are some many people who worked so hard behind the scenes when there is a hurricane breathing down their necks; and he wanted to give recognition to those folks so that is why he is doing all of this today.

Result: Adopted

Mover: Curt Smith

Second: Rita Pritchett

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

E.7. Resolution recognizing the Brevard County (EOC) Emergency Operations Center during Hurricane Dorian

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-160, acknowledging the Brevard County Emergency Operations Center (EOC) during Hurricane Dorian.

Kim Prosser, Emergency Management Director, expressed her appreciation for the Resolution. She stated her Department has three divisions, 800 MHz Public Safety Radio Administration, E9-1-1 Administration Address Assignment, and Emergency Operations Management; all of the teams work together in these types of things, however, it is more important that they work together with their other partners, the three Departments mentioned early, Housing and Human Services, Parks and Recreation, and many other cities, State and Federal Agencies, and non-profit partners, it takes a true team effort; and she expressed her appreciation once again.

Result: Adopted

Mover: Curt Smith

Second: Rita Pritchett

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

E.8. Resolution recognizing October as Filipino American History Month

Chair Isnardi read aloud, and the Board adopted Resolution No. 19-161 recognizing October as Filipino American History Month.

A representative of the Space Coast Philipino American Charitable Educational Foundation (SPACEF), expressed her appreciation for the Resolution.

Another representative of SPACEF stated to highlight and share the impact of the return to the U.S. forces to the Philippines, he hopes the Commission will indulge him to read some of the highlights on that return; and he read some of their highlights of that. He mentioned he is there to tell this story as a part of American History; and he expressed his appreciation for the resolution.

Result: Adopted

Mover: Bryan Lober

Second: Curt Smith

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

E.9. Resolution recognizing the 35th Anniversary of the Salvation Army Brevard County Domestic Violence Program.

Chair Isnardi read aloud, and the Board adopted Resolution No. 19-162, recognizing the 35th anniversary of the Salvation Army Brevard County Domestic Violence Program.

Cindy Mitchell stated she is there with staff to help them celebrate; they appreciate the Board recognizing this important milestone for them; it is hard to imagine just over 35 years ago, there was no domestic violence shelter in this County; and with the County's support backing that opening made it happen. She continued by saying over the years they have served thousands of survivors of domestic violence; there are people who are alive today because services like this are available; and she thanked the Board for the Resolution. She went on to invite the Board to a celebratory anniversary breakfast on October 2nd at the center for collaboration to honor all the people who have helped make this happen over the years; and they are looking forward to how they will help end domestic violence, which is the whole point.

Result: Adopted

Mover: Rita Pritchett

Seconder: Bryan Lober

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.1. Amendment I for the City of Palm Bay North Regional Water Reclamation Facility Nutrient Removal Project

The Board authorized the Chair to execute Amendment 1 to the Cost-Share Funding Agreement with the City of Palm Bay; and authorized any associated budget change requests.

Result: Approved

Mover: Bryan Lober

Seconder: Rita Pritchett

F.2. Seeking approval from Board of County Commissioners (BOCC) to approve final language of documents connected to the termination of an incentive agreement existing between the North Brevard Economic Development Zone (NBEDZ) and Embraer Aircraft Holding, Inc., and Embraer Aero Seating Technologies, LLC (together hereinafter referred to as the COMPANY), following approval of Resolution No. 2019-118 on July 23, 2019

The Board approved the final language of two legal documents connected with action taken by the Board at its July 23, 2019, Board of County Commission Meeting to terminate an incentive agreement with the company, and permitted it to acquire a 15-acre parcel in the County-owned Spaceport Commerce Park.

Result: Approved

Mover: Bryan Lober

Seconder: Rita Pritchett

F.3. Acceptance, Re: Binding Development Plan - Mark D. Hansson

The Board executed Binding Development Plan Agreement with Mark D. Hansson, for property located in Section 6, Township 24 South, Range 36 East, Brevard County, Florida.

Result: Approved

Mover: Bryan Lober

Seconder: Rita Pritchett

F.4. Approval RE: Transportation Impact Fee Deferral and Educational Facilities Impact Fee Exemption Contract for the Luna Trails Multifamily Development

The Board approved the Transportation Impact Fee Deferral and Educational Facilities Impact Fee Exemption Contract for the Luna Trails Multifamily Development in accordance with Section 62-815 and Section 62-933; authorized the County Attorney's Office to record the Notice of Assessment which constitutes a lien on the property for the deferral balance of \$113,097.50; and authorized the Chair to execute the Contract.

Result: Approved

Mover: Bryan Lober

Secunder: Rita Pritchett

F.5. Approval Re: Contract for Purchase of Easement Rights from ETN Ventures LLC for the Basin 100 Drainage Improvement Project - Burkholm Road east of Dixie Way

The Board approved and authorized the Chair to execute the Contract for Purchase of Easement Rights with The Viera Company for the Basin 100 Drainage Improvement Project.

Result: Approved

Mover: Bryan Lober

Secunder: Rita Pritchett

F.6. Approval Re: Right-of-Way Use Agreement for West Viera with The Viera Company

The Board approved and authorized the Chair to execute the Right-of-Way Use Agreement with The Viera Company to permit improvements to be installed and maintained in West Viera.

Result: Approved

Mover: Bryan Lober

Secunder: Rita Pritchett

F.7. Approval Re: Resolution and Off System Right of Way Acquisition Agreement with the Florida Department of Transportation (FDOT) for State Road 500 (US 192) Hollywood Boulevard / Evans Road Intersection Widening Project

The Board adopted Resolution No. 19-163; and approved and authorized the Chair to execute the Resolution and the Off System Right-of-Way Acquisition Agreement with FDOT for State Road 500 (U.S. 192) Hollywood Boulevard/Evans Road Intersection Widening Project.

Result: Adopted

Mover: Bryan Lober

Secunder: Rita Pritchett

F.8. Approval Re: Non-Exclusive Easement from Florida Power & Light Company (FP&L) for the Port St. John Waste Water Treatment Plant

The Board accepted and authorized the Chair to execute the Non-exclusive Easement from FP&L for the Waste Water Treatment Plant.

Result: Approved

Mover: Bryan Lober

Secunder: Rita Pritchett

F.9. Approval Re: Permission to Quote Materials and Services for Road and Bridge Construction Projects - Countywide

The Board authorized staff to utilize written quotations to acquire construction materials or services on a job-by-job basis; authorized the County Manager, or his designee, to award to the lowest responsive quotation through September 30, 2020, for materials and services on annual bid that contracted vendors are not able to provide; and authorized staff to utilize written quotations in lieu of formal bidding for materials and services when any of the following situations occur:

- Items are not on an annual bid
- Items are affected by fluctuating market conditions
- Public safety concerns.

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

F.10. Approval Re: Interlocal Agreement with City of Melbourne for Stewart Road Reconstruction and Rehabilitation and Piggyback Contract with Asphalt Paving Systems, Inc.

The Board approved and authorized the Chair to execute the Interlocal Agreement with the City of Melbourne for Stewart Road Reconstruction and Rehabilitation and the Piggyback Contract with Asphalt Paving Systems contingent upon review by the County Attorney and Risk Management; and approved any necessary Budget Change Requests associated with this action.

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

F.11. FDOT Public Transportation Grant Agreement - Land Acquisition for GPS Non-Precision Approach

The Board approved and authorized the Chair to execute the FDOT Public Transportation Grant Agreement (PTGA) for the acquisition of land necessary for the accommodation of GPS Non-Precision Approach at Valkaria Airport.

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

F.13. The Brevard Commission on Aging Rescind and Replace Resolution and Sunset Date Extension

The Board adopted Resolution No. 19-164, rescinding and replacing Resolution No. 16-128, and extending the sunset date of the Brevard County Commission on Aging until September 30, 2022.

Result: Adopted

Mover: Bryan Lober

Second: Rita Pritchett

F.14. Approval Re: Tourist Development Office (TDO) Proposed FY 2019-20 Marketing & Media Plan and Approval for TDO Staff to Negotiate and Execute Agreements with Vendors over \$100,000

The Board approved the proposed FY 2019-2020 Marketing and Media Plan; authorized the TDO Executive Director and County Manager, or his designee, to negotiate and enter into agreements with the advertising vendors/partners with County Attorney approval; authorized purchase orders for advertising placement/promotional costs up to and over \$100,000; authorized the TDO Director and County Manager, or his designee, to be able to access Disaster Funds (Fund 1444) in the event of a natural or manmade disaster for the purposes of advertising/marketing/promotional costs over \$100,000; and authorized the TDO to receive funds from sponsorships in order to offset the marketing costs for the event.

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

F.15. Legislative intent and permission to advertise for an amendment to Section 102-119(3) of Brevard County Code and approval of the Cocoa Village Playhouse expansion project \$250,000 grant agreement.

The Board approved legislative intent and granted permission to advertise for an amendment to Section 102-119(3) of Brevard County Code; approved and authorized the Chair to execute the Grant Agreement with Historic Cocoa Village Playhouse, Inc., upon amendment of County Code 102-119(3), and County Attorney and Risk Management approval; and authorized the County Manager to execute necessary Budget Change Requests.

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

F.16. Request for Extension of Existing Agreement with Advanced Data Processing, Inc, a Subsidiary of Intermedix Corporation, from October 1, 2019 to December 31, 2019.

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 an additional extension period from October 1, 2019 to December 31, 2019, to facilitate contract negotiations and implementation of time required for the newly selected vendor, Change Healthcare Technology Enabled Services, LLC, to begin providing patient billing services.

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

F.17. Certification of Local Option Gas Tax (LOGT) Percentages Allocations

The Board certified the revenue percentage allocations; and authorized Clerk's Finance Department to submit the allocations to the Florida Department of Revenue (DOR).

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

F.18. Approval of Liability, Workers' Compensation, and Aviation Insurance Programs for FY 2019-20

The Board approved placement of the County's Auto, General, Professional, Aircraft and Aviation Liability, Pollution, and Workers' Compensation insurance coverage at a cost not to exceed \$1,462,635; and authorized the Risk Manager to bind coverage for FY 2019-2020.

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

F.19. It is requested the Board of County Commissioners approve submitted District Appointments/Re-appointments.

The Board appointed Janice Scott to the Merritt Island Beaches Advisory Board, with said term expiring December 31, 2020.

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

G. PUBLIC COMMENTS

Peter Carnesale stated the Board has been receiving a slew of emails from IRCC which were probably initially caused by him; Commissioner Smith is his District Commissioner and he has been kind enough to set him up an appointment in about a week from now; the issue is a turn lane; and on Viera Boulevard right now there is a safety issue in terms of the residents coming headed east from Viera Boulevard. He continued until recently, when all of the widening occurred, there was an unofficial turn lane because the road narrowed to a single lane off to the left, just immediately following the entrance; once the widening was done, that unofficial turn lane disappeared; apparently during all the planning that was not taken into consideration because it existed at the time when there were no problems; right now the people headed east along Viera Boulevard are either having to slow down to 10 miles per hour or less if there is a golfcart going by, yet all the traffic behind them is moving along at 40 plus miles per hour; he says 40 mph because that is the speed limit but everyone knows that is not really the speed people are traveling at; and it is going to be just a matter of time before someone going 40 or 50 mph will end up smashing into one of those vehicles standing still before they make the turn. He explained there are two reasons why they cannot make the turn immediately at a decent speed; first is because it is a single lane entry when they go in; number two is because there is a blockage of view so people cannot see what is already there; there is a very short entranceway before a gated entry to Independence Avenue which cannot be moved because there is a lake in front of it: and his first reaction would be to move the gate forward but that cannot be done because there is a lake in front of it and the road disallows that.

Sandra Sullivan stated she wants to thank the Board from the bottom of her heart for working together to get the Formerly Used Defense Sites (FUDS) eligibility for South Patrick Shores; she knows she sent a lot of emails to the Board Members advocating for this; she knows a lot of people working with different levels of the government; and now that there is fund eligibility and the acknowledgment that this is a military dump she is asking for consideration to delay the dredging because it was not tested for some of the contaminants associated with military disposal sites including munition chemicals which are carcinogenic according to an EPA 2015 study. She continued, when looking at the muck sediment report that this was based on, the report was outdated because it did not take into account the munition chemicals and it also did not take into account the PFAS and PFLA which there has been some testing but she feels is

inadequate; she also mentioned that she has not been able to successfully get a cancer and ALS assessment out of the Department of Health; and she would like to ask for the Board's help with that. She continued last month her neighbor passed away of a rare health issue; she is the one who had the cockpit in her back yard; there was just another diagnosis on South East 1st Street which makes three cases of ALS presently; and the incident rate is two per 100,000 and there are maybe 100 people on that street. She added she would like to give a book to the Board to read; she mentioned her son at 12-years old took a fourth year FAU course and this was the curriculum material; it is about if people start destroying the wetlands like for The Viera Company or other developments on those wetlands for St. Johns it is going to impair the water quality; this book is going to be very informative; and she hopes in time it will change the decisions being made by the County Commissioners. He went on to ask the Board to do an impact study for 32937; there are lots of intermodal changes, the causeway is going to be expanded out as a B-line to Orlando; there is so much traffic right now that it is like peak season and peak season is not here yet; and the water quality is very poor. She mentioned the water feels slippery and waxy; there are reports all the time to Melbourne Water; and there needs to be a full impact study so all the cities can collaborate.

Commissioner Lober asked the Natural Resources Management Director what was done and what more could be done in terms of testing for PFAS and PFOA.

Virginia Barker, Natural Resources Management Director, stated they tested six muck samples from the canals and the grand-canal project area; one off of seventh sample off of Patrick Air Force Base and an eighth sample down south of Melbourne Shores as a control; the six samples that came back, the grand-canal levels, the highest measurement was eight point something; and the standard that is available today is 1,260 for comparison.

Commissioner Lober asked if that is in terms of what is environmentally accepted.

Ms. Barker responded affirmatively. She advised they also tested the surface water; they did the surface water grabs at each of those same six locations in the grand-canal as well as a number of stations in the Banana River and the Indian River (IRL); the grand-canal stations were no more contaminated than the rest of the IRL; the levels in the Lagoon did go up to just over 100 in a couple locations; the drinking water standard is 70; therefore, some of the Lagoon surface waters have a higher concentration of PFAS in them than the drinking water standard, but people are not drinking salty water from the Lagoon. She went on to say all of the testing they did in the deep wells, if people have their own irrigation wells they would be deep, all of those came back well below the drinking water standard; and some of the shallow irrigation wells came back close to that 70 parts per trillion.

Commissioner Lober inquired when Ms. Barker is referencing a deep well if she is talking about a couple hundred feet.

Ms. Barker responded affirmatively. She noted the shallow wells at the 20 to 40 foot depth range are the ones that came back in some cases close to the 70 parts per trillion standard.

Commissioner Lober stated he would be happy to defer to Commissioner Smith on this because it is his District and his constituents that would be best served by his decision rather than his own; and whether Commissioner Smith wants to continue with it or not he will support him.

Commissioner Smith stated he has been following this closely for a long time now and Ms. Sullivan has been in his office several times; he is the one who got this whole ball rolling when

he called the Florida Department of Environmental Protection (FDEP) and the United States Environmental Protection; he had contacted Senator Bill Nelson at the time and then later Senators Rick Scott and Marco Rubio; then he spoke to Congressman Posey personally to raise the awareness of what is going on with this area that Ms. Sullivan is concerned with; and he thinks the County is seeing the fruits of that coming now because there have been some positive things happening in the past week. He informed he has spoken to Ms. Barker numerous times about these subjects, particularly the water and he is convinced she and her team have done an adequate job in determining there is no real threat to anyone regarding the water in the IRL and the surface waters; and he mentioned if something else came up to raise alarms then he would be more than happy to support that, but he thinks they County is good right now. He commented he thinks there are a lot of people looking out for County's best interest including Ms. Barker.

Chair Isnardi advised she wants to make sure the County is doing everything it can and if all those samples are coming back fine, she would rather be certain than 200 percent certainty that everything is fine, even if that means taking more samples; and she thinks that may not be a bad idea. She noted that is just her thoughts; she does not know how the rest of the Board feels about that; she just knows that something is going on and the Board should at least do what it has the power to do; and she mentioned the Board could not really declare the land, that was a State issue. She went on to say she wants to be able to say the County has done everything it can do on this end; she knows Commissioner Smith spent a lot of time on that and she would not question him; however, she just wants to be sure.

Commissioner Smith mentioned he is with her on that; it is really a federal issue not a State issue or a County issue; and the County is limited to what it can encourage others to do.

Chair Isnardi advised she believes it was Congressman Posey's Office that ultimately got people to act.

Commissioner Smith noted he deserves his share of accolades for certain; he does not think people can test too much so he agrees with Chair Isnardi in that aspect; he just wonders when to stop testing after coming up with the same answers; and he noted he thinks the real source of questioning is regarding what the federal government is going to do now. He added the Federal government is going to go in there and start looking at Ms. Sullivan's backyard and other people's backyards; they will be testing the soils for the mystery as to why there are three ALS cases in a population of 100 when two out of 100,000 is the norm.

Chair Isnardi stated while the federal people may be responsible, these people are still Brevard County residents and she wants to make sure the Board is pushing as well.

Commissioner Smith stated that is key because the people in Washington do not know Brevard County exists unless the squeaky wheel.

Ms. Sullivan stated in 1989 the base started draining their disposal sites into the Banana River according to an EPA letter; in the years that followed, there was an ALS cluster of six cases in one year on eight canals; and the people are concerned that when the County starts disturbing that muck the contaminants starts going back into the water column from the spoil area that there is going to be another ALS cluster; and they are really afraid about that happening.

Commissioner Lober mentioned it sounds like if anything comes up that Commissioner Smith will certainly have the support of the Board, as it sounds like he has two Board Members already; if there is any additional testing Commissioner Smith wants to do then he would extend

that same suggestion to Ms. Barker; and if there is something where more resources are needed for testing, it sounds as though she will get them without too much trouble or any trouble at all.

Chair Isnardi stated if scientifically the County can be certain of what is being claimed; she understands Ms. Sullivan is a resident not a scientist, but she has done enough research on this for sure; for the little she knows about disturbing something like that, before anything like that occurs, she thinks the Board should be certain that it will not be causing a greater problem; and if the County cannot say with certainty then it probably needs an expert to come in and tell staff with some semblance of near certainty that it is the safe thing to do.

Commissioner Pritchett asked Ms. Barker how long ago the muck was tested.

Ms. Barker responded there was metals or standard testing that is done for muck dredging projects; that was done back in 2015; the PFAS sampling was much more recent after staff had learned about the contamination at the base; she believes the PFAS was tested about a year ago; and since staff does not know what is going to happen and the concern is with ALS, she thinks ideally what people would want to look at is what contamination has been linked to high rates of ALS in other places. She added they would look specifically for that.

Commissioner Pritchett inquired how long it takes to run a test sample.

Ms. Barker responded it depends on what is being tested; some of these things are emerging contaminants; the metals are standard so it would only take a few weeks; however, some of the other contaminants are more detailed and require a different laboratory technique that takes approximately six weeks. She noted they would have to bring a consultant on board; they could use a continuing contract to bring on a consultant to collect those samples and send them to the lab; therefore taking a few months.

Commissioner Pritchett inquired if Ms. Barker thought it would be a good process to run one more sample or if she thinks it would just come back the same way.

Ms. Barker stated she would like to reach back out to the Air Force staff with the latest Formerly Used Defense Sites (FUDS) findings and go through the available data, maps, and history to compare that to the sampling that staff has already done to see if there are any gaps in the analysis; and if there are such gaps, she would like to collect that data.

Commissioner Pritchett stated her guess is that is what Ms. Barker is going to do as soon as she leaves today.

Ms. Barker advised she has already started that dialogue with the Air Force Base staff.

Commissioner Pritchett noted Ms. Barker will let the Board know if there is something.

Ms. Barker responded affirmatively.

Commissioner Tobia asked if the County has started to mobilize on the dredging project; he stated as he was driving to the meeting, he saw a gator dredging truck doing some work out there; and he asked if Ms. Barker knew the cost, should the Board extend the testing six or twelve weeks.

Ms. Barker advised she does not know that off the top of her head what the cost of that would

be; right now they have completed the construction of the turning lane, they are nearly complete with the development of the dredge material management area, they were hoping to mobilize the dredge on the first of October, however, right now there is an extra step in the permitting that the contractor has to do in addition to all the permitting the County has already done; the County has received a request for more information from the State; and yesterday they resubmitted the answers to those questions. She went on to say she is hopeful to have that approval from the State any day now to be able to mobilize the dredge; they do not have that right at the moment; therefore the dredge has not mobilized just yet. She continued by saying delaying to collect more data would most likely delay the start of the construction; one of the things that is important to the contractor is that they get out there with the dredge to start their process in the October or November timeframe before the dredging is shut down for manatee protection; she explained they have a brief window in order to get things started, figure out their process, and come up with how to move forward most efficiently; and she mentioned this process will probably take up that window so they would not have the ability to do that first bit of work to fine tune their future process. She stated she does not know how the contract provisions would affect cost, but she will certainly look into that.

Matt Culver, Boating and Waterways Program Coordinator, stated the contract presently allows for several sessions of mobilization and demobilization; those costs are approximately \$400,000 - \$500,000 each session; they have already partially mobilized to this point; they are ready for that final mobilization for that dredging; if they were to stop now they would get a partial demobilization; and that cost change would be related to the mobilization and demobilization.

Commissioner Smith asked Ms. Barker if there is an intent to test the waters as the dredging takes place.

Ms. Barker responded yes, they have been working on a plan for how frequently to test both the influent and effluent; she noted that plan is still under development; and depending on the Board's wishes they could test more than they would otherwise do.

Commissioner Smith inquired if it is something that is already in the works and that the Board should be receiving snapshots from time to time of the muck they are bringing up and the waters around it.

Ms. Barker explained what is typical with a project like this, is that they would select a sampling of locations to test ahead of time; they looked at different depths of muck, deeper and shallower muck, heads of canals, ends of canals, and they did a sample to capture those different variables; they have not sampled every single canal; and that is one of the concerns she heard from the community. She went on to say one of the things staff had talked about doing was as the dredge moves from one canal to the next canal, they would sample the influent and effluent from that so they would know if that particular canal is any different than the others.

Commissioner Lober stated he thinks it is good the Board had a chance to discuss this a little bit; as Ms. Barker mentioned, he does not think they have to delay in order to test so if there is a middle ground to be had maybe that is to continue with the dredging but test as the dredging is going along to see if anything warrants pausing the dredging; if there is anything of concern then it can be brought back to the Board or the County Manager; and if there is any question whatsoever his stance would be to err on the side of caution and pause things while it gets looked at.

H.1. First public hearing of a 180- day moratorium on any new applications of biosolids to lands within Brevard County.

Chair Isnardi called for public hearing on a 180-day moratorium on any applications of bio solids to lands within Brevard County.

Ms. Barker stated this is the first of two public hearings for the Board's 180-day moratorium on new land applications on biosolids within Brevard County; in addition to what is in the Board's packet, after this Agenda Report was submitted she took this Item to the Local Planning Agency (LPA) and they unanimously supported the Board's moratorium; and she noted she will bring this back on October 8 for the second and final public hearing.

Douglas Sphar stated he has concerns about what this proposed moratorium will accomplish; he has attached some excerpts from the annual biosolids application summaries for Deseret Ranch, Deer Park Ranch, and Titusville Osprey Plant; all three of these will be grandfathered in under the proposed moratorium; last year Deseret spread over 26,000 dried tons on 6,549 acres; however, they have 52,619 acres permitted. He continued last year Deer Park spread over 7,400 tons over 3,269 acres and they have 5,502 acres in Brevard and Osceola Counties approved for spreading; Titusville is a smaller player with a site in Mims and another in Port St. John; he has included report sheets that say the sources to the biosolids at Deseret and Deer Park spread; and it is incredible that the stuff from Miramar, Davie, Plantation, Miami, and all those places are being trucked here to be spread in people's back yards. He asked the Board to look at the last sheet he handed out; he stated it is very important; it is an email from Florida Department of Environmental Protection (FDEP) Biosolids Coordinator, Maurice Barker, the guy that issues the permits; and he noted Mr. Barker said there are no pending permits applications for Brevard County and that the FDEP database did not show any permit applications for Brevard County over the past couple years other than a recently withdrawn application. He noted this suggests to him that the proposed moratorium on new permits is mostly symbolic with low probability of reducing biosolid applications in Brevard County; he feels a stronger message would be to impose a total moratorium; and he thinks the County should be looking to partner with the State on advanced technology demonstrations at one of the County landfills because after all the State is responsible for the stuff being shipped to Brevard County in the first place. He went on to say the Republic of Germany's response to water pollution and biosolids has enacted a national ordinance that bans land spreading of biosolids; they have a law that requires by 2023 that all storage facilities and the over 50,000 residents have a plan for how they are going to remove the phosphorus and other nutrients from the sludge; and by 2029, they are actually supposed to have facilities up and running. He mentioned Germany would not have passed this ordinance if they did not think there was technology out there to do it; and he stated if Germany can do it so should Florida and Brevard County.

Daniel Willemin stated initially he came to support this, but if what the last gentleman said is true and if the existing biosolids suppliers are going to be grandfathered in then what is the point; he mentioned his concern is with all that stuff going down on the lands next to where people get their drinking water from, the sludge contains not just nutrients, nutrients are a concern, but it contains unregulated contaminants like PFAS, and it is being placed right next to where the drinking water comes from; carbon cannot filter short change PFAS as efficiently as it can filter long change PFAS; the County may have to adapt its treatment techniques later on down the line and it may end up costing Melbourne Water a lot of money; and he commented he wonders if the Board is familiar with the study done by Ocean Research & Conservation Association (ORCA) when they looked at the Blue Cypress Lake. He went on to say basically they found that the Blue Cypress Lake has both sucralose and acetaminophen and there is no other legacy source of pollution there; there is pretty much only farm land around Blue Cypress and it is pretty much just coming from bio solids or cows but cows do not take aspirin; and this

information can be found at Floridatrend.com and it pretty much outlines the biosolids spread down by the Blue Cypress are leaching into the Blue Cypress Lake. He continued by saying to him it makes sense that in Brevard County where bio solids are spread, it leaches into the northern parts of the St. Johns River as it flows north; it is carrying all that stuff everything it gets from Blue Cypress up to Washington and depositing it there, where people get their drinking water from; and it is a very big concern. He stated he believes the County should look at not allowing bio solids to be spread in Brevard County; he does not think anyone should be grandfathered in; he believes the County needs to stop it; and he thinks the County should look at what damage has been done and figure out where to go from there.

Commissioner Lober advised he has a few thoughts on this; and he asked if it is Ms. Barker's understanding that the only entity that is presently using biosolids is Mr. Kempfer.

Ms. Barker responded Deer Park is the only ranch currently applying biosolids; the City of Titusville is also applying bio solids on land that they own, produced at their wastewater treatment plant.

Commissioner Lober confirmed with Ms. Barker that they are not bringing any in that they are just using what is produced by their own plant.

Ms. Barker responded affirmatively.

Commissioner Lober stated in terms of the County's ability to regulate what a municipality does with their biosolids and their borders, if the Board were to pass something they could turn around and their counsel could overrule it; and he asked the County Attorney if that is correct.

Eden Bentley, County Attorney, stated that is correct.

Commissioner Lober went on to say that is something that is beyond the Board's purview or ability to regulate anyway; he would encourage them to look at it anyway if that is in the best interest of their constituents; and if they feel it is they could obviously continue doing what they are doing and if not then they can take a step in this direction. He noted he thinks that taking a look at the fact that Brevard County now has at least its foot in the door with respect to this if the Board moves forward, there is a tremendous value in that; the other thing is with respect to Mr. Kempfer, who was in attendance when this came up last time, he thinks it is potentially good for the County to for the first time ever to access his property with his consent to go ahead and do the testing to determine exactly what it is coming from the biosolids; and he agrees with the problem of the sucralose and acetaminophen and they probably are not the only insets or artificial sweeteners that remain after the sewage process. He commented he does not think any of Brevard County's plants, he knows none in District 2 filter out artificial sweeteners to any substantial degree; it is not that they specifically treat for them or even that the municipalities do that; they also come from sewage leaks that end up being released and septic that ends up leaching out; there are a lot of different sources which is why he sees there being a value in at least cooperating in the short term to determine whether there is a greater proportion or meaningful proportion of those items coming from the biosolids; and he noted if Mr. Kempfer would not have been so cooperative with the County he could see being a little more restrictive, but given that he has consented to allowing the County onto his property with reasonable notice, he would take it. He continued he does not see this being an urgency as it otherwise might be because this gives the County the opportunity to really do the proper science and get the evidence so if it does turn out that this is as problematic as he suspects it may well be, the County can use the fact that it put its foot in the door and expand this as necessary; or in the alternative, if it turns out that it is not as much of a concern as he

anticipates it is, then the Board is not going to unreasonably restrict someone's business on account of something the Board just feels is icky with no science to support it haven been given every opportunity; he has no problem expanding this if the evidence supports it down the road; in fact, he would like to do that if the evidence supports it down the road; however, he thinks at this present juncture the Board should continue on the track of getting its foot in the door. He noted it is not going to harm the City of Melbourne in terms of costing their water supply anything because the alternative to not passing this insofar as today is concerned, is doing nothing; he does not know that the Board, regardless of his personal feelings or his feelings as one of the five Board Members, he does not know if he has support of the Board to enact a total ban regardless; and frankly, with the fact that staff is still gathering information from Mr.

Kempfer, he thinks this would take perhaps several months and the County will be in a better position with more support to act on it, if it is warranted.

Commissioner Pritchett stated if this would have been 60 years ago, this probably would not be an issue but people have changed their lifestyles over the years, and Chair Isnardi could probably educate everyone on the antibiotic problem going on; there was just an article in the paper about dolphins now having the antibiotic resistant bacteria and almost every one of them contains one of them; and not to mention the hormones, that is an epidemic with the children and they are maturing faster than they ever have before and she thinks it has a lot to do with the hormones that are in the plant-based food and the animal-based food. She noted she thinks changing the way waste is processed needs to happen sooner rather than later; she thinks this is a good educational Item to bring up to start making these changes; what she likes about the moratorium, and she wants to get to where the County is not doing this altogether, is that the other counties are starting to ban this and if other counties do not have some type of moratorium, all of those areas that do this are going to try to pour into the areas without moratoriums; therefore, she feels this is a great thing to protect the County. She mentioned she would like to see in the next year or two to not be doing biosolids this way because it is getting into the ground, the ground water, because it is starting to effect the food; she thinks there is a lot of work to do as a society because she would like to leave a great planet for her grandchildren.

There being no further comments or objections, the Board conducted the first public hearing for 180-day moratorium on any new applications of biosolids to lands within Brevard County.

Result: Approved

Mover: Rita Pritchett

Seconder: Bryan Lober

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

H.2. Petition to Vacate Drainage Easement - Titusville - James I. McLallen

Chair Isnardi called for a public hearing on a request by James I. McLallen for a petition to vacate a drainage easement in Titusville.

Corrina Gumm, Interim Public Works Director, stated this is a petition to vacate a 15-foot wide public drainage easement that runs through parcels 265 and 273 along Squires Drive in the unincorporated area of Titusville; the petitioner owns both parcels and has provided a new drainage easement further away from the existing residence; notices were sent out to County agencies and public utility companies; and they received no objections.

There being no further comments or objections, the Board adopted Resolution No. 19-165,

vacating part of a public drainage easement lying in Section 24, Township 21 South, Range 34 East, Titusville, as petitioned by James I. McLallen, III.

Result: Adopted

Mover: Rita Pritchett

Second: Bryan Lober

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

H.3. Petition to Vacate Public Utility Easement - Rockledge - Douglas G. and Kathleen Holton

Chair Isnardi called for public hearing on a request by Douglas G. and Kathleen Holton for a petition to vacate a public utility easement in Rockledge.

Corrina Gumm, Interim Public Works Director, stated this is a petition to vacate part of a public utility and drainage easement along the side lot lines of Lot 46, Block B, in Wingate Estates Phase Two Subdivision in the Rockledge area; this will remove an existing residence as an encroachment into said easement; and notices were sent out and they have received no objections.

There being no further comments or objections, the Board adopted Resolution No. 19-166, vacating part of a public utility and drainage easement in Wingate Estates Phase Two Subdivision, Rockledge, as petitioned by Douglas G. and Kathleen Holton.

Result: Adopted

Mover: Curt Smith

Second: Bryan Lober

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

H.4. Petition to Vacate Public Utility Easement - Satellite Beach - Charles W. Allen

Chair Isnardi called for public hearing on a request by Charles W. Allen for a petition to vacate part of a public utility and drainage easement on Lot 9, located in Satellite Beach.

Corrina Gumm, Interim Public Works Director, stated this is a petition to vacate part of the public utility and drainage easement along the side lot line of Lot 9 in The Moorings Unit No. 2, Subdivision in Satellite Beach; this will remove an existing pool and screen enclosure as an encroachment; and they have received no objections.

There being no further comments or objections, the Board adopted Resolution No. 19-167, vacating part of a public utility and drainage easement in The Moorings Unit No. 2 Subdivision, Satellite Beach, as petitioned by Charles W. Allen.

Result: Adopted

Mover: Curt Smith

Second: Bryan Lober

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

H.5. Petition to Vacate Public Right-of-Way - Third Ave., Micco - James A. Culp, III

Chair Isnardi called for public hearing on a request by James A. Culp, III for a petition to vacate a public right-of-way on Third Avenue in Micco.

Corrina Gumm, Interim Public Works Director, stated this is a petition to vacate part of the

unimproved Third Avenue public right-of-way within the San Sebastian Plat No. 1, Subdivision in Micco; the petitioner owns Lot 1 adjacent to the 70-foot wide right-of-way; the Third Avenue right-of-way was previously vacated to the north; notices were sent out and they have received no objections; FPL requested an easement over their existing power line; and the adjacent owners have already executed those easements. She added staff has no concerns with this request.

There being no further comments or objections, the Board adopted Resolution No. 19-168, vacating part of a public right-of-way in San Sebastian Plat No.1 Subdivision, Micco, as petitioned by James A. Culp, III.

Result: Adopted

Mover: John Tobia

Seconded: Bryan Lober

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

H.6. Temporary Use Acknowledgement (TUA) for Brevard County Dewatering

Chair Isnardi called for public hearing on a Temporary Use Acknowledgement (TUA) for Brevard County dewatering activities for the Sykes Creek Muck Removal Project.

Virginia Barker, Natural Resources Management Director, stated this is a TUA for dewatering activities at a proposed parcel that staff would like purchase, which is also on the Agenda as Item J.1; and if approved, Matt Culver, Boating and Waterways Program Coordinator, is here to provide some details of the plan for this site.

Matt Culver, Boating and Waterways Program Coordinator, stated this is a request for Board to authorize the execution of a TUA to allow for the Save Our Indian River Lagoon (SOIRL) program to use a 7.43 acres of a 13.5 acre vacant parcel currently considered for acquisition; the site will be used for dewatering activities for the Sykes Creek Muck Removal Project; and the request includes authorization that the TUA be issued concurrent with the notice to proceed for the contractor for Phase 2 of the Sykes Creek Muck Dredging Project. He added the term will extend for four years. He went on to say the \$24 million Sykes Creek Muck Removal Project is fully permitted and funded through a grant from the Department of Environmental Protection (DEP) and SOIRL Trust Fund; Phases 1 and 2 of the project remove a total of 640,000 cubic yards of muck in the southern portion of Sykes Creek, covering an area of about 187 acres; Phase 1 is estimated, it is expected to go out to bid in the next couple weeks, to remove about 60,000 cubic yards of this material; and the material will be taken to an island near Kiwanis Island for dewatering treatment and storage. He advised for Phase 2 staff proposes the muck be dredged and transported via pipeline to the proposed 7.43 acre dewatering site; and construction of this project is anticipated to commence in 2021 and will last three to four years. He stated sediment testing is an additional item; it has been completed at three locations within the Sykes Creek Project area; sediment was tested for the sweet of Resource Conservation and Recovery Act (RCRA) metals throughout this site; of those tested the only noted exceedances were for sediment arsenic levels with levels above residential standards occurring at varying locations; no commercial exceedances were encountered; and it should be noted that elevated arsenic levels are typical of these projects and it is a typically occurring substance in native Florida sediments particularly tied to upland sands. He mentioned the County presently does not own this site so a full engineering design has not yet been completed for the site; during the design and permitting process, significant efforts will be made to avoid impacts to wetlands and minimize disturbances to neighbors and area residences; the site design will maintain a natural buffer of existing vegetation between Sykes Creek and the work area; a vegetative berm and buffer are presently proposed for installation along the

northern residential perimeter of the temporary dredge material management work area as a visual and sound buffer; and additional buffering options are being examined. He noted this area is connected directly to Banana River Drive near what is called the S-curve by the local residents in that area; the site design will incorporate safety precautions along north Banana River Drive at the access location, including engineering design, evaluations for appropriate signage, and required flagmen during active trucking operations; and a gravel apron will be installed to knock down dirt from truck tires and prevent sediment from being transferred onto the roadways in the area. He went on to say the water separated from the muck will be actively treated to minimize nitrogen and phosphorus and returned to Sykes Creek and the surrounding waterways; the dredge effluent will be required to meet the County standards of 3,000 parts per billion for total nitrogen which is related to advanced wastewater treatment standards for wastewater and 75 parts per billion of total phosphorus; upon project close out after dewatering and treatment on the site, the dredged materials will be relocated to a permanent beneficial use or disposal location; and the temporary dewatering site will be used as a stormwater or treatment area for long term and be managed by the County Stormwater Department. He continued by saying the final site design consists primarily of a large open area with 15-foot buffer plants maintained around the perimeter; and the temporary use of this site will save the County approximately \$2 million on the Sykes Creek Muck Removal Project and provide future stormwater treatment for the area.

Commissioner Lober stated he may end up supporting this even though he is not in love with it; as was mentioned it will literally save the County millions over the next least expensive alternative; one of the things Mr. Culver did not mention about the buffering, at least as far as the temporary use is concerned, his understanding is there is no buffering requirement whatsoever, but the buffering they are doing is to make this more palatable and to facilitate this not being an imposition more than need be for the neighbors who live to the north; and for those not familiar with this property, there is a Walmart immediately to the south, therefore, he is not concerned about the southern neighbors. He went on to say this is one of those things where he understands folks do not want this in their backyards, and he definitely takes that into account; the question would be if it is not placed there, then what would be the next alternative; the next alternative is multiple of the expense; the County is doing more than it is obligated to do; and frankly he does not have a problem diverting more resources to buffer it to whatever extent is possible. He mentioned he has had conversation from the get go and has said he would not support this without the buffering; in fact he said he would adamantly oppose it without substantial buffering; and the buffering is part of the plan at this point, but he will not support it if that buffering is removed from the plan at any time. He stated aside from the cost savings another item that was a concern to him from the front end was the property owner was, he does not want to say a little bit greedy with what they were seeking to get from this property, but the County received two separate estimates and he was unwilling under any circumstances to go over the average of those two estimates; the fact that the County is saving millions from doing this was not lost on the property owner; the property owner figured they had the County in a bad position and that it would have to pay substantially more than the property may otherwise be valued at; however, his position was always that he would walk and spend more money because he does not want to create a precedent where he could hold the County over a barrel. He noted the property owner did get reasonable and at this point the means the County has to mitigate the expense and the impact on the neighbors to the north are accounted for; as far as environmental concerns or the concerns from a health standpoint, and he talked with Ms. Barker and the Department of Health, he was essentially told the permitting process going through DEP or the Army Corp, there are safe guards in place that apply to projects of this scope that provide for ensuring the County is not doing something that is going to poison people that are nearby; if there is question to that beyond some concern that cannot really be articulated, he would have a different position; however, with DOH and Natural Resources

Management telling him they do not have concerns about it, he has to rely on the expertise of the individuals in those areas. He stated he does not have the concerns he otherwise might; one of the things to focus on, it is not terribly clear in the title of this Agenda Item, is the muck treatment is a small portion of what this site is going to be used for; he explained the reason they are using this for dewatering first and foremost is when demucking or dredging it is beyond saturated and it has to go somewhere to dry out; wet material cannot be trucked in the same way as dry material because it is much more expensive, it leaks through any gaps in the dump truck, and this is not a site where they are making it a muck landfill, they are just letting it dehydrate to dry out then they will remove it from the area; the long term use of this particular site which is alluded to is one that goes with water treatment; one of the things he thinks is most important to everyone in that area and in his District, is the state of the Lagoon; and obviously the long term, multi-decade use that is planned for this is one of water treatment. He went on to say he is not going to tell anyone that in three years that it will never be used again for demucking again; obviously the location of the site has a value insofar as its proximity to the canals and areas that need to be demucked; with that being said, over a period of time he would love for muck to never occur or end up collecting again; however, there will probably be muck forming, maybe not in the same volume as it is now, but whenever it does reform, the County can then use the site again to dewater the muck. He added basically it is a periodic cycle. He continued by saying this applies to him like it did with the South Patrick Shores concerns with respect to any kind of safety concerns; if there is anything that is identified he does not have a problem pausing anything if there is a legitimate health or safety concern; if fact if there is a question, he would rather err on the side of caution, however, at this point the only thing he has heard are from folks who have his level of knowledge with respect to this, or less, and he does not have a degree in terms of this being his bread and butter so he has to rely on the people who are in the positions of public trust namely the folks in the DOH who have said they do not have concerns; and with that he will allow people to have their public comment and he will jump in at the end of it.

Olga Perez stated her concern is what is going to happen to her when that is going on; her house is right there behind Phyllis Drive; she also wonders if it is going to smell bad in that area; she asked if the property values are going to go down; and she noted things like that concern her.

Commissioner Lober asked staff to talk briefly about the odor.

Mr. Culver stated the chances for odor are very low; he would go to a site in Cocoa Beach where they have had two projects done in the residential areas; they are actively dredging muck with similar sites directly behind the residences and they never received a complaint about the smell; people cannot smell the muck when it is sitting in the bottom of the river; and when it goes to another containment area there is no odor unless someone is standing right next to it. He reiterated there is generally no issue with odor.

Denise Stacy stated according to the diagram showing where she lives, it was said the people to the north should have more concern than those to the south; she commented that is ludicrous; her concern is not only the smell, when it rains now she has backyard flooding; and the Board has to be kidding if it thinks there will not be flooding caused from this because she already has it. She noted she has taken pictures of the rains just in the recent months; she has to deal with it every year and it is just going to get worse; the wildlife situation back there, while she understands they have permits, but there was just an outbreak of baby turtles back there, horned owls, and baby snakes; and she asked if they would be relocated. She went on to say there are other things back there too. She went on to say it takes 50 years for a turtle to die after it has been buried in the ground; she thinks these are some things that need to be taken

into consideration; if anyone does not think they are there, she has proof that the babies were just hatched not more than 12 weeks ago. She stated she also has concerns about the amount of noise that will be brought to the area; she has lived there 35 years and she does not understand why now the families have to be uprooted in that area with the amount of noise that will be coming through; it is supposedly about 85 percent saltwater and the muck to be pumped through the pipes for 8.5 miles north to the proposed land, there has to be a better way; and she mentioned she may not be as smart as those on the Board, but she does not like what is about to happen to her area and she thinks the Board should consider more about the people who have lived there for such a long time and how they feel about having such construction, just to save the County money. She noted she pays taxes to. She mentioned she wants to save everybody money but she does not want to do it at the expense of just the people who deserve to be there and have been there for years.

Deborah Coombs stated she is adamantly opposed to the County's plan to develop and use the area adjacent to her home and all homes on Phyllis Drive for dewatering activities; the Board's letter states that the County is seeking approval; and she inquired if approval should be coming from residents who would be detrimentally affected by such a project. She continued by saying she can confidently say that 99 percent of the people in her neighborhood object to this plan; she asked the Board to consider the people's health issues; she stated whatever the experts say, there has got to be chemicals in this silt, airborne bacteria, germs, dust, and pollen irritating people's lungs and eyes; the noise would be harmful from the big equipment to those residents working second shift, to the elderly, and or ill people who would not be able to get proper rest; and there would be debris ruining the swimming pools back there as well as exterior home surfaces, outdoor furniture, children's play toys, and the maintenance cost would rise to keep the areas clean. She noted this is serious. She advised people would not be able to open their windows for fresh air, it would smell, and it would have dust particles; the biggest loss to people's home investment is market value; people work hard to have homes and be able to pass things on to their families; and the use of Phyllis Drive is for residential only not for huge load trucks. She stated diversion of load trucks to the S-curve would cause major traffic jams and accidents; this area is already dangerous; within the S-curve there are five ingress/egress areas; an adjacent condominium has two more plus a school bus stop. She advised close by, across the street from the bus stop, is the Merritt Island Cove Apartments, which this is their only entrance and exit; that brings the total to eight; and Banana River Drive is small and traffic flow is already heavy, it comes to a standstill for quite a distance for two schools, which the residents accept because it is children. She went on to say the County would be putting lives at risk making emergency vehicles traverse such a traffic jam as this plan would cause; and other health and safety issues would be risked because Hobbs Pharmacy and Brevard Medical deliver medical equipment and medicine to the local residents in that area. She asked the Board to consider the flora and fauna environment of the pristine wooded area; she mentioned it protects their homes from flooding and major wind storms; and she thoroughly enjoys and respects the land behind her home. She stated she sees Redtail Hawks, Ospreys, Great Blue Heron, two different species of owls, gopher turtles, and Blue Jays; she hears their songs and she hears the wind; and she asked if enough has been destroyed. She went on to say she urges the County if it is going to buy this area to not destroy it, but protect it.

Sonja Hackenberg stated her home is just along the fence line; the last person mentioned a lot of the facts that hopefully the Board will consider; if they were to dump that sludge in the Commissioner's backyards, a few feet from their homes and they wanted to have a barbeque, she does not think that would go over too well; the smell they would have to put up with for years is horrendous; and she truly opposes the County using this piece of land. She went on to say hopefully the Board will send that toxic stuff out to the landfill; she asked if the Board realizes it will be more expensive but it would save the community from any health concerns

that may develop because of it; she suggested maybe it could be used to create another island somewhere or maybe the Board could come up with a better solution; and she thinks to use this site in such close proximity to a residential area, is probably not the best idea.

Peter Clements stated his backyard will be right up against this; he did a little a research and of course his main objection is with the odor, which everyone knows is going to exist, and the noise; he does not have any suggestions and he understands the County would save some money there; however, if the County pays more than what the Property Appraiser has stated for that piece of property, \$260,000, that would be a disgrace considering the opposition that exists. He continued by saying in that 13 acres he thinks there is a good four acres that is under water so basically the entire portion of that parcel would be used; he just wanted to get that out so everyone understands what is there; and he reiterated his main objection would be the odor and the noise. He noted he does understand the County originally had a contract for this work, which would pump up to Crisafulli and the contract was cancelled, so this moved down to this area.

Jim Stone stated he is going to compliment the County which he seldom does other than Road and Bridge; he used to wait until the Sykes Creek truck would float down the canal and let it settle for awhile before he would eat the shrimp, trout, and crabs out of there, which he would not even think about today; however, the County fixed that system, so when the pump fails to pump sewage to the processing plant, it gets fixed right away. He went on to say it appears the dredge work will include canals from 520 to 528; he did not get a copy of the letter but he is quoting from what he read, "If this is the case then muck will be pumped from north to south and eventually trucked from south to north for final disposition. The dredged muck will be pumped into the Lagoon area, open water, between Phyllis Drive and State Road 520 where it will be dewatered by dumping wet muck into open water;" he is an engineer and graduated in the 1950s, and the law of physics back then were pretty rigid, and they could not be violated; and he does not understand the physics, if someone thinks dumping muck material into a Lagoon is going to dry it. He stated the spoil Island north of Kiwanis Island was the dewatering area years ago when these canals were last cleaned; nobody that he knows of complained about using that spoil island because it is not in anyone's backyard; he read, "The dewatered material will be transferred from this Lagoon to land between the backyards of Phyllis Drive and the logistics operation behind Walmart;" he stated the thing that really irritates him, and he talked with Commissioner Lober about it, was traffic; on East Merritt Island when he moved there in the 1950s, it was a small residential area and what seemed to control that was the old humpback bridge; if someone got to the middle of the road first, he or she got to go over the bridge; and that kept the traffic down. He continued by saying then when the John Hurdle Bridge went in, folks going to the Port, Cape Canaveral Air Force Station, and NASA started using the residential streets and now there are cruise lines coming in; he went to the last Port Commissioners meeting and told them if they start bringing in 6,000 passengers on each ship and over 2,000 or 4,000 employees, they all use Banana River Drive in one way or another, and that is not fair to those who have spent their lives there; and he asked if there is money in the budget to repair Banana River Drive when this is all done.

Anthony Sciacca stated he is located directly across the street from the proposed access to the property; that corner is treacherous; the trash truck has to literally back up after he attempts to make the turn, so he can actually make the turn; take that into consideration with Fire Department traffic coming down to answer a call while there are possibly 20 dump trucks queuing to turn into an area that was turned down by the County Commission years ago when there was a proposal to put a condo on that property; it was turned down because it was too dangerous to have access to the property; and that has not changed, if anything, it is worse now. He went on to say with the dump trucks trying to get in there, school buses, local traffic, and 888 traffic coming from the Port, it is going to be crazy; it is just too much for that small

access there; he agrees with everyone else as far as the stench is concerned; and he disagrees that Cocoa Beach did not have a stench because there were articles on East Merritt Island News of people who lived out there at that time and did complain about the stench, maybe not to the Commission, but they openly complained about it in the letter because of this and what is going on now with this proposal. He noted it is just not conducive to the area for all the residents not only on Phyllis Drive, but the entire area of East Merritt Island is in jeopardy if this facility is put there; with the trucks coming in and out of there will cause an enormous amount of air pollution from the diesel; there will be noise from the equipment of the removal of the fill; and he mentioned an available site at Ulumay.

Alan Bargerstock stated he would like to read some of the report released by the Army Corp of Engineers; the four R's refer to resuspension, release, residual, and risk; this was a workshop put on by the Army Corp of Engineers where they rented 50 experts from government, private sector, and academia as part of this workshop; of the 50-page report there is one section, a small paragraph referring to the sediment cleanup sites; and he read, "It is evident from the paucity of existing long-term monitoring data for sediment cleanup sites that more emphasis must be given to this particular aspect of cleanup projects. To be most effective, monitoring should be structured to test specific hypotheses about risk reduction that are developed from the results of predictive modeling. In a sense, remediation projects are large-scale experiments." He went on say he does not personally want to be a part of this experiment; he does not volunteer his children to be a part of this experiment; and it is evident by the previous Agenda Item that it is an experiment and that no one in this room and none of the experts know what effect this is going to have on people's health. He commented he appreciates Commissioner Lober standing forward and saying there needs to be a buffer zone between the north end; he believes that is a defacto acknowledgement that this is too close to residential areas; there are other alternatives and cheaper alternatives; and he mentioned there are geotubes that can be utilized to pump this directly back into the Lagoon, create islands, but still contain the bio solids. He stated 30 to 40 percent cost effective; he pled with the Board to not expose his children or the neighborhood children to this experiment; and he mentioned his fourth grader is studying what humans are doing to the Indian River Lagoon, and he said he thinks this is a bad idea, it is taking out mangroves, and natural run-off treatment by reducing the mangroves, it is affecting all of the animals in that area, and people do not know what it is doing to human beings.

David Christian stated he is the last dock on the water to the west side of this property; a lot of people have touched on many things that he agrees with; he has been a contractor all of his life and a buffer cannot be placed between that property and the houses; he can hear Walmart trucks, people yelling at Walmart, and the cars driving across 520; there are also a lot of animals, he has videos of the manatees, there are dolphins back there, and there is nothing better to him than to sit on his dock at the end of a day, with a fishing pole in his hand; and to say there is not going to be any stench, that is just not true. He continued by saying driving down by Kelly Park the stench is horrible and they do not want that stench by their houses; there is not enough land there to do this; they are going to damage the water; with all that demucking, the water is coming right in near their docks; during all these fishkills, behind Kiwanis Island is one of the areas where there were no fish kills, the water was still pristine back there; they had manatees and dolphins out there in their backyards to prevent from being where the fishkills were; and he noted this is an area that needs to be protected. He mentioned a lot of the home owners that are all along that property, there is absolutely no buffer that can be built there to not hear those tractors coming in and out; the residents are going to hear the heavy equipment all day long, no buffer will stop that; and if they can hear the back up alarms from the trucks at Walmart, he asked how they will be able to stop the noise from a tractor that is going to be there all day long. He stated a lot of people hit on a lot of things so he is trying to

hit on the other things; there are lots of areas where this muck can be dumped, it does not have to be that close to a residential street; this neighborhood is still the type of neighborhood where people's children know each other, they ride their bicycles up and down the street because it is a dead-end cul-de-sac; and they do not want that heavy equipment in the areas where their children play. He mentioned there has not really been a good explanation of exactly how these trucks will come in and out; they are saying North Banana River Drive, but he knows there are other options they are considering because he sees them out there with the GPS markers and marking all the stakes in the ground; they are already taking initiative like this is absolutely something they are going to do; and hopefully everyone showing up today will make the Board rethink that because this is their neighborhood and they do not want it there. He went on to say like the Constitution said life, liberty, and pursuit of happiness and he noted this is taking their happiness away if the Board lets this happen.

Chuck Norris stated he owns the 20 acres next to Walmart, it is the Lagoon, and if the Board would like to consider moving this site it would be more towards 520; he is just offering a solution to where the County can dump all this; the 20 acres of Lagoon he owns with his son, and the County could place the muck there; he is willing to look at possibilities that he can offer; and he reiterated it is 20 acres right next to Walmart and goes to 520 and runs right next to 520. He noted he is just offering a solution, if the County wants to look at an alternative.

Commissioner Lober inquired what he is asking for it.

Mr. Norris stated he owns it with his son.

Commissioner Lober asked dollar-wise what he wants for it.

Mr. Norris commented he would have to ask his son.

Commissioner Lober stated he wants to touch on a few things; he stated he may surprise folks on where he is going with this; he wants to address some of the concerns because he thinks it is important to do that; from the first speaker the Board heard that it is ludicrous that people to the north should be more concerned than people to the south; he still stands by that because the property to the south is a Walmart and he is not concerned about the loading area of Walmart and Walmart apparently is not concerned either because they never reached out; the folks that live there and have their families to the north are the ones he is concerned about not the loading area for Walmart on the other side; and he does not know about the 50 years for a turtle to die underground, it is unfortunate if that is the case, but he has no knowledge of that. He went on to say as far as uprooting families in that area, his goal is not to uproot anyone; it is part of the reason that he is proposing if the Board does this, to do substantial buffering that can fit in the space; as far as the statement there has to be chemicals, the water itself is technically a chemical, as everything is made up of chemicals; and the question is whether there are dangerous chemicals in there. He noted in conjecture and people being concerned about it, is not equivalent to their being some real evidence that it is or really might be a problem; and he asked if anyone has heard of debris ruining pools, ever, anywhere in the County, even a suggestion from someone nearby or next to a demucking site.

Mr. Culver stated not associated with the projects he has seen happen.

Commissioner Lober commented as far as the smell, he heard a couple contrary things, obviously, if someone is from Cocoa Beach writing to East Merritt Island HOA to put something in their newspaper, he finds that kind of odd; he is not saying it did not happen; and he inquired if there has been anything along those lines that has been suggested or alleged, not by people

who were concerned in advance of it being done, but after it has actually been put in place in a prior location.

Mr. Culver responded no, it is just when someone is standing right next to it they may get an odor but beyond that the odors disappear.

Commissioner Lober stated that makes sense; as far as it being a pristine wooded area, he agrees with that; the lot adjacent to his house is pristine but he is not in a position where he can say to the people who own that, they can not sell it and develop something there; he does not have a right to do that as much as he would love for it to be undeveloped forever; and regardless of what the County does, this lot will not remain a pristine wooded area because it is not environmentally endangered land, it is not something that is protected, and regardless of whether the County takes some action or no action, it will be developed, it is unfortunate but a fact of life. He advised he cannot control any more than anyone else can control whether individuals with property that is zoned in a particular way develop it accordance with that zoning; and as for the toxic stuff, he inquired if there is any indication if there is toxic stuff in the muck that is slated to be dewatered, if this were to go through.

Mr. Culver advised their testing has not indicated anything.

Commissioner Lober commented another Item brought up was health concerns; and he inquired if there has been any evidence to suggest that there was a health concern.

Mr. Culver responded no.

H.6. Temporary Use Acknowledgement (TUA) for Brevard County Dewatering Activities for the Sykes Creek Muck Removal Project

Commissioner Lober stated he has heard there are other places to dump the muck; he agrees there are many other places to dump the muck, the questions is, at what cost; he would love to dump it elsewhere, mail it to China or India and let them deal with it; however, everything has a cost associated with it and that is really a big factor in terms of this having been proposed. He noted it was proposed based upon it being least expensive, a least onerous burden to the taxpayers; it was a fraction of the next least expensive alternative; it is not that the County could not spend 20 percent more putting this out of sight, out of mind; however, it is millions more. He mentioned the individual who commented it would be a disgrace to pay more than the appraised value for the property, he asked him if he wanted him to buy his property at the appraised value; he advised the Property Appraiser's value from what he has seen is never ever the actual value of the property; and he went on to say there was a reason why the County had two appraisals done and the Board is looking at the average of those appraisals. He went on to say he does have some concerns; one of the items that was mentioned by Mr. Stone who was kind enough to bring his concerns in advance to his office, as far as the dewatering within the Lagoon, he was a little confused by that; he asked if the County is dewatering anything by introducing muck into a body of water because his understanding is that the County is putting it on dry land in order to allow it to evaporate and dewater naturally; and he asked if he is misunderstanding that.

Mr. Culver explained that is correct; he was not clear on the statement made by that gentleman, either; the intent here would be to use the upland portion of the property to avoid any wetland impacts, so there would be no damage to the mangroves around the perimeter or anything like that; they would use the upland piece to dry the material; most likely a use would include geotubes as mentioned; and also they would use appropriate staging methodology at that site to keep it as dry as possible.

Commissioner Lober stated another concern that he thinks is valid, is Mr. Sciacca's concern with respect to the corner; he asked what the current plan is with respect to the ingress and egress; and he inquired if that is still being talked through, what the options are at this point, and what concerns staff has.

Mr. Culver stated the purchase of the parcel includes a small triangular lot on the corner of North Banana River Drive, right at the curve; it will be a temporary construction entrance while the material management is going on; while it is not engineered yet, they anticipate there will be signage as people approach the corner from both sides; and their engineer has suggested that they may need flagmen on that site while trucks are actively going in and out, so that would mean there is someone out there slowing traffic in both directions as required to get the heavy equipment in and out. He advised he had some calls from people indicating a lot of people take that corner at high speeds, as it is; it is not supposed to be high speed; and the flagmen will help slow the traffic as it approaches that corner.

Commissioner Lober noted he was not on the Commission prior to this past November; as far as there having been a proposed condo in that area, and being turned down by the Board due to it being too dangerous to access, he asked if the County Manager or his assistant if they have any knowledge of that; and if so, if they could give him a refresher on the concerns.

John Denninghoff, Assistant County Manager, advised he is familiar with that; over the years there have been a couple, two or maybe three different proposals for development on the property; it is zoned for multi-family; and the proposals included many units in there, a great number and the volume of traffic associated with that was all concentrated in the curve. He noted it would have been an unregulated and uncontrolled volume of traffic like any other driveway would be; at least that was what was proposed; what is proposed here is a controlled ingress/egress with low volume; it is trucks but it is an irregular and infrequent use other than the times when they are actively utilizing the site; and when it converts to a stormwater system it is going to have maybe one or two vehicles a month going in there, other than mowing. He went on to say it is very much a different condition when it comes to traffic; and it is far more favorable than probably anything else that could be proposed for the development of that property.

Commissioner Lober mentioned he had gone to the East Merritt Island HOA meeting when they last met and Mr. Bargerstock had mentioned to him his concern about the dewatering project constituting a large-scale experiment; he has asked him to forward that and if he has it never came through; he definitely wanted to read that in advance because it is something that is concerning to hear; however, anything taken in isolation, he cannot make heads or tails of it. He noted without reading the whole thing or in what context was or was not there, it is tough for him to make much out of that; and he asked if staff had received anything in respect to that since they last spoke.

Ms. Barker responded she is not familiar with that report; she stated the majority of environment dredging that is done is to remediate contamination; her guess would be that is basis of that report; the County does not have heavy industry here contaminating the sediments, it just has organics breaking down and releasing nutrients that are feeding algae blooms; and so it is a different kind of environmental dredging.

Commissioner Lober stated that makes sense and he believes the gentleman did say he was talking about remediation sites in particular; as far as his insistence on buffering and it being a defacto of acknowledgement that it is too close, this is a perfect example of no good deed goes unpunished; and the other is it is acknowledgment that if it is not there, then it would be an

unsightly facility to have in place but not necessarily an unsafe facility. He commented just because he does not want to look at a satellite dish does not mean the satellite dish is going to poison him or threaten him or the safety of his family; he stands by the fact that buffering is nice and he thinks it will keep the property values up by not having to look at anything; quite frankly when this is being used for stormwater management in the long run, he thinks it is going to be much nicer than having a multi-story condo complex; and he wanted to mention this is not being put in place to shield anyone from anything unsafe, but rather to keep the property values up. He continued by saying he does not believe there are any cheaper alternatives; he knows staff has researched it; the Board heard from some people that there are cheaper alternatives but have never heard from anyone what those cheaper alternatives are; the only exception would be the gentleman whom owns the 20-acre parcel which he is interested in learning a little about it; and as far as Mr. Christian and him saying they could hear the people yelling at Walmart and the trucks backing up at the loading dock, if he can hear that, he will never tell him he will not hear anything from this, but if it were developed for some other purpose, he could not say that they would not hear anything from them either. He commented the question is whether it is putting out an unreasonable amount of noise and if there is buffering to reduce the noise; the concern that was raised to him on the front end was the odor concern, no one really ever mentioned or heavily focused on the traffic concern with the exception of that one curve depending on the ingress and egress; as far as the concern about it damaging the water, he thinks the Board heard from staff of this doing the opposite, and clearly benefits the Lagoon; not only are they taking out the muck from the body of water which has the impact of reducing the nutrient loading and making it more navigable, but the water that is going to be released is released with no more than three parts per million of nitrogen in it which meets the advanced wastewater treatment standards, if the County were to use it as reclaimed water; and that is something the County does not have to meet but some of the facilities, but not all, do. He stated he does not want to put something in people's backyards that they do not want there; he is not promising down the road that he is going to go one way or another because it really depends on what alternatives are available; if someone has an alternative if they would let him know he would have no problem looking into it, or have staff look into it; and he made a motion to continue this out one regular meeting to give staff the opportunity to get in touch with Mr. Norris whom identified his property is adjacent to Walmart.

Mr. Denninghoff stated staff has brought to him that piece of property and it is submerged lands, probably excess of 90 percent of it, so it is basically Sykes Creek river bottom.

Commissioner Lober inquired if there is any ability to use that within a reasonable costs, within \$1 million of what is being proposed.

Mr. Denninghoff stated there would be almost zero chance that the County would be able to get a permit to use that property.

Commissioner Lober commented well that changes things, he is not going to motion in that case. He stated this is one where he does not know if this is not the best possible option; he suggested if anyone else on the Board has a feeling, good or bad, that they vote according to what they think is appropriate and is in the County's best interest; and he noted he will not hold it against anyone who opposes or supports it.

Mr. Denninghoff pointed out Item J.1., which is the contract for the purchase does have a deadline date on it, which is today.

Chair Isnardi asked the audience to please not speak out.

Commissioner Lober stated people win a lot more with honey than with vinegar, and that is not

helping the cause; he believes the Board needs to call the question if a motion has been made on this; he advised he is torn on this one; and he noted he does not like it but he does not know if there is a much better alternative.

Commissioner Pritchett stated when the Board has had this discussion, it is not comfortable having muck put anywhere close to anyone's home; she had a little concern about the traffic until it was discussed what exactly is being looked at; there has been a project like this in the Mims area and there has not been any complaints on the smell; it kind of flew once it was all laid out; and she thinks as the County goes forward with this, if something comes up that causes heartburn to the residents, they can get ahold of the Board, and maybe it can figure out some adjustments, but she has a feeling this is not going to be as much of an impact, even though it has that feeling towards it. She inquired if the County was going to be using this for four years and then put it back on the market.

Ms. Barker responded no, it would be converted to stormwater treatment.

Commissioner Pritchett commented every time the Board has this discussion, it goes through this; and she reiterated when it was done in District 1, it really did not end up being any kind of an issue.

Commissioner Smith stated he grew up on an area of the Delaware River in New Jersey that is still being dredged and dumping muck, and it is a non-issue; he knows the people do not like to hear it, the unknown is always fearful; he does not think this is going to be nearly the problem that they think it is going to be; and he made a motion to pass this.

Commissioner Lober reiterated he wants the Board to vote as it sees appropriate and not to worry about the way he votes on this one.

Chair Isnardi advised she is not in support of it because she does not feel this is the right place, it is residential, multi-family use; the County's past speaks for what should and should not be there; and she thinks devaluing people's property for four years is an unfair thing to do.

There being no further comments or objections, the Board approved and authorized the Chair to execute Temporary Use Acknowledgement (TUA) to allow the Save Our Indian River Lagoon Program to use 7.43 acres of the 13.53-acre vacant parcel, currently considered for acquisition, for dewatering activities for the Sykes Creek Muck Removal Project; and authorized the TUA to begin with the issuance of the Notice to Proceed to the contractor awarded Phase 2 of the Sykes Creek Muck removal construction services contract, and extending for four years.

Result: Approved

Mover: Curt Smith

Second: John Tobia

Ayes: Pritchett, Tobia, and Smith

Nay: Lober, and Isnardi

*The Board Recessed at 11:27 a.m. and reconvened at 11:42 a.m.

I.2. Board Direction, Re: Brevard Cultural Alliance (BCA) Contract with the Tourism Development Office for Fiscal Year 2019-20.

Jim Liesenfelt, Assistant County Manager, stated at the last meeting the Board instructed staff to sit down with the Brevard Cultural Alliance (BCA) to work on a contract; he has brought back a contract for the Board recommended approval; some of the highlights of the contract are

funding \$193,000 to BCA for Fiscal Year 2019/2020; that is about equivalent of their staffing minus the salary for the Executive Director; they would also move their offices to the Merritt Island Service Complex; and the agreement is contingent on the submittal of separation of employment documentations of the existing Executive Director. He advised the \$193,000 in funds would come from the Tourist Development Tax Reserves, where \$500,000 is available this year for cultural support grants; the contract is renewable by the County Managers based on Board approved budget allocations each year; and it is requested that the Board recognize and find that this is proper use of Tourist Development Tax funds as defined by Florida Statutes 125.0104.

Frank Abbate, County Manager, stated this is a one-year renewal contract.

Jim Ridenour stated he is the Chairman of the BCA Board of Directors; they had good, honest, and direct negotiations with the County; he thanked those involved in the negotiations as he felt everyone was straight, direct, they got to the issues, and they made a decision; he is in support of the \$193,000 for the BCA staff, as he feels that is very important; however, this will be the first time they have ever executed \$500,000 in grants, as it was not allowed for in the past, the County allowed \$40,000 to the BCA to execute \$130,000 in grants, so there is nothing in there for this time. He continued as Mr. Liesenfelt mentioned, there is no allowance in there for an Executive Director so when BCA decides to do that it will have to find the money to do it; the \$500,000 in support grants is huge; they do not know what it is going to cost in the amount of time but he will have BCA staff keep close records all year in regards to the amount of money and time spent executing that program, so when the BCA comes back next year, it will have a good handle on that cost; and he thinks \$193,000 is an excellent start for Fiscal Year 2019/2020 for this contract and he fully supports the proposal as presented.

Laurilee Thompson noted she has been on the Tourist Development Council (TDC) for 20 years and she can tell the Board the BCA has a habit of surfacing every several years and these giant congregations occur; they are at a point now where they can move forward and maybe the BCA will not take up so much of the TDC's time because the TDC's job is marketing the County, it should not be trying to run cultural events and those types of things; she hopes that the Board will support this as a lot of work went into it and it accomplishes everything that everybody wants; and it has gotten funding cultural grants out of the County's General Fund and going totally into tourism where it should be. She continued by saying they have one of the best cultural arts agencies in the entire State so it would be able to keep them going; they have a half million dollars worth of grants, and they have never had that much in cultural grants before; the Office of Tourism does not have staff to handle that much money in grants; therefore, this is like the perfect situation for everyone. She went on to say she hopes the Board will approve this contract so everyone can move forward, the TDC can market the County and the BCA can work with the cultural stuff.

Chair Isnardi advised Tim Deratany, Chair of the TDC, spoke from the audience and stated if anyone has any questions he is available.

Liz Lamb stated she is from the TDC Cultural Committee, she is an artist with a cultural degree in art, and she has attended the Florida Arts Council Grant Review meetings all over the State for the past eight years; her family moved here in 1970 and she is very familiar with the arts in this County; she would have preferred a maximum of \$150,000 for the BCA administrative budget, but because she was told at the meeting with the County Manager that the funding for the BCA at \$193,000 for administration would not reduce the \$500,000 for the Cultural Support Program, she agreed to the \$193,000 as a compromise because of the following changes and conditions to the contract. She explained the BCA agrees to select a Board of Directors

comprised of a minimum of 50 percent of individuals who are Executive Directors or their appointees or active Brevard County arts groups or cultural entities; the BCA shall provide a minimum of two workshops for Brevard Cultural Groups to encourage applications for State, federal, and foundation grants; and the cultural support program grant application process will now be much easier for the arts groups. She went on to say this is a one-year contract and it is contingent upon resignation of the BCA Executive Director; the TDC and the County staff will appoint voting representatives to the search committee; she would like to see the BCA find new leadership that is more transparent, more welcoming of volunteers like herself, and more resourceful; hopefully this revised contract with the reduced funding for administration and increased funding for the arts grants is a big step in that direction; and she noted these are grants for the arts groups for events, so she does support the \$193,000 that was agreed on.

Karen Montas stated she does not really have a comment other than supporting the passing of this agreement, however, she was advised in order to answer any questions she should submit a card.

Commissioner Pritchett stated she just wanted to thank everyone for working together on this; Commissioner Lober has a line he uses all the time about coming together and making some type of ability to move forward when everybody is not happy; and she inquired what is that saying.

Commissioner Lober noted essentially if everyone leaves and they are not miserable, it is not necessary to have folks smiling when they walk out of a deal in order to have a fair deal.

Commissioner Pritchett commented that is good but he usually has phrase; she thinks that is one of things she has learned from Commissioner Lober since he has been on the Board, is working through those processes; and everyone has done that. She went on to thank all the parties involved; she thinks there is a lot of good moving forward because when people come together in agreement there are great paths to great arts in the community; and she just really appreciates it.

Commissioner Tobia thanked Peter Cranis, Tourism Development Office's Executive Director, for spearheading this; he thanked Senator Deratany, and commented they have not always seen eye to eye, but certainly on this issue, the most important one he faced was his appointee and Mr. Deratany acted honorably and in a stellar manner; and he mentioned he would like to point out a couple benefits that were not necessarily mentioned on this. He noted more money will be going to the arts; his understanding is the County will be pulling money out of General Funds, the \$80,000 that was in General Fund; this frees up much needed space for a Commissioner who, will remain nameless, mentioned was needed previously; he is not very comfortable with the \$193,000, he thinks Ms. Lamb was much closer to the amount at \$150,000; and in all honesty he is looking at this and he is ready to vote no on it, understanding that this will probably still pass 4:1 but he has a great deal of faith in the County Manager, who he is positive will make sure the County is getting a return on the \$193,000 before this contract comes back to the Board next year; and he advised he will be voting yes with some reservations that he is sure will be solved by the end of next year.

Chair Isnardi mentioned she thinks the comment Commissioner Lober says is something like, if both parties are a little unhappy then they are probably right where they need to be.

Commissioner Lober noted that sounds better than what he said.

Chair Isnardi added maybe that is if one party is happy that is not where they want to be or

something like that. She stated she thinks this was a great compromise because both parties are not 100 percent happy; she has always battled with it because the issues and the problems with the BCA in the past, regardless of whose fault it was, is that the TDC could not manage all those grants and that was why the BCA had a staff and why the TDC had that contract with the BCA; it was a good relationship in concept; she and Mr. Deratany used to talk about it a lot because she likes what the BCA represents but she does not like the strife and the conflict; and she is glad they are still going to be in charge of the grants and even more excited to hear that their board is going to actually have artists and executive directors. She added it is kind of like having a company that does not have any of its members as part of the board making decisions about things they know nothing about, so it does not make a whole lot of sense. She went on to say realistically if they had somebody managing those grants and those programs, a lot of the outreach and programs they do like Art in Public Places and the workshops, the County would probably have to have staff within the TDC to do that; and that is how she can be okay with these salaries, given the amount of work that they do. She noted she prays everything goes well moving forward; she wished everyone the best of luck; and she advised she is voting for this as well.

The Board approved and authorized the Chair to execute the Brevard County Cultural Alliance (BCA) Professional Service Contract contingent upon the submittal of separation of employment documentation of the BCA Executive Director by September 30, 2019; approved and authorized the Chair to execute Amendment #6 to the Lease Agreement for BCA office space, subject to County Attorney and Risk Management approval; authorized the County Manager to execute necessary budget change requests; and found that Tourist Development Tax funds are authorized to be expended for the BCA's services because it has as one of its main purposes, the attraction of tourists as evidenced by the promotion of cultural events and activities to tourists, as authorized by Section 125.0104, Florida Statutes.

Result: Approved

Mover: Bryan Lober

Second: Curt Smith

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

I.3. Interlocal Agreement between Brevard County, City of Palm Bay, and the Bayfront Community Redevelopment Agency

Frank Abbate, County Manager, stated this is unfinished business related to the City of Palm Bay Bayfront Community Redevelopment Agency (CRA) interlocal agreement; as the Board may recall, it took action on August 6, the moratorium that was going to last until October 8; during that period staff had discussions with the City of Palm Bay; they sent something back to him during late August about a proposed agreement they thought would be appropriate; then when the hurricane came and the County was off for days that week and the City had a council meeting that night where they passed a proposed interlocal agreement which shows in this Agenda as Option 2; and that agreement would continue the CRA through its original date of 2024 and continue the incentive agreement they have with Northshore Development through that timeframe. He continued by saying consistent with the direction that staff received from the Board on August 6, the County Attorney's Office prepared an interlocal agreement that is different than the one from Palm Bay and it shows as Option 1; that Option would sunset the CRA consisting with the ending of the debt payments they have in 2022, which is something the Board had discussed and approved of on August 6; the Board has Option 1, Option 2, and then several resolutions that were prepared by the County Attorney's Office; in those resolutions, the first of those is Option 3, and is consistent with the resolution but would be extending the resolution; and it virtually mirrors the resolution that was passed by the Board on August 6, talking about no new debt, no new action, and a moratorium by the CRA. He went on

stating Option 4 is a little more stringent than Option 3; Option 5 is a resolution that basically takes away the authority of the CRA to take actions and also sunsets the CRA because they would not have any authority to do anything beyond 2022; and the final resolution that was prepared would be the Board substituting itself as the CRA. He stated staff has provided the Board the full breath of what the potential options are; and he will turn it over to Eden Bentley, County Attorney, if she would like to add anything on the resolutions. He mentioned Palm Bay is in attendance; they did have issues that they brought to his attention with concern relative to their agreement with Northshore because they feel they have an obligation; there is language within those agreements that say basically for certain reasons under the corresponding Statutes, if the CRA no longer is making payments in to the fund that there would not be an obligation for the City or the County through the TIF dollars to pay into that, but they do have concerns about the drafters intent, etcetera; he believes the City and the County and legal staff have a difference of opinion there; and he thinks in all fairness, he should share with the Board how they are looking at it and that there are opinions out there different from the County's.

Commissioner Tobia thanked staff for turning this around and providing the Board with the long litany of options; he thanked the Board because at the August 6 meeting it was clear with a 5:0 vote it indicated to Palm Bay that the Board was ready for this CRA to close; and he wants to specifically thank Chair Isnardi and Commissioner Lober who were quite a bit more forceful than he was in dealing with this situation. He went on to say he is also very disheartened to see that this basically bounced back to the Board with great disregard with a 5:0 vote that was sent over; as Mr. Abbate said this CRA would not be closed any sooner than what the Board had mentioned before, 2024 as opposed to 2022; the City Manager was in the audience and whether or not that message was conveyed to their board, it certainly was not followed; and at this point he thinks the Options are limited if the Board is to follow through with the intent that this Board asked for on August 6. He added that would be the nuclear option that was mentioned by Commissioner Lober; he believes it would wise before this Board exercised that option that this take a brief pause for two weeks; and since this CRA is in his District, he would like to understand the Attorney opinion from the City because the opinion that he was briefed on from the County's perspective as to the contract is pretty cut and dry. He continued by saying he does not know that there will be any harm in waiting until the next meeting; and he made a motion to table this Item until October 8.

The Board tabled consideration of interlocal agreement between Brevard County, City of Palm Bay, and the Bayfront CRA to the October 8, 2019, Board meeting.

Result: Tabled

Mover: John Tobia

Second: Bryan Lober

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

J.1. Approval Re: Contract for Sale and Purchase and Addendum for the Nandivada parcel for the Dredge Spoil Management and Stormwater Retention Pond Project

Corrina Gumm, Interim Public Works Director, stated this the request for Board approval of the contract for sale and purchase of addendum for the Nandivada parcel; the contract is contingent upon the Board's approval of the Temporary Use Acknowledgement (TUA) that was discussed in the previous Agenda Item H.6; fair market value was established by obtaining two appraisals and having them reviewed by an independent appraiser; and the average of the two appraisals was \$1,032,000.00. She noted the County has identified the funding for this; approximately 75 percent is coming from the Save Our Indian River Lagoon (SOIRL) Trust Fund; approximately 25 percent from the Inland Navigation District grant; she advised she needs to point out a couple minor typos on the Agenda Report; the second to the last paragraph it stated the

budgeting company report was dated October 16, 2019 which should read 2018; and the amount of that report was \$710,000 not \$750,000. She noted that is correct on the property fact sheet attached to the Agenda Item; and the average or the math staff has done is correct. She advised staff is requesting Board approval to proceed with the closing on that contract.

Commissioner Lober stated he wants to reiterate what he said on the earlier Item related to this; the Board needs to vote on how it thinks the County is best served; he is going to vote the way he votes, but he is truly not keeping tabs on this one by any means; and he suggested the Board to do what it thinks is right.

The Board approved and authorized the Chair to execute Contract for Sale and Purchase and Addendum with Anupama Nandivada, for the Dredge Spoil Management and Stormwater Retention Pond Project, on property located off North Banana River Drive, Merritt Island.

Result: Approved

Mover: John Tobia

Secunder: Curt Smith

Ayes: Pritchett, Tobia, and Smith

Nay: Lober, and Isnardi

J.2. Emergency Maintenance of Engineered Dune in South Beaches, and status of Federal Shore Protection Project, After Damage from Dorian.

Virginia Barker, Natural Resources Management Director, stated this regards repairing the engineered dune in South Beaches following Hurricane Dorian; it is requested that the Board authorize use of an existing contract with Southern Disaster Recovery to repair the damages in the South Beaches; staff has negotiated a change in price to their existing contract as they were the low bid contractor the last time the County had to repair hurricane damage; they negotiated a price that is equal to that low bid amount plus the CPI between then and now; and staff is requesting the Chair be able to execute the change order for that new work at the negotiated price. She added staff is also requesting that the County Manager, or his designee, be able to execute work in excess of \$100,000, associated with all the other tasks that have to take place for dune work; and authorize staff to continue working with Federal Emergency Management Agency (FEMA) and the State to seek as much cost share funding as is available and any necessary budget requests.

Carl Kaiserman thanked the Board and the staff of Natural Resources Management for the work they do on one of Brevard County's most valuable assets, its beautiful beaches. He stated he previously pursued a career as a New York City architect for 40 years; and he retired to Melbourne Beach with his wife in 2005, he built his eco-friendly home on the ocean, and settled in to pursue his dreams and spending his golden years as a certified beach bum. He mentioned he has stayed involved as a community advocate; since 2006, when he attended his first Commissioner hearing on dune restoration, he has attempted to understand this difficult barrier island issue; the standard repair procedure for those in the middle reach and southern reach portions of the barrier island is for the County to allocate many millions of dollars to bring new sand from the mainland by truck and distribute it beachside; and this is almost entirely used to bolster the repeatedly eroded dunes. He noted other options have been suggested and have mostly been dismissed; he supports short term dune repairs but he also suggests exploring other, cheaper, and or more permanent methodologies; the one he prefers most is the use of bulldozers as soon as possible after a major erosion event to push the eroded sand back up at low tides to the dune wall, after all the sand has not yet washed away, it has just been eroded on to the beach and forms sandbars close to the shore, sand that will return to the beach on the next high tide; and he advised this restoration method is used with great success on the

New Jersey shore, but has been rejected in Florida because State and County agencies consider this beach scraping, a forbidden procedure. He went on to say it is a fraction of the cost of mining and trucking in new sand; such a pilot project should be attempted; reef balls should also be explored as they have been found to be an inexpensive long term solution to beach erosion in many similar venues; he noted he also has a question about the agenda report, it says beach renourishment in the mid reach and south reach is expected between December 2019 and April 2020, work planned prior to Hurricane Dorian; and he inquired if that scope of work is being incorporated into this contract.

Commissioner Lober inquired what the story is as far as the use of bulldozers, is there concern as far as impacting the wildlife, and why does the County not do that.

Ms. Barker advised this County has a sand starved system so part of the reason it experiences so much erosion is because there is inadequate sand on the beach and in the sandbars, and underwater as well; using bulldozers is to rearrange the sand already there, which is already inadequate, whereas bringing sand in is offsetting some of that historical starvation that the beaches have experienced; staff knows that the way they have been building the dunes is working very well; they have not had loss of structures since they have engineered this program; and even if they were to rearrange the sand that is there, they would have to wait for a recovery bar to make its way for underwater sandbars during periods of low wave activity to move closer and closer to shore and onto shore, then that would be what is scraped up into the dune, otherwise, it is just digging a hole in the beach which will increase the pace of erosion in the dune. She went on to say if they leave that bar welding occurring, as Mother Nature does, it provides protection to the dune being constructed; and there are also turtle nesting concerns as Commissioner Lober mentioned.

Commissioner Lober moved to approve.

The Board authorized use of an existing Contract with Southern Disaster Recovery to repair the South Beaches Engineered Dune Project; authorized a negotiated change to price in the existing Contract to reflect CPI; authorized the Chair to execute the change order for the new work at the negotiated price; authorized the County Manager or his designee to execute work in excess of \$100,000 for associated tasks required to complete the Project; authorized staff to seek Federal Emergency Management Agency (FEMA) and State funding for up to 87.5 percent reimbursement; and authorized necessary budget changes.

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

J.3. Tourism + Lagoon Grant Projects

Olivia Escandill stated she is a conservation specialist at Brevard Zoo and she had the pleasure of coordinating the Shuck and Share project which was one of the grants for the last cycle; she thanked the Board for supporting them over the past year; and she hopes it will support these grants as well. She noted the Beach Committee and the Tourist Development Council (TDC) did a great job going over all those applications and they chose some really awesome projects that would not be able to be funded through Save Our Indian River Lagoon (SOIRL) because maybe they do not have a nitrogen or phosphorus removal component, but they do great things for the Lagoon; and she just wanted to thank the Board.

Laurilee Thompson stated she is the Chair of the Beach Committee and they are the ones who

looked at all the grants; she is really happy they had \$350,000 worth of grants that they funded last year; this year the total is \$628,270, and even better, it is \$2,551,000 worth of projects; and they are going to have \$1,923,000 worth of match. She continued the program is maturing the same way they thought it would; like Olivia said, these are projects that would not qualify for SOIRL funding so they are actually adding to Lagoon restoration; and she hopes the Board will approve this.

Commissioner Lober stated when this came up to the TDC, he is not on the subcommittee that voted on it, but he does represent the Board on the TDC, one of the concerns he had was specifically identifying the number of pounds of nitrogen and phosphorus removed as a result of each of these grants; that is something he had suggested for subsequent years, if he is still on the TDC board, he will expect them to demonstrate; and not to say that this does not remove a particular number that it is going to be excluded but that would be a good metric to have in the breakdown of any spreadsheet provided. He noted there was considerable effort put into this by the subcommittee; he thinks everyone has to respect the appointees decisions with respect to that, unless there are better alternatives; he could nit-pick this but he thinks in aggregate this is a good move overall; and he would encourage the Board to support it this year and obviously next year with the additional information to take it in accordance with that.

The Board approved the recommended Tourism and Lagoon Grant Projects, as well as make the necessary legislative findings; authorized the Chair to sign all negotiated Tourism and Lagoon Grant agreements over \$100,000; and authorized the County Manager or his designee to sign for grants to County Departments, and to sign any necessary budget change requests for Tourism to transfer the funds to the applicable County Department to be used for the specified project.

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

Ayes: Pritchett, Lober, and Smith

Nay: Tobia, and Isnardi

J.4. Resolution for the approval to Participate in Florida Medicaid Managed Care Emergency Medical Services (EMS) Supplemental Payment Program

Chief Mark Schollmeyer, Fire Rescue Director, stated this a resolution for participation into Florida's Medicaid Managed Care EMS Supplemental Payment Program; Medicaid currently pays about \$138 for a transport of a Medicaid patient to a hospital which does not nearly cover the cost of that transport; about three years ago they had entered into a program called the Public Emergency Medical Transport Program (PEMT) Program which uses public expenditures to reimburse transport agencies for the cost of Medicaid patients; it has been pretty successful; and they have received about \$200,000 per year since the inception of that program. He added it is not an earth shattering amount but it is a supplemental payment for those Medicaid transports and helps out a lot. He continued by saying fast forward to now, they caught wind of a very similar program through the Medicaid Managed Care Organization whereas the other program does not handle the managed care organizations; this program deals specifically with Medicaid Managed Care Organizations; therefore, this resolution will give the County Manager the authority to make deals with the 10 managed care organizations that they have to deal with as well as the Agency for Healthcare. He added this resolution allows them to enter into this program; the program starts in October so that is why he is coming to the Board now; they have 10 contracts to go over; and the County Manager, if approved, will be given the authority to approve these contracts. He noted if the deal does not look like it is going to be good for the County they can back out with no harm done.

The Board adopted Resolution No. 19-169, for Brevard County Fire Rescue to participate in the State of Florida Agency for Health Care Administration and the Supplemental Payment Program for Medicaid Managed Care Patients; authorized the County Manager to negotiate and execute all required agreements, budget change and transfer requests, or other documents necessary to initiate this Program; and if advantageous to the County, staff will submit the required Letters of Agreement to the Board for ratification.

Result: Adopted

Mover: Bryan Lober

Second: Rita Pritchett

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

J.5. Internal Audit Committee Members

Frank Abbate, County Manager, stated this deals with the Internal Audit Committee; the terms of four of the members have expired; what is in the Agenda Report is the request of the Committee Members; three of them were willing to continue serving on the Committee, including the Committee Chair as he has been on there since 2004; and two of the other members have been there since 2012. He mentioned there was one committee member, Mark Cherry, who indicated he is not interested in continuing to serve but he would stay on the committee until another appointment is made by the Board; Option 1 gives the Board the opportunity to reappointment three of the committee members and authorize staff to advertise for a qualified committee member; and staff would bring those back to the Board for consideration. He advised the fifth committee member's term is not up; alternatively if the Board was not interested in reappointing then Option 2 could authorize staff to seek multiple vacancies for the Board to consider appointing other people to the committee; staff thought Option 1 may be the better option for the board since it is similar to the Budget Review Committee, this committee having a longer standing knowledge base in terms of how risk audits occur and how to select them, etcetera and it has been advantageous; and the committee has been doing a rather good job for the Board over the past several years. He noted he is looking for Board direction on this Item.

Chet Ellsworth thanked the County Manager for bringing this topic up and asking for direction since it has been in abeyance for nine months; it was somebody's duty nine months ago to reappoint people, and they were not reappointed; the first question the County Manager brings up is the appointment of four Internal Audit Committee positions who have been working unappointed for nine months; the second question was concerning the current members whether they can continue in their capacities at the same time that this cause for delay has not been addressed; and the third thing about the term limit restrictions and whether they can be waived, he will deal with in a little bit. He continued the options given on the reappointments, advertisement, and reappointment of several more that were given to the Board by the County Manager he will try to deal with it; it looks like the delay is an appearance of a burden shift; somebody is trying to put the burden back on the Board for self-audit damages that have been created during this period of time and nobody is wanting to take the ball; the County Manager is bringing this up; it looks like to him, and he has talked to D5, D2, and some other folks about these matters asking for materials; it looks to him like the bank contractor, SunTrust, and the IRS are looking for some audit protection; and holding the tax exemption is a bargaining chip. He went on to say the contract that was supposed to be up, nobody will produce; nobody is showing that these people are signing off until they get protection; they are asking for the Board to take that burden; the Board had the responsibility on December 18, Commissioner Lober went ahead and appointed Ms. Young at that time, and none of the other Board Members or the Board at large made any other conveyances.

Commissioner Lober stated he appreciates the comment that he went ahead and appointed someone at the time for this particular board; that said, this particular delay is largely irrelevant; he would suggest that the folks who have been appointed on there and whose terms appear to have expired have not been working unappointed for nine months, they have continued to serve in the absence of anyone replacing them; and with this before the Board today, it needs to be dealt with today. He noted there appears to be a scrivener's error in the Agenda Item; there is a comment on the cover sheet indicating that one of the individuals does not wish to be reappointed; it reads Mr. Miller has requested that he not be reconsidered for reappointment but in the staff recommendation in Option 1 it asked the Board to reappoint him along with Mr. Lenck and Ms. Stoner; he has no problem moving to approve the reappointment of Ms. Stoner and Mr. Lenck but he does not want to include Mr. Miller in that motion for reappointment; and he noted he is not asking that he be removed.

Mr. Abbate stated that was discussed and actually it was Mr. Cherry so he attached that in a revised Agenda Report; and Mr. Miller is actually interested in being reappointed.

The Board reappointed Sam Lenck, Michael Miller, and Roberta Stoner to the Internal Audit Committee, with said terms to expire on December 31, 2021.

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

J.5. Internal Audit Committee Members (Continued)

Commissioner Tobia stated he inquired from staff about the cost for advertising so as the Board moves forward, should the Board have to do it, it looks as though what he was returned was when the Board advertised for the Indian River Lagoon Citizen Oversight Committee, the advertising for the first run was \$1,340, the second run was \$808, and the North Brevard Hospital District was \$540; he knows there may be advertising the Boards needs to look at as it moves forward; and he just wanted to bring that to the Board's consideration with this, or anything, when it says advertising there is a substantial cost associated with that.

Chair Isnardi commented that cost is disgusting, but it is a requirement that the County advertise that way.

Commissioner Lober suggested when the County is advertising something, and he is not saying that is the case here, where there is not a legal duty or obligation to advertise that the Board keep an open mind as to which particular media outlet or outlets where they want to advertise because perhaps there is some savings to be had by shopping around; and he is not going to suggest one over another but staff can do their due diligence when pricing things out when there is something beneficial to advertise but not required.

Frank Abbate, County Manager, advised staff will certainly do that.

J.6. Resolution Re: Recognition of the 108th National Day of the Republic of China (Taiwan) and her achievements.

Chair Isnardi commented this is a resolution in recognition of the 108th National Day of the Republic of Taiwan and her achievements.

The Board adopted Resolution No. 19-170, recognizing the 108th National Day of the Republic

of China (Taiwan) and her achievements.

Result: Adopted

Mover: Bryan Lober

Second: Rita Pritchett

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

J.7. Approval, Re: Interlocal Agreement between Brevard County and the Melbourne Housing Authority.

Ian Golden, Housing and Human Services Director, stated this Item seeks to make an amendment to an action the Board took back in May; at that time staff had asked the Board to take several actions to facilitate moving forward with the creation of a 60-unit affordable senior housing in Melbourne; there is a grant through Community Development Block Grant Disaster Recovery passing through the County to the Melbourne Housing Authority; at that time one of the actions was to allow him as the Department Director, to sign a subcontract with the Melbourne Housing Authority for those funds; subsequently, the State Department of Economic Opportunity (DEO) decided that they wanted an interlocal agreement instead, so he has worked with the County Attorney's Office to get a draft of that; in consultation with the County Attorney's Office it was determined that he does not have the authority under that previous approval to sign an interlocal agreement; therefore, this Item is bringing forward that interlocal agreement to allow the County Manager to sign it.

The Board approved and authorized the Chair to execute Interlocal Agreement, and any related amendments or modifications, with the Melbourne Housing Authority governing the pass through of funding and related activities in conjunction with the construction of a 60-unit senior apartment complex utilizing Community Development Block Grant Disaster Recovery Funds upon approval of Risk Management and the County Attorney's Office.

Result: Approved

Mover: Bryan Lober

Second: Curt Smith

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

J.8. Board Approval to exercise the 1st, one-year renewal option on the Bright House Networks Business Solutions Services Master Agreement's Terms and Conditions, as amended (hereinafter referred to as the "Agreement")

Jeff McKnight, Information Technology Director, stated this Item is a request to exercise the first Option for the County's Spectrum BrightHouse contract for voice and network services; in February the Board voted to extend their initial contract by three months to allow them to complete their installation; they have one site left, which is the Moore Justice Center; and staff is requesting approval of the first option year.

Commissioner Lober stated he wants to move to approve; he noted they have been much better with keeping to their schedule than they were in prior times; and although the County is not exactly where it wants to be, they are pretty close.

The Board approved and authorized the Chair to execute First Extension of Existing Agreement with Charter Communications/Spectrum (formerly Bright House Networks Business Solutions Services) for an additional year through September 30, 2019, under the same terms and conditions; and authorized the Chair to execute any subsequent actions relating to the Agreement.

Result: Approved

Mover: Bryan Lober

Second: Curt Smith

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

1. Frank Abbate, County Manager

2. Eden Bentley, County Attorney

Eden Bentley, County Attorney, advised just so the Board can be prepared, it looks like there are several law suits that are coming to a s point where there will need to be executive sessions in the next month or two; and she will coordinate with the County Manager to see how it will work best with the Board's schedules.

3. Rita Pritchett, Commissioner District 1

4. Bryan Lober, Commissioner District 2, Vice Chair

Commissioner Lober stated he wanted to thank Commissioner Pritchett as she saved him from having a lengthier report today by including a resolution unconstitutionally, the whole thing he was considering putting on here, but he thinks it is important for everyone to reflect during this week on the rights in this country and the freedoms that everyone enjoys, where a lot of folks elsewhere do not; he will not go into what particular rights are more important than others, but he thinks it is a remarkable thing that people have the freedoms they have in this country; and everyone should be happy and thankful for it.

5. John Tobia, Commissioner District 3

Commissioner Tobia stated he thinks the Board broke records today with the number of resolutions and there were some pretty wonderful people; one person that did not get mentioned today and who has probably done just as much, if not more, and has dealt with him for a total of 41 years is his mom; today is her birthday and he just wanted to send her out some birthday wishes; and if would be unfair of him not to do this, and mention it is a another great women's birthday today who sits on the dais and he will leave it at that.

6. Curt Smith, Commissioner District 4

Commissioner Smith stated he would like to commend Commissioner Tobia's mother too because she put up with him for 41 years.

Commissioner Pritchett wished Chair Isnardi a happy birthday.

7. Kristine Isnardi, Commissioner District 5, Chair

Chair Isnardi thanked everyone for the birthday wishes; and she thanked staff for being so responsive to her office and constituents.

Upon consensus of the Board, the meeting was adjourned at 12:33 p.m.

September 17, 2019

ATTEST:

SCOTT ELLIS, CLERK

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