



BOARD OF COUNTY COMMISSIONERS

Public Works Department
2725 Judge Fran Jamieson Way
Building A, Room 201
Viera, Florida 32940

Inter-Office Memo

TO: Frank Abbate, County Manager
THRU: John P. Denninghoff, Assistant County Manager
FROM: Corrina Gumm, Interim Public Works Director/Traffic Operations Program Manager
SUBJ: Citizen Efficiency and Effectiveness Recommendation #2020001
Road Work – Babcock Street
DATE: February 14, 2020

RECEIVED

FEB 18 2020

Citizen Recommendation:

County Manager's Office

A Citizen Efficiency and Effectiveness Recommendation (CEER) was submitted to Brevard County from Mr. Ron Rincones that described the following Problem and Recommendation.

Problem:

- a. "(Babcock Street) From Palm Bay Road, to Malabar Road, each afternoon is a traffic jam. From Malabar Road, each afternoon is a traffic jam on a 2-lane road, outdated for more than 10 years. Please do what you can to increase the priority and timeline for correcting the problem."
b. "I-95 Malabar Road, southbound exit. Each evening traffic backs up for more than a mile trying to exit onto Malabar Road. This creates a very dangerous situation for drivers who are stopped in the travel lane on the right. This must be addressed by the agency responsible now!"

Recommendation: "Commissioners must enhance the priority of scheduled projects. I know Commissioners are all aware of these problems, I am just trying to inject some urgency."

Staff Analysis:

Item a. Traffic congestion on Babcock Street between Palm Bay Road and Malabar Road

Babcock Street between Palm Bay Road and Malabar Road is also known as State Road 507 and, as such, the road is under the jurisdiction of the state, specifically the Florida Department of Transportation (FDOT), District Five. This segment of Babcock Street is not under Brevard County jurisdiction.

FDOT completed a Project Development & Environmental (PD&E) Study which resulted in the recommendation to widen the roadway from the existing four lanes to a six-lane, divided roadway, based on the traffic demands. The proposed improvements include updated traffic signals, bridge replacement and bridge widening over the Melbourne-Tillman Canal, and also multimodal enhancements consisting of bicycle accommodation and the addition of sidewalks. FDOT's engineering consultant then completed preliminary design plans. FDOT has advised that this project is not currently funded for the right of way acquisition that is needed or construction, which they previously estimated at \$45 Million and \$25 Million, respectively.

Item b. Traffic congestion on the I-95 Southbound Exit at Malabar Road

Interstate 95 (I-95) along with its interchange ramps at connector roads is under the jurisdiction of the state, or FDOT specifically. Brevard County is aware that FDOT has previously evaluated this interchange for operational improvements, along with all interchanges in Brevard County, as part of an I-95 Systems Operational Analysis. However, we have not been informed of the specific findings or recommendations that resulted from this analysis.

Staff Recommendation:

It is recommended that the Board of County Commissioners accept with modification, the identified items (a) and (b) of CEER #2020001. While these road segments are not under the jurisdiction of Brevard County, staff will continue to provide input through the Space Coast Transportation Planning Organization (TPO) and to the FDOT regarding the possibility of raising the priority of both of these items, compared to other needed transportation projects.





BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Frank Abbate, County Manager

THROUGH: John Denninghoff, Assistant County Manager

FROM: Virginia Barker, Director, Natural Resources Management  

DATE: January 16, 2020

SUBJECT: Citizen Efficiency & Effectiveness Review (CEER) #202002
Indian River Lagoon Problem

RECOMMENDATION: Accept CEER 202002 items a., b., and c. with modifications that acknowledgment and confirm that similar actions are underway as approved and directed by the County Commission, and reject item d. due to lack of local authority.

Question:

The following suggestions were received from Ron Rincones:

Problem Description.

The Indian River is polluted in several areas. Studies have been going on for years and for some reasons, continue on, when the problem and solutions are well known, have been over studied!

Recommendation Description

I believe the solutions to cleaning up the Lagoon are:

- a. Septic tank leaching instead of spending millions on muck removal and other worthy efforts. Spend some on the millions on helping citizens to connect to sewers. Make this the number one priority.
- b. You cannot allow sewer systems, to discharge untreated effluents into the Lagoon every time there is a heavy rainfall. Put some of the millions into enhancing the sewer system's ability to treat effluents before any reached the Lagoon. Or better, terminate any discharge of effluents into the Lagoon.
- c. Run off is still a problem and must be addressed with either holding ponds, and some way of removing any organics or nitrogen from reaching the Lagoon.

- d. Sea Cows discharge tons of dung each winter day into the Lagoon. Commissioners, stop the politically correct nonsense, and figure out how to wean them from the warm water discharge into the Lagoon, each winter. Do not allow

Analysis:

The intent of the proposed solutions are already planned or underway.

- a. The first recommendation was “HELPING CITIZENS TO CONNECT TO SEWERS” to address “SEPTIC TANK LEACHING. MAKE THIS THE NUMBER ONE PRIORITY.” The 2019 Save Our Indian River Lagoon Plan has \$113.8 million dedicated to the highest priority septic system projects. The Citizen Oversight Committee recommended increasing this allocation by \$55.1 million in the 2020 Plan Update, making this the number 1 priority in terms of funding allocation. The allocation includes funds to pay for citizens to hook up to sewer. If you visit the Maps section of the Save Our Lagoon website at <https://www.brevardfl.gov/SaveOurLagoon/maps> and click on “View the Project Story Map,” and click layer “5 Sewer Quick Connects” shows the locations of lots near an existing sewer line who are able to take part in this program immediately. Layer “4 Septic to Sewer Conversions” shows all the areas where sewer lines are being extended and hookup costs will be covered to provide sewer service to additional high priority neighborhoods currently dependent on septic systems. Layer “6 Septic System Upgrades” is currently under construction, but will show the lots where sewer service is not available and not feasible, therefore septic upgrade grants are available to reduce septic leaching.

The amount of funding allocated to muck related projects was reduced by \$100 million in 2019 with wastewater projects receiving an increase of \$30 million and stormwater receiving an increase of \$27 million. As noted above, new septic and sewage related projects that were submitted for funding in 2020 will receive most of the remaining decrease in muck funding, if approved by the Board of County Commissioners in February. Muck removal will remain in the lagoon plan since it is the single largest source of excess nutrients that feed algae blooms and turbidity that blocks light from reaching the seagrass beds.

- b. The second recommendation was “PUT SOME OF THE MILLIONS INTO ENHANCING THE SEWER SYSTEM'S ABILITY TO TREAT EFFLUENTS BEFORE ANY REACHES THE LAGOON. OR BETTER YET, TERMINATE ANY DISCHARGE OF EFFLUENTS INTO THE LAGOON.” There is currently \$27.6 million aimed at sewage effluent treatment projects, with the Citizen’s Oversight Committee recommending an additional \$7.3 million in the 2020 Plan Update. This is to reduce the pollutant load in effluent that is reclaimed and used for irrigation. Wastewater Treatment Plants have not been allowed to discharge directly to the lagoon on a daily basis since implementation of the Indian River Lagoon Act in the 1990s. Direct discharges currently occur in response to discrete events such as breaks, power failures, and overflows. To reduce the likelihood of these occurrences, the current plan allocates \$1 million to smoke testing and the repair of private line breaks while the Citizen’s Oversight Committee recommending an additional \$0.5 million in the 2020 Plan Update. This is in addition to \$134 million funded by Brevard County Utilities to reduce the risk of sewage discharges and millions more being spent by city utilities to improve public infrastructure.

- c. The next recommendation was “RUN OFF IS STILL A PROBLEM AND MUST BE ADDRESSED WITH EITHER HOLDING PONDS, AND SOME WAY OF REMOVING ANY ORGANICS OR NITROGEN FROM REACHING THE LAGOON.” There is currently \$40 million aimed at stormwater treatment projects, with the Citizen’s Oversight Committee recommending an additional \$0.6 million in the 2020 Plan Update. This is in addition to about \$3.5 million funded annually through the Brevard County Stormwater Utility to retrofit stormwater infrastructure plus millions more being spent by city stormwater programs. Due to flood control projects creating over 1500 outfalls to the lagoon in Brevard, the plan includes hundreds of small projects distributed county-wide to treat discharges from the worst outfalls.
- d. Unfortunately, the County does not have authority to “WEAN THEM FROM THE WARM WATER DISCHARGES” because manatees are protected by state and federal laws. While manatees do convert the nutrients from seagrass into more bioavailable forms that can feed blooms, this is recycling of nutrients that are already in the lagoon, not addition of excess nutrients from sources outside the lagoon, such as septic, sewage and stormwater contributions. Nonetheless, the County has conveyed its concerns to the federal and state agencies on multiple occasions regarding the lagoon’s carrying capacity for manatees and the unintended consequences of artificial warm water outflows.

Recommendation:

Accept CEER 202002 items a. b. and c. with modifications that acknowledgment and confirm that similar actions are underway as approved and directed by the County Commission, and reject item d. due to lack of local authority.



Parks and Recreation Administration

2725 Judge Fran Jamieson Way
Building B, Room 203
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

TO: Brevard County Board of County Commissioners

THRU: Frank Abbate, County Manager *FAB*
Board of County Commissioners

THRU: Jim Liesenfelt, Assistant County Manager *JL*
Community Services Group

FROM: Mary Ellen Donner, Director *med*
Parks and Recreation

DATE: January 21, 2020

SUBJECT: Citizens Efficiency and Effectiveness Recommendation # 2020003
Build An Outdoor Public Gun Range

Recommendation: Reject

A Citizen Efficiency and Effectiveness Recommendation (CEER) #2020003 was submitted by Mr. Kris Hiatt and identified the following problem: "No public outdoor shooting ranges. I have been traveling to Indian River County to their public range to hone my rifle and shotgun marksmanship skills. I know there are two private outdoor ranges here, but you have to meet certain criteria and join a yearly service."

CEER #2020003 goes on to recommend, as a potential solution, "Build a pay-as-you go outdoor public range. Try to have it centrally located in the county. This might curtail people from just going out into the back areas of Brevard County and shoot randomly. Would stop the littering of these back areas. Research Indian River County for how they started it, paid for it, built it, and continue to support and fund this enterprise. Shooting matches could be held there bringing in tourist money."

Staff offers the following:

The Indian River County Public Shooting Range is a 318-acre facility and is constructed on State-owned land. It was developed through funds made available from the U.S. Fish and Wildlife Service. It opened in 2001 and is operated under a concession lease with the Florida Wildlife Conservation Commission. It operates as an independent County department and staff report to the Assistant County Administrator. There are daily rates available for the public to utilize the facility and range rents space to various community organizations for training and education.



BOARD OF COUNTY COMMISSIONERS

Parks and Recreation Administration

2725 Judge Fran Jamieson Way
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Viera, Florida 32940

The Brevard County Parks and Recreation Department owned a public access gun range in Titusville. The range was operated under contract to the Titusville Rifle and Pistol Club since 1980 at a lease cost of \$1 per year. On July 25, 2017, the Board of County Commissioners approved Resolution 2017-129, authorizing the sale the property to the Titusville Rifle and Pistol Club, Inc. The deed associated with the sale of the properties stipulates that the public access gun range be open to public use at least one day per week. According the Titusville Rifle and Pistol Club's website, three shooting ranges are available to the public six days a week (Tuesday through Sunday) – 100-yard rifle range, a seven-yard pistol range, and a 50-yard shotgun/pistol/pistol caliber carbine (PCC) range. The cost to the public is \$15 per day.

The Parks and Recreation Department has not been acquiring lands to develop additional parks and/or facilities. The Department focus has been the maintenance of facilities and transferring of facilities to municipalities where appropriate.

The current zoning code requires a conditional use permit for the establishment of a privately-owned range open to the public pursuant to Section 62-1921 Brevard County Code, Commercial entertainment and amusement enterprises.

Staff Recommendation:

It is recommended that the Board of County Commissioners reject Citizen Efficiency and Effectiveness (CEER) # 2020003 as the Parks and Recreation Department remains focused on maintaining existing properties and is not positioned to acquire additional land for a gun range that would compete with the private sector.



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Brevard County Board of County Commissioners

THRU: Frank Abbate, County Manager *FJA*
John Denninghoff, P.E., Assistant County Manager *JDD*

FROM: Tad Calkins, Director – Planning & Development *TAC*

DATE: January 15, 2020

SUBJECT: Citizen Efficiency and Effectiveness Recommendation #2020004

A Citizen Efficiency and Effectiveness Recommendation (CEER) document was submitted that identified several problems and recommendations. This Department was tasked with analyzing and responding to CEER #2020004 regarding Nuisance Houses.

The problem description is as follows:

Enforcing the current statutes in Brevard County and the State of Florida would help reduce costs in the following ways:

- Reduce the number of EMS and Fire Rescue calls to drug houses for overdose and Narcan calls.
- Reduce the number of investigations from the Sheriff's Department for overdose, suspicious activity, theft, vandalism, and safety.
- Reduce the need for repeated citations issued by Brevard County Code Enforcement and Barefoot Bay Code Enforcement for health and safety issues as well as appearance.
- Return the Nuisance House to a safe and secure, tax paying status and to protect property values and homeowner rights.

CEER #2020004 goes on to recommend, as a potential solution, the following:

- Fewer calls for EMS service for those drug houses with overdose issues.
- Fewer calls for Sheriff service in unincorporated Brevard County for drug use and other investigations related to those living in the houses.
- Nuisance houses frequently also fall into Code Enforcement concerns with health and wellness issues as well as houses not being maintained.
- Legal action for owners who do not live in the area that something can and will be done to individuals living there and creating the nuisance.

As a result of legal action to declare nuisance houses, the property owners living in the area will see action that will protect their property, their rights and their safety. It will also serve to

reduce activity from other drug users who frequent the property. For verification of above concerns, please search records for 915 Wren in Barefoot Bay for Sheriff calls, EMS calls and Code Enforcement actions. It took many years of complaints and investigations from all those concerned to finally rid the neighborhood of this Nuisance House.

Staff offers the following:

CEER Recommendation #2020004, submitted by Ms. Crouse, suggests that the County take "legal action to declare nuisance houses". Chapter 74, Article IV of the Brevard County Code addresses "Nuisance Abatement". The existing Code provisions in Chapter 74 establish what activities constitute a public nuisance, the process for handling such conditions, and the authority for taking corrective action. Administrative fines and other noncriminal penalties can be utilized by the County to ensure nuisances associated with certain criminal activities are handled expeditiously and effectively. The Ordinance provides that a Special Master be appointed to conduct hearings and make final determinations, which can include "closure" of the place or premises as well as assessment of fines, recorded as a lien against the property. The Brevard County Sheriff's Office has the authority to present these cases before the Special Master.

With that being said, in certain situations, the Board has authorized the County Attorney's Office to exceed the typical code enforcement process and seek an injunction against ongoing Code violations. There have been two complaints made regarding 915 Wren Circle. The first complaint was submitted in 2016 regarding alleged recycling of aluminum; this complaint was unfounded. The second complaint was made this past year and regarded failure to maintain the home as required, performing additional work on the property without required permit, junk, debris, and lack of water service at the home. This second complaint was submitted to a Special Magistrate Hearing and the Magistrate Ordered Compliance was achieved. The complaint was received on 07/11/2019 and resolved (violations corrected) on 11/01/2019 (less than 120 days). Fortunately, as a result, it was not necessary to seek an injunction in this specific case for the code enforcement issues.

House Bill 625 has been filed with the Florida State Legislature that would extend notice requirements, clarify the process, and broaden the activities considered to be a nuisance. The process clarification and the additional nuisance activities should provide a more efficient and effective abatement of nuisance properties, should it pass in the Legislature.



Since Chapter 74, Article IV of the Brevard County Code addresses "Nuisance Abatement", and the Board has previously authorized the County Attorney's Office to seek both legal and equitable remedies for ongoing code violations, the Board may wish to consider accepting the recommendation as fulfilled.

Staff recommendation: Staff recommends accepting the recommendation as fulfilled.



County Attorney's Office
2725 Judge Fran Jamieson Way
Building C, Room 308
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

TO: Frank Abbate, County Manager
THRU:  Eden Bentley, County Attorney
FROM:  Shannon L. Wilson, County Attorneys' Office
SUBJECT: CEER #2020005 - Increase bond costs for frequent offenders
DATE: January 14, 2020

RECOMMENDATION: Reject. The decision-making authority for deciding the appropriate bail in criminal cases resides with the judicial branch.

ISSUE:

This Citizen Efficiency and Effectiveness Recommendation was received by the County from Ms. Louise E. Crouse identified as being affiliated with the Barefoot Bay Neighborhood Watch. Her suggestion is as follows:

Frequent offenders, especially in the drug violations and related charges have lower bond rates which allow the charged individual to bond out in a short amount of time. Within hours of his arrest, the offender can be back on the streets doing whatever he needs to do to continue drug use, selling, distributing and associated crimes to support himself.

If bonds were set as graduated charges it might be more difficult for a frequent offender to be released. The county would recover more money to support the court system and provide protection for law abiding citizens.

The 'areas' affected were identified as the Sheriff of Brevard County and the State Attorney. The program affected was identified as Court Programs.

This office has been tasked with providing a response as to the recommendation.

ANALYSIS:

The County, other than funding certain needs of the Court system of the 18th Judicial Circuit and the State Attorneys' Office (office space, etc.) and the budget of the Sheriff, as required by statute, has no role in directing or supervising the court system, the Sheriff or the State

Subject: CEER #2020005, Increase bond costs for frequent offenders

Date: 1/14/20

Attorneys' Office or role in determining bail. The Circuit and County Court Judges, the Sheriff and the State Attorney are separately elected officials. Additionally, neither the Sheriff or the State Attorney decides the issue of bail. The decision regarding bail is made by the judiciary as provided for by Florida state statute and Florida Rules of Criminal Procedure (as referenced to below).

Bail is typically set based upon a bail bond schedule issued by the Chief Judge of each Circuit, by local administrative order. This bail schedule is used by law enforcement when 'booking' a defendant into the County jail. A defendant is seen by a judge within 24 hours of being admitted into the jail to review probable cause for the arrest and to review bail for any increase or decrease deemed appropriate by the judge. The State Attorneys' Office prosecutes criminal case – not the County. Both defense counsel and the State Attorneys' Office have the option to file motions to review bail during the pendency of the criminal charges to present their viewpoint on what a reasonable bail amount would be and any restrictions which should be imposed regarding a defendant's release. The judge, in the judge's discretion, can increase, take no action or reduce the bond based upon factors set forth in statute and Criminal Rules of Procedure.

The focus of the statutes and the rules is that whether the defendant would appear for any court appearances if released and whether he/she would pose a risk of physical harm the community.

Article 1, Section XIV of the Florida Constitution provides as follows:

SECTION 14. Pretrial release and detention. Unless charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of municipal or county ordinance shall be entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process, the accused may be detained.

Per Florida Statute 903.011 "Bail" and "bond" include all forms of pre-trial release including nonmonetary bond/release.

Per Florida Statute 903.03 "..., the court having jurisdiction to try the defendant shall, before indictment, affidavit, or information is filed, have jurisdiction to hear and decide all preliminary motions regarding bail..."

Florida Statute 903.046 sets forth the factors a court is to consider when deciding whether to release a defendant on bail or other conditions, and what that bail or those conditions may be.

Subject: CEER #2020005, Increase bond costs for frequent offenders

Date: 1/14/20

Florida Rules of Criminal Procedure are adopted by the Florida Supreme Court (as authorized by Florida Statute 25.032). These rules govern the procedure in all criminal proceedings in state courts (Fla. R. Crim P. 3.010).

Further Florida Rule of Criminal Procedure 1.131 sets forth the process the court must follow in determining a defendant's release pending trial:

The judicial officer shall impose the first of the following conditions of release that will reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process; or, if no single condition gives that assurance, shall impose any combination of the following conditions:

(A) personal recognizance of the defendant;

(B) execution of an unsecured appearance bond in an amount specified by the judge;

(C) placement of restrictions on the travel, association, or place of abode of the defendant during the period of release;

(D) placement of the defendant in the custody of a designated person or organization agreeing to supervise the defendant;

(E) execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof; provided, however, that any criminal defendant who is required to meet monetary bail or bail with any monetary component may satisfy the bail by providing an appearance bond; or

(F) any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours.

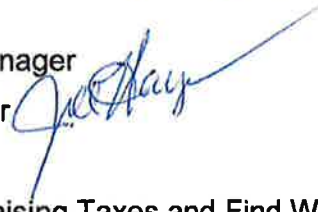
SUMMARY: The statutes and Criminal Rules of Procedure referenced above make it clear that that the authority to set bail resides with the judiciary.



Brevard County Budget Office
2725 Judge Fran Jamieson Way
Building C, Room 303
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Frank Abbate, County Manager
FROM: Jill Hayes, Budget Director 
DATE: January 21, 2020
SUBJECT: CEER #2020006, Stop Raising Taxes and Find Ways to Cut Waste
RECOMMENDATION: Accept

CEER #2020006 was received by the County from Jesus Martinez.

Problem Description:

"It seems like every year and on many occasions during the years, someone comes up with an idea that will cost the taxpayers more in property taxes. Those of us who own property in Brevard County pays the majority of the funds required to operate public schools. We also pay for services including emergency services, recreation, and maintenance of our rivers and lagoons, etc. The cities also tax us, like for example Melbourne, who is now building a new police station with taxes we will have to pay for the next 30 years.

So please, the next time a newly elected commissioners comes up with a nice to do or have project that is going to cost a tax increase for those of us who are on fixed incomes, say no. There are roads that are falling apart, bridges that need repair or replacement, sewers and storm water pipes that need replacement, and these are way more important than spending approximately \$5 million to rebuild a dock that not all Brevardians use or need.

The seniors of Brevard have many needs and they are costing us more and more each day fueled by the demand for higher wages and pay increases. Money does not grow on trees but it certainly grown in the property of those who own a home in our county.

A suggestion for all those wealthy commissioners who have no problem with paying higher taxes for luxury items or nice to have services and things, is to add an additional 25% homestead deduction for seniors over the age of 65, who only source of income is social security and military retirement, State or municipal retirement. Cost of living in Brevard County since the space industry has moved in is becoming unattainable for the senior population who are on fixed incomes. It is very unfair to balance the county and

Phone (321) 633-2153

Website: www.BrevardCounty.us

CEER #2020006
January 21, 2020

school budget on the back of property owners. Everyone needs to contribute equally. I worked at BPS and know well just how much waste there is, and how sports keep getting larger and larger. We want our kids to be educated, but nowhere did we agree to pay for exorbitant sports activities that raise the school budget extensively.

Please look for ways to reduce unnecessary spending. When I was a kid, if I played school baseball, my parent paid for everything including umpires, field maintenance, equipment and uniforms. If you have a boat and want to enjoy the waters, then maybe you should be paying a marina to launch your boat. Since when do poor seniors on a fixed income, who can't even afford to eat out and are glad to own a modest home mortgage, were forced to pay so younger people can play in the water in their expensive boats?

Please be fiscally responsible; it does not take much; all you have to do is say No. Please have gotten used to having government pay for all their pleasures, mishaps as a result of irresponsibility, etc.

Thank you."

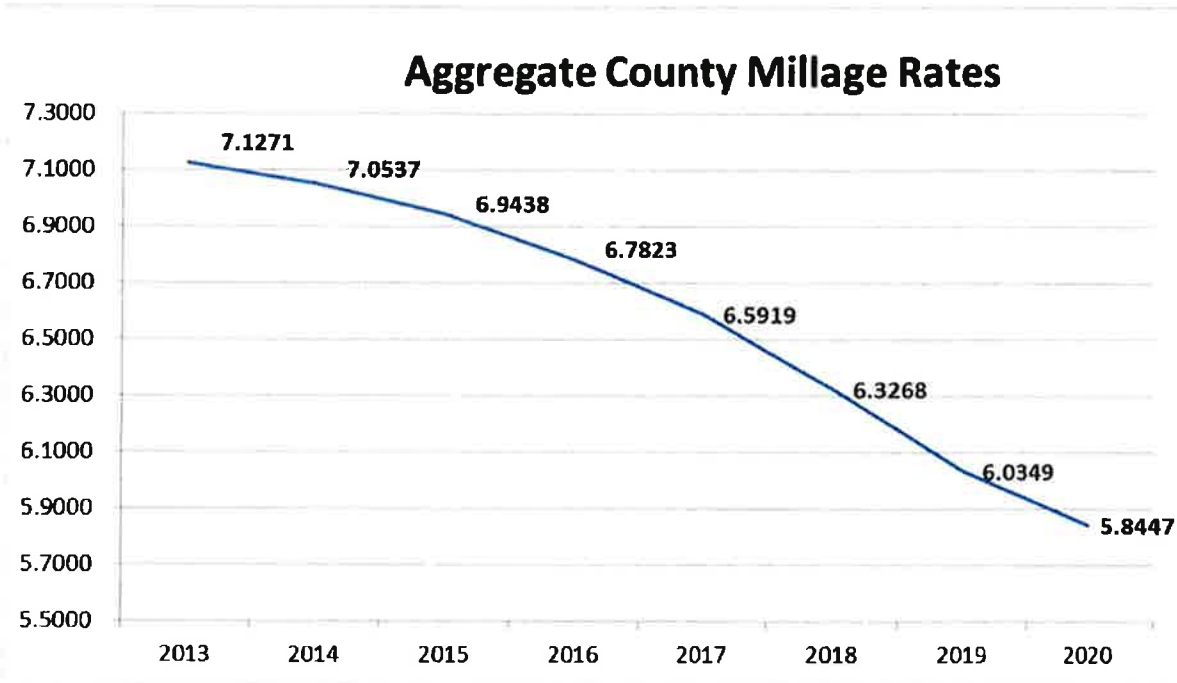
Recommendation Description: "Be responsible with our money and treat it as if it were yours. Come up with a better formula to not tax the old as you tax the young who may have multiple kids in school and use beautiful country club like county facilities that the average senior cannot afford to use because they are too old, ailing or don't have the money to buy the gear. Please treat seniors with dignity as they are the reason we have this place called the United States of America and Brevard County, Florida."

Staff Analysis:

Chapter 200, F.S., and Chapter 12D-17, Florida Administrative Code (F.A.C.), state the specific requirements for establishing property taxes. Florida state laws provide for public input and for governing bodies of taxing authorities to state specific reasons for proposed changes in taxes and the budget. Brevard County Board of County Commissioners (BOCC) must adopt a budget and millage rates in accordance with these laws. <https://floridarevenue.com/property/Documents/trimregwb.pdf>

Property taxes are based on the value of property and are geographically dependent. In his problem description statement, Mr. Martinez discussed funding for schools as well as taxes levied by cities. Neither the Brevard County Public Schools nor the municipalities such as the City of Melbourne fall under the authority of the BOCC. These entities are individual taxing authorities with separately elected officials, and the BOCC has no jurisdiction over the schools or cities.

The following chart displays Brevard County's aggregate millage rate, which has decreased by approximately 18% since Fiscal Year 2012-2013.




Staff Recommendation: Accept. Mr. Martinez suggested adding an additional homestead exemption for seniors. As allowed by Florida Statute 196.075, Brevard County currently provides the Limited-Income Seniors Exemption, which provides an additional exemption for residents age 65-years and older who do not exceed state-mandated maximum income. Citizens may apply for this exemption through the Brevard County Property Appraiser's Office. <https://www.bcpao.us/exemptions.aspx?t=2.7.1>. Additionally, staff is commented to continue focusing available resources on established Board priorities in a fiscally responsible way.



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Frank Abbate, County Manager
FROM: Jill Hayes, Budget Director 
DATE: January 21, 2020
SUBJECT: CEER #2020007, Fees Paid for Cash Alternative Payments
RECOMMENDATION: Accept with Modifications

CEER #2020007 was received by the County from Aamir Khan, MD, Platinum Transaction Merchant Services.

Problem Description:

"One area that can, and should be evaluated annual is the fees paid to accept cash alternative payments. If these fees are not being reviewed then rates and fees may be increasing. These fees and merchant program must be reviewed by a 22 year experienced like myself and the detailed findings discussed openly."

Recommendation Description:

"I recommend having your merchant statements reviewed by my office and lower price points discussed and contemplated."

Staff Analysis:

Merchant fees and statements are reviewed periodically by County departments and County Finance. These statements are accessible to the public, therefore independent vendors can evaluate and provide feedback to the County at any time.

Switching merchant providers would require a competitive procurement process, to include either issuing a Request for Proposal (RFP) or piggy-backing another government entity's existing contract. There are many variables that would need to be considered prior to switching merchant providers:

- Payment Card Industry (PCI) Compliance - These standards require merchants and other businesses to handle credit card information in a secure manner that helps reduce the likelihood that cardholders would have sensitive financial data stolen.

CEER #2020007
January 21, 2020

- **Transition Costs** – Potential costs associated with switching merchant services may include purchasing new equipment. Some locations have entered into operating leases for equipment, which must also be considered.
- **Software Compatibility** – Vendors must have the capability to integrate with various software programs that are utilized for County operations.

Brevard County's current general banking services contract expires on September 30, 2022.

Staff recommendation: Accept with modifications. When the County goes out for competitive procurement on our general banking services in two years, we will include merchant services in the proposal.

Wall, Katherine

From: Abbate, Frank B
Sent: Friday, January 24, 2020 3:02 PM
To: Wall, Katherine
Cc: Walker, Don; Roth, Joy
Subject: FW: Citizen Recommendations for the Enhancement of the Effectiveness and Efficiency of County Government

Kathy:

FYI

Frank

From: Shannon Lewis <Shannon.Lewis@mlbfl.org>
Sent: Friday, January 24, 2020 1:03 PM
To: Abbate, Frank B <Frank.Abbate@brevardfl.gov>
Subject: RE: Citizen Recommendations for the Enhancement of the Effectiveness and Efficiency of County Government

Good afternoon, Frank. Please see below in response to the comment/recommendation you received:

The citizen recommendation is to renovate the plaza containing Carabba's Restaurant, generally located at the northwest corner of Palm Bay Road and Babcock Street within the City of Melbourne. While the City does not have authority over the property owner to direct a specific redevelopment of this privately-owned site, the property is zoned C-1 with a General Commercial Future Land Use that would allow restaurant uses. A conditional use approval could allow the use of the property as a bar. Based upon the zoning and future land use, the property owner could pursue a redevelopment of the property in the manner the citizen recommended.

The City of Melbourne works with various businesses that come to the City with a proposal for a specific property, but the business/developer would negotiate the acquisition of the property, not the City. The City offers an Ad Valorem Tax Exemption program for large projects that will bring a large number of jobs with above average Brevard County wages, along with a substantial capital investment. The development of restaurants and bars, however, does not fit into this type of a program. The City works with smaller projects/businesses to assist them with potential economic development incentives available from other sources. The City of Melbourne would be available to talk further with the property owner about any potential redevelopment of the site.

If this isn't what you are looking for or if you have any questions, please let me know.

Regards, Shannon

Shannon M. Lewis
City Manager
City of Melbourne
(321) 608-7200
shannon.lewis@mlbfl.org

From: Abbate, Frank B [<mailto:Frank.Abbate@brevardfl.gov>]

Sent: Tuesday, January 14, 2020 9:24 AM

To: Shannon Lewis <Shannon.Lewis@mlbfl.org>

Subject: Citizen Recommendations for the Enhancement of the Effectiveness and Efficiency of County Government

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Shannon,

Under Section 2.9.10 of the County Charter, the Board of County Commissioners annually receives Citizen recommendations for the enhancement of the effectiveness and efficiency of County government. The Charter provides that these written recommendations will be reviewed by the County Commission and following that review the County Commission shall vote to either accept the recommendation, accept the recommendation with revisions, or reject the recommendation.

The attached recommendation addresses unused stores on Palm Bay Road. Understanding this an area under your jurisdiction and purview of the City of Melbourne and respecting your insight and authority on such matters, I am forwarding this recommendation for your review and input. If you and/or your staff have any feedback to offer, please provide it within the next thirty days. That will provide me the opportunity to incorporate that feedback in the staff response we share with the Board of County Commissioners. We are planning to complete staff input on all citizen recommendations by mid-February. I recognize you may not have any feedback you wish to offer. If you decide not to provide any feedback, it is our intention to recommend that the Board of County Commissioners reject the recommendation as it is not within the Board's jurisdiction to address. We will inform the Board we have passed the recommendation on to your office. Thank you for giving this matter your consideration and attention.

Respectfully,

Frank

Frank Abbate
County Manager
2725 Judge Fran Jamieson Way, Bldg. C
Viera, FL 32940
PH: (321) 633-2001
FAX: (321) 633-2115



BOARD OF COUNTY COMMISSIONERS

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."




BOARD OF COUNTY COMMISSIONERS

Office of Human Resources

2725 Judge Fran Jamieson Way
Building B, Room 209
Viera, Florida 32940

Inter-Office Memo

TO: Frank Abbate, County Manager
FROM: Jerry Visco, Human Resources Director 
SUBJ: Citizen Efficiency and Effectiveness Review
DATE: February 27, 2020

CITIZEN RECCOMENDATION:

Name Alan M Harte Address: 826 HUNTINGTON ST NE, PALM BAY FL 32907 1409

Phone (321) 220-0366 Email anhgemini@yahoo.com

Recommendation ID 2020009

Recommendation Title Cost cutting

Current problem Cost cutting in Brevard county.

Recommendation Eliminate redundant positions to reduce costs. All county employees to work 10 hrs./day Mon. thru Thursday with Friday's off with the exception of law enforcement & fire dept. & any other employees deemed essential by the county. Close county buildings on Friday's to save electricity & money. State & federal employees would not be affected & anyone else not on the county payroll. Pay county employees every other week to save payroll costs. Eliminate all unnecessary overtime. I understand that all county students receive free breakfast & lunch regardless of family income. Only those students whose family income is below a preset figure should receive free breakfast & lunch. All other students who want breakfast & lunch from the school cafeteria should be charged a reasonable amount. These suggestions may sound harsh but it is difficult to cut costs without offending a sector of the population.

STAFF COMMENTS:

With regard to the elimination of redundant positions, staff is directed to review and evaluate their departments staffing needs during budget preparation annually. Particular attention is given to those positions remaining vacant for extended periods of time. Department justification to retain those positions is reviewed by County senior leadership during the upcoming budget process before funding for those positions are authorized.

The concept of scheduling County employees on 4/10 hour days has been evaluated and implemented on a trial bases in the past. While the opportunity for implementing this type of work schedule is available for individual departments /offices and employees if operational requirements can still be met, implementation County wide was found to not produce the savings/efficiencies anticipated as there are a number of County functions unable to limit their hours of operation.

The impact on customer service and the public's ability to access County offices was also a concern if all government offices were able to be closed one additional day per week. Rotating staff on a 4/10 schedule while still allowing for offices to be open 5 days a week would not allow for any energy related savings. Presently, unoccupied County Offices have reduced lighting and HVAC from Friday afternoons through Monday mornings, an additional day shutting down County Offices would not allow for significant additional energy savings as HVAC system would need to continue to operate at some level.

Currently, County employees are paid every other week with direct deposit, electronic fund transfers, being the required mechanism for payroll distribution as another means of reducing payroll costs. Overtime is closely managed by Department Directors and senior managers. No overtime is authorized without prior management approval.

School lunch programs are not within the purview of the Board of County Commissioners. This is a program managed by the Brevard County School Board and the Superintendent of Schools. County Human Resources has reached out to the School Board and obtained the following information related to that program:

All students are in fact eligible under a U.S. Department of Agriculture (USDA) program for free breakfast. This program has been in place for over 20 years and allows for the schools to obtain USDA subsidies in accordance with reduced pay or no pay criteria to offset the cost of that program. There is no school system wide free lunch program. Free or reduced pay lunches are only available in 5 schools under a Community Eligibility Provisions Program administered by the USDA or to individual students that meet household income eligibility requirements established by the USDA qualifying them for free or reduced cost lunches.

Staff recommendation: It is recommended that the Board of County Commissioners accept with modification CEER 2020009.




BOARD OF COUNTY COMMISSIONERS

Public Works Department
2725 Judge Fran Jamieson Way
Building A, Room 201
Viera, Florida 32940

Inter-Office Memo

TO: Frank Abbate, County Manager

FROM: John P. Denninghoff, Assistant County Manager 

SUBJ: Citizen Efficiency and Effectiveness Recommendation #2020011
Tolls from Orlando

DATE: February 26, 2020

Citizen Recommendation:

A Citizen Efficiency and Effectiveness Recommendation (CEER) was submitted to Brevard County from Mr. David W. White that described the following Problem and Recommendation:

Problem: I think Merritt Island suffers economically from the high cost to reach the large job centers of Orlando. Eliminating the tolls for Brevard residents would make the area more affordable and attractive to people who work in Orlando. As it is, the tolls operate as an economic disincentive to live here thereby decreasing economic activity in the area.

Recommendation: Eliminate the tolls for people with verified Brevard addresses.

Staff Analysis:

The roads referred to in the Citizen Efficiency and Effectiveness Recommendation #2020011 are a system of 120 miles of expressway roads in the Central Florida area. The expressway roads are managed by the Central Florida Expressway Authority (Authority). The Authority is an agency of the State of Florida and according to Section 348.753(c), Florida Statutes, the Authority is required to collect toll revenues and apply such revenues to the repayment of debt. Toll revenues are a pledge revenue to secure the repayment of outstanding bonds as well as maintenance and operation of the expressway road system. There are no toll roads on Brevard County road systems. However, when a state of emergency is declared, the Governor may suspend tolls on the expressway roads for the period of the emergency.

Staff Recommendation:

Staff recommends that the Board of County Commissioners reject CEER #2020011, because the County has no jurisdiction over the tolls levied by the Central Florida Expressway Authority.





BOARD OF COUNTY COMMISSIONERS

Public Works Department
2725 Judge Fran Jamieson Way
Building A, Room 201
Viera, Florida 32940

Inter-Office Memo

TO: Frank Abbate, County Manager

THRU: John P. Denninghoff, Assistant County Manager 

THRU: Corrina Gumm,  Interim Public Works Director/Traffic Operations Program Manager

FROM: Susan Jackson, Assistant Public Works Director/Road and Bridge Program Manager

SUBJ: Citizen Efficiency and Effectiveness Recommendation #2020012
Cleanup before mowing

DATE: March 2, 2020

Citizen Recommendation:

A Citizen Efficiency and Effectiveness Recommendation (CEER) was submitted to Brevard County from Mr. Paul A. Kamus that described the following Problem and Recommendation.

Problem: "All litter should be picked up before mowing. Litter is easier to collect in one big piece as opposed to smaller multiple pieces."

Recommendation: "Ask organizations to volunteer to cleanup areas of upcoming mowing locations in an effort to reduce the amount of litter in our environment. Suggest the cleanups could be part of a team building endeavor."

Staff Analysis:

There are litter reduction efforts that are already captured in programs such as the Keep Brevard Beautiful (KBB) initiative. This includes the Adopt-An-Area program that asks organizations to volunteer to remove litter within an area, including all county roads. The sponsor coordinates cleanups with KBB in advance, and that they adhere to specific litter control activities that do not conflict with the County's mowing operations.

In response to similar requests, we have previously evaluated options for sending a crew ahead of mowers to pick up litter, including using inhouse labor resources or using Sheriff's inmates. We found that both of these options would require that we create new positions as our current labor

resources are being used to mow, clean ditches, repair sidewalks and roads, and prepare roads for resurfacing.

Utilizing inmates requires that they be picked up and dropped off daily by one of our employees. Each inmate has to be supervised and would need to be provided with the appropriate equipment for litter pickup. Each supervisor will need a pick-up truck with a utility trailer for trash removal equipment. It was estimated that the initial probable cost would be \$1.2 Million in the first year to start a countywide program utilizing inmates. There would also be a cost associated with the collection and disposal of the litter, and ongoing staffing and equipment maintenance costs.

The cost would be similar if we were to hire employees specifically for picking up trash ahead of mowers as both options require a new employee, a truck w/ trailer, and equipment. If the Board of County Commissioners gave consideration for additional funds for this purpose, staff would request that we provide additional mowing before we add litter pickup. We do receive complaints about our mowing cycles, which varies between 4-8 cycles per year, depending on position vacancies, mechanical issues, weather, and other maintenance projects. With the current staff on hand, if litter were picked up before mowing, mowing cycles would drop to approximately two per year, resulting in vegetative overgrowth in the right-of-way and along road sides.

While the County takes litter control seriously for a number of reasons, at present these aforementioned options are not currently feasible due to financial constraints for the Road & Bridge Maintenance Program. The suggestion to ask organizations to volunteer as part of a team building endeavor to clean up areas is already in place within Keep Brevard Beautiful.


Staff Recommendation:

It is recommended that the Board of County Commissioners accept with modification. CEER #2020012, KBB and Adopt-An-Area initiatives will strive to coordinate litter pick-up activities with County mowing operators.



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Frank Abbate, County Manager
FROM: Jill Hayes, Budget Director 
DATE: January 21, 2020
SUBJECT: CEER #2020013, Tax Revenue
RECOMMENDATION: Reject

CEER #2020013 was received by the County from Andrew Dreisbach.

Problem Description:

“Revenue for Schools, Roads, Fire Rescue, Law Enforcement... all Brevard County infrastructure.”

Recommendation Description:

“Utilize revenue from Port Canaveral which has a reported estimate of over \$100 million and mandate funds to be distributed to county infrastructure and services that the port use and take advantage of. Keep funds in the County...”

Staff Analysis:

The County’s authority to impose taxes is limited by the Florida constitution and state law. In other words, counties do not have inherent power to impose taxes. Authorization to impose taxes must come from the Florida constitution or state law Art. VII, §§ 1(a), 9(a), Fla. Const. Leasehold improvements at Port Canaveral are being taxed in accordance with Florida law. Brevard County Board of County Commissioners does not have jurisdiction to mandate the allocations of funds from Port Canaveral.

Staff recommendation: Accept with modification as leasehold improvements at Port Canaveral are being taxed by Brevard County in accordance with Florida Statutes.



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Frank Abbate, County Manager
FROM: Jill Hayes, Budget Director
DATE: January 21, 2020
SUBJECT: CEER #2020014, Tax Revenue

RECOMMENDATION: Reject

CEER #2020014 was received by the County from Andrew Dreisbach.

Problem Description:

Increase revenue for County Infrastructure

Recommendation Description:

Utilize a portion of the \$100 million Port Canaveral is reporting to have earned and fund County infrastructure. Schools, roads, fire rescue, and law enforcement.

Staff Analysis:

The County's authority to impose taxes is limited by the Florida constitution and state law. In other words, counties do not have inherent power to impose taxes. Authorization to impose taxes must come from the Florida constitution or state law Art. VII, §§ 1(a), 9(a), Fla. Const. Leasehold improvements at Port Canaveral are being taxed in accordance with Florida law. Brevard County Board of County Commissioners does not have jurisdiction to mandate the allocations of funds from Port Canaveral.

Staff Recommendation: Accept with modification as leasehold improvements at Port Canaveral are being taxed by Brevard County in accordance with Florida Statutes.






County Attorney's Office
2725 Judge Fran Jamieson Way
Building C, Room 308
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Frank Abbate, County Manager

THRU:  Eden Bentley, County Attorney
Virginia Barker, Director, Natural Resources Management 

FROM: Christine Valliere,  Assistant County Attorney

DATE: January 10, 2020

SUBJ: 2020 Citizen Efficiency & Effectiveness Review (CEER) # 15 –
Derelict Vessels

RECOMMENDATION: Reject

Question:

The following suggestion was received from Patrick Waters:

Problem Description:

The cost of removal of derelict marine vessels in Brevard Co. waterways. Currently the County pays to have the vessels removed at great cost to the taxpayer and no cost to the responsible party. The vessels also threaten additional pollution to the lagoons with the leakage of fluids and other toxic substances, as well as a danger to other boaters posing obstructions on the beaches and waterways

Recommendation Description

Pay a bounty to a Brevard Co. pre-approved, what I would call Vessel Bounty Recovery person that identifies the owner of the derelict vessels thru record and title research and allows the County to access the vessel owner the cost of removal or mandate the resident remove the vessel. Boats that have serial numbers and licenses removed can be researched by make/year of vessel. All titles have make, model and year and other details that will allow us to identify the owner. The cost of the Bounty could be set at 25% of removal cost. So the

Frank Abbate, County Manager
January 10, 2020

County would only be accountable for 25% of the removal cost vs. the current 100%

Analysis:

Efforts to recover the cost of derelict vessel removal from the owners currently occur. The removal of derelict vessels from public waters is strictly controlled by Florida Statutes. Ch. 327. Vessel Safety, Ch. 376. Pollution Discharge Prevention and Control Act and Section 823.11. Removal of Derelict Vessels.

The state Fish and Wildlife Conservation Commission (FWC) and local law enforcement are authorized to remove vessels that are determined through a state-mandated process to be derelict. Section 376.15(a), Fla. Stat. Local governments can partner with FWC through a grant program to manage removal of derelict vessels and Brevard County has participated in the program for several years. Section 376.15(3)(d), Fla. Stat. This grant program is funded through the Florida Coastal Protection Trust Fund. Additional funding for derelict vessel removal is provided through grants from the Florida Inland Navigation District and the Tourism Development Council. County Natural Resources Management staff provides local management of these grant programs along with the support of FWC and the Sheriff's Office.

The state grant program requires FWC or local law enforcement approval for the removal of each derelict vessel. The removal process involves a vessel registration and title records search to determine the vessel owner. FWC or local law enforcement conducts this search because access to these records is not available to the public or county staff. The qualifications of the removal contractors are established by state law. Section 823.11 (3)(c), Fla. Stat.

FWC and law enforcement are authorized to recover the cost of removal of derelict vessels from the owners. Section 376.15(3)(a), Fla. Stat. Any owner who refuses to pay for the cost of removal is prohibited from subsequently obtaining a registration for the removed vessel or any other vessel or motor vehicle until the costs are repaid. Section 823.11 (3)(b), Fla. Stat. This provision does not apply to the costs incurred by non-law enforcement local government staff.

Abandoning derelict vessels in public water ways is a first-degree misdemeanor punishable by up to one year in jail and a \$1,000 fine. Sections 823.11(5), 775.082, 775.083, Fla. Stat. All repayment of removal costs can be mandated through the court

Frank Abbate, County Manager
January 10, 2020

system as a judgment and associated fine/penalty. All court-mandated repayments are presently added to the County's derelict vessel removal funding account.

In addition to criminal penalties, the Florida Department of Environmental Protection has independent authority to impose civil penalties of up to \$50,000 per violation, per day for the abandonment of derelict vessels in public water ways. Section 376.16, Fla. Stat.

The derelict vessels the County removes are often owned by persons who may be considered indigent and/or homeless and in many cases are deceased, which makes cost recovery very improbable or impossible.

In conformance with the funding mechanisms for derelict vessel removal, the County maintains a competitively bid procurement contract with a derelict vessel removal contractor, a licensed marine contractor meeting statutory and grant program requirements. State grant funding, in combination with locally derived boating registration fees, usually covers the majority of contractor costs. Historically, excluding hurricane response, Brevard County has spent roughly \$40,000 per year to remove about 10 derelict vessels annually with about 75% reimbursement from State grants.

With recent changes in state law that facilitated a local ordinance change, a portion of Tourist Development Tax is now allowed to be spent on lagoon restoration, therefore through a funding partnership approved by the County Commission, a local fund of \$500,000 was established last year to increase the budget for derelict vessel removals. With these funds, the removal rate has increased to about one vessel per week, which is keeping pace with the rate that law enforcement clears boats for removal by the County.

Recommendation:

The County currently funds about 25% of the removal cost of derelict vessels, with about 75% funded through reimbursement grants. County staff work with law enforcement to recover costs, whenever possible, and to leverage local funds with grants from multiple agencies. While state law allows the County or state to issue fines and file court documents to try to recover removal costs, a private bounty hunter would not have access to this process, nor would they be able to apply for grants directly.



County Attorney's Office
2725 Judge Fran Jamieson Way
Building C, Room 308
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

TO: Frank Abbate, County Manager

THRU:  Eden Bentley, County Attorney

SUBJECT: Robert's Rules question CEER # 2020016

DATE: January 10, 2020

RECOMMENDATION: Reject, with the proviso the BCC could alter some procedures if it chooses to do so.

Question :

The citizen request received by the County from Jim L. Ridenour is as follows:

"The Board of County Commissioners consistently violates Robert's Rules by allowing agenda items to be discussed without a "second" on same. I was in attendance at one meeting where there were four motions on the floor at the same time without a second and all four were being discussed. When I brought this to a County Attorney's Associates's attention after the meeting, the reply was "we have modified rules we go by". That is totally unacceptable unless we begin each meeting with a Motion to suspend the Rules and if done, then we would be in violation with the County Charter which very clearly states that all meetings will be conducted in accordance with Robert's Rules of Order."

The recommendation from Mr. Ridenour is that the Board of County Commissioner only discuss an item after a motion and second. He further recommends that each commissioner call "Point of Order and/or move for "suspension of the rules" before allowing an item to be discussed before a motion and a second.

This office has been tasked with providing input.

Analysis:

The Board of County Commissioners adopted "Board Meeting Rules and Procedures " in BCC-97 on September 5, 2019. That policy provides in Section III (A):

III. Rules and Procedures

A. Robert's Rules of Order and Quorum Requirements

1. The Board of County Commissioners hereby adopts The Scott, Foresman Robert's Rules of Order, Newly Revised, 1990 Edition and any future editions of the same, as a guideline for conducting its meetings.

2. No action taken by the Board of County Commissioners shall be deemed invalid or otherwise unlawful for failure to strictly comply with Robert's Rules of Order.

3. To the extent of any conflict between rules or policies adopted by the Board of County Commissioners and Robert's Rules of Order, the adopted rules or policies of the Board of County Commissioners shall govern.

In addition, in Section III (K) the Rules of Procedures provides:

K. Suspension of Rules

1. Any provision of these rules, including the provisions of Robert's Rules of Order as incorporated by these rules, may be suspended by majority vote of the Board of County Commissioners to the extent that such a suspension would not be inconsistent with applicable law.

The chair is given the authority to conduct the meetings in accordance with Robert's Rules of Order and BCC-97 in Section III(C) of the policy entitled Board Rules and Procedures.


Many items on the agenda are public hearings and special rules apply to public hearings; for example, in quasi-judicial matters, it would be highly improper to make a motion prior to accepting public comment.

Conclusion:

In summary, while the Board of County Commissioners could in some instances follow the approach suggested by Mr. Ridenour, rigid adherence to the Robert's Rules is not required and the Board may alter procedures as it deems appropriate, so long as due process is provided as necessary.



Purchasing Services
2725 Judge Fran Jamieson Way
Building C, Room 303
Viera, Florida 32940

TO: Frank Abbate, County Manager
FROM: Steven A. Darling, Jr., Central Services Director 
SUBJECT: Gold Retrieval CEER #17
DATE: January 14, 2020

Recommendation: Reject

Question:

All the time old computers and electronics are just being tossed! Piles and piles of old electronics have thin layers of gold inside them. Gold is a conductor of electricity. The gold can be extracted by using basic science. If the city was to make an electronic scrapping department, which I'd like to lead because it's my idea, the gold that would be collected could generate major revenue. We could sell this gold to jewelers so they can make gold jewelry.

The benefits of extracting gold out of electronics that are being tossed in the trash: Major revenue for the county, new gold scrapping industry, more jobs here in Brevard.

Analysis:

Current gold market values show gold value of \$1,561.65 per ounce. Computers are estimated to contain 0.008 ounces of gold on their mother board. Given these estimates, each computer is estimated to contain \$12.74 worth of gold.

During Fiscal Year 2019 the County sold 603 surplus computers. Had the County removed the gold from each computer prior to selling, that would have netted \$7,682.22. The County received \$17,210.73 from the surplus sale of the 603 surplus computers averaging \$28.54 per computer.

The process of removing the gold from computer is tedious and time consuming. It can take several hours along with using hazardous chemicals to remove the gold from one computer. Given this information, the County would need to employ specific individuals trained in the removal of gold and use of hazardous chemicals in order to implement this recommendation. The County would also need to dedicate a clean room where working with the chemicals required is not a safety hazard. All of this would far exceed the value of recycling the gold from the computers the county sells as surplus each year.



Parks and Recreation Administration

2725 Judge Fran Jamieson Way
Building B, Room 203
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

TO: Brevard County Board of County Commissioners

THRU: Frank Abbate, County Manager *FAB*
Board of County Commissioners

THRU: Jim Liesenfelt, Assistant County Manager *JL*
Community Services Group

FROM: Mary Ellen Donner, Director *MED*
Parks and Recreation

DATE: January 15, 2020

SUBJECT: Citizens Efficiency and Effectiveness Recommendation # 2020018
Signage for Dogs on Beach

Recommendation: Accept With Modifications

A Citizen Efficiency and Effectiveness Recommendation (CEER) document # 2020018 was submitted by Ms. Brenda Petzke, 55 N 4th Street, Cocoa Beach, FL. Ms. Petzke recommends that signs be posted where and when it is allowed to have and not to have dogs on the beach.

Staff offers the following:

Canova Beach Park is home to Brevard County's only dog-friendly beach. The park is located at 3299 Highway A1A, Indian Harbour Beach, FL. The dog beach is open from dawn to dusk. The Park has posted signs indicating the boundaries of the dog beach.


On January 14, 2020 staff spoke with Ms. Petzke. Ms. Petzke informed staff that the CEER she submitted, CEER #2020018, is referring to the dog beach located in the City of Cocoa Beach between 4th Street South and the north side of Murkshe Park. The Citizen Efficiency and Effectiveness Recommendation was sent to the City of Cocoa Beach for their consideration.

Staff recommendation:

It is recommended that the Board of County Commissioners accept with modifications Citizen Efficiency and Effectiveness (CEER) #2020018.



Purchasing Services
2725 Judge Fran Jamieson Way
Building C, Room 303
Viera, Florida 32940

TO: Frank Abbate, County Manager
FROM: Steven A. Darling, Jr., Central Services Director 
SUBJECT: Managed Print / IT Assessment CEER #19
DATE: January 14, 2020
Recommendation: Reject

Question:

I am a local rep and work for a global company that can do an assessment to streamline virtually any wasteful process. We supply toner on a flat rate for unlimited printing as well. Government may purchase on GPO at vastly discounted pricing. You need to at least let the consultants in and perform an assessment. These are done at no charge, but the cost is time. The assessment belongs to the County and they may shop it to other vendors. If we find nothing wrong, we will tell you as well.

Analysis:

Our current contract for Multifunction Copier/Print/Fax Device Rental provides Brevard County with an all-inclusive service that covers toner, service (maintenance and repairs), and the multifunction copier unit itself. This contract is current through March 5, 2023, and it locked in pricing for five years, which provides value against price increases in the future. We are provided this service, equipment, and toner at a per page print cost of \$0.0399 for color copies, and \$0.01368 for black and white copies. Since this is a rental contract, we are not incurring the depreciation and maintenance costs that would be required to operate a toner-only service, where we had to purchase and service our own multifunction units. If Brevard County were to implement a toner-only service, we would lose out on the repair service included, and we would have to purchase our own multifunction copier units. Implementing a toner-only service would create a greater cost and burden to the County. The value that we receive by having an all-inclusive contract greatly outweighs the potential savings on toner alone. This would also create an administrative burden by causing the County to dissolve its current contract and solicit individual services and goods to replace what we would miss out on. Furthermore, this is a vendor solicitation that would go through the competitive solicitation and this vendor who recommended would be added to the supplemental vendor list to be notified that the solicitation is advertised for bid.



Solid Waste Management Department

2725 Judge Fran Jamieson Way
Building A, Room 118
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

February 6, 2020

TO: Board of County Commissioners

THROUGH: Frank Abbate, County Manager *FA*
Board of County Commissioners

THROUGH: John Denninghoff, Assistant County Manager
Development & Environmental Service Group *JD*

FROM: Euripides Rodriguez, CIA, Director
Solid Waste Management Department *ER*

SUBJECT: Citizen Efficiency and Effectiveness Recommendation #2020020

In the CEER #2020020 Weekly Trash Pickup, the citizen states the following:

Current Problem

Is it really necessary to have trash picked up twice a week? I've lived in a lot of places and they're all able to get by with weekly trash pickup and monthly recycle pickup.

Recommendation

Trash pickup weekly Recycle pickup monthly Brush pickup monthly This reduces the total number of pickups in a typical month from 16 to 6, resulting in significant cost reduction.

Staff offers the following:

The Board recently solicited a Request for Proposals in which the option of once a week garbage pickup was included. These options with the associated cost were presented to the Board on November 12, 2019. Based on these results, the Board directed staff to negotiate with Waste Management on the twice a week pickup option. Brevard county residents generate a large amount of recycling materials that would not be feasible to pickup once a month. The amount of recyclables varies from resident to resident, but once a month would lead to citizens not recycling once their cart becomes full. Yard waste greatly varies depending on the size of lots and the plants that the residents have. While some do not produce much yard waste there are others that have materials that are put out for collection every week. Having yard waste collection once a month would result in a greater amount of illegal dumping.

Staff Recommendation:

It is recommended that the Board of County Commissioners reject Citizen Efficiency and Effectiveness Recommendation #2020020.



County Attorney's Office
2725 Judge Fran Jamieson Way
Building C, Room 308
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Frank Abbate, County Manager

THRU: *cb* Eden Bentley, County Attorney
Virginia Barker, Director, Natural Resources Management *VB*
Jill Hayes, Director, Budget Office *JH*

FROM: Christine Valliere, Assistant County Attorney

DATE: January 9, 2020

SUBJ: 2020 Citizen Efficiency & Effectiveness Review (CEER) # 21 –
Plastic Bag Ban

Recommendation: Reject due to lack of local authority and the County will monitor the progress of SB 182 and HB 6043

Question:

The following suggestions were received from Christopher A. Janda:

Problem Description.

- A. Ban plastic bags.
- B. Still offer plastic bag use for up to 6 months after ban but charge a county tax. Then eventually require companies to phase them out.

Recommendation Description

Reduce environment footprint and provide temporary revenue increase.

Analysis:

- A. Ban plastic bags.

Brevard is currently preempted from passing an ordinance banning plastic bags. In 2008, the Florida Legislature enacted a ban on the local regulation of plastic bags.

Frank Abbate, County Manager
January 9, 2020

Section 403.7033, Florida Statutes. The state statute specifically prohibits local governments from enacting any regulation “regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags.”

The statute also directed the Florida Department of Environmental Protection to issue a report and recommendations on the regulation of plastic bags. The report was submitted in 2010, but the Legislature has not taken any further action. A copy of the FDEP report can be viewed here:

https://www.khlaw.com/Files/26980_Florida_Retail-Bag-Report_01Feb10.pdf

There are currently two bills pending before the Florida Legislature to repeal the ban on local regulation of plastic bags, auxiliary items and polystyrene containers: SB 182 and an identical bill HB 6043. The 2020 Legislative session convenes on January 14th and lasts for 60 days.

B. Impose a tax on plastic bags for a six-month grace period.

The County’s authority to impose taxes is limited by the Florida constitution and state law. In other words, counties do not have inherent power to impose taxes. Authorization to impose taxes must come from the Florida constitution or state law. Art. VII, §§ 1(a), 9(a), Fla. Const. At present, there is no legal authority for local governments to impose a tax on the use of plastic bags. Even if the preemption on local government regulation in Section 403.7033 is repealed, specific statutory authority would need to be enacted to allow local taxation of plastic bags.

(Click hyperlinks to open referenced documents.)



Solid Waste Management Department

2725 Judge Fran Jamieson Way
Building A, Room 118
Viera, Florida 32940

Inter-Office Memo

BOARD OF COUNTY COMMISSIONERS

January 15, 2020

TO: Board of County Commissioners

THROUGH: Frank Abbate, County Manager
Board of County Commissioners

Handwritten signature of Frank Abbate in blue ink.

THROUGH: John Denninghoff, Assistant County Manager
Development & Environmental Service Group

Handwritten signature of John Denninghoff in blue ink.

FROM: Euripides Rodriguez, CIA, Director
Solid Waste Management Department

SUBJECT: Citizen Efficiency and Effectiveness Recommendation #2020022

In the CEER #2020022 Garbage Mail Combination, the citizen states the following:

Current Problem

Combine garbage and USPS mail routes to remove duplicate travel.

Recommendation

Reduce environmental footprint and transportation costs.

Staff offers the following:

Collection services for garbage within Brevard County is regulated contractually by the County and various municipalities, while mail routes are operated through the United States Postal Service, a federal agency. The responsibilities of mail carriers are incompatible with those of garbage collectors.

Staff Recommendation:

It is recommended that the Board of County Commissioners reject Citizen Efficiency and Effectiveness Recommendation #2020022.





Natural Resources Management Department

2725 Judge Fran Jamieson Way
Building A, Room 219
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Frank Abbate, County Manager

THRU: John Denninghoff, Assistant County Manager
Virginia Barker, Director, Natural Resources Management  

FROM: Mike McGarry, Program Manager

DATE: January 17, 2020

SUBJ: 2020 Citizen Efficiency & Effectiveness Review (CEER) # 023 –
Beach Nourishment

RECOMMENDATION: Reject CEER #23 due to acknowledgment that investment in beach renourishment is an investment in the quality of life of County residents and provides a positive return on investment for our local economy. Also, due to previous Board consideration and action.

Question: The citizen's request received by the County from Maria Shepard of Melbourne includes the following:

Problem Description: We are throwing money away, taxpayer money, every time you renourish our beaches. Not only does this waste money, but also time, and eventually this "sand" washes back out to sea and we are back to square one again. Leave our beaches alone.

Recommendation Description: Don't renourish our beaches. We will save manpower, money, and save our natural reefs in the process.

Analysis:
Brevard County has chosen to use beach nourishment as a management tool to protect upland infrastructure, tax base, and our tourism-based economy. Maintaining public beaches is vitally important to both locals and visiting tourists. Starting in 2000, the County Commission entered into 50-year partnership agreements with the US Army Corps of Engineers for federal shore protection (aka beach nourishment) projects that now encompass roughly 21 miles of the Brevard County shoreline. In order to get Congressional authorization for these federal projects, extensive economic analysis was completed to assure the benefit to cost ratio was positive and that projects provide a net benefit not just to Brevard County but to the nation.

The benefit to cost (B:C) ratio for the remaining life of these projects varies but is consistently over 2:1, thus demonstrating the projects are economically responsible.

In addition to federal cost-share, Brevard County gets significant cost share for our beach projects from the Florida Department of Environmental Protection (FDEP). To evaluate the economic return on investment of the FDEP program, an independent (from FDEP) study was completed by the Florida Office of Economic and Demographic Research in 2015. The study determined that maintenance of beaches through beach nourishment was extremely important to the State, both from a storm protection and recovery perspective, as well as from a tourism branding perspective. The final result of the study showed the state's investment in beach nourishment provided a positive return on investment (ROI) of \$5.40 for every \$1 of state investment. This ROI provides another example that beach restoration projects in the state of Florida provide a significant positive economic return.

Here in Brevard County our beaches are enjoyed by locals and visitors alike. The B:C ratio calculated by the Army Corps of Engineers for Brevard County projects as described above is typically over 2:1. It is important to note that due to federal policy these benefits considered are primarily storm damage reduction benefits rather than recreational or tourism benefits. Brevard County funds its cost share for beach restoration with a portion of the tourism tax, a portion of this tax is collected specifically for and dedicated to beach maintenance. Brevard County receives significant economic benefits from tourists who enjoy the beaches we maintain. In 2017 tourists spent \$2.1 billion in Brevard County, which represents 9% of the County's GDP. Studies show beaches are far and away the most common activity enjoyed by tourists, so the County's investment in beaches is important to maintaining this important part of Brevard's economy.

In addition to being economically responsible, the projects are also environmentally responsible. The image below shows that ten years after nourishment the projects provide healthy dune habitat where nesting numbers for green turtles continue to set records. The newest Mid Reach project was particularly designed to minimize impact to the nearshore reef and was approved by federal and state environmental agencies.



Breakers Condominium Melbourne Beach, Before and After Beach Nourishment

Staff Recommendation:

Reject CEER #23 due to acknowledgment that investment in beach renourishment is an investment in the quality of life of County residents and provides a positive return on investment for our local economy. Also, due to previous Board consideration and action.




Natural Resources Management Department


2725 Judge Fran Jamieson Way
Building A, Room 219
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Frank Abbate, County Manager

THRU: John Denninghoff, Assistant County Manager 

FROM: Virginia Barker, Director, Natural Resources Management 

DATE: January 17, 2020

SUBJ: 2020 Citizen Efficiency & Effectiveness Review (CEER) # 24 – Revenue through Reclamation

RECOMMENDATION: Accept with modification CEER #24. The County uses a competitive procurement process that provide the least cost solution for muck removal rather than awarding work through a non-competitive, sole-source contract.

Question: The citizen’s request received by the County from Mary Allbright of Melbourne, owner of NMES Global, includes the following:

Problem Description: Environmental restoration is costly

Recommendation Description: Sell the muck

Analysis:

Muck covers approximately 6,700 acres of lagoon bottom in Brevard County. Muck increases turbidity, inhibits seagrass growth, promotes oxygen depletion in sediments and the water above, stores and releases nutrients, smothers the natural bottom, and destroys healthy communities of benthic organisms including vitally important seagrass beds that otherwise support abundant fisheries. When lagoon muck is resuspended by turbulence caused by wind, waves or boats, these suspended particles block sunlight and suppress seagrass growth.

Muck deposits are not just harmful to the bottom they occupy but also harm the surrounding area through nutrient flux that feeds larger algae blooms and by resuspension of fine sediments that are transported to adjacent seagrass beds. Muck mapping and flux rates for nitrogen and phosphorus have been estimated through extensive data collection at over 200 sites in the IRL in Brevard. The annual release of nutrients from decaying muck has increased over time and is currently almost equal to the pollutant load delivered annually by stormwater.

in Brevard. The annual release of nutrients from decaying muck has increased over time and is currently almost equal to the pollutant load delivered annually by stormwater.

To stop the harmful impacts of muck and jumpstart ecosystem recovery in Brevard's portion of the lagoon, muck is being removed from the system by dredging. When muck is dredged, it is dewatered and then used as a soil amendment on agricultural lands. Lagoon muck in Brevard is about 90% water and 10% solids. The solids are typically 70% silt and clay, 10% sand and 10% to 30% organic material. On land, as the organic fraction of muck decomposes, it releases nutrients that feed crops instead of feeding algae blooms. Lagoon muck also contains very small amounts of trace minerals that are helpful to crops.

NMES Global is a company that specializes in the extraction of precious metals from mining spoils and contaminated soils. They have proposed that by extracting and selling marketable minerals from our dredged muck, the County could recover some of the dredging, dewatering and disposal costs. This would be more likely for highly contaminated industrial spoils and discharge areas rather than Brevard which has seen very little industrial pollution of our waters. Local testing continues to demonstrate low to undetectable concentrations of valuable metals.

Staff has encouraged NMES Global to reach out to dredging contractors bidding on our projects. If NMES Global has the best way to reduce project costs, then by partnering with a dredging contractor, their collective bid should be lowest and win the work. To date, we have not seen a bid include them as a sub-contractor. While we can't be certain, this indicates that the winning low bid contractors have, for one reason or another, worked out a lower cost solution than what NMES Global has to offer.

Staff Recommendation:

Accept with modification CEER #24. The County uses a competitive procurement process that continues to provide the least cost solution for muck removal rather than awarding work through a non-competitive, sole-source contract. The County will continue to encourage companies that mine spoils and contaminated soils to partner with dredging contractors bidding on our project.





Housing and Human Services
2725 Judge Fran Jamieson Way
Building B, Suite 106
Viera, Florida 32940


BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Brevard County Board of County Commissioners

THRU: Frank Abbate, County Manager 
Board of County Commissioners

THRU: Jim Liesenfelt, Assistant County Manager 
Community Services Group

FROM: Ian Golden, Director 
Housing and Human Services Department

DATE: January 21, 2020

SUBJECT: Citizen Efficiency and Effectiveness Recommendation #2020025

A Citizen Efficiency and Effectiveness Recommendation (CEER) document was submitted that identified a problem concerning “The current situation regarding the housing crisis. People are dying on the streets of Brevard County and nothing is being done to address the situation.”

CEER #2020025 goes on to recommend, as a potential solution, “Increase the current finding that all the churches, the homeless coalition, and other entities the [sic] only provide food and receive massive tax break for doing so and put that money towards building transitional housing and provide better services that are currently offered by county programs.”

Staff offers the following:

- It appears that this CEER is seeking to change the Federal and State tax structures to eliminate religious and not-for-profit exemptions and redirect the subsequent revenues to transitional housing and other services for the homeless.

Determination of tax exemptions are approved at the federal level by the Internal Revenue Service or at the state level by the Florida Department of Revenue. This action is beyond the purview of the Brevard County Board of County Commissioners.

Determination of the uses of tax revenue that would be generated by eliminating tax exemptions would be conducted by the United States Congress at the federal level and the Florida Legislature at the state level. This action is beyond the purview of the Brevard County Board of County Commissioners.

- It also appears that the CEER seeks to increase the availability of transitional housing and other services for the homeless in Brevard County. The most recent direction, taken by the

federal, state, and local agencies tasked with providing services to this population, has been to move away from transitional housing to permanent supportive housing. Changing these agencies current policy is beyond the purview of the Brevard County Board of County Commissioners.

The Brevard Homeless Coalition (Coalition) is the United States Department of Housing and Urban Development (HUD) designated Continuum of Care Lead Agency for homeless and homeless prevention services for Brevard County, is the recipient of funding to support this population, and partners with more than 70 agencies to provide services within the County.

The HUD has adopted a "Housing First" approach which shifts away from transitional housing to permanent supportive housing. This change has resulted in the Coalition also adopting this model and moving local funding and services to support it. Per the HUD (n.d.):

Housing First is an approach to quickly and successfully connect individuals and families experiencing homelessness to permanent housing without preconditions and barriers to entry, such as sobriety, treatment, or service participation requirements. Supportive services are offered to maximize housing stability and prevent returns to homelessness as opposed to addressing predetermined treatment goals prior to permanent housing entry.

Housing First emerged as an alternative to the linear approach in which people experiencing homelessness were required to first participate in and graduate from short-term residential and treatment programs before obtaining permanent housing. In the linear approach, permanent housing was offered only after a person experiencing homelessness could demonstrate that they were "ready" for housing. By contrast, Housing First is premised on the following principles:

- Homelessness is first and foremost a housing crisis and can be addressed through the provision of safe and affordable housing.
- All people experiencing homelessness, regardless of their housing history and duration of homelessness, can achieve housing stability in permanent housing. Some may need very little support for a brief period of time, while others may need more intensive and long-term supports.
- Everyone is "housing ready." Sobriety, compliance in treatment, or even criminal histories are not necessary to succeed in housing. Rather, homelessness programs and housing providers must be "consumer ready."

- Many people experience improvements in quality of life, in the areas of health, mental health, substance use, and employment, as a result of achieving housing.
- People experiencing homelessness have the right to self-determination and should be treated with dignity and respect.
- The exact configuration of housing and services depends upon the needs and preferences of the population.¹

Even though HUD has moved funding away from transitional housing, a search of 211 Brevard's online resource database (www.211brevard.org) for Transitional Housing/Shelter shows 16 agencies still providing those services in Brevard County.

Staff recommendation:

It is recommended that the Board of County Commissioners reject Citizen Efficiency and Effectiveness Recommendation (CEER) 2020025.

¹ United States Department of Housing and Urban Development. (n.d.). *Housing First in Permanent Supportive Housing Brief*. (PDF). Retrieved from <https://www.hudexchange.info/resource/3892/housing-first-in-permanent-supportive-housing-brief/>.



Matthew V. Wallace, Director
Brevard County Public Safety Office
1040 South Florida Avenue
Rockledge, Florida 32940

TO: Brevard County Board of County Commissioners
THRU: Frank Abbate, Brevard County Manager *[Signature]*
THRU: Matthew Wallace, Brevard County Public Safety Director *[Signature]*
FROM: Mark Schollmeyer, Brevard County Fire Chief *[Signature]*
DATE: January 15, 2020
SUBJECT: CEER Recommendation/Response #2020026

CITIZEN IDENTIFIED PROBLEM:

As written by the submitter:

"With all due respect to our Fireman heros...it may be time to ask the questions:

- 1 Do we need a fire truck dispatched just about each time you call 911*
 - 2 Do we need so many fireman /Paramedic spilling out of the ambulance? I called the ambulance for my baby who d just gotten an immunization ...There were TEN fireman that came in and filled my living room. Blatant misuse of tax money. It felt intimidating and intrusive. While one person examined my son, there were all these others just standing there..walking in and out. Its an insult to thinking citizens.*
 - 3. Do we have so many fires that we still need to pay for firemen to live in dorms/ fire houses??*
- It seems like people in parts if govt know full well the gig us up ...there isnt enough for them to do...so they show up unnecessarily in high numbers to do very little."*

CITIZEN RECOMMENDATIONS:

As written by the submitter:

"1. Lay some of them off"

"2. Stop paying for them to sleep and eat in the fire houses"

"3. Stop dispatching the trucks when there is no fire"

"4. Stop flooding peoples homes with them crowded in the ambulances":

ORGANIZATION RESPONSE:

- A. The emergency response location referenced in the CEER falls within City of Melbourne's jurisdiction, and service area as first responders, who would be tasked to respond; additionally, BCFR does not show an ambulance response to that address. We are not in a position to answer for the City of Melbourne Fire Department response policy or protocols; however, we can address from a County EMS perspective. BCFR's ambulances are staffed with two persons; one paramedic and one emergency medical technician. There are occasions where one of these ambulances may have a student or observer on board which would bring the total to three. In addition, a fire engine has personnel cross trained in EMS and the same medical equipment that the ambulance carries. When the ambulances are busy and have extended response times, the fire engine personnel can oftentimes get on scene first and begin rendering aid immediately.

– CEER Response #2020026

On the scene of an emergency, each crewmember has an assigned task. Every emergency is unique and may or may not require all of the personnel that responded. A cardiac arrest call requires more personnel than a call for abdominal pain and a simple call for service such as a lift assist may only require a few personnel.

- B. BCFR utilizes Pro Q/A dispatch software that has the ability to triage emergency calls and align the proper resources with the call type. Depending on the 911 caller's cooperation and the information provided a fire engine and ambulance may respond, or a fire engine only, or sometimes just an ambulance. This software can also make recommendations as to mode of response required; lights and siren versus no lights and siren response. BCFR's communications center is the only fire service in the county that utilizes this software for the last 4 years. We will renew our past efforts to encourage other Fire Departments in Brevard to consider utilizing Pro Q/A or similar software to enhance their operational efficiencies.

- C. Firefighters work 24 hour shifts which is common in Brevard County and across the country. These twenty-four-hour shifts require the crews to eat their meals while on duty and get rest in between emergency calls. There is no formal meal or break period for shift workers in emergency services and these firehouses are their "homes" for twenty-four hours. In order to maintain acceptable response times as close to industry standards and best practices as possible, staffing firehouses twenty-four hours a day is required. In 2019, BCFR responded to over 90,000 calls for service. This included over 900 fire related calls (structure fires, brush fires, vehicle fires) and 3,600 vehicle collisions (some requiring extrication), and over 600 hazardous materials incidents. Fires, vehicle collisions, technical rescues and hazardous

materials incidents all require the response of a fire engine. The unpredictability of these types of emergencies make it impossible to forecast when and where they will come in; another reason we choose to staff around the clock.


RECOMMENDED ACTION:

Accept with modifications. Fire Rescue has already implemented software in our communications center to address unnecessary responses. BCFR's ambulance staffing and response models limit the number of responders sent to an emergency to an efficient number depending on the situation. The County will continue to renew our efforts to encourage Pro Q/A or similar software with municipalities. BCFR's shift schedule requires the firefighters to eat meals at their assigned stations.



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Frank Abbate, County Manager
FROM: Jill Hayes, Budget Director 
DATE: January 20, 2020
SUBJECT: CEER #2020027, Tax Revenue
RECOMMENDATION: Accept with Modification

Citizen Efficiency and Effectiveness Recommendation #2020027 was received by the County from James W. Henderson.

Problem Description:

This blue origin site at the cape will only cause renters to suffer as property owner raise rents sky high as the people outside the area move here with high paying blue origin jobs and they will be the only ones who can afford it (not like anyone can afford rent as it is now).

Recommendation Description:

Tax the crap out of Jeff Bezos space project at the cape (blue origin) it won't create local jobs they will hire outside the area he has plenty of money tax and tax him more he can't do anything about it

it will give us a way bigger budget and as I recall I think the county is doing what most counties do and giving him a 10-year tax free break so they can employ non locals like Amazon always does

Staff Analysis:

The County's authority to impose taxes is limited by the Florida constitution and state law. In other words, counties do not have inherent power to impose taxes. Authorization to impose taxes must come from the Florida constitution or state law Art. VII, §§ 1(a), 9(a), Fla. Const.

Blue Origin is taxed on tangible personal property in accordance with Florida law. In 2019, Blue Origin was assessed a value of \$19,283,670 in personal property, which generated \$265,849 in ad valorem taxes to taxing districts including Brevard County Board of County Commissioners and the Brevard County School Board.

CEER #2020027, Tax Revenue
January 21, 2020

Brevard County citizens have voted to provide economic incentives to new and expanding businesses within the County. The Board of County Commissioners entered into an economic incentive grant agreement with Blue Origin in 2016, pursuant to Section 125.045 Florida Statutes. This agreement is based on the company accomplishing certain milestones including capital investments and job creation. Staff monitors the performance of this agreement and the company has met all of its milestones.

Staff recommendation:

Accept with modification, tangible personal property taxes in the amount of \$265,849 are being levied by Brevard County in accordance with Florida Statutes.

Abbate, Frank B

From: Abbate, Frank B
Sent: Tuesday, January 14, 2020 3:14 PM
To: Ivey, Wayne
Subject: RE: Citizen Recommendations for the Enhancement of the Effectiveness and Efficiency of County Government #2020028

Thank you Sheriff for the very prompt response.

Warm Regards,

Frank

From: Ivey, Wayne <wayne.ivey@bcso.us>
Sent: Tuesday, January 14, 2020 2:40 PM
To: Abbate, Frank B <Frank.Abbate@brevardfl.gov>
Subject: Fwd: Citizen Recommendations for the Enhancement of the Effectiveness and Efficiency of County Government #2020028

Good Afternoon,
Let me know if this response is sufficient for what you need and if you need it in any other format.

Thank you!!

Sheriff Wayne Ivey

From: "Hellebrand, Joseph" <joseph.hellebrand@bcso.us>
Date: January 14, 2020 at 14:23:23 EST
To: "Ivey, Wayne" <wayne.ivey@bcso.us>
Cc: "DeMorat, Michael" <michael.demorat@bcso.us>, "Rodriguez, Samantha" <samantha.rodriguez@bcso.us>
Subject: RE: Citizen Recommendations for the Enhancement of the Effectiveness and Efficiency of County Government #2020028

Good afternoon Sheriff,

It is unfortunate that the call mentioned by Mr. DeWitt was not referred to us by the Titusville Police Department as we consider loose aggressive dogs a priority complaint. We did attempt to research the call, however, after researching both New World and Chameleon data bases, we could only locate 2 contacts with Mr. DeWitt, an Andrew DeWitt, or Mr. Dewitt's address on Delespine or Polaris and they were in 2002 and 2011. I can understand Mr. Dewitt's frustration at the time, however, his statement that we do not maintain a 24/7 switchboard for residents is inaccurate.

As you are aware, our Animal Control Officers work 7 days a week, from 6:00 am to 9:45 pm. After hours we have two Animal Control Officers on call and available to respond to calls for service. To request an Officer after hours the citizen merely dials our published phone number at 321-633-2024 where they will get an automated phone tree. The first option of the phone tree states, "If you have an animal

related incident that requires an immediate response press #1". The call is then automatically routed to our 24/7 Communications Center in Titusville. The Communications Center then notifies one of the Animal Control Officers that are on call.

A Supervisor will be following up with Mr. DeWitt today regarding his complaint of a dog running at large in his neighborhood.

Joe Hellebrand
Brevard County Sheriffs Office
Director, Animal Services and Enforcement
1515 Sarno Rd
Melbourne, Fl, 32934
321-633-2024

From: Ivey, Wayne
Sent: Tuesday, January 14, 2020 9:25 AM
To: Hellebrand, Joseph <joseph.hellebrand@bcso.us>
Subject: Fwd: Citizen Recommendations for the Enhancement of the Effectiveness and Efficiency of County Government

Sheriff Wayne Ivey

Wayne Ivey
Sheriff, Brevard County, Florida
(321) 427-7231
wayne.ivey@bcso.us

Begin forwarded message:

From: "Abbate, Frank B" <Frank.Abbate@brevardfl.gov>
Date: January 13, 2020 at 11:30:49 EST
To: "Ivey, Wayne" <wayne.ivey@bcso.us>
Subject: Citizen Recommendations for the Enhancement of the Effectiveness and Efficiency of County Government

Sheriff Ivey,

As you're well aware, under Section 2.9.10 of the County Charter, the Board of County Commissioners annually receives Citizen recommendations for the enhancement of the effectiveness and efficiency of County government. The Charter provides that these written recommendations will be reviewed by the County Commission and following that review the County Commission shall vote to either accept the recommendation, accept the recommendation with revisions, or reject the recommendation.

The attached recommendation addresses Animal Control reporting. As this relates to an area under your purview and respecting your insight and expertise

on such matters, I am forwarding this recommendation for you or your staff's review and input. I would appreciate receiving any feedback you have to offer within the next thirty days. That will provide me the opportunity to incorporate that feedback in the staff response we share with the Board of County Commissioners. I look forward to reviewing input from the Sheriff's Office and incorporating it into a response I can share with the Board of County Commissioners. Thank you for giving this matter your consideration and attention.

Respectfully,

Frank

Frank Abbate
County Manager
2725 Judge Fran Jamieson Way, Bldg. C
Viera, FL 32940
PH: (321) 633-2001
FAX: (321) 633-2115



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BOARD OF COUNTY COMMISSIONERS


Public Works Department

2725 Judge Fran Jamieson Way
Building A, Room 201
Viera, Florida 32940

Inter-Office Memo

TO: Frank Abbate, County Manager

THRU: John P. Denninghoff, Assistant County Manager 

FROM: Corrina Gumm,  Interim Public Works Director/Traffic Operations Program Manager

SUBJ: Citizen Efficiency and Effectiveness Recommendation #2020029(a)
Pedestrian Crosswalk Ticketing Cameras

DATE: March 3, 2020

Citizen Recommendation:

A Citizen Efficiency and Effectiveness Recommendation (CEER) was submitted to Brevard County from Mr. Glen Tischner that described the following Problem and Recommendation.

Problem: "Drivers ignore flashing pedestrian crossing signals almost every time crosswalk button is activated. These are drivers that have in excess of a block to stop."

Recommendation: "Crosswalk ticketing cameras and signage indicating ticketing and amounts. See France Introduces Crosswalk Ticketing Cameras
<https://www.thenewspaper.com/news/63/6381.asp>".

Staff Analysis:

Crosswalk Ticketing Cameras is a relatively new and innovative idea that has potential to address the well-known traffic safety problem of drivers failing to yield to pedestrians in crosswalks. These cameras target drivers who roll through the pavement marking line where they are required to stop for a pedestrian who has activated a signalized crossing, such as the pedestrian actuated rectangular rapid flashing beacons (RRFB's) recently installed in many locations on Highway A1A. As A1A is a state road, it is under the jurisdiction of the Florida Department of Transportation (FDOT). However, local municipalities have the option of utilizing and maintaining red-light running cameras at intersections along A1A.

Prior to being introduced in France, stop sign cameras were installed in Washington, D.C., for the purpose of citing drivers who don't come to a complete stop at stop signs. They currently maintain

them at nine (9) locations but they are not able to monitor and cite drivers who fail to yield to a pedestrian. It is unknown if actual crosswalk ticketing cameras currently exist in the United States.

A stop line camera needs to take a photo or video of the vehicle in the crosswalk during the time that the beacon is flashing AND a pedestrian is in or entering the crosswalk. While the violation can lead to automated ticketing, where the cameras would mail tickets to the registered vehicle owner of the vehicle photographed passing pedestrians in a crosswalk, the resulting photo or video is subject to being challenged and analyzed to determine if the ticket should have been issued. And similar to red-light running camera violations, there is evidence lacking in who the offender was vs. the registered owner. Any evidence must be stored in accordance with public records laws.

The camera and automated ticketing system require a controller and software, and requires knowledgeable staff to maintain and repair the system. It is questionable whether a camera and software can make the subtle distinctions and communications that occur between a driver and a pedestrian. As an example, a pedestrian with good intentions may choose to wave a vehicle through if they don't feel they are ready to enter the crosswalk, even after pressing the signal button. The driver may understand this communication and proceed, and then get a ticket.

Supporters of the cameras suggest that they reduce serious types of crashes, such as front-into-side (T-bone) type collisions. They also say that the payments for the tickets contribute to revenue. There will be some who will consider this a revenue program and not a safety improvement program.

Opponents of automated enforcement cameras suggest that the cameras contribute to rear-end collisions caused by sudden braking and that the enforcement is not transparent. In a study conducted for Suffolk County, NY, it was revealed that the number of rear-end crashes rose at red-light camera intersections by as much as 21 percent after the camera installation.

There are data storage needs, public records requests, ticket protests, and increased staffing to support the program, which all needs to be considered. This is typically managed by a private entity. Research is needed to determine if photo enforcement of a stop sign (line) violation is legally allowed in the State of Florida. There are states that only allow red light and speed cameras. Many states that have previously allowed red light cameras have now reversed the decision to prohibit the cameras. Since 2012, more red-light cameras have been discontinued than added, according to the Insurance Institute for Highway Safety.

At this time, not enough data has been collected on crosswalk ticketing cameras for it to be a viable option for use at signalized pedestrian crosswalks.

Staff Recommendation:

It is recommended that the Board of County Commissioners accept with modification CEER #2020029(a), and continue researching viability of this option for use at signalized pedestrian crosswalks.



County Manager's Office
2725 Judge Fran Jamieson Way
Building C, Room 301, MS# 88
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Board of County Commissioners
FROM: Frank Abbate, County Manager
SUBJECT: Pedestrian Crosswalks CEER #29(b)
DATE: Jan. 15, 2020

A Citizen Efficiency and Effectiveness Recommendation (CEER) document #29 was submitted by Glen Tischner to address concerns about motorists ignoring crossing signals, putting county pedestrian lives at risk.

CEER #29 goes on to recommend crosswalk ticketing cameras and signage indicating ticketing and amounts.

Staff offers the following:

- On January 7, the Board voted unanimously to approve two measures directed at getting the State of Florida to remove Rectangular Rapid Flashing Beacon crossing signal systems that create confusion for motorists. The Board authorized a letter to Florida Governor Ron DeSantis to direct state officials to prioritize this effort and to push for a reduced speed limit along State Road A1A in the Satellite Beach/Indialantic/Indian Harbour Beach area. The Board also authorized a letter to the County's state lobbyist requesting Florida Department of Transportation's removal of the yellow flashing light systems along roads in Brevard County. The letter recommends replacement of the flashing light systems with the HAWK system, which includes a red light that would prompt motorists to stop. That letter was shared by Commission Chair Bryan Lober with Brevard County's legislative delegation, Florida Department of Transportation Secretary Kevin Thibault, and the mayors of Satellite Beach, Indialantic, Indian Harbor Beach and Melbourne Beach.
- On Monday, January 13, and on the eve of the State Legislative Session, State Representative Randy Fine filed a "Turn the Flashing Yellow Crosswalks Red" bill, which would require all flashing-yellow Crosswalks that are not located at a road intersection to be equipped with pedestrian-activated red lights by 2024.
- Letters formally submitted by Commission Chairman Bryan Lober to state Lobbyist Ronald Book and Governor DeSantis are included here.

Staff recommendation:

Accept with noted modifications CEER #29(b).



BOARD OF COUNTY COMMISSIONERS

January 13, 2020

The Honorable Ron DeSantis
Governor of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

RE: Request for HAWK (red light) Pedestrian Crossings in Brevard County

Dear Governor DeSantis:

Brevard County is mourning the recent tragic death of Sophia Nelson, a twelve year old girl, who was struck and killed by a motor vehicle while attempting to cross State Road A1A in Satellite Beach using the newly installed FDOT Rectangular Rapid Flashing Beacon (RRFB) crosswalk. The flashing yellow lights which are part of RRFB crosswalks are supposed to indicate to drivers that they should stop when someone is planning to cross the street. Unfortunately, the motor vehicle did not stop when Sophia used the flashing yellow light system and she was struck and killed. Prior to the accident that claimed Sophia's life, a young boy, also 12 years old, was killed on a Post Road in the Melbourne area while using the same type of flashing yellow lights at a pedestrian crossing. Brevard County residents have presented testimony and videos to the County Commissioners that indicate motor vehicles frequently ignore the flashing yellow lights and continue through the crosswalk area despite the presence of pedestrians.

The RRFB crosswalks provide a false sense of security to our County's pedestrians and do not clearly indicate to motor vehicle operators that they must to stop. In fact, the flashing yellow lights only seem to cause confusion. On the motion of Brevard County Commissioner Curt Smith, District 4, and a unanimous vote of the Brevard County Commission, the Board requests that all the RRFB crosswalks in Brevard County be removed and replaced with High Intensity Activated (HAWK) Crosswalks which provide a red light to stop vehicular traffic when activated by pedestrians seeking to cross the street. This change is needed immediately along State Road A1A in Satellite Beach, Cocoa Beach, Indian Harbor Beach, Indialantic, and Melbourne Beach. In addition, the Board of County Commissioners urges you to direct the State of Florida Department of Transportation to consider lowering speed limits on A1A from 45 to 35 mph to improve safety and to take any other actions which might improve pedestrian safety in Brevard County.

Respectfully,

Bryan Lober
Chair



BOARD OF COUNTY COMMISSIONERS

January 13, 2020

Ronald L. Book, Esquire
Ronald L. Book, P.A.,
18851 N.E. 29th Ave.,
Aventura, FL 33180,

RE: State Road A1A Pedestrian Crossings
Brevard County – Request to State of Florida for HAWK (red light) crosswalks.

Dear Mr. Book:

Brevard County is mourning the recent tragic death of Sophia Nelson, a twelve year old girl, who was struck and killed by a motor vehicle while attempting to cross State Road A1A in Satellite Beach using the newly installed FDOT Rectangular Rapid Flashing Beacon (RRFB) crosswalk. The flashing yellow lights which are part of RRFB crosswalks are supposed to indicate to drivers that they should stop when someone is planning to cross the street. Unfortunately, the motor vehicles did not stop when Sophia used the flashing yellow light system and she was struck and killed. Prior to the accident that claimed Sophia's life, a young boy, also 12 years old and in 6th grade, was killed on Post Road in the Melbourne area while using the same type of flashing yellow lights at a pedestrian crossing. Brevard County residents have presented testimony and videos to the County Commissioners that indicate that motor vehicles frequently ignore the flashing yellow lights and continue through the crosswalk area despite the presence of pedestrians.

The RRFB crosswalks provide a false sense of security to our County's pedestrians and do not clearly indicate to motor vehicle operators that they must stop. In fact, the flashing yellow lights only seem to cause confusion. On the motion of Brevard County Commissioner Curt Smith, District 4, and a unanimous vote of the Brevard County Commission, authorized me to contact you to ask that communicate the county's concerns to the governor and other state officials. Specifically, the Board asks that you seek to have all the RRFB crosswalks in Brevard County be removed and replaced with High Intensity Activated (HAWK) Crosswalks which provide a red light to stop vehicular traffic when activated by pedestrians seeking to cross the street. This change is needed immediately along State Road A1A in Satellite Beach, Cocoa Beach, Indian Harbor Beach, Indialantic, and Melbourne Beach. In addition, the Board of County Commissioners urges you take steps to have the State of Florida Department of Transportation consider lowering speed limits on A1A from 45 to 35 mph to improve safety and to take any other actions which might improve pedestrian safety in Brevard County.

Respectfully,

Bryan Lober

Chair



BOARD OF COUNTY COMMISSIONERS

January 15, 2020

Secretary Kevin J. Thibault
Florida Department of Transportation
605 Suwannee Street
Tallahassee, Florida 32399-0450

Dear Secretary Thibault,

Brevard County is mourning the recent tragic death of Sophia Nelson, a twelve-year old girl who was struck and killed by a motor vehicle while attempting to cross Highway A1A at Ellwood Avenue on a newly installed FDOT Rectangular Rapid Flashing Beacon (RRFB).

Sadly, this senseless death has proven out the fears many residents have had regarding these yellow flashing lights. These RRFBs give a false sense of security to the pedestrian and do not indicate to motor vehicle operators to stop.

The Brevard County Board of County Commissioners requests that the Florida Department of Transportation immediately remove any recently installed RRFBs and halt any current or proposed construction of additional RRFBs along the A1A corridor.

Additionally, the Board requests that your department consider installing High-Intensity Activated Crosswalk (HAWK) traffic lights on S.R. A1A at Ellwood Avenue in Satellite Beach.

Respectfully,

Bryan Andrew Lober

Bryan Lober
Chair, Brevard County Board of County Commissioners

cc: Mayor Frank Catino, City of Satellite Beach
Mayor Dave Berkman, Town of Indialantic
Mayor Scott Nickle, City of Indian Harbour Beach
Mayor Jim Simmons, Town of Melbourne Beach
Brevard County Legislative Delegation





BOARD OF COUNTY COMMISSIONERS

Public Works Department
2725 Judge Fran Jamieson Way
Building A, Room 201
Viera, Florida 32940

Inter-Office Memo

TO: Frank Abbate, County Manager

THRU: John P. Denninghoff, Assistant County Manager 

FROM: Corrina Gumina , Interim Public Works Director/Traffic Operations Program Manager

SUBJ: Citizen Efficiency and Effectiveness Recommendation #2020030(a)
Pedestrian Crosswalk Ticketing Cameras

DATE: March 3, 2020

Citizen Recommendation:

A Citizen Efficiency and Effectiveness Recommendation (CEER) was submitted to Brevard County from Mrs. Grace Tischner that described the following Problem and Recommendation.

Problem: "Drivers are not stopping at flashing crosswalks. A 12-year-old lost her life because of this."

Recommendation: "Ticketing cameras will make drivers stop."

Staff Analysis:

Crosswalk Ticketing Cameras is a relatively new and innovative idea that has potential to address the well-known traffic safety problem of drivers failing to yield to pedestrians in crosswalks. These cameras target drivers who roll through the pavement marking line where they are required to stop for a pedestrian who has activated a signalized crossing, such as the pedestrian actuated rectangular rapid flashing beacons (RRFB's) recently installed in many locations on Highway A1A. As A1A is a state road, it is under the jurisdiction of the Florida Department of Transportation (FDOT). However, local municipalities have the option of utilizing and maintaining red-light running cameras at intersections along A1A.

Prior to being introduced in France, stop sign cameras were installed in Washington, D.C., for the purpose of citing drivers who don't come to a complete stop at stop signs. They currently maintain them at nine (9) locations but they are not able to monitor and cite drivers who fail to yield to a pedestrian. It is unknown if actual crosswalk ticketing cameras currently exist in the United States.

A stop line camera needs to take a photo or video of the vehicle in the crosswalk during the time that the beacon is flashing AND a pedestrian is in or entering the crosswalk. While the violation can lead to automated ticketing, where the cameras would mail tickets to the registered vehicle owner of the vehicle photographed passing pedestrians in a crosswalk, the resulting photo or video is subject to being challenged and analyzed to determine if the ticket should have been issued. And similar to red-light running camera violations, there is evidence lacking in who the offender was vs. the registered owner. Any evidence must be stored in accordance with public records laws.

The camera and automated ticketing system require a controller and software, and requires knowledgeable staff to maintain and repair the system. It is questionable whether a camera and software can make the subtle distinctions and communications that occur between a driver and a pedestrian. As an example, a pedestrian with good intentions may choose to wave a vehicle through if they don't feel they are ready to enter the crosswalk, even after pressing the signal button. The driver may understand this communication and proceed, and then get a ticket.

Supporters of the cameras suggest that they reduce serious types of crashes, such as front-into-side (T-bone) type collisions. They also say that the payments for the tickets contribute to revenue. There will be some who will consider this a revenue program and not a safety improvement program.

Opponents of automated enforcement cameras suggest that the cameras contribute to rear-end collisions caused by sudden braking and that the enforcement is not transparent. In a study conducted for Suffolk County, NY, it was revealed that the number of rear-end crashes rose at red-light camera intersections by as much as 21 percent after the camera installation.

There are data storage needs, public records requests, ticket protests, and increased staffing to support the program, which all needs to be considered. This is typically managed by a private entity. Research is needed to determine if photo enforcement of a stop sign (line) violation is legally allowed in the State of Florida. There are states that only allow red light and speed cameras. Many states that have previously allowed red light cameras have now reversed the decision to prohibit the cameras. Since 2012, more red-light cameras have been discontinued than added, according to the Insurance Institute for Highway Safety.

At this time, not enough data has been collected on crosswalk ticketing cameras for it to be a viable option for use at signalized pedestrian crosswalks.

Staff Recommendation:

It is recommended that the Board of County Commissioners accept with modification CEER #2020029(a), and continue researching viability of this option for use at signalized pedestrian crosswalks.



County Manager's Office
2725 Judge Fran Jamieson Way
Building C, Room 301, MS# 88
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: The Board of County Commissioners
FROM: Frank Abbate, County Manager
SUBJECT: Pedestrian Crosswalks CEER #30(b)
DATE: Jan. 15, 2020

A Citizen Efficiency and Effectiveness Recommendation (CEER) document #30 was submitted by Grace Tischner to address concerns about motorists not stopping at traffic signals, putting county pedestrian lives at risk.

CEER #30 goes on to recommend crosswalk ticketing cameras to make drivers stop.

Staff offers the following:

- On January 7, the Board voted unanimously to approve two measures directed at getting the State of Florida to remove Rectangular Rapid Flashing Beacon crossing signal systems that create confusion for motorists. The Board authorized a letter to Florida Governor Ron DeSantis to direct state officials to prioritize this effort and to push for a reduced speed limit along State Road A1A in the Satellite Beach/Indialantic/Indian Harbour Beach area. The Board also authorized a letter to the County's state lobbyist requesting Florida Department of Transportation's removal of the yellow flashing light systems along roads in Brevard County. The letter recommends replacement of the flashing light systems with the HAWK system, which includes a red light that would prompt motorists to stop. That letter was shared by Commission Chair Bryan Lober with Brevard County's legislative delegation, Florida Department of Transportation Secretary Kevin Thibault, and the mayors of Satellite Beach, Indialantic, Indian Harbor Beach and Melbourne Beach.
- On Monday, January 13, and on the eve of the State Legislative Session, State Representative Randy Fine filed a "Turn the Flashing Yellow Crosswalks Red" bill, which would require all flashing-yellow Crosswalks that are not located at a road intersection to be equipped with pedestrian-activated red lights by 2024.
- Letters formally submitted by Commission Chairman Bryan Lober to state Lobbyist Ronald Book and Governor DeSantis are included here.

Staff recommendation:

Accept with noted modifications CEER #30(b).



BOARD OF COUNTY COMMISSIONERS

January 13, 2020

The Honorable Ron DeSantis
Governor of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

RE: Request for HAWK (red light) Pedestrian Crossings in Brevard County

Dear Governor DeSantis:

Brevard County is mourning the recent tragic death of Sophia Nelson, a twelve year old girl, who was struck and killed by a motor vehicle while attempting to cross State Road A1A in Satellite Beach using the newly installed FDOT Rectangular Rapid Flashing Beacon (RRFB) crosswalk. The flashing yellow lights which are part of RRFB crosswalks are supposed to indicate to drivers that they should stop when someone is planning to cross the street. Unfortunately, the motor vehicle did not stop when Sophia used the flashing yellow light system and she was struck and killed. Prior to the accident that claimed Sophia's life, a young boy, also 12 years old, was killed on a Post Road in the Melbourne area while using the same type of flashing yellow lights at a pedestrian crossing. Brevard County residents have presented testimony and videos to the County Commissioners that indicate motor vehicles frequently ignore the flashing yellow lights and continue through the crosswalk area despite the presence of pedestrians.

The RRFB crosswalks provide a false sense of security to our County's pedestrians and do not clearly indicate to motor vehicle operators that they must to stop. In fact, the flashing yellow lights only seem to cause confusion. On the motion of Brevard County Commissioner Curt Smith, District 4, and a unanimous vote of the Brevard County Commission, the Board requests that all the RRFB crosswalks in Brevard County be removed and replaced with High Intensity Activated (HAWK) Crosswalks which provide a red light to stop vehicular traffic when activated by pedestrians seeking to cross the street. This change is needed immediately along State Road A1A in Satellite Beach, Cocoa Beach, Indian Harbor Beach, Indialantic, and Melbourne Beach. In addition, the Board of County Commissioners urges you to direct the State of Florida Department of Transportation to consider lowering speed limits on A1A from 45 to 35 mph to improve safety and to take any other actions which might improve pedestrian safety in Brevard County.

Respectfully,


Bryan Lober
Chair



BOARD OF COUNTY COMMISSIONERS

January 13, 2020

Ronald L. Book, Esquire
Ronald L. Book, P.A.,
18851 N.E. 29th Ave.,
Aventura, FL 33180,

RE: State Road A1A Pedestrian Crossings
Brevard County – Request to State of Florida for HAWK (red light) crosswalks.

Dear Mr. Book:

Brevard County is mourning the recent tragic death of Sophia Nelson, a twelve year old girl, who was struck and killed by a motor vehicle while attempting to cross State Road A1A in Satellite Beach using the newly installed FDOT Rectangular Rapid Flashing Beacon (RRFB) crosswalk. The flashing yellow lights which are part of RRFB crosswalks are supposed to indicate to drivers that they should stop when someone is planning to cross the street. Unfortunately, the motor vehicles did not stop when Sophia used the flashing yellow light system and she was struck and killed. Prior to the accident that claimed Sophia's life, a young boy, also 12 years old and in 6th grade, was killed on Post Road in the Melbourne area while using the same type of flashing yellow lights at a pedestrian crossing. Brevard County residents have presented testimony and videos to the County Commissioners that indicate that motor vehicles frequently ignore the flashing yellow lights and continue through the crosswalk area despite the presence of pedestrians.

The RRFB crosswalks provide a false sense of security to our County's pedestrians and do not clearly indicate to motor vehicle operators that they must stop. In fact, the flashing yellow lights only seem to cause confusion. On the motion of Brevard County Commissioner Curt Smith, District 4, and a unanimous vote of the Brevard County Commission, authorized me to contact you to ask that communicate the county's concerns to the governor and other state officials. Specifically, the Board asks that you seek to have all the RRFB crosswalks in Brevard County be removed and replaced with High Intensity Activated (HAWK) Crosswalks which provide a red light to stop vehicular traffic when activated by pedestrians seeking to cross the street. This change is needed immediately along State Road A1A in Satellite Beach, Cocoa Beach, Indian Harbor Beach, Indialantic, and Melbourne Beach. In addition, the Board of County Commissioners urges you take steps to have the State of Florida Department of Transportation consider lowering speed limits on A1A from 45 to 35 mph to improve safety and to take any other actions which might improve pedestrian safety in Brevard County.

Respectfully,

Bryan Andrew Lober

Bryan Lober

Chair



BOARD OF COUNTY COMMISSIONERS

January 15, 2020

Secretary Kevin J. Thibault
Florida Department of Transportation
605 Suwannee Street
Tallahassee, Florida 32399-0450

Dear Secretary Thibault,

Brevard County is mourning the recent tragic death of Sophia Nelson, a twelve-year old girl who was struck and killed by a motor vehicle while attempting to cross Highway A1A at Ellwood Avenue on a newly installed FDOT Rectangular Rapid Flashing Beacon (RRFB).

Sadly, this senseless death has proven out the fears many residents have had regarding these yellow flashing lights. These RRFBs give a false sense of security to the pedestrian and do not indicate to motor vehicle operators to stop.

The Brevard County Board of County Commissioners requests that the Florida Department of Transportation immediately remove any recently installed RRFBs and halt any current or proposed construction of additional RRFBs along the A1A corridor.

Additionally, the Board requests that your department consider installing High-Intensity Activated Crosswalk (HAWK) traffic lights on S.R. A1A at Ellwood Avenue in Satellite Beach.

Respectfully,

Bryan Andrew Lober

Bryan Lober
Chair, Brevard County Board of County Commissioners

cc: Mayor Frank Catino, City of Satellite Beach
Mayor Dave Berkman, Town of Indialantic
Mayor Scott Nickle, City of Indian Harbour Beach
Mayor Jim Simmons, Town of Melbourne Beach
Brevard County Legislative Delegation





BOARD OF COUNTY COMMISSIONERS

Public Works Department
2725 Judge Fran Jamieson Way
Building A, Room 201
Viera, Florida 32940

Inter-Office Memo

TO: Frank Abbate, County Manager

THRU: John P. Denninghoff, Assistant County Manager

FROM: Corrina Gumm,  Interim Public Works Director,  Traffic Operations Program Manager

SUBJ: Citizen Efficiency and Effectiveness Recommendation #2020031
Mims Traffic Congestion

DATE: March 2, 2020

Citizen Recommendation:

A Citizen Efficiency and Effectiveness Recommendation (CEER) was submitted to Brevard County from Mr. William F. Pinnix that described the following Problem and Recommendation.

Problem: "Traffic congestion at the intersection of US 1 and SR 46 in Mims has increased significantly. Lines are backed up in all directions during the morning and afternoon rush hours. Vehicles in turn lanes and/or waiting to get into a turn lane block the flow of traffic on US 1. The absence of turn lanes on SR 46 creates a similar problem in that those needing to turn cannot and must wait through an additional light cycle."

Recommendation: "Widen the entire intersection, lengthen the existing turn lanes and create other turn lanes. This will improve traffic flow, reduce congestion and lessen the probability of accidents by careless and impatient drivers."

Staff Analysis:

US Highway 1 and State Road 46 in Mims are both under the jurisdiction of the state, specifically the Florida Department of Transportation (FDOT), District Five. These roads are not under Brevard County jurisdiction.

Staff Recommendation:


It is recommended that the Board of County Commissioners accept with modification CEER #2020031. While these road segments are not under the jurisdiction of Brevard County, staff will continue to provide input through the Space Coast Transportation Planning Organization (TPO) and to the FDOT regarding the need for these transportation improvement projects.



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Frank Abbate, County Manager

THRU: John Denninghoff, Assistant County Manager
Virginia Barker, Director, Natural Resources Management 

FROM: Mike McGarry, Program Manager

DATE: January 17, 2020

SUBJ: 2020 Citizen Efficiency & Effectiveness Review (CEER) # 2020032(a) –
Beach Nourishment

RECOMMENDATION: Reject CEER #200032(a) due to acknowledgment that investment in beach renourishment is an investment in the County's quality of life and provides a positive return on investment for our local economy. Also, due to previous Board consideration and direction.

Question:

The citizen's request received by the County from Alan Brech of Palm Bay includes the following:

Problem Description:

Budget shortfalls and inability to fund necessary infrastructure maintenance projects

Recommendation Description:

- a. Stop wasting money renourishing beaches.

Analysis:

Item a. Beach Renourishment

Brevard County has chosen to use beach nourishment as a management tool to protect upland infrastructure, tax base, and our tourism-based economy. Maintaining public beaches is vitally

important to both locals and visiting tourists. Starting in 2000, the County Commission entered into 50 year partnership agreements with the US Army Corps of Engineers for federal shore protection (aka beach nourishment) projects that now encompass roughly 21 miles of the Brevard County shoreline. In order to get Congressional authorization for these federal projects, extensive economic analysis was completed to assure the benefit to cost ratio was positive and that projects provide a net benefit not just to Brevard County but to the nation. The benefit to cost (B:C) ratio for the remaining life of these projects varies but is consistently over 2:1, thus demonstrating the projects are not a waste of money.

In addition to federal cost-share, Brevard County gets significant cost share for our beach projects from the Florida Department of Environmental Protection (FDEP). To evaluate the economic return on investment of the FDEP program, an independent (from FDEP) study was completed by the Florida Office of Economic and Demographic Research in 2015. The study determined that maintenance of beaches through beach nourishment was extremely important to the State, both from a storm protection and recovery perspective, as well as from a tourism branding perspective. The final result of the study showed the state's investment in beach nourishment provided a positive return on investment (ROI) of \$5.40 for every \$1 of state investment. This ROI provides another example that beach restoration projects in the state of Florida provide a significant positive economic return.

Here in Brevard County our beaches are enjoyed by locals and visitors alike. The B:C ratio calculated by the Army Corps of Engineers for Brevard County projects as described above is typically over 2:1. It is important to note that due to federal policy these benefits considered are primarily storm damage reduction benefits rather than recreational or tourism benefits. Brevard County funds its cost share for beach restoration with a portion of the tourism bed tax, a portion of this tax is collected specifically for and dedicated to beach maintenance. Brevard County receives significant economic benefits from tourists who enjoy the beaches we maintain. In 2017 tourists spent \$2.1 billion in Brevard County, which represents 9% of the County's GDP. Studies show beaches are far and away the most common activity enjoyed by tourists, so the County's investment in beaches is important to maintaining this important part of Brevard's economy.

Staff Recommendation:

Reject CEER #32(a) due to acknowledgment that investment in beach renourishment is an investment in the County's quality of life and provides a positive return on investment for our local economy. Also, due to previous Board consideration and direction.




BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Brevard County Board of County Commissioners

THRU: Frank Abbate, County Manager
John Denninghoff, P.E., Assistant County Manager

FROM: Tad Calkins, Director – Planning & Development 

DATE: January 14, 2020

SUBJECT: Citizen Efficiency and Effectiveness Recommendation #2020032(b)

A Citizen Efficiency and Effectiveness Recommendation (CEER) document was submitted that identified several problems. This Department was tasked with analyzing and responding to the second recommendation 2020032(b). The problems identified were 1) budget shortfalls, and 2) inability to fund necessary infrastructure maintenance and improvements.

CEER #2020032(b) goes on to recommend, as a potential solution, "Factor in long term effects and public costs of development projects and make developers pay those public costs up front (i.e. impact fees)."

Staff offers the following:

Brevard County has enacted impact fee programs for Correctional Facilities, Emergency Medical Services Facilities, Fire/Rescue Facilities, Library Facilities, Public Educational Facilities, Solid Waste Disposal Facilities and Transportation Facilities. However, the rate schedule for each of these impact fee programs as currently adopted is based on 1999 cost data and appears to undervalue the true economic costs of new development. Impact Fees must be paid prior to issuance of a Certificate of Occupancy for a development so they are in fact paid "upfront". Florida Statute prohibit local governments from collecting impact fees prior to the issuance of a building permit.

Staff Recommendations:


As Impact Fees are currently collected but cost data is potentially outdated, the Board may wish to accept with modifications CEER #2020032(b) to include researching and perhaps modifying cost data.



Brevard County Budget Office
2725 Judge Fran Jamieson Way
Building C, Room 303
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Frank Abbate, County Manager
FROM: Jill Hayes, Budget Director 
DATE: January 21, 2020
SUBJECT: CEER #2020032(c), Increase Taxes on Harris Corporation
RECOMMENDATION: Reject

CEER Description:

The citizen problem and recommendation description received by the County from Alan E Brech is related to budget shortfalls and the inability to fund necessary infrastructure maintenance and improvements. The Budget Office was tasked with preparing a response for the following.

Recommendation #3 Description: "Increase taxes on Harris Corporation."

Staff Analysis:

The County's authority to impose taxes is limited by the Florida constitution and state law. In other words, counties do not have inherent power to impose taxes. Authorization to impose taxes must come from the Florida constitution or state law Art. VII, §§ 1(a), 9(a), Fla. Const. Harris Corporation is currently being taxed to the fullest extent allowed by these laws. However, Brevard County citizens have voted to provide economic incentives to new and expanding businesses within the County, and the Board of County Commissioners adopted ordinances in 2011 (2011-42) and in 2015 (2015-23) to grant economic development ad valorem exemptions to Harris Corporation based on the company accomplishing certain milestones including capital investments and job creation. These ad valorem tax exemptions have been granted in accordance with Florida Statute 196.012 and Chapter 102 of the Code of Ordinances of Brevard County.

Staff Recommendation: It is recommended that the Board of County Commissioners accept with modification CEER 2020032(c) because, even with the economic incentives, on the 2019 tax bill, Harris Corporation had \$3.7 million in taxes levied by Brevard County.



Solid Waste Management Department

2725 Judge Fran Jamieson Way
Building A, Room 118
Viera, Florida 32940

Inter-Office Memo

BOARD OF COUNTY COMMISSIONERS

February 6, 2020

TO: Board of County Commissioners

THROUGH: Frank Abbate, County Manager 
Board of County Commissioners

THROUGH: John Denninghoff, Assistant County Manager 
Development & Environmental Service Group

FROM: Euripides Rodriguez, CIA, Director 
Solid Waste Management Department

SUBJECT: Citizen Efficiency and Effectiveness Recommendation #2020033

In the CEER #2020033 Modified Trash pickup schedule, the citizen states the following:

Current Problem

I think there is some potential savings to be had regarding trash pickup. Currently my neighborhood picks up trash twice a week and while this is nice I notice that most people don't need their trash picked up 2 times a week most of the year. In my particular neighborhood the pickup days are Tuesday and Thursday so between Tuesday night and Thursday morning its pretty hard to generate a whole additional can of trash.

Recommendation

I would recommend keeping the twice a week holiday time trash pickup but for the majority of the year I would move it down to a once a week pickup. This should allow the town to reduce their bill to Waste Management for the refuse pickup.

Staff offers the following:

The Board recently solicited a Request for Proposals in which the option of once a week garbage pickup was included. These options with the associated cost were presented to the Board on November 12, 2019. Based on these results the Board directed staff to negotiate with Waste Management on the twice a week pickup.



Staff Recommendation:

It is recommended that the Board of County Commissioners reject Citizen Efficiency and Effectiveness Recommendation #2020033.



County Attorney's Office
2725 Judge Fran Jamieson Way
Building C, Room 308
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

TO: Frank Abbate, County Manager
THRU:  Eden Bentley, County Attorney
FROM:  Justin Caron, Assistant County Attorney
SUBJECT: Motor Vehicle Inspections CEER #34
DATE: January 13, 2020

RECOMMENDATION: Reject. This area is preempted by the State of Florida.

Question :

The citizen request received by the County from Ms. Cara M. Wilson is as follows:

- a. "We need to initiate a vehicle inspection program. Start with vehicles over 10 years old. Then continue with vehicles over 5 years then all every two years. In the beginning focus on brakes, tire treadwear and emissions. Then add lights, turn signals and wipers, etc. The fee would cover the expense and our roads will be much safer."

This office has been tasked with providing input as to the legality of mandating vehicle inspections at the county level.

Analysis:

The State of Florida previously required yearly comprehensive vehicle inspections until 1981. In 1991, a more limited inspection program focused on vehicle emissions began. This ended in 2000 through the passage of Ch. 2000-266, Laws of Florida.

Motor vehicles in the State of Florida are regulated by Title XXIII of the Florida Statutes.

Under Title XXIII, Florida Statutes, the Legislature created Chapter 316, known as the *State Uniform Traffic Control Law*. Section 316.007 F.S., titled *Provisions Uniform Throughout the State states*,

"The provisions of this chapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein, and no local authority shall enact or enforce any ordinance on a matter covered by this chapter unless expressly authorized. However, this section shall not prevent any local authority from enacting an ordinance when such enactment is necessary to vest jurisdiction of violation of this chapter in the local court."

Subject: Term Limits and Alternative Energy Incentives CEER

Date: 1/13/20

Section 316.007 F.S. expressly preempts a local government from further regulating motor vehicles contrary to the provisions found under the State Uniform Traffic Control Law. Imposing additional requirements on motor vehicles not found under Chapter 316 F.S. may subject the county to liability, including attorneys' fees, if challenged. However, law enforcement officers may still perform inspections on motor vehicles to ensure the safety and welfare of the public pursuant to the State Uniform Traffic Control Law.

316.610 F.S. *Safety of Vehicle; Inspection*, currently prohibits a person from operating a motor vehicle that it is in an unsafe condition. A police officer upon reasonable cause that a vehicle may be unsafe or lacks certain required safety equipment may both stop the car and provide written notice to the owner to require repair within 48 hours.

Recommendation: Reject

The County is preempted by the State from imposing additional requirements on motor vehicles, including required vehicle inspections, that are not in the Uniform Traffic Control Law. If a law enforcement officer suspects that a vehicle is unsafe, he or she may still require the owner of the vehicle to comply with State law and obtain proper working safety equipment.

Therefore, the recommendation is for Brevard County to not require drivers to obtain motor vehicle inspections prior to registration and to reject the request. The appropriate venue for a change in law to require motor vehicle inspections would be for the citizen to request a change from their local legislator.



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Frank Abbate, County Manager
THRU: John Denninghoff, Assistant County Manager
Virginia Barker, Director, Natural Resources Management
FROM: Mike McGarry, Program Manager
DATE: January 17, 2020
SUBJ: 2020 Citizen Efficiency & Effectiveness Review (CEER) # 35 – Beach Nourishment

RECOMMENDATION: Reject CEER #35 due to acknowledgment that investment in beach renourishment is an investment in the quality of life of County residents and provides a positive return on investment for our local economy. Also, due to previous Board consideration and direction.

Question: The citizen’s request received by the County from Judi Fidler of Melbourne includes the following:

Problem Description: Stop burying the reef in Satellite Beach with dirt.

Recommendation Description: It would save money and keep the beach cleaner.

Analysis:

Brevard County has chosen to use beach nourishment as a management tool to protect upland infrastructure and tax base. Maintaining public beaches is vitally important to both locals and visiting tourists. In 2016, the County Commission entered into a 50 year partnership agreement with the US Army Corps of Engineers for the Mid Reach federal shore protection (aka beach nourishment) project that is now being constructed along Satellite Beach. In order to get Congressional authorization for these federal projects, extensive economic analysis was completed to assure the benefit to cost (B:C) ratio was positive and the project provides a net benefit not just to Brevard County but to the nation. The current B:C ratio for the Mid Reach is almost 3:1, thus demonstrating the project is economically responsible and in the long run saves money.

In addition to being economically responsible the projects are also environmentally responsible. The Mid Reach project is currently being constructed with beach quality sand, dredged from the ocean floor off Cape Canaveral, which meets regulatory standards. The sand is being placed in limited volume with a specific plan to minimize impact to the nearshore reefs. The

nourishment plan and sand quality standards have been approved by federal and state environmental agencies. Brevard County nourishment projects encourage healthy and “clean” beaches, as witnessed in our other previously nourished reaches which repeatedly set all time green turtle nesting records. The image below shows that ten years after nourishment the projects provide beautiful beach and dune habitat that most people, and wildlife, would prefer to undermined structures or armor that would result if beaches are not maintained.

In addition to federal cost-share, Brevard County gets significant cost share for our beach projects from the Florida Department of Environmental Protection (FDEP). To evaluate the economic return on investment of the FDEP program, an independent (from FDEP) study was completed by the Florida Office of Economic and Demographic Research in 2015. The study determined that maintenance of beaches through beach nourishment was extremely important to the State, both from a storm protection and recovery perspective, as well as from a tourism branding perspective. The final result of the study showed the state’s investment in beach nourishment provided a positive return on investment (ROI) of \$5.40 for every \$1 of state investment. This ROI provides another example that beach restoration projects in the state of Florida provide a significant positive economic return.



Breakers Condominium Melbourne Beach, Before and After Beach Nourishment

Staff Recommendation:

Reject CEER #35 due to acknowledgment that investment in beach renourishment is an investment in the quality of life of County residents and provides a positive return on investment for our local economy. Also, due to previous Board consideration and direction.



BOARD OF COUNTY COMMISSIONERS

Public Works Department
2725 Judge Fran Jamieson Way
Building A, Room 201
Viera, Florida 32940

Inter-Office Memo

TO: Frank Abbate, County Manager

THRU: John P. Denninghoff, Assistant County Manager *JPD*

FROM: Corrina Gumm, *CG* Interim Public Works Director/Traffic Operations Program Manager

SUBJ: Citizen Efficiency and Effectiveness Recommendation #2020036(a)
Build median on A1A in Cocoa Beach and Cape Canaveral

DATE: March 2, 2020

Citizen Recommendation:

A Citizen Efficiency and Effectiveness Recommendation (CEER) was submitted to Brevard County from Mr. Andre Yoshida that described the following Problem and Recommendation.

Problem: "A1A is currently 5 lanes with the center lane reserved for turning onto and off of A1A. Cars can be turning from/to any of the many businesses lining the road. Pedestrians try to walk across this as well. The current arrangement results in many accidents involving cars, bikes, and pedestrians. Often resulting in fatalities."

Recommendation: "I humbly request that the county put medians in the middle lane to prevent arbitrary entry of cars. Cars would always have to take a right turn and then a u-turn at the next light if they want to go in the opposite direction. The median can be lined with palm trees or decorative shrubs to greatly improve the appearance."

Staff Analysis:

Highway A1A is under the jurisdiction of the state, specifically the Florida Department of Transportation (FDOT), District Five. This road is not under Brevard County jurisdiction and therefore we cannot modify the median along A1A.

Staff Recommendation:

It is recommended that the Board of County Commissioners accept with modification CEER #2020036. While this road segment is not under the jurisdiction of Brevard County, staff will continue to provide input through the Space Coast Transportation Planning Organization (TPO) and to the FDOT regarding the need for these transportation improvement projects.



County Manager's Office
2725 Judge Fran Jamieson Way
Building C, Room 301, MS# 88
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: The Board of County Commissioners
FROM: Frank Abbate, County Manager
SUBJECT: Pedestrian Crosswalks CEER #36(b)
DATE: Jan. 15, 2020

A Citizen Efficiency and Effectiveness Recommendation (CEER) document #36(b) was submitted by Andre Yoshida to address concerns about medians on A1A and the dangers imposed for pedestrians attempting to cross the street and potential fatalities.

CEER #36 goes on to recommend medians on A1A and this recommendation has been submitted to the Transportation Planning Organization.

To specifically address pedestrian crossing issue, staff offers the following:

- On January 7, the Board voted unanimously to approve two measures directed at getting the State of Florida to remove Rectangular Rapid Flashing Beacon crossing signal systems that create confusion for motorists. The Board authorized a letter to Florida Governor Ron DeSantis to direct state officials to prioritize this effort and to push for a reduced speed limit along State Road A1A in the Satellite Beach/Indialantic/Indian Harbour Beach area. The Board also authorized a letter to the County's state lobbyist requesting Florida Department of Transportation's removal of the yellow flashing light systems along roads in Brevard County. The letter recommends replacement of the flashing light systems with the HAWK system, which includes a red light that would prompt motorists to stop. That letter was shared by Commission Chair Bryan Lober with Brevard County's legislative delegation, Florida Department of Transportation Secretary Kevin Thibault, and the mayors of Satellite Beach, Indialantic, Indian Harbor Beach and Melbourne Beach.
- On Monday, January 13, and on the eve of the State Legislative Session, State Representative Randy Fine filed a "Turn the Flashing Yellow Crosswalks Red" bill, which would require all flashing-yellow Crosswalks that are not located at a road intersection to be equipped with pedestrian-activated red lights by 2024.
- Letters formally submitted by Commission Chairman Bryan Lober to state Lobbyist Ronald Book and Governor DeSantis are included here.

Staff Recommendation:

Accept with noted modifications.



BOARD OF COUNTY COMMISSIONERS

January 13, 2020

The Honorable Ron DeSantis
Governor of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

RE: Request for HAWK (red light) Pedestrian Crossings in Brevard County

Dear Governor DeSantis:

Brevard County is mourning the recent tragic death of Sophia Nelson, a twelve year old girl, who was struck and killed by a motor vehicle while attempting to cross State Road A1A in Satellite Beach using the newly installed FDOT Rectangular Rapid Flashing Beacon (RRFB) crosswalk. The flashing yellow lights which are part of RRFB crosswalks are supposed to indicate to drivers that they should stop when someone is planning to cross the street. Unfortunately, the motor vehicle did not stop when Sophia used the flashing yellow light system and she was struck and killed. Prior to the accident that claimed Sophia's life, a young boy, also 12 years old, was killed on a Post Road in the Melbourne area while using the same type of flashing yellow lights at a pedestrian crossing. Brevard County residents have presented testimony and videos to the County Commissioners that indicate motor vehicles frequently ignore the flashing yellow lights and continue through the crosswalk area despite the presence of pedestrians.

The RRFB crosswalks provide a false sense of security to our County's pedestrians and do not clearly indicate to motor vehicle operators that they must to stop. In fact, the flashing yellow lights only seem to cause confusion. On the motion of Brevard County Commissioner Curt Smith, District 4, and a unanimous vote of the Brevard County Commission, the Board requests that all the RRFB crosswalks in Brevard County be removed and replaced with High Intensity Activated (HAWK) Crosswalks which provide a red light to stop vehicular traffic when activated by pedestrians seeking to cross the street. This change is needed immediately along State Road A1A in Satellite Beach, Cocoa Beach, Indian Harbor Beach, Indialantic, and Melbourne Beach. In addition, the Board of County Commissioners urges you to direct the State of Florida Department of Transportation to consider lowering speed limits on A1A from 45 to 35 mph to improve safety and to take any other actions which might improve pedestrian safety in Brevard County.

Respectfully,

Bryan Lober
Chair



BOARD OF COUNTY COMMISSIONERS

January 13, 2020

Ronald L. Book, Esquire
Ronald L. Book, P.A.,
18851 N.E. 29th Ave.,
Aventura, FL 33180,

RE: State Road A1A Pedestrian Crossings
Brevard County – Request to State of Florida for HAWK (red light) crosswalks.

Dear Mr. Book:

Brevard County is mourning the recent tragic death of Sophia Nelson, a twelve year old girl, who was struck and killed by a motor vehicle while attempting to cross State Road A1A in Satellite Beach using the newly installed FDOT Rectangular Rapid Flashing Beacon (RRFB) crosswalk. The flashing yellow lights which are part of RRFB crosswalks are supposed to indicate to drivers that they should stop when someone is planning to cross the street. Unfortunately, the motor vehicles did not stop when Sophia used the flashing yellow light system and she was struck and killed. Prior to the accident that claimed Sophia's life, a young boy, also 12 years old and in 6th grade, was killed on Post Road in the Melbourne area while using the same type of flashing yellow lights at a pedestrian crossing. Brevard County residents have presented testimony and videos to the County Commissioners that indicate that motor vehicles frequently ignore the flashing yellow lights and continue through the crosswalk area despite the presence of pedestrians.

The RRFB crosswalks provide a false sense of security to our County's pedestrians and do not clearly indicate to motor vehicle operators that they must stop. In fact, the flashing yellow lights only seem to cause confusion. On the motion of Brevard County Commissioner Curt Smith, District 4, and a unanimous vote of the Brevard County Commission, authorized me to contact you to ask that communicate the county's concerns to the governor and other state officials. Specifically, the Board asks that you seek to have all the RRFB crosswalks in Brevard County be removed and replaced with High Intensity Activated (HAWK) Crosswalks which provide a red light to stop vehicular traffic when activated by pedestrians seeking to cross the street. This change is needed immediately along State Road A1A in Satellite Beach, Cocoa Beach, Indian Harbor Beach, Indialantic, and Melbourne Beach. In addition, the Board of County Commissioners urges you take steps to have the State of Florida Department of Transportation consider lowering speed limits on A1A from 45 to 35 mph to improve safety and to take any other actions which might improve pedestrian safety in Brevard County.

Respectfully,

Bryan Lober

Chair



BOARD OF COUNTY COMMISSIONERS

January 15, 2020

Secretary Kevin J. Thibault
Florida Department of Transportation
605 Suwannee Street
Tallahassee, Florida 32399-0450

Dear Secretary Thibault,

Brevard County is mourning the recent tragic death of Sophia Nelson, a twelve-year old girl who was struck and killed by a motor vehicle while attempting to cross Highway A1A at Ellwood Avenue on a newly installed FDOT Rectangular Rapid Flashing Beacon (RRFB).

Sadly, this senseless death has proven out the fears many residents have had regarding these yellow flashing lights. These RRFBs give a false sense of security to the pedestrian and do not indicate to motor vehicle operators to stop.

The Brevard County Board of County Commissioners requests that the Florida Department of Transportation immediately remove any recently installed RRFBs and halt any current or proposed construction of additional RRFBs along the A1A corridor.

Additionally, the Board requests that your department consider installing High-Intensity Activated Crosswalk (HAWK) traffic lights on S.R. A1A at Ellwood Avenue in Satellite Beach.

Respectfully,

Bryan Andrew Lober

Bryan Lober
Chair, Brevard County Board of County Commissioners

cc: Mayor Frank Catino, City of Satellite Beach
Mayor Dave Berkman, Town of Indialantic
Mayor Scott Nickle, City of Indian Harbour Beach
Mayor Jim Simmons, Town of Melbourne Beach
Brevard County Legislative Delegation



Solid Waste Management Department
2725 Judge Fran Jamieson Way
Building A, Room 118
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

January 14, 2020

TO: Board of County Commissioners

THROUGH: Frank Abbate, County Manager 
Board of County Commissioners

THROUGH: John Denninghoff, Assistant County Manager
Development & Environmental Service Group 

FROM: Euripides Rodriguez, CIA, Director 
Solid Waste Management Department

SUBJECT: Citizen Efficiency and Effectiveness Recommendation #2020037

In the CEER #2020037 End Recycling, the citizen states the following:

Current Problem

Recycling is costly for both the environment and the county not including the time and effort of everyone who puts in recycling. Plastic waste is never really recycled and the few countries that do pick it up do so poorly with rivers and streams taking plastic into the sea. Recycling paper is almost a useless as only a few paper products are recyclable and trees are a renewable resource that get regrown like wheat or potato.

Recommendation

End the Brevard recycling program or cutting it down to just aluminum and/or scrap metal only. Unlike other recyclables aluminum has an actual cash value making the program cost neutral or even profitable. The savings would be in less time and effort along with the fuel used to transport and sort plastics and papers that will end up in a landfill anyway. This saves the County money and the environment from excess waste that rather than being immediately buried transported it to a far off land to get buried and polluting the water and land as before it finally does.

Staff offers the following:

The Florida Legislature, through the Energy, Climate Change and Economic Security Act of 2008, established a statewide weight-based recycling goal of 75% by 2020. The Act instituted the 75% recycling goal, directed the Florida Department of Environmental Protection to establish a reporting protocol and directed counties to report annually. The Legislature also established interim recycling goals: 40% by 2012, 50% by 2014, 60% by 2016 and 70% by 2018. This is what, in recent times drives the recycling collection program as one of the components used to meet the goal of 75% recycling. Brevard County was not able to meet the

last goal of 70% for 2018 having recycled 57%. Recycling as much as we can find markets for greatly helps us try to meet the recycling goal required by the State of Florida.

The collection trucks used for recycling are already making routes through the residential neighborhoods thereby it makes sense to collect as much of the different types of materials that can be recycled as possible.

Staff Recommendation:

It is recommended that the Board of County Commissioners accept with modification Citizen Efficiency and Effectiveness Recommendation #2020037. The County sells recycled material collected that generates revenues to off-set the County's collection costs. For example, our facilities sell metals, white goods (appliances), and cardboard which in Fiscal Year 2019 derived revenues of \$156,633.



Matthew V. Wallace, Director
Brevard County Public Safety Office
1040 South Florida Avenue
Rockledge, Florida 32940

TO: Brevard County Board of County Commissioners

THRU: Frank Abbate, Brevard County Manager *FBA*

THRU: Matthew Wallace, Brevard County Public Safety Director *MW*

From: Mark Schollmeyer, Brevard County Fire Chief *MS*

Date: January 15, 2020

Subject: CEER Recommendation/Response #2020038

SUBJECT: CEER Recommendation/Response #2020038

CITIZEN IDENTIFIED PROBLEM:

As written by the submitter:

(Fire Rescue is a ...) "Waste of money"

CITIZEN RECOMMENDATION:

As written by the submitter:

"Cut back on the ambulance like 911. I think it's a waste of time and money since they don't do much, but like going to a grocery store, complaining about doing their job. They are good for motor vehicle accidents, but that's about all. Also, everyone getting raise and then you want the regular people to pay more. You all want more money and doesn't do anything extra to earn it."

ORGANIZATION RESPONSE:

In 2019, Brevard County Fire Rescue (BCFR) units responded to approximately 90,000 total calls for service including 3,600 motor vehicle collisions. In addition, BCFR's thirty advanced life support ambulances transported over 52,000 patients to area hospitals. The nature of the schedule and the work load on these resources means these ambulance crews must eat when they can. When these units go to the grocery store in their assigned district, they are still in service and available to respond to emergencies. In emergency services, there is not a designated meal period or break for these men and women during their twenty-four hour shift so they must buy and eat meals on-the-go or as they are returning from emergency calls. Under the circumstances, having the rescue unit be mobile many times allows for a shorter response as the unit is already deployed.

Brevard County Fire Rescue is one of the most cost-efficient EMS transport providers in the State with the majority of those costs being salary and benefits. As demand for trained firefighters and paramedics increases throughout the state, we must maintain the ability to attract and retain qualified applicants with a reasonable salary and benefit package. We hope this response addresses the concerns you brought to our attention.

RECOMMENDED ACTION:

Accept with modifications. Brevard County Fire Rescue's call volume and population growth does not support cutting back on the service. We will continue to use efficient ways to dispatch and deploy resources including Pro Q/A which manages the resources for various to triage EMS calls and align the proper resources.



BOARD OF COUNTY COMMISSIONERS

Public Works Department
2725 Judge Fran Jamieson Way
Building A, Room 201
Viera, Florida 32940

Inter-Office Memo

TO: Frank Abbate, County Manager

THRU: John P. Denninghoff, Assistant County Manager

FROM: Corrina Gumm, Interim Public Works Director/Traffic Operations Program Manager

SUBJ: Citizen Efficiency and Effectiveness Recommendation #2020039
Safety

DATE: February 14, 2020

Citizen Recommendation:

A Citizen Efficiency and Effectiveness Recommendation (CEER) was submitted to Brevard County from Ms. Kathryn A. Koines that described the following Problem and Recommendation.

Problem: "Not sure why safety has not been included, but I think it is so important in our county with so many visitors. Something has to be done about the bike riders in our County. They are not following the rules of the road and so many times I have seen close calls where they should have stopped at a stop sign or even worse passing during a red light. Can you pass this on to someone because it is so important for the safety of the bikers as well as the people driving the cars that encounter this situation."

Recommendation: "I honestly don't know what can be done, but the benefits would be saving lives."

Staff Analysis:

In Florida the bicycle is legally defined as a vehicle and the bicyclist is a driver. Bicyclists have the same rights to the roadways, and must obey the same traffic laws as the drivers of other vehicles. These laws include stopping for stop signs and red lights, riding with the flow of traffic, using lights at night, yielding the right-of-way when entering a roadway and yielding to pedestrians in crosswalks.

The Space Coast Transportation Planning Organization (SCTPO) facilitates bicycle education with the primary goal of improving safety and reducing transportation-related injuries and deaths by

educating bicyclists, pedestrians, and motorists on state traffic laws and the safe use of transportation infrastructure.

The SCTPO has a variety of educational programs available to interested groups. For example, in a Bicycle Rodeo event, students are taught that bicycles are vehicles and must follow the rules of the road. Students learn to look for cars and navigate through a series of obstacles. They also offer a bicycle helmet programs in partnership with the Florida Pedestrian and Bicycling Safety Resource Center, funded by the Florida Department of Transportation (FDOT) to promote safe pedestrian and bicycling activities for citizens and visitors, young and old, by providing educational materials and information to all interested Florida residents.

In addition, Florida's 2016 Strategic Highway Safety Plan (SHSP) identified areas which reflect ongoing and emerging safety issues, including the following strategies for the pedestrian and bicycle safety emphasis area:

- Increase awareness and understanding of safety issues and compliance with traffic laws and regulations related to pedestrians and bicyclists.
- Develop and use a systemic approach to identify locations and behaviors prone to pedestrian and bicycle crashes and implement multidisciplinary countermeasures.
- Create urban and rural built environments to support and encourage safe bicycling and walking.
- Support national, state, and local legislative initiatives and policies that promote bicycle and pedestrian safety.

Staff Recommendation:

It is recommended that the Board of County Commissioners accept CEER #2020039.

Brevard County is a partner with safety advocates of the state and the SCTPO, along with leaders at the national and state level representing Engineering, Education, Enforcement, and Emergency Services.

The Public Works Department will continue to support this initiative by representing the Engineering behind transportation planning and development processes to ensure that safety and accessibility is a priority through the design, construction, and maintenance stages of all state and local transportation projects.



BOARD OF COUNTY COMMISSIONERS

Transit Services
401 S. Varr Ave
Cocoa, FL 32922

Inter-Office Memo

TO: Brevard County Board of County Commissioners

THRU: Frank Abbate, County Manager *FAB*

THRU: Jim Liesenfelt, Assistant County Manager *JL*

FROM: Scott Nelson, Transit Services Director *SN*

DATE: January 22, 2020

SUBJECT: Citizen Efficiency and Effectiveness Recommendation (CEER) #2020040

Recommendation Title: Brevard County Leads the Way Through Innovation!!

Description: The current forms of public transportation (buses and trains) are wholly inadequate. I would like Brevard County to offer more Public Transportation. The needs are far reaching: those that do not have access to an automobile for a variety of reasons (health, finances, handicaps, etc) The forms may be more Buses and in particular, Virgin Trains, making a stop in Brevard County. Currently, the train plans to ride up the coast, thru Brevard County and once it reaches near State Road 528, it would turn west and travel to the Orlando airport. I have brought this stop in Brevard County up numerous times to a variety of individuals and the reasons for the reasons for growth, expansion, increased efficiency, reduced pollution, commuters, access to the port cruise lines, etc Currently, there remains no plans. This is a mistake and VERY short sighted. I would like this project to receive priority treatment and deserves to be considered.

Analysis:

We recognize that there are citizens in Brevard County who cannot provide their own transportation for a variety of reasons. Space Coast Area Transit currently offers a number of transportation options including 20 fixed bus routes, paratransit door-to-door bus service by advanced reservation, vanpools and Volunteers in Motion. Space Coast Area Transit also provides emergency transportation to Special Needs shelters when a hurricane is imminent.

Space Coast Area Transit provided over 2,300,000 rides last year on its various services. Citizens depend on the services to go to work, college, kidney dialysis, shopping, doctor's appointments, and all other life activities. The Brevard County Board of County

Commissioners continue to show support for expanded public transportation by authorizing the addition of two paratransit bus routes for the transportation disadvantaged in October of 2019.

We agree that Virgin Trains will bring new opportunities to our community. Virgin Trains is not technically Public Transportation. It is privately owned and funded. Should there be a Virgin Trains station in Brevard County, the location of this station will be determined by Virgin Trains. The Space Coast Transportation Planning Organization supports the efforts to bring a Virgin Trains stop to Brevard County. A resolution in 2016 was passed requesting and supporting a Virgin Trains stop in Brevard County. Should Virgin Trains determine a station in Brevard County, Space Coast Area Transit will provide a bus route to that station, and participate in a multi-modal station with Virgin Trains.

The citizens can learn more about the current public transportation system and future plans by contacting Space Coast Area Transit at 321-635-7815 and the Space Coast TPO at 321-690-6890.

Space Coast Area Transit is ready to support expansion of public transportation, where funding is available, and supports the location of a Virgin Trains station in Brevard County.

Staff Recommendation:

We recommend the Brevard County Board of County Commissioners accept this recommendation with modification.



BOARD OF COUNTY COMMISSIONERS

County Attorney's Office
2725 Judge Fran Jamieson Way
Building C, Room 308
Viera, Florida 32940

TO: Frank Abbate, County Manager
THRU: Eden Bentley, County Attorney
FROM: Justin Caron, Assistant County Attorney
Euripides Rodriguez, Solid Waste Management Department Director
SUBJECT: Term Limits and Alternative Energy Incentives CEER #41
DATE: January 8, 2020

Recommendation: Accept as to item (a) as provisions are already in place, reject item (b), and accept item (c) with modifications.

Question:

The citizen request received by the County from Ms. Jackie Buscemi is as follows:

- a. "I would like the current positions to have some form of term limits (two or possibly three). A[n] individual holding a government position should not seek out the position as a life-long position. As times change, people need to change."
- b. "Ask residents how often they want pick ups (For ex. Once a week, twice a week) and recycled (once a week, once every two weeks) The prices for this service should reflect times trucks need to pick up (taking into account the number of trucks, fuel, pollution, maintenance, etc. the labor and required)."
- c. "Offer builders additional discounts or incentives to encourage and implement other forms of power (solar?) instead of using fossil fuel."

This office has been tasked with providing input as to the questions of term limits and alternative energy incentives identified as items a and c above. Item b is addressed by the Solid Waste Management Director.

Analysis:

Item a. Term limits of elected officials

The Brevard County Charter currently imposes term limits on county commissioners.

Subject: Term Limits and Alternative Energy Incentives CEER

Date: 1/8/20

Sections 2.4 and 2.5 of the Brevard County Charter state:

Section 2.4

Each Commissioner shall be elected and serve for four (4) years, beginning on the second Tuesday after election, and continuing after such term until a successor is elected and qualified. The terms shall be staggered as presently provided by general law. No county commissioner shall serve more than two (2) consecutive terms.

Section 2.5

Commissioners shall qualify for election at the same time and in the same manner provided by general law for county commissioners in non-charter counties. No person may qualify as a candidate or appear on the ballot for re-election to the office of county commissioner if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) as a county commissioner for two consecutive terms.

Both Section 2.4 and Section 2.5 of the Brevard County Charter impose a term limit and expressly prohibit a county commissioner from serving more than two consecutive terms. Article VIII(1)(d) of the Florida Constitution and Section 2.4 of the Brevard County Charter establish a four-year term for county commissioners.

Under the current laws, a county commissioner cannot serve for more than two consecutive terms or remain in office for more than eight consecutive years.

Item b. Asking Citizens for Preference on Frequency of Garbage Pickups

The Board recently solicited a Request for Proposals in which the option of once a week garbage pickup was included. These options with the associated cost were presented to the Board on November 12, 2019. Based on these results the Board directed staff to negotiate with Waste Management on a twice a week garbage pickup.

Item c. Incentives to Encourage Alternative Energy Sources

The County currently has several initiatives to incentivize the use of alternative green energy sources. For the past two consecutive years, the Board of County Commissioners have adopted resolutions exempting permit fees for solar photovoltaic installations. This was done most recently in Resolution 19-027. These exemptions incentivize the installation of solar panels by waiving the permit fee for homeowners and contractors. In fiscal year 2018, this incentive saved homeowners more than \$90,000.

The County has also taken several steps to coordinate working and planning groups to address clean energy sources and their implementation. For more information on these steps, please refer to the response prepared by Planning and Development Director Tad Calkins.



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Brevard County Board of County Commissioners

THRU: Frank Abbate, County Manager
John Denninghoff, P.E., Assistant County Manager

FROM: Tad Calkins, Director – Planning & Development *TCC*

DATE: January 14, 2020

SUBJECT: Citizen Efficiency and Effectiveness Recommendation #2020041(c)

A Citizen Efficiency and Effectiveness Recommendation (CEER) document was submitted that identified several problems. This Department was tasked with analyzing and responding to the third item 2020041(c): Solar power represents a very small amount of the energy required to operate homes and businesses.

CEER #2020041(c) goes on to recommend, as a potential solution, "Offer builders additional discounts or incentives to encourage and implement other forms of power (solar?) instead of using fossil fuel."

Staff offers the following:

In recent years, the Board of County Commissioners (BOCC) has approved many initiatives and partnerships that involve the promotion of clean energy sources, including solar installations. These initiatives represent Brevard County's multi-tiered commitment to alternative energy sources, sustainability and more broadly, regional resiliency. Three such programs are detailed below. Combined, they have immediate and long-term impact with regards to advanced energy technology.

1. On March 20, 2018, the BOCC adopted a resolution exempting permitting fees for solar photovoltaic (PV) installations. On February 26, 2019, the exemption was renewed, saving homeowners and contractors an average \$189 per permit. Since the program's inception, more than 480 applicants have received the exemption as part of the permitting process with program savings to the citizens being more than \$90,000. Lastly, PV permits increased 4% year-over-year in 2019.
2. On November 19, 2019, the BOCC revised a resolution regarding the implementation of the Workgroup for Innovative Solar Energy Resources (WISER). It is anticipated that WISER will meet February – July 2020 and provide recommendations to the BOCC in August 2020 and have three main objectives pursuant to resolution 19-238:

- Develop a cost-benefit analysis and plan for County government to transition to clean-energy sources.
 - Make recommendations on improving public access to economically beneficial clean-energy technology.
 - Identify policies and practices that serve as barriers to the adoption of advanced energy technology within the County, and make recommendations on policy revisions.
3. On October 23, 2019, Brevard County representatives attended the signing ceremony for the East Central Florida Regional Planning Council's (ECFRPC) Regional Resilience Collaborative Memorandum of Understanding (MOU). The MOU, adopted by the BOCC on September 5, 2019, recognizes that the success of a regional resilience collaborative depends on participation and commitment from cooperative networks and partnerships with local governments, federal, state and regional agencies, educational institutions, non-government organizations, businesses, and other stakeholders. The Collaborative represents more than two dozen such stakeholders focused on advancing the three pillars identified under the resilience umbrella; (people) Health + Equity, (places) Build Infrastructure + Natural Environment, and (prosperity) economic resilience. Woven throughout those pillars will be a reduction of the carbon footprint, risks and vulnerabilities utilizing emergency management, and increasing efforts toward sustainability, region wide. We are hopeful that as the Collaborative's work progresses, implementable solutions will be identified for Brevard County and other stakeholders that address encouraging solar installations and reducing barriers to similar technology.

As WISER and the ECFRPC Regional Resiliency Collaborative return recommendations and implementable solutions, it is anticipated, given the Board's previous approval of other alternative energy initiatives, that citizens will continue to realize Brevard County Government's commitment to clean energy, sustainability and resiliency.

Staff Recommendations:

Since the solar PV installation fee exemption is currently in place, the Board may wish to accept with modifications CEER #2020041(c) to include WISER and ECFRPC MOU initiatives.





BOARD OF COUNTY COMMISSIONERS

Public Works Department
2725 Judge Fran Jamieson Way
Building A, Room 201
Viera, Florida 32940

Inter-Office Memo

TO: Frank Abbate, County Manager

THRU: John P. Denninghoff, Assistant County Manager 

THRU: Corrina Gumm, Interim Public Works Director/Traffic Operations Program Manager 

FROM: Scott Barrett, Facilities Building & Operations Manager

SUBJ: Citizen Efficiency and Effectiveness Recommendation #2020042
Lighting and Energy Efficiency

DATE: March 4, 2020

Citizen Recommendation:

A Citizen Efficiency and Effectiveness Recommendation (CEER) was submitted to Brevard County from Mr. Ehren Ullein that described the following Problem and Recommendation.

Problem: "Old and antiquated lighting applications (interior & exterior) that provide a poor quality of light, while consuming a high volume of wattage. On-going maintenance of said applications is wasting money, compared to quality LED lighting that saves the end-user money and pays for itself. We live in the lightning capitol of the world.....are our facilities, and the equipment therein, protected against direct & indirect strikes?"

Recommendation: "I have attached a PowerPoint presentation that expands on these points/products. We provide our clients with a free energy audit that identifies 10-yr ROI & net savings, green house gases saved, and we have LED lighting applications (interior & exterior applications, retrofit and replacement options) that have up to a 10-yr non-prorated warranty in our name. We are not an ESCO, so you keep 100% of the savings!! This information can be used to show Brevard residents current energy costs vs post-conversion energy usage (savings), as well as tout greenhouse gas savings, as this information comes directly from epa.gov. You might be able to create a savings ticker, similar to the federal debt ticker, that shows/tracks savings across all Brevard County buildings and properties. We also work with a local company that specializes in smart-city technology and our technologies are compatible and currently active in Brevard County. We have a piggy-backable contract with the School Board of St. Johns County, FL. The POM PowerGuard protects buildings/facilities from in-direct & direct lightning strikes, as well as

harmonizing power spikes and power surges. This product works incredibly well with VFD issues related with chillers and water treatment stations (letter from the City of Fort Lauderdale contained within the PP). This application also pays for itself, as it also saves energy, while protecting the facility, and its equipment, from lightning. All of our applications & partnerships revolve around and are geared toward energy savings/conservation. We are in the business of saving our clients money, by means of energy efficiency. That being said...what you do with the monies saved is up to you. Tie up pension plans, use as bonuses, off-set rising healthcare plans, etc.. that might also be something you ask residents of Brevard as well. Thank you for the opportunity and forum to share this idea. You have numerous local businesses here to help achieve and work with you regarding your fiduciary responsibility to this beautiful county."

Staff Analysis:

Brevard County presently utilizes quality, energy-saving lighting for a variety of interior and exterior applications in an effort to reduce cost and energy usage and minimize maintenance efforts. We completed a \$15 Million Energy Savings Performance Contract in 2015. Energy audits were performed on facilities throughout Brevard County covering every department in the County which represented over 3.5 million square feet of occupied space. Inventories of interior and exterior lighting fixtures, plumbing fixtures and HVAC equipment were compiled. Data was collected on temperature, humidity and occupied times.

Over 1,000 electric, water and gas utility accounts were analyzed for each facility and bills were collected for at least a full year of consumption on accounts. Energy modeling software was then used to create utility bill calibrated energy models that forecasted energy savings. Lighting was replaced or enhanced with a combination of 25wT8 bulbs & low energy ballasts, induction lighting, dual technology occupancy sensors and LED lighting. The Facilities Program within the Public Works Department has also completed several LED parking lot projects including Harry T & Harriett V Moore Justice Center, BCGC Viera, Space Coast Area Transit, Library Services and numerous other Brevard County locations.

Staff Recommendation:


It is recommended that the Board of County Commissioners accept CEER #2020042, the County implemented an energy saving project 2015.





Inter-Office Memo

BOARD OF COUNTY COMMISSIONERS

TO: Brevard County Board of County Commissioners

THRU: Frank Abbate, County Manager 
Brevard County Board of County Commissioners

THRU: Jim Liesenfelt, Assistant County Manager 
Community Services Group

FROM: Ian Golden, Director 
Housing and Human Services Department

DATE: January 21, 2020

SUBJECT: Citizen Efficiency and Effectiveness Recommendation #2020043

A Citizen Efficiency and Effectiveness Recommendation (CEER) document was submitted that identified a problem regarding "... the lack of resources and facilities that are suitable for children with special needs." and that "... it is essential that these realm [sic] of services are extended throughout the county."

Staff offers the following:

- It appears that this CEER, based upon its title and the narrative that was submitted, is recommending the creation of a Special Needs Daycare (Pediatric) in the northern portion of Brevard County.

Daycare Facilities of all types, including special needs, are typically owned and operated by individuals, private businesses, or not-for-profit organizations and are licensed by the Florida Department of Children and Families (providers with a religious affiliation are exempt from licensing). These facilities are not under the purview of Brevard County. No action is required on the part of the Board of County Commissioners.

Additional Resources:

- The Department of Health in Florida facilitates a statewide program, using local providers, called Early Steps (<http://www.floridahealth.gov/programs-and-services/childrens-health/early-steps/index.html>). Early Steps provides services to eligible infants and toddlers who have or are risk for developmental delays. In Brevard County, the Early Steps provider is Catch of Brevard, Inc. (2565 Judge Fran Jamieson Way, Viera, Florida 32940; 321-634-3688).

- The Florida Department of Children and Families maintains a Provider Search website (<https://cares.myflfamilies.com/PublicSearch>) which can be utilized to locate licensed child care facilities including their capacity and services offered.
- Children’s Medical Services also has a website which provides links to multiple resources (http://www.cms-kids.com/families/early_steps_directory/index.html).
- A search of another website (<https://fun4spacecoastkids.com/Education-Childcare/Special-Needs-Schools/>) located several facilities, which provide services for children with special needs:
 - Able Academics (321-888-3020) – a K-12 school for children on the autism spectrum.
 - Alpha Learning, Inc. (321-453-7077) – offers educational services for children aged 2 (potty trained) through 6th grade.
 - Behavior Education Center (321-639-9800) – offers services to children, aged 3-18, with an autism diagnosis as well as to children who have a behavioral barrier that limits their education progress and/or options.
 - Brevard Christian Early Intervention Center (321-506-7999) – a school for children starting at age 3.

For anyone interested in becoming a provider of early intervention services, for infants and toddlers ages birth to thirty-six months, with disabilities, developmental, delays, and at-risk conditions, they may contact the Early Steps Provider Relations Liaison at (321) 634-3688.

Staff recommendation:

It is recommended that the Board of County Commissioners reject Citizen Efficiency and Effectiveness Recommendation (CEER) 2020043.



BOARD OF COUNTY COMMISSIONERS

Office of Human Resources

2725 Judge Fran Jamieson Way
Building B, Room 209
Viera, Florida 32940

Inter-Office Memo

TO: Frank Abbate, County Manager
FROM: Jerry Visco, Human Resources Director
SUBJ: Citizen Efficiency and Effectiveness Review
DATE: February 26, 2020

CITIZEN RECOMMENDATION:

Address: 945 Kenilworth Ct, Titusville FL 32780 3278 Phone (321) 591-3118

Email SHIREKA.BRANTLEY@GMAIL.COM Recommendation ID 2020044

Recommendation Title Felons Rehire Programs

Current problem: Brevard has a large number of felons that have completed their sentence and or currently under parole or probation that have immense difficulty finding and retaining employment which causes of domino effect on their lives. They are unable to find housing either due to their lack of income or background, unable to provide for their children and a plethora of other things. And also resulting back to their previous habits that landed them in jail or prison to begin with. Which forces allot of our natives to search for employment out of the county as well out of the state.

Recommendation: The morale and welfare improving within the community, increase in employment, decrease in criminal activity, decreased poverished households, decline in suicides just to name a few.

STAFF COMMENTS:

Brevard County does not have a policy against hiring felons that have completed their sentences or those currently on parole or probation. The County currently advertises its open positions in various venues that are accessible as well as utilizing a job service that specifically targets minority and underserved populations looking for employment, including those organizations that would target individuals released from incarceration. Brevard County Administrative Order 5 (AO-5), attached hereto, outlines the parameters utilized to evaluate a job applicant's eligibility for hire when he/she has been convicted of a crime.

Consistent with F.S. 112.011, no job applicant is disqualified from employment by the County solely because of a prior conviction for a crime. However, a person may be denied employment by the County by reason of the prior conviction for a crime if the crime was a felony or first-degree misdemeanor and directly related to the position

of employment sought when that employment brings the employee in contact with "at-risk" populations served by the County.

Staff Recommendation:

It is recommended that the Board of County Commissioners accept with modification CEER 2020044.



BOARD OF COUNTY COMMISSIONERS

ADMINISTRATIVE ORDER

NUMBER: AO-05
CANCELS: 04/24/15
APPROVED: 06/12/18
ORIGINATOR: Human Resources
REVIEW: 06/12/21

Title: Background Investigation Checks

I. PURPOSE AND SCOPE

To establish a consistent, county-wide procedure for conducting background investigation checks.

II. DEFINITIONS AND REFERENCES

Applicant – An external applicant or volunteer being considered for a position or a current employee being considered for a position with a higher security level as the result of a promotion, transfer or demotion.

- B. At-Risk Population-** Children, elderly, disabled, and those whom cannot defend themselves. Example of settings in which individuals come into contact with at-risk populations include, but are not limited to:
- Daycare: senior citizen centers and community day programs for children.
 - Group Home: placements for children under the care of the State as a result of abuse or neglect or as a consequence of delinquency.
 - Program activities involving children on school property.
 - Shelters: homeless, domestic violence or special needs emergency shelters.
 - Youth development programs.
 - Volunteer programs for the elderly or individuals with disabilities; such as, Meals on Wheels or other community/volunteer programs.
 - Library areas/programs designated for children.
 - Park areas/programs designated for children.
- C. Background Investigation Handbook** – a handbook with detailed information about how to complete and interpret the background checks.
- D. Background Checklist** – a form used to track the results of the background checks performed by the Department/Office.

- E. Conviction – defined as a law violation where there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld.

NOTE: A "yes" answer to the question of law violation on the application will not automatically bar the applicant from employment. The nature, job-relatedness, severity and date of the offense in relation to the position for which they are applying will be considered.

- F. Recertification – Frequency which each Department/Office reinvestigates each employee's or volunteer's criminal history.

G. **SECURITY LEVELS:**

High Level (Level I) – Applies to an employee or volunteer who has unsupervised access and/or contact with individuals identified as being in the at-risk population.

Moderate Level (Level II) – Applies to an employee or volunteer who has supervised access and/or contact with individuals identified as being in the at-risk population.

Low Level (Level III) – All other employees or volunteers who do not fit into the High or Moderate security levels.

- H. VECHS – an acronym for the Volunteer & Employee Criminal History System at the Florida Department of Law Enforcement (FDLE). The VECHS program agreement allows Brevard County to submit state and national checks for employees and volunteers, as needed.
- I. F.S. 112.011 – Felon; removal of disqualifications for employment, exceptions.
- J. F.S. 943.04351 – Search of registration information regarding sexual predators and sexual offenders required prior to appointment or employment.

III. RESPONSIBILITIES

- A. Each Department/Office Director shall establish a background investigation check procedure which ensures that the guidelines in this Administrative Order are met.
- B. Each Department/Office will utilize the guidelines in this Administrative Order or will adhere to statutory/contractual requirements, whichever is more stringent.
- C. Each Department/Office shall be responsible for verifying that each applicant

meets the requirements for the job, including educational and/or licensing verification, driver's license check.

- D. Each Department/Office shall be responsible for checking and documenting a total of three (3) of the applicant's employment and/or personal references. Document if the applicant has insufficient work history (i.e.; a student with no experience or someone returning to the workforce after a long absence) or is a volunteer. Due diligence must be used in obtaining these references, but if no response is received, documentation should be made of what efforts were made. Reference checks are not mandatory for those temporary employees hired on a seasonal basis.

The Background Investigation Handbook has detailed instructions and reference forms to be used in checking these references.

- E. Each Department/Office shall perform the required minimum criminal background investigation checks at the appropriate security level for applicants under final consideration and document the results on the Background Checklist, which shall be provided to the Office of Human Resources with the background documents.

1. High-Level Security Check (Level I):

- Fingerprints – submit fingerprints to FDLE under the VECHS agreement using digital fingerprint machine or using the fingerprint card provided for FDLE and National FBI criminal investigation check.
- Brevard County Clerk E-Facts: www.brevardclerk.us

2. Moderate-Level Security Check (Level II):

- FDLE: <https://web.fdle.state.fl.us/search/app/default>
- Brevard County Clerk E-Facts: www.brevardclerk.us
- National Sex Offender Public Website: www.nsopw.gov
- Out-of-State criminal checks based on past seven (7) years address history (on-line checks may be done, if available), or alternatively a national background check.

3. Low-Level Security Check (Level III):

- Brevard County Clerk E-Facts: www.brevardclerk.us
- National Sex Offender Public Website: www.nsopw.gov
- Florida Department of Corrections: www.dc.state.fl.us
- Out-of-Area criminal checks based on past two (2) years address history (on-line checks may be done, if available).

- F. Applicants under final consideration for positions classified as high security level shall be subject to the following guidelines for criminal background checks.

Consistent with F.S. 112.011, a person shall not be disqualified from employment by the County solely because of a prior conviction for a crime. However, a person may be denied employment by the County by reason of the prior conviction for a crime if the crime was a felony or first degree misdemeanor and directly related to the position of employment sought.

1. A prior conviction of any of the following criminal offenses, if a felony or first degree misdemeanor, is considered to be directly related to any high level security position, irregardless of when it occurred, and will disqualify an applicant from further consideration:

- Child Abuse, Neglect or Abandonment
- Extortion
- Extreme Violence (Aggravated Assault/Aggravated Battery, Murder, Attempted Murder, Vehicular Homicide)
- False Imprisonment
- Hate Crime
- Indecent Exposure if Sexual in Nature
- Kidnapping
- Manslaughter
- Child Pornography
- Illegal Possession of Guns or Weapons
- Robbery
- Sale of Controlled Substance
- Sexual Offense (Lewd and Lascivious - Sexual Battery)
- Any Offense of similar nature and severity to those listed above (contact the County Attorney's Office if there is a question)

2. A prior conviction of any of the following criminal offenses, if a felony or first degree misdemeanor, is considered to be directly related to any high level security position if it occurred within five (5) years of the date of the background check, and will disqualify an applicant from further consideration:

- Battery/Assault
- Domestic Violence
- Misdemeanor Drug and/or Paraphernalia
- Resisting Arrest with Violence
- Sale of Alcohol or Tobacco to a Minor
- Contributing to the Delinquency of a Minor
- Any Offense of similar nature and severity to those listed above (contact the County Attorney's Office if there is a question)

A prior conviction of one of the above criminal offenses, if a felony or first degree misdemeanor, that occurred beyond five (5) years of the date of the background check, shall be carefully reviewed by the appointing authority on a case-by-case basis to determine if it is directly related to a high security level position and the applicant is disqualified from further consideration.

3. A prior conviction for any of the following criminal offenses, if a felony or a first degree misdemeanor, shall be carefully reviewed by the appointing authority on a case-by-case basis to determine if it is directly related to a high security level position and if the applicant is disqualified from further consideration:

- Disorderly Conduct/Trespassing
- Driving While Under the Influence (DUI), one incident only (more than one must show proof of rehabilitation)
- Petty Theft
- Worthless Checks
- Other Crimes
- Any Offense of similar nature and severity to those listed above (contact the County Attorney's Office if there is a question)

G. When determining whether a prior criminal conviction for any of the criminal offenses listed in Section F above are directly related to a high, moderate or low level security position, an appointing authority shall take the following factors into consideration:

- The classification of the crime as a felony or first degree misdemeanor
- The relationship between the incident and the type of employment or service that the applicant will provide.
- The nature, severity, number, and consequences of the incidents disclosed.
- The amount of time elapsed since the incident(s) occurred.
- The applicant's efforts and success at rehabilitation.
- The age of the applicant at the time of the incident.

If there is any question about whether the criminal offense is directly related to the position, contact the County Attorney's Office.

H. After the background investigation checks are satisfactorily completed, the Department/Office can initiate the request for the applicant to be hired to a paid position or coordinate a start date for a volunteer placement.

IV. RESERVATION OF AUTHORITY

The authority to issue and/or revise this Administrative Order is reserved for the County Manager.

Frank Abbate 6/12/18
Frank Abbate, County Manager / Date



Solid Waste Management Department
2725 Judge Fran Jamieson Way
Building A, Room 118
Viera, Florida 32940

Inter-Office Memo

BOARD OF COUNTY COMMISSIONERS

February 6, 2020

TO: Board of County Commissioners

THROUGH: Frank Abbate, County Manager *FBA*
Board of County Commissioners

THROUGH: John Denninghoff, Assistant County Manager
Development & Environmental Service Group *JDS*

FROM: Euripides Rodriguez, CIA, Director
Solid Waste Management Department

SUBJECT: Citizen Efficiency and Effectiveness Recommendation #2020045

In the CEER #2020045 Plastic Waste and Possible Reuse:

Current Problem

The problem is Plastic waste and possible reuse as so much of it is being collected but not recycled.

Recommendation

I think Brevard County should really consider putting in place a manufacturing facility to recycle plastics with the ideas at this time as to making plastic lumber. I believe that all outside use of plant based lumber should be replaced with the plastic product. Brevard County could possibly petition the State of Florida to purchase these products for outdoor uses in all County Federal and State Facilities, think of the savings as far as pollution is concerned.

Staff offers the following:

Brevard County does not have a manufacturing facility for plastic lumber, but there are facilities in other parts of the country. Brevard County has used this type of lumber in benches for the Government Complex in Viera as well as other locations including Solid Waste Central Disposal Facility and other county sites. It has also been used in signage for the Cocoa Landfill. There is also a Capital Improvement Project for a Multi-Use Educational Facility in the Central Disposal Facility in which this type of lumber is planned to be used.



Staff Recommendation:

It is recommended that the Board of County Commissioners accept with modifications, as currently being used, the Citizen Efficiency and Effectiveness Recommendation #2020045.



BOARD OF COUNTY COMMISSIONERS

County Manager's Office
2725 Judge Fran Jamieson Way
Building C, Room 301, MS# 88
Viera, Florida 32940

Inter-Office Memo

TO: Brevard County Board of County Commissioners

THRU: Frank Abbate, County Manager *FAB*
John Denninghoff, P.E., Assistant County Manager *JD*
Jim Liesenfelt, Assistant County Manager *JL*

FROM: Tad Calkins, Director – Planning & Development *TC*
Mary Ellen Donner, Director – Parks and Recreation *ME*
Edward Fontanin, Director – Utility Services *EF*
Elizabeth Shephard, Director – UF/Brevard Extension Service *ES*

DATE: February 18, 2020

SUBJECT: Citizen Efficiency and Effectiveness Recommendation #2020046

A Citizen Efficiency and Effectiveness Recommendation (CEER) document was submitted that addressed several areas of concern. The departments of Planning & Development, Parks & Recreation, Utility Services and UF/Brevard Extension Service were tasked with analyzing and responding to the items as follows:

- 2020046(A):** Solar/wind harnessing equipment provided by the County that may raise revenue for the County.
- 2020046(B):** Lack of bike trails or lanes and water activities are not promoted.
- 2020046(C):** Better sewerage systems and restricted sewage dumping.
- 202046(D):** Lack of green space.
- 2020046(E):** The need for eco-friendly landscaping.
- 2020046(F):** Litter fines and derelict boats.

Staff offers the following:

- (A) The County does not provide energy services, however, in recent years the Board of County Commissioners (BOCC) has approved many initiatives and partnerships that involve the promotion of clean energy sources, including solar installations. These initiatives represent Brevard County's multi-tiered commitment to alternative energy sources, sustainability and more broadly, regional resiliency. Three such programs are detailed below. Combined, they have immediate and long-term impact with regards to advanced energy technology.

1. On March 20, 2018, the BOCC adopted a resolution exempting permitting fees for solar photovoltaic (PV) installations. On February 26, 2019, the exemption was renewed, saving homeowners and contractors an average \$189 per permit. Since the program's inception, more than 480 applicants have received the exemption as part of the permitting process with program savings to the citizens being more than \$90,000. Lastly, PV permits increased 4% year-over-year in 2019.
2. On November 19, 2019, the BOCC revised a resolution regarding the implementation of the Workgroup for Innovative Solar Energy Resources (WISER). It is anticipated that WISER will meet February – July 2020 and provide recommendations to the BOCC in August 2020 and have three main objectives pursuant to Resolution 19-238:
 - Develop a cost-benefit analysis and plan for County government to transition to clean-energy sources.
 - Make recommendations on improving public access to economically beneficial clean-energy technology.
 - Identify policies and practices that serve as barriers to the adoption of advanced energy technology within the County, and make recommendations on policy revisions.
3. On October 23, 2019, Brevard County representatives attended the signing ceremony for the East Central Florida Regional Planning Council's (ECFRPC) Regional Resilience Collaborative Memorandum of Understanding (MOU). The MOU, adopted by the BOCC on September 5, 2019, recognizes that the success of a regional resilience collaborative depends on participation and commitment from cooperative networks and partnerships with local governments, federal, state and regional agencies, educational institutions, non-government organizations, businesses, and other stakeholders. The Collaborative represents more than two dozen such stakeholders focused on advancing the three pillars identified under the resilience umbrella; (people) Health + Equity, (places) Build Infrastructure + Natural Environment, and (prosperity) economic resilience. Woven throughout those pillars will be a reduction of the carbon footprint, risks and vulnerabilities utilizing emergency management, and increasing efforts toward sustainability, region wide. We are hopeful that as the Collaborative's work progresses, implementable solutions will be identified for Brevard County and other stakeholders that address encouraging solar installations and reducing barriers to similar technology.

As WISER and the ECFRPC Regional Resiliency Collaborative return recommendations and implementable solutions, it is anticipated, given the Board's previous approval of other alternative energy initiatives, that citizens will continue to realize Brevard County Government's commitment to clean energy, sustainability and resiliency.

(B) There are 33.5 miles of bike trails built and 363 miles of "existing" bicycle facilities such as on-street marked bike lanes, marked sharrows, buffered bike lanes, cycle tracks and shoulders with a width of 5' or greater" in Brevard County. These mileages include the entirety of Brevard County not just unincorporated. Parks and Recreation contracts out and issues permits for water activities in certain parks. These contractors provide water activities such as non-motorized boat tours, motorized boat tours and air boat tours. We also have an agreement with Island Watercraft which rents beach /water equipment at Lori Wilson and the County has a Recreation Partner Agreement with a model sailing club.

(C) The Brevard County Utility Services Department constantly monitors the collection system along with assessing its integrity in order to address areas of concern by either repair or replacement. In addition to our efforts of maintaining the existing system we are constantly moving forward in connecting homes currently on septic to a sewer system. This effort has been proven to improve the environment.

(D) Through voter initiatives, the County has acquired over 2,200 acres of beach and riverfront property that is currently in the Parks & Recreation land inventory. Some of the properties were developed with amenities (parks) and some of the properties remain undeveloped. The Environmentally Endangered Lands EEL Program was established in 1990 to protect the natural habitats of Brevard County by acquiring environmentally sensitive lands for conservation, passive recreation and environmental education. This initiative was so important to the voters in Brevard County they voted to tax themselves for the acquisition and maintenance of Brevard's natural areas. The EEL currently programs - owns and/or manages over 17,000 acres of property throughout Brevard County. In 1984, the voters of Brevard County overwhelmingly approved a referendum which called for a ½ mil increase in ad valorem taxes to finance a bond issue for acquisition and subsequent development of beach and riverfront property in the County. Six categories of river access property to be purchased were identified – scenic preservation, boating access, community river park, urban district river park, river trails and conservation areas. Five categories for oceanfront land to be purchased were identified – neighborhood beach walkway, neighborhood beach park, community beach park, regional beach park, and a barrier island park.

(E) The UF/IFAS Extension Service's Urban Horticulture Agent's programming focuses on Eco Friendly landscaping by promoting soil health to produce healthier plants, nutritious food and to protect water quality. Information on how to improve soil health, along with Florida-Friendly Landscaping (this is UF's trademarked program which teaches Eco Friendly practices) practices are disseminated and taught in multiple ways, including the following:

- 1) A Florida-Friendly Landscaping class series (8 weeks) and the Be Healthy: Grow Your Own Food class series (4 weeks) are held every year.
- 2) My Brevard Yard site visits are conducted at residents' homes. The site visit includes a soil test, irrigation water test if the source is a well and an irrigation zone is calibrated and all their questions are answered. When the soil test is received a fertilizer recommendation is created, based on the soil test, and additional information is provided, along with the soil test results and the fertilizer recommendation, on practices to improve and maintain soil health. The agent works with others within the county as well as the cities of Melbourne, Satellite Beach, Palm Bay and Kathy Hill of the Indian River Lagoon National Estuary Program to plan and implement a free, annual event called the Florida-Friendly Landscaping Seminar. This year's event was held on Saturday, February 8th, at the Eau Gallie High School Auditorium. Both Kathy Hill and the Urban Horticulture Agent presented at this annual event.
- 3) Soil health information, to support Eco Friendly Landscaping, is also disseminated through weekly articles in the Sunday, Florida Today paper, email questions and phone calls from residents.
- 4) The Urban Horticulture Agent also runs the Master Gardener program. In this program area, interested residents are trained, once a year, as Master

Gardeners by attending a 10-week series of classes. Master Gardeners volunteer their time to assist residents with gardening and pest questions. A group of Master Gardeners also helps the agent by conducting My Brevard Yard site visits. The Master Gardeners also staff our Cocoa office and answer phone calls and walk-ins who have gardening/pest questions. In addition, they also staff 14 Master Gardener clinics, which are held at locations throughout the county.

- (F) Pertaining to litter enforcement, the description provided relates to roadways and waterways, with litter escaping moving vehicles and boats. Law enforcement such as the Brevard County Sheriff's Office, and all municipal and state agencies including Florida Highway Patrol and Marine Patrol, are authorized to enforce state statute 403.413, the "Florida Litter Law", and would be the appropriate authority for the described concerns. Additionally, the Brevard County Natural Resources Management Department (NRMD) has a Derelict Vessel Program in place whereby the owner or lienholder is billed for storage and removal costs. More information can be found at <https://www.brevardfl.gov/NaturalResources/BoatingWaterways/DerelictVessels>.

Staff Recommendations:

Accept with noted modifications.



Parks and Recreation Administration

2725 Judge Fran Jamieson Way
Building B, Room 203
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

TO: Brevard County Board of County Commissioners

THRU: Frank Abbate, County Manager *FA*
Board of County Commissioners

THRU: Jim Liesenfelt, Assistant County Manager *JL*
Community Services Group

FROM: Mary Ellen Donner, Director *MED*
Parks and Recreation

DATE: January 15, 2020

SUBJECT: Citizens Efficiency and Effectiveness Recommendation # 2020047
Kiwanis Island Tennis Courts

Recommendation: Accept

Citizen Efficiency and Effectiveness Recommendation (CEER) document # 2020047 was submitted by Mr. Tommy Blair. Mr. Blair recommends "repair and paint" the Kiwanis Island Park tennis courts.

Staff offers the following:

Regular maintenance, such as blowing off the courts, trash removal and weed control, is performed weekly at the Kiwanis Island tennis courts. The most recent upgrade to the eight tennis courts was in June 2019. Thirty-two new LED lights, including new brackets, were installed.

Prior to the December 2019 holidays, staff and the Kiwanis Island Park contracted tennis instructor walked the tennis courts noting needed maintenance. The net stanchion poles were identified for repair. Temporary repairs were made to the net stanchion poles on January 11, 2020. On January 15, 2020 staff met with NIDY Sports – Tennis Court Construction to discuss a stanchion product that will withstand the corrosive salt environment that exists on Merritt Island. We will be replacing the poles in 2020.

Staff recognizes the need to resurface the eight tennis courts and will add the resurfacing of all eight tennis courts in the budget for Fiscal Year 2020/2021. The NIDY Sports' representative did not recommend painting the lines as he felt that the lines could not be re-painted over the



BOARD OF COUNTY COMMISSIONERS

Parks and Recreation Administration

2725 Judge Fran Jamieson Way

Building B, Room 203

Viera, Florida 32940

existing lines without distracting variation (they could not paint them exactly over the current lines) and recommended that the new lines be incorporated into the re-surfacing project.

Staff Recommendation:

The Department recommends the Board of County Commissioners accept Citizen Efficiency and Effectiveness (CEER) 2020047 and the budget will be amended to include the resurfacing of all tennis courts at Kiwanis Island Park.



BOARD OF COUNTY COMMISSIONERS

Public Works Department
2725 Judge Fran Jamieson Way
Building A, Room 201
Viera, Florida 32940

Inter-Office Memo

TO: Frank Abbate, County Manager

THRU: John P. Denninghoff, Assistant County Manager

FROM: Corrina Gumm, Interim Public Works Director/Traffic Operations Program Manager

SUBJ: Citizen Efficiency and Effectiveness Recommendation #2020048
Adopt a Crosswalk

DATE: March 20, 2020

Citizen Recommendation:

A Citizen Efficiency and Effectiveness Recommendation (CEER) was submitted to Brevard County from Mr. Douglas Rowlett that described the following Problem and Recommendation.

Problem: "Reducing deaths that occur when pedestrians cross roads using established crosswalks."

Recommendation: "My thought would be to create an Adopt a Crosswalk Program that might be administered similar to the Adopt a Road Program. This would help create local community or neighborhood ownership in many-most crosswalks in Brevard County as well as cities-if cities did the same. Sponsors would get signs put up with their names on them- placed by each crosswalk they sponsor. Sponsors could be local businesses or non-profits, community groups, school groups etc. They might be able to raise funds locally to provide special items for their crosswalk such as the crossing flags. Maybe they would be able to raise funds to help put up the electric flashing light crossing or new reflective signs, or funds to help ensure that the sponsored crosswalk is painted often enough to be kept looking new and bright and visible day and night to drivers in vehicles. Sponsors could be sought at the same time new crosswalks are proposed which would help to enhance local support/involvement and may provide additional funds to enhance the features planned for each specific crosswalk proposed. Program could be administered by Public Safety Department or maybe even a Public Safety Group. Seems like this could save the county money in the long run by having locals keeping a watchful eye out for their crosswalks, maybe raise funds that the county would not need to to raise- to maintain or upgrade each crosswalk. It would also create local pride and likely could result in lives saved-which would be the biggest reward for sure."

Staff Analysis:

Brevard County Traffic Operations has received a few requests for pedestrian flags at existing marked midblock (uncontrolled) crosswalks on county roads as well as on Highway A1A, a state road. We currently maintain pedestrian flag installations at two marked midblock (uncontrolled) crosswalks along Riverside Drive in the unincorporated area north of Indialantic. They have generated positive feedback; however, there is concern that the future maintenance responsibility will cause a burden on staff as the program expands countywide. For that reason, we need to develop guidelines for future installations. For the two locations on Riverside Drive, it is a convenient location for us to monitor the status regularly and we have replaced the occasional missing flags. Staff is concerned about the future ongoing maintenance as the idea expands to crosswalks throughout the county and while we continue to struggle with inadequate staffing levels.

The initial installation on Riverside Drive was in August 2018 and cost approximately \$200.00 per location. The cost included orange flags on wooden dowels which we modified to add high intensity reflective material, containers with drain holes to hold the flags, and crosswalk flag instructional signage. Below is an image of one of these locations.



In the case of Highway A1A, the Florida Department of Transportation (FDOT) has advised that they will allow the County to install the flags and holders within the state road right-of-way at an existing marked crosswalk as long as there is a plan to maintain the items. There is language in Florida statutes that requires the local government to submit this type of request to FDOT and agree to accept maintenance responsibility. For example, there are locations on Highway A1A within the Town of Melbourne Beach where the town has obtained FDOT approval and agreed to maintain the flag systems.

Alternative pedestrian safety improvements could be the installation of flashing beacons; however, that solution is often determined to be cost prohibitive and the actual improvement to safety is uncertain. Brevard County Traffic Operations has previously denied the installation of flashing beacons at uncontrolled crosswalks on county roads for various reasons, including the primary concern that they give a false sense of security to the pedestrian.

Brevard County Traffic Operations has considered developing a pedestrian flag pilot program where we partner with a sponsor, similar to an Adopt a Crosswalk Program, with the understanding that they would be responsible for monitoring the flags and purchasing replacements as needed. We would provide the initial installation and would also continue to maintain the signage and pavement markings. We've received positive feedback on this idea and it is our desire to develop this idea as soon as time allows.

Staff Recommendation:

It is recommended that the Board of County Commissioners accept with modification CEER #2020048.





BOARD OF COUNTY COMMISSIONERS

Public Works Department
2725 Judge Fran Jamieson Way
Building A, Room 201
Viera, Florida 32940

Inter-Office Memo

TO: Frank Abbate, County Manager

THRU: John P. Denninghoff, Assistant County Manager 

FROM: Corrina Gumm  Interim Public Works Director / Traffic Operations Program Manager

SUBJ: Citizen Efficiency and Effectiveness Recommendation #2020049
Citizen input on saving

DATE: February 14, 2020

Citizen Recommendation:

A Citizen Efficiency and Effectiveness Recommendation (CEER) was submitted to Brevard County from Ms. Lea Williamson that described the following Problem and Recommendation.

Problem: Start by listening to your citizens when we say the crosswalks on A1A don't work, maybe save a life. Then stop dumping money on the beach to be washed into the ocean. Stop hiring the good old boys and hire people who actually work instead of the 50-year-old white boys leaning on their county trucks chatting it up everywhere. Just open your eyes, or does Brevard have "eyes that do not see and ears that do not hear?" (words from Jesus-you probably didn't know) Grew up in Brevard and nothing has changed in 50 years except prices and traffic. Still run by privileged white men. No diversity no brains no brawn.

Recommendation: Maybe kids wouldn't die on A1A. Oh but wait, there's no profit in that for the county. So you'll just keep killing us to pad your buddy's businesses.

Staff Analysis:

The Public Works Department has been asked to provide input on the following item:

Item a. The crosswalks on A1A don't work

Highway A1A is under the jurisdiction of the state, specifically the Florida Department of Transportation (FDOT), District Five. On January 7, the Board voted unanimously to approve two measures directed at getting the State of Florida to remove Rectangular Rapid Flashing Beacon

crossing signal systems that create confusion for motorists. The Board authorized a letter to Florida Governor Ron DeSantis to direct state officials to prioritize this effort and to push for a reduced speed limit along State Road A1A in the Satellite Beach/Indialantic/Indian Harbour Beach area. The Board also authorized a letter to the County's state lobbyist requesting Florida Department of Transportation's removal of the yellow flashing light systems along roads in Brevard County. The letter recommends replacement of the flashing light systems with the HAWK system, which includes a red light that would prompt motorists to stop. That letter was shared by Commission Chair Bryan Lober with Brevard County's legislative delegation, Florida Department of Transportation Secretary Kevin Thibault, and the mayors of Satellite Beach, Indialantic, Indian Harbor Beach and Melbourne Beach.

On Monday, January, 13, and on the eve of the State Legislative Session, State Representative Randy Fine filed a "Turn the Flashing Yellow Crosswalks Red" bill, which would require all flashing-yellow Crosswalks that are not located at a road intersection to be equipped with pedestrian-activated red lights by 2024.

Letters formally submitted by Commission Chairman Bryan Lober to state Lobbyist Ronald Book and Governor DeSantis are included here.

Staff Recommendation:

Staff recommends that the Board of County Commissioners accept with modification CEER 2020049 Item "a."




Natural Resources Management Department

2725 Judge Fran Jamieson Way
Building A, Room 219
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Frank Abbate, County Manager

THRU: John Denninghoff, Assistant County Manager
Virginia Barker, Director, Natural Resources Management 

FROM: Mike McGarry, Program Manager

DATE: January 17, 2020

SUBJ: 2020 Citizen Efficiency & Effectiveness Review (CEER) # 49b –
Beach Nourishment

RECOMMENDATION: Reject CEER #49 due to acknowledgment that investment in beach renourishment is an investment in the quality of life of County residents and provides a positive return on investment for our local economy. Also, due to previous Board consideration and action.

Question: The citizen's request received by the County from Lea Williamson of Melbourne includes the following:

Problem Description: Stop dumping money on the beach to be washed into the ocean.

Recommendation Description: N/A

Analysis:

Brevard County has chosen to use beach nourishment as a management tool to protect upland infrastructure, tax base, and our tourism-based economy. Maintaining public beaches is vitally important to both locals and visiting tourists. Starting in 2000, the County Commission entered into 50-year partnership agreements with the US Army Corps of Engineers for federal shore protection (aka beach nourishment) projects that now encompass roughly 21 miles of the Brevard County shoreline. In order to get Congressional authorization for these federal projects, extensive economic analysis was completed to assure the benefit to cost ratio was positive and that projects provide a net benefit not just to Brevard County but to the nation. The benefit to cost (B:C) ratio for the remaining life of these projects varies but is consistently over 2:1, thus demonstrating the projects are economically responsible.

In addition to federal cost-share, Brevard County gets significant cost share for our beach projects from the Florida Department of Environmental Protection (FDEP). To evaluate the economic return on investment of the FDEP program, an independent (from FDEP) study was completed by the Florida Office of Economic and Demographic Research in 2015. The study determined that maintenance of beaches through beach nourishment was extremely important to the State, both from a storm protection and recovery perspective, as well as from a tourism branding perspective. The final result of the study showed the state's investment in beach nourishment provided a positive return on investment (ROI) of \$5.40 for every \$1 of state investment. This ROI provides another example that beach restoration projects in the state of Florida provide a significant positive economic return.

Here in Brevard County our beaches are enjoyed by locals and visitors alike. The B:C ratio calculated by the Army Corps of Engineers for Brevard County projects as described above is typically over 2:1. It is important to note that due to federal policy these benefits considered are primarily storm damage reduction benefits rather than recreational or tourism benefits. Brevard County funds its cost share for beach restoration with a portion of the tourism bed tax, a portion of this tax is collected specifically for and dedicated to beach maintenance. Brevard County receives significant economic benefits from tourists who enjoy the beaches we maintain. In 2017 tourists spent \$2.1 billion in Brevard County, which represents 9% of the County's GDP. Studies show beaches are far and away the most common activity enjoyed by tourists, so the County's investment in beaches is important to maintaining this important part of Brevard's economy.

In addition to being economically responsible, the projects are also environmentally responsible. The image below shows that ten years after nourishment the projects provide healthy dune habitat where nesting numbers for green turtles continue to set records. The newest Mid Reach project was particularly designed to minimize impact to the nearshore reef and was approved by federal and state environmental agencies.



Breakers Condominium Melbourne Beach, Before and After Beach Nourishment

Staff Recommendation:

Reject CEER #49 due to acknowledgment that investment in beach renourishment is an investment in the quality of life of County residents and provides a positive return on investment for our local economy. Also, due to previous Board consideration and action.




BOARD OF COUNTY COMMISSIONERS

Information Technology Department
2725 Judge Fran Jamieson Way
Building C, Suite 203
Viera, Florida 32940

Inter-Office Memo

TO: Brevard County Board of County Commissioners

THRU: Frank Abbate, County Manager Board of County Commissioners 

FROM: Jeff McKnight, Director 
Lois Boisseau, Assistant Director
Information Technology Department

DATE: January 13, 2020

SUBJECT: Citizen Efficiency and Effectiveness Recommendation #2020050

A Citizen Efficiency and Effectiveness Recommendation (CEER) document was submitted that identified an issue with the Property Appraiser's Office Homestead Exemption on-line process. The Problem Description noted the lack of ability to check the status of the submitted exemption request.

CEER #2020050 goes on to recommend, as a potential solution, the following:

"Recommendation is for the web-site/sites for all county applications are redesigned, to be full purpose from start of the application process to the decision. With all applications in one area it would be quicker and easier for residents to file and have the ability to upload documents. It would also streamline paperwork for the resident and the county reducing the amount of printed materials. Ultimately this would make all residents of the county have peace of mind that all the information they could or should need is available at their fingertips now and for generations to come."

Information Technology Department staff, under the Board of County Commissioners, reviewed the recommendation extensively and concluded:

The recommendation has been deferred to the Property Appraiser's Office Information Technology Department. Although, this appears to be a process-oriented matter rather than a technical issue and thus our department can be of limited benefit to the situation. We are happy to extend any assistance to the Office of the Property Appraiser in any way possible.

Constitutional Offices, such as the Property Appraiser, operate independently of the County Board of County Commissioners. As such, their websites and applications are also independent although all offices provide cross-linking of their resources where prudent and convenient for the residents of Brevard County.

Brevard County Board of County Commissioners has recently updated the County website in order to promote transparency and convenience for County residents. Extensive improvements to allow easier access to resources for disabled persons has been a priority for the past couple of years and we are approaching our goal of being fully compliant with Web Content Accessibility Guidelines (WCAG) 508. With ever changing technologies, websites and applications require continuous maintenance and upgrades to maintain compatibility with all the different types of devices that require access and the County is routinely applying these upgrades and testing new devices for proper operation.

The County also monitors external activity and provides quick links to most popular applications. For applications that are used less frequently, a search tool is available that will assist the user in finding the resources necessary.


It is recommended that the Board of County Commissioners accept Citizen Efficiency and Effectiveness Recommendation (CEER) 2020050. The County website is a dynamic application in that it is continuously changing and improved based upon user activity and feedback.





Inter-Office Memo

BOARD OF COUNTY COMMISSIONERS

TO: Brevard County Board of County Commissioners

THRU: Frank Abbate, County Manager 
Board of County Commissioners

THRU: Jim Liesenfelt, Assistant County Manager 
Community Services Group

FROM: Ian Golden, Director 
Housing and Human Services Department

DATE: January 21, 2020

SUBJECT: Citizen Efficiency and Effectiveness Recommendation #2020051

A Citizen Efficiency and Effectiveness Recommendation (CEER) document was submitted that identified a problem regarding “The lack of affordable housing...” and that it is “...causing many seniors to live in substandard housing...”. The CEER also describes the State Legislature’s sweep of Florida’s dedicated affordable housing trust fund over the past decade.

CEER #2020051 contains two recommendations as a potential solution. The first is included in the Current Problem section and recommends “...that the priority for distributing these funds be determined by percentage of seniors within each county in Florida or by country [sic] population.” The second recommends “...action from local elected Commissioners to work with County elected House of Representatives and State of Florida Senators to develop legislation that would require the use of the Sadowski Fund [sic] which was developed to build affordable housing to be used for the purpose intended...”

Staff offers the following:

- It appears that this CEER is seeking to address how the state calculates allocations from the housing trust fund by utilizing senior or total county population.

The current funding methodology is a part of Florida Statute 420.9073 and already utilizes population as a factor. No action is required on the part of the Board of County Commissioners.

The Florida Legislature, per Florida Statute 420.6015, determined that “decent, safe, and sanitary housing for persons of very low income, low income, and moderate income are a critical need in the state” and “new and rehabilitated housing must be provided at a cost affordable to such persons in order to alleviate this critical need”. In order to facilitate this legislative finding, the State Housing Initiatives Partnership Program (SHIP) was created (Florida Statute 420.9072). SHIP provides sustainable homeownership and rental housing for Florida’s

workforce, helps prevent homelessness, and provides emergency repairs and disaster recovery for Florida's most vulnerable residents, including the frail elderly, persons with disabilities, and veterans.

SHIP distributes trust funds to counties and eligible municipalities. In Brevard the five recipients of that funding are Brevard County Government (administered through the Housing and Human Services Department) and the municipalities of Palm Bay, Melbourne, Cocoa, and Titusville.

- It appears that this CEER is seeking to address collaboration between the Board of County Commissioners and State Legislators on legislation to reduce or eliminate the reallocation (or sweep) of housing trust funds to non-housing purposes.

Data for the last seven years regarding funding distributions to Brevard County (including the municipalities) indicates that only 34.9% of the available funding was allocated (see attached) and resulted in a sweep of more than \$25 million over that time period.

The Board of County Commissioners has included support for full SHIP funding in its priority list to our Legislative Delegation for most of the last decade, including the package for the 2020 legislative session. Additionally, Senator Debbie Mayfield has introduced Senate Bill 306 and Representatives David Silvers and Sam Killebrew have introduced House Bill 381, which would prohibit the State Housing Trust Fund and the Local Government Housing Trust Fund from a provision authorizing the Legislature to transfer unappropriated cash balances from specified trust funds to the Budget Stabilization Fund and the General Revenue Fund.

The Sadowski Housing Coalition (Coalition) is a nonpartisan collection of over thirty statewide organizations whose membership includes business and industry groups, advocates, government and planning organizations, and faith-based organizations. The Coalition publishes Local Economic Impact Reports on an annual basis for each legislator in the state. These reports identify the projected full funding for each county as well as the economic impact, number of homes, people housed, and jobs created. The Coalition's 2020/21 State fiscal year impact report for Brevard County indicates that full funding (including the county and municipalities) is estimated at \$6,983,692. The report estimates that these funds would result in a \$92,688,475 positive economic impact, 305 homes being built, sold, renovated, or retrofitted, 763 people being housed, and the creation of 648 jobs.

Staff Recommendation:

It is recommended that the Board of County Commissioners accept Citizen Efficiency and Effectiveness Recommendation (CEER) 2020051. Staff will continue its efforts with the County's state lobbyist to support Senate Bill 306 and House Bill 381.

State Housing Initiatives Partnership Program
 Available Funding versus Actual Allocation
 State Fiscal Years 2014 through 2020

	2013/14		2014/15		2015/16		2016/17	
	Available	Allocated	Available	Allocated	Available	Allocated	Available	Allocated
Brevard	\$2,271,732	\$475,584	\$2,571,405	\$1,405,268	\$2,819,348	\$1,478,356	\$3,541,781	\$1,966,748
Cocoa	\$128,812	\$26,966	\$146,937	\$80,391	\$162,469	\$85,193	\$204,100	\$115,796
Melbourne	\$575,984	\$120,581	\$651,977	\$356,304	\$717,911	\$376,444	\$901,869	\$503,320
Palm Bay	\$774,501	\$162,140	\$882,087	\$482,058	\$972,277	\$509,824	\$1,221,414	\$679,500
Titusville	\$325,290	\$68,099	\$368,268	\$201,257	\$405,158	\$212,449	\$508,975	\$286,647
Totals	\$4,076,319	\$853,370	\$4,620,674	\$2,525,278	\$5,077,163	\$2,662,266	\$6,378,139	\$3,552,011

	2017/18		2018/19		2019/20		2014 – 2020 (cumulative)	
	Available	Allocated	Available	Allocated	Available	Allocated	Available	Allocated
Brevard	\$3,295,492	\$1,349,513	\$3,486,984	\$468,029	\$3,874,075	\$485,884	\$21,860,817	\$7,629,382
Cocoa	\$194,027	\$80,819	\$208,009	\$27,919	\$231,602	\$29,047	\$1,073,401	\$446,131
Melbourne	\$843,365	\$345,243	\$887,504	\$119,122	\$986,766	\$123,759	\$5,565,376	\$1,944,773
Palm Bay	\$1,138,572	\$468,557	\$1,212,124	\$162,693	\$1,355,224	\$169,971	\$7,556,199	\$2,634,743
Titusville	\$480,307	\$197,531	\$508,676	\$68,275	\$570,584	\$71,562	\$3,167,258	\$1,105,820
Totals	\$5,951,763	\$2,441,663	\$6,303,297	\$846,038	\$7,018,251	\$880,223	\$39,425,606	\$13,760,849




Note: Data compiled from Florida Housing Finance Corporation documents on Actual distributions and the Sadowski Housing Coalition projected distribution estimates.



County Attorney's Office
2725 Judge Fran Jamieson Way
Building C, Room 308
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

TO: Frank Abbate, County Manager

FROM:  Eden Bentley, County Attorney
 Shannon L. Wilson, County Attorneys' Office
 Chad Brewer, Asst. County Attorney

SUBJECT: CEER #2020052 – Purchase of Florida East Coast Railway

DATE: February 14, 2020

RECOMMENDATION: Reject. The purchase of the Florida East Coast Railway is cost prohibitive. It is doubtful there is a legal way for the County to raise the funds to participate in such a purchase.

ISSUE:

This Citizen Efficiency and Effectiveness Recommendation was received by the County from Mr. James Walton. His suggestion is as follows:

"The railroad" (referring to Florida East Coast Railway) "running thru Brevard County does little for the residents here but for decades it has blighted what should be some of (the) best neighbor hoods and business areas for fifty miles along US 1. It has often been a danger and a nuisance that has lead (sp) to dozens of fatalities. I know its outside the box but could the counties from St. Augustine to Palm Beach work together to purchase controlling interest in Florida East Coast Railroad and shut it down? Sell off its assets and land, offering to purchase first refusal to owners of adjoining land and selling the rails for scrap. Perhaps some of the land could be used for bike paths of trolleys of some sort that benefit the area...."

This office has been tasked with providing a response as to the recommendation.

ANALYSIS:

The suggestion made is understandable in light of issues regarding noise and safety relating to the operation of the Florida East Coast Railway over the years. However, there are several practical issues - whether the County could compel a sale if Florida East Coast Railway was not willing to sell voluntarily, the cost, and assuming those first 2 issues were addressed, the source of the needed funds.

Subject: CEER #2020052, Purchase of Florida East Coast Railway

Date: 2/14/20

Voluntary Sale/Eminent Domain

It is doubtful that the Florida East Coast Railway would be willing to sell the railway. Brevard has recently been involved in very contentious negotiations with the Florida East Coast Railway over the railway crossing at the Pineda Causeway and the purchase of County land at Pine Street (Canaveral Groves area at State Road 528). Florida Department of Transportation has spent approximately \$23M on the Pineda Causeway flyover bridge over the Railway.

At the time Grupo Mexico's intended purchase of Florida East Coast Railway was announced, Alfredo Casar, President and Chief Executive Officer of GMXT (the transportation business unit of Grupo), commented:

"The acquisition of [Florida East Coast Railway] FEC is an important strategic addition to our North American transportation service offering. Our acquisition of the [Florida East Coast Railway] FEC will significantly enhance the scope, scale and diversification of our service."¹

According to the International Railway Journal, Grupo Mexico completed its acquisition of the Florida East Coast Railway in 2017 for \$2.1B². The cited article stated the acquisition positions Grupo as a "relevant player in the North American transport market, together with its current operations in Mexico and the state of Texas." It is unlikely that Grupo Mexico would have incurred that purchase price with any desire to turn around and sell.

The Brightline/Virgin USA passenger train system, owned by Fortress Investment Group and minority investor Virgin Group, also has dual ownership of the corridor and the right to operate passenger service on the tracks from Miami to Cocoa. The company is investing \$1.5 billion in track upgrades between Miami and Cocoa. The company is also currently extending the railway from Cocoa to Orlando.

Assuming Grupo/Brightline are not interested in selling, the question is raised as to whether the County could force the purchase/sale, i.e. condemnation pursuant to the various counties power of eminent domain.

The County may have the power of eminent domain over railroads³. However, the real issue is public purpose. Florida Statute Section 73.014 specifically prohibits any entity with the power of eminent domain from taking private property for the elimination of nuisances or blight. Accordingly, the purpose put forth by the citizen inquiry will not be a viable basis to exercise the power of eminent domain. Meanwhile, there is a competing public purpose, namely a functioning railway that serves the east coast of Florida with freight service and future

¹ <https://fecrwy.com/uncategorized/blog-holdings-corporation/>

² <https://www.railjournal.com/regions/north-america/grupo-mexico-completes-florida-east-coast-acquisition/>

³ Florida Statute Section 127.01. Fla. Stat. §337.27, Section 2.3.B, *Florida Eminent Domain Practice and Procedure*, 10th Ed.

Subject: CEER #2020052, Purchase of Florida East Coast Railway
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passenger transportation service. In addition, Brevard already has a functioning trail system installed by Florida Department of Transportation as part of the coast to coast trail that encompasses some areas of previous Florida East Coast Railway right-of-way.

Under either scenario of a voluntary sale or condemnation, Brevard would also have the issue of coordinating and negotiating with 7 other counties (Palm Beach, Martin, Saint Lucie, Indian River, Volusia, Flagler and Saint Johns) – and likely Miami-Dade and Duval given the Florida East Coast Railway runs to those counties as well. Such negotiations would ultimately be open to the public and also available to the Florida East Coast Railway/Brightline. The Florida East Coast Railway/Brightline would have access to all negotiation strategy and would likely be able to maximize the price even assuming there was a way to ‘compel’ a sale.

Cost

As mentioned above, Grupo purchased the Florida East Coast Railway for \$2.1B. Given its continuing investment, the cost to buy/condemn the property in question would be greater. Given the intent is to purchase to shut the Florida East Coast Railway down, Grupo/Brightline would certainly negotiate for their cost in diverting rail traffic to other routes. Grupo/Brightline would certainly claim business damages. Presumably Florida East Coast Railway has existing contracts with various entities to handle the transport of their goods which would add to damages claims. Attorneys’ fees, appraisers, expert costs, etc., will all add to the cost on both sides. There is a question as to whether other railways could handle increased rail traffic – well beyond the scope of this memo - but if other railroads could not handle it, that would certainly drive up Grupo/Brightline’s business damages claim in terms of the need to find/build other routes.

There is additionally the difficulty of dividing up the cost among 8 to 10 counties. It is unlikely all counties would feel that the cost should be divided equally, which would create another challenge. Again, all such negotiations between the counties would be ‘in the Sunshine’ such that Grupo/Brightline would have access to any strategy discussions.

Source of Funds

This list is not exhaustive, but rather focuses on the common sources which raise the most revenue or are used to fund large projects.

Property/ad valorem taxes

Brevard County has several charter provisions (see for the below) which govern the imposition of ad valorem revenue. Currently, Brevard has a “charter cap” that makes ad valorem revenues an unlikely source. The Board of County Commissioners would have to raise the ad valorem rate far beyond its current rate which would take a supermajority vote.

2.9.3.1. Limitations on growth in ad valorem tax revenues.

(a) Unless otherwise allowed by this subsection 2.9.3.1, the Board of County Commissioners shall not impose any ad valorem tax for county purposes at a millage rate which causes the budgeted revenue there from to the County to increase over the budgeted ad valorem revenue for the previous fiscal year by more than the lesser of: (1) three percent, or (2) the percentage change in the Consumer Price Index from the preceding calendar year, as measured in accordance with Section 193.155(1)(b), Florida Statutes (as that Section exists in 2008 or may thereafter be amended or transferred).

(b) Unless otherwise allowed by this subsection 2.9.3.1, the Board of County Commissioners shall not impose any ad valorem tax for municipal purposes within any municipal services taxing unit, or for district purposes of any district for which the Board has the power to fix or approve the millage rate, at a rate which, for such unit or district, causes the budgeted revenue of the unit or district from ad valorem taxes to increase over the budgeted ad valorem revenue for the previous fiscal year by more than the lesser of (1) three percent, or (2) the percentage change in the Consumer Price Index from the preceding calendar year, as measured in accordance with Section 193.155(1)(b), Florida Statutes (as that Section exists in 2008 or may thereafter be amended or transferred).

(c) Notwithstanding paragraphs (a) and (b) of this subsection, the Board of County Commissioners may impose an ad valorem tax for county, municipal or district purposes at a rate which exceeds the limitations in paragraphs (a) and (b), if a supermajority of the Board concurs in a finding that such an excess is necessary because of emergency or critical need. The finding shall set forth the ultimate facts upon which it is based, and shall be valid for a single budget year.

(d) In calculating the allowable increase in ad valorem revenues over the ad valorem revenues budgeted for the previous year under paragraphs (a) and (b) of this subsection, the Board of County Commissioners shall exclude from the anticipated revenues all revenue changes from the following kinds of property not appearing on the previous year's roll: (1) new construction; (2) additions to or demolitions in whole or in part of existing construction; (3) changes in the value of improvements that have undergone renovation to an extent of not less than 100% increase in assessed value (as measured from the last year of assessment prior to commencement of renovation); and (4) in the case of municipal service taxing units or districts, any properties added since the previous year's roll by reason of boundary changes.

(e) Nothing in this subsection shall authorize imposition of a millage rate which exceeds the rate prohibited by the constitution or general laws of Florida, or

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prohibit imposition of a millage rate which is required by the constitution or general laws of Florida or by any final order of a court of competent jurisdiction. Nothing in this subsection shall apply to any millage necessary to the payment of general obligation bonds in accordance with all bond covenants, or to any other millage approved by referendum of the electors, whether before or after the effective date of this subsection. (Amd. 11-4-08)

Likewise, there are provisions in the Florida Constitution and state statutes that regulate/limit how property taxes are calculated/imposed.

Likewise, the vast majority of ad valorem taxes (also referred to as the General Fund in the County's budget), is used to fund the Charter offices, i.e. Sheriff, Property Appraiser, Supervisor of Elections, etc...⁴

Based upon the limitations on the collection of ad valorem taxes and the current expenditure of these dollars, sufficient ad valorem taxes would not be available for this project.

Bonds

Brevard County, in addition to all state laws and federal regulations relating to the issuance of bonds, has the following charter provision regarding issuing bonds to finance

5.3.1.Bonds.

In addition to the limitations on general obligation debt imposed by the State Constitution, the issuance by the County of notes, bonds or other instruments of indebtedness evidencing borrowing to be paid back in part or in full by non-ad valorem tax revenues received by the County, in an amount which, individually or in combination with other issues for the same project authorized within the preceding two (2) years, exceeds \$15,000,000.00 [On 2/15/07, the Board of County Commissioners adopted Resolution No. 07-037 amending the County's debt ceiling as provided by County Charter and Ordinance No. 02- 65 to \$20,220,435.] (including administrative costs of the issue), shall be authorized only after approval by a majority vote of the electors at a special election called for that purpose or in conjunction with any regular election. No proceeds of instruments of indebtedness shall be issued to finance current operations of County Government, except that part of current expenses directly allocable to capital projects. Nothing in this section prohibits issuance of tax anticipation notes payable in one year or less.

⁴ <https://www.brevardfl.gov/docs/default-source/budget-documents/budgetmessageadoptedfy2019-2020.pdf?sfvrsn=6>.

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5.3.3.Exceptions.

The limitations in the foregoing subsections do not apply to projects mandated by judicial decree, self-liquidating projects, utility or other enterprise funds, road projects funded by gasoline taxes, or to the refinancing of any existing instruments of indebtedness or certificates of participation to reduce the cost of debt service.

Given Brevard County's 'share' to buy the Florida East Coast Railway would most certainly exceed \$15M, there would be an election requirement. Even assuming there was a successful vote at election, the County would have to identify a source of funds to pay off the bonds.

Special Assessment

Florida Law does allow for special assessments purpose of providing public facilities to benefit property owners in such designated special assessment districts. And the funds from these special assessments can be used to pay off bonds.

The special assessment must peculiarly and specially benefit the property upon which the special assessments are imposed, not exceed a proportionate share of the benefits received by the property upon which the special assessments are imposed, and shall be calculated and apportioned by using any equitable means of assessment and apportionment which the governing body of a local government may prescribe including, but not limited to, square footage, front-footage, increased value, number of dwelling units, distance from the public facility, traffic generation or other impact generation factors, or any combination thereof. However, Brevard has a charter provision related to special assessments, below, which limits the Board of County Commissioners' authority to impose assessments.

5.4.1 Levy of new non-ad valorem special assessments.

Brevard County shall not levy new non-ad valorem special assessments (excluding Municipal Service Benefit Units) without the approval of a majority of the electors residing within the boundaries of the district or other area of the County where the special assessments are proposed to be levied, voting thereon at a general election or special election called for purposes of such approval. (Amd. 11-3-98)

Infrastructure Sales Surtax

Florida Statute Section 212.055(2) provides for a County to levy a .5 percent or 1 percent levy of a sales tax if approved by a majority of electors in the County for construction of infrastructure. The maximum duration 15 years. However, unless there is an interlocal agreement with the municipalities for all the revenue raised by the sales tax, the municipalities are entitled to a share based upon a statutory formula.

The sales tax funds can be used "finance, plan, and construct infrastructure; to acquire any interest in land for public recreation, conservation, or protection of natural resources or to

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prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern; to provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property....” “Infrastructure” is further defined as “Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years, any related land acquisition, land improvement, design, and engineering costs, and all other professional and related costs required to bring the public facilities into service.” Purchasing a railway to simply abandon it would not qualify as a public facility. Common public facilities the sales tax could be used for are includes those facilities that are necessary to carry out governmental purposes, including, but not limited to, fire stations, general governmental office buildings, and animal shelters, regardless of whether the facilities are owned by the local taxing authority or another governmental entity; fire department vehicle, an emergency medical service vehicle, a sheriff’s office vehicle, a police department vehicle, or any other vehicle, and the equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

The infrastructure sales surtax discussed here can be used to fund bonds for financing purposes, but cannot be used for operational costs if the railway facility could be purchased.



January 13, 2020

TO: Frank Abbate, County Manager

THROUGH: Jim Liesenfelt, Assistant County Manager *JL*

FROM: Peter Cranis, Director, Tourism Development Office *PC*

SUBJECT: CEER Recommendation 2020053, Hop On, Hop Off Space Coast

Recommendation: Accept with modification

Question:

The citizen request received by the County from Manuel P Gonzalez is as follows:

“Partnering with a company like bigbustours.com, residents and visitors, could experience the area at their own pace, while the county a) benefits from a moving population (who will consume/spend on each stop) and b) earns revenue to be used for our projects (education/infra, etc.). A Green route (stopping in selected beaches, manatees tour locations, alligators tour locations, bioluminescent kayak tour location, Zoo, USSSA, Golf resorts, etc.) could go first, while a Space route could be in the works with the help of aerospace companies (inviting them to create their own showrooms to showcase their history and latest innovations).”

Analysis:

The concept of having bus tours in Brevard County is not new. Several private companies already offer a number of tour options. The Space Coast Office of Tourism support private businesses that create great experiences for visitors. Our role is to market the destination and provide information about activities to do and places that people can go. Should a private business want to create specific tours as recommended, we would promote those through our website and on our social media platforms. If they were unique enough, it is possible we would include them in our publicity efforts.

The Space Coast Office of Tourism stands ready to support such an initiative, we recommend the Board of County Commissioners accept this recommendation with the modifications noted.

SPACE COAST OFFICE OF TOURISM
430 Brevard Avenue • Suite #150 • Cocoa Village, Florida 32922
(321) 433.4470 ext. #52981 • Fax: (321) 433.4476

COCOA BEACH • MELBOURNE BEACHES • PALM BAY • TITUSVILLE



January 13, 2020

TO: Frank Abbate, County Manager

THROUGH: Jim Liesenfelt, Assistant County Manager *JL*

FROM: Peter Cranis, Director, Tourism Development Office *PC*

SUBJECT: CEER Recommendation #2020054, Space Science Center

Recommendation: Accept with modification

Question:

The citizen request received by the County from Manuel P Gonzalez is as follows:

With all the aerospace and defense companies moving into the area, the county could get sponsoring to create a center to introduce (kids and grown-ups) to the potential of the STEM subjects in the exploration of the universe. This is another revenue generating idea (and a possible stop for the "Space Route" mentioned above) and here are couple of successful examples: https://en.wikipedia.org/wiki/Da_Vinci_Science_Center; https://en.wikipedia.org/wiki/California_Academy_of_Sciences embracing our uniqueness (Space, Beach, Defense, Cruises, etc.), and tapping on ideas seen somewhere else

Staff Analysis:

The concept of having a space science center in Brevard County is not new. In fact there are already several private museums and business that specialize in this such as the American Space Museum and Walk of Fame and the Kennedy Space Center Visitor Complex. The Space Coast Office of Tourism will continue to support private businesses that create great experiences for visitors. Our role is to market the destination and provide information about activities to do and places that people can go. Should a private business want to create a museum or center similar to the one described, we would promote that through our website and on our social media platforms. It is possible we would include them in our publicity efforts and possibly our advertising if it made sense. It is also possible that a venue like this would be eligible for a capital facilities grant, but they would have to go through the application process and get the Tourism Development Council Capital Facilities Committee to vote to support it before it would be brought to the Brevard County Board of County Commissioners for their consideration.

SPACE COAST OFFICE OF TOURISM

430 Brevard Avenue • Suite #150 • Cocoa Village, Florida 32922
(321) 433.4470 ext. #52981 • Fax: (321) 433.4476



Staff Recommendation:

The Space Coast Office of Tourism recommend the Board of County Commissioners accept this recommendation with the noted modifications.

SPACE COAST OFFICE OF TOURISM


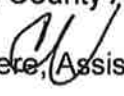
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COCOA BEACH • MELBOURNE BEACHES • PALM BAY • TITUSVILLE



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Frank Abbate, County Manager
THRU:  Eden Bentley, County Attorney
FROM:  Christine Valliere, Assistant County Attorney
DATE: January 9, 2020
SUBJ: 2020 Citizen Efficiency & Effectiveness Review (CEER) # 55 –
Tax on Plastic Bags

Recommendation: Reject

Question:

The following suggestions were received from Manuel P. Gonzalez:

Problem Description.

This should be the easiest to implement. It will help to cut on the plastic consumption (and therefore pollution), and will be a source of revenue to keep our shore clean. <https://www.google.com/search?q=how+many+plastic+bags+are+in+the+ocean>.

Recommendation Description

Embracing our uniqueness (space, Beach, Defense, Cruises, etc.), and tapping on ideas seen somewhere else.

Staff Analysis:

The County's authority to impose taxes is limited by the Florida constitution and state law. In other words, counties do not have inherent power to impose taxes.

Authorization to impose taxes must come from the Florida constitution or state law. Art. VII, §§ 1(a), 9(a), Fla. Const.

Brevard is currently preempted from passing an ordinance regulating plastic bags. Section 403.7033, Florida Statutes. The state statute specifically prohibits local

Frank Abbate, County Manager
January 9, 2020

governments from enacting any regulation “regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags.”

There are currently two bills pending before the Florida Legislature to repeal the ban on local regulation of plastic bags, auxiliary items and polystyrene containers: SB 182 and an identical bill HB 6043. Even if the preemption on local government regulation in Section 403.7033 is repealed, specific statutory authority would need to be enacted to allow local taxation of plastic bags.