

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, February 7, 2023

5:00 PM

Regular

Commission Chambers

A. CALL TO ORDER 5:02 PM

Rollcall

Present: Commissioner District 1 Rita Pritchett, Commissioner District 2 Tom Goodson, Commissioner District 3 John Tobia, Commissioner District 4 Rob Feltner, and Commissioner District 5 Kristine Zonka

C. PLEDGE OF ALLEGIANCE: Commissioner Rita Pritchett, Chair, District 1

Chair Pritchett led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL: December 1, 2022 Regular Meeting

The Board approved the December 1, 2022, Regular meeting minutes.

Result: APPROVED

Mover: John Tobia

Second: Kristine Zonka

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

E.1. Resolution recognizing Dove Bible Club, Inc. on their 15th anniversary

Commissioner Zonka read aloud, and the Board adopted Resolution No. 23-101, recognizing Dove Bible Club, Inc. on their 15th Anniversary.

Loretta Dozier thanked the Commission for the Resolution. She noted the goal of the Dove Church is simple, it is to share the love of Jesus Christ with students in schools; to share the death, burial, and resurrection of Jesus Christ with students; they want students to know they are loved because of the number of students who do not get to receive those words; it is summed up in one scripture, and that is John 3:16; and Ms. Dozier and those in attendance with her recited, "For God so loved the world that he gave his only begotten son that whosoever believeth in him, shall not perish but have ever lasting life." She continued by saying, they also share the character of Jesus Christ; research states that the character traits, the values, the morals that children learn between the ages of five to 12, those are the same values and morals that they take into adulthood; and they want to sow that word of God, instill the word of God into the hearts of children so they can grow up and change their communities, change society, and eventually change the world for Jesus Christ. She mentioned the volunteers in attendance with her spend so many hours and years volunteering with Dove Bible Club, and she would like them to introduce themselves.

Result: ADOPTED

Mover: Kristine Zonka

Second: Rob Feltner

F.1. Assignment of Agreement between Board of County Commissioners, Wood Environment & Infrastructure Solutions, Inc., and WSP USA Environment & Infrastructure Inc., due to name change/merger.

The Board approved and authorized the Chair to execute two Assignment of Agreements between Brevard County Board of County Commissioners, Wood Environment and Infrastructure, Inc., and WSP USA Environment and Infrastructure Inc., for Engineering and Consulting Services, specifically for stormwater projects-service A, and for muck dredging projects.

Result: APPROVED

Mover: John Tobia

Seconders: Rob Feltner

F.2. Final Plat and Contract Approval, Re: Egret's Reserve

Developer: Egret's Landing MI, LLC

District 2

The Board authorized and granted final plat and Contract approval for Egret's Reserve, developer: Egret's Landing MI, LLC, in accordance with Section 62-2841(i) and Section 62-2844, subject to minor engineering changes as applicable, and project does not relieve developer from obtaining all necessary jurisdictional permits.

Result: APPROVED

Mover: John Tobia

Seconders: Rob Feltner

F.3. Approval RE: Disbursement of Educational Facilities Impact Fees (Districts 1-5)

The Board authorized the disbursement of Educational Facilities Impact Fees in the amount of \$4,666,777.23 to the School Board of Brevard County, in accordance with the terms of the Interlocal Agreement; and authorized the Budget Office to execute any necessary Budget Change Requests to implement this disbursement.

Result: APPROVED

Mover: John Tobia

Seconders: Rob Feltner

F.4. Approval Re: Agreement for Traffic Control on Private Roadways - Indian River Preserve - District 1

The Board authorized and approved the Chair to execute the Agreement for Traffic Control on Private Roadways for the Indian River Preserve community.

Result: APPROVED

Mover: John Tobia

Seconders: Rob Feltner

F.5. Approval Re: Authorization for a Task Order to Atkins, Inc. for Pavement Condition Assessment Update - Countywide

The Board authorized a Task Order in the amount of \$395,600 to Atkins, Inc., utilizing Data Transfer Solutions, LLC, as a subcontractor, for the 2023 Pavement Condition Assessment; and authorized the County Manager to approve any Budget Change Requests associated with this action.

Result: APPROVED

Mover: John Tobia

Seconders: Rob Feltner

F.6. Board approval of an internal loan from the General Government Reserves to the Solid Waste Management Department not-to-exceed \$1,900,000

The Board approved an Internal Loan from the Board's General Government Reserves to the Solid Waste Management Department, on an as needed basis, not-to-exceed \$1,900,000; authorized the County Manager to have the Internal Loan documents executed; and authorized the County Manager to approve all necessary Budget Change Requests to implement this request.

Result: APPROVED

Mover: John Tobia

Second: Rob Feltner

F.7. Approval, Re: No Cost Extension Juvenile Drug Court Grant with the Office of Justice Programs at the United States Department of Justice

The Board approved the NCE of the Juvenile Drug Court; authorized Housing and Human Services Director to endorse contracts, amendments, and modifications with the substance abuse treatment provider and program evaluator upon approval of the County Attorney and Risk Management; authorized the Housing and Human Services Director to continue as the authorized grantee official, to include designating the financial point of contact; granted related travel; and authorized the County Manager to execute all necessary Budget Change Requests.

Result: APPROVED

Mover: John Tobia

Second: Rob Feltner

F.8. Approval, Re: Brevard County Space Coast Area Transit Public Transportation Agency Safety Plan Update 2022.

The Board approved and authorized the Chair to execute the update to Brevard County Space Coast Area Transit Public Transportation Safety Plan (PTASP) 2022.

Result: APPROVED

Mover: John Tobia

Second: Rob Feltner

F.9. Approval, Re: Resolutions and Public Transportation Grant Agreements, Florida Department of Transportation Transit Corridor Grants for SR520 and SRA1A Fixed Route Bus Service (District 2)

The Board of County Commissioners, in regular session on February 7, 2023, approved the following actions for State FY 2023, Transit Corridor Grant from FDOT, for SR 520 and SR A1A fixed bus route service, in the amount of \$878,416:

- Adopted and authorized the Chair to sign Resolution No. 23-011, Project Number 4206421 for SR 520;
- Adopted and authorized the Chair to sign Resolution No. 23-012, Project Number 4206431 for SR A1A;
- Authorized the Chair to sign the Follow-Up Grant Agreement, contingent upon County Attorney and Risk Management approval;
- Authorized Transit Services Director to execute any additional follow-up documentation, resolutions, and amendments necessary to secure funds; and
- Authorized the County Manager to execute necessary Budget Change Requests.

Result: APPROVED

Mover: John Tobia

Second: Rob Feltner

F.10. Approval, Re: Resolution and Public Transportation Grant Agreement, re: Florida Department of Transportation Public Transit Block Grant Program

The Board approved the following actions for the State FY 2023 Public Transit Block Grant from the Florida Department of Transportation in the amount of \$1,802,371:

- Adopted and authorized the Chair to sign Resolution No. 23-013;
- Authorized the Chair to sign the Follow-Up Grant Agreement, contingent upon County Attorney and Risk Management approval;
- Authorized Transit Services Director to execute any additional follow-up documentation, resolutions, and amendments necessary to secure funds; and
- Authorized the County Manager to execute necessary Budget Change Requests.

Result: APPROVED

Mover: John Tobia

Second: Rob Feltner

F.11. Approval, Re: Authorizing Resolution, Grant Application, Certifications and Assurances, Execution of Follow-Up Grant Agreement for FY2023/SFY2024 Space Coast Area Transit Section 5310 Formula Grant with the Florida Department of Transportation.

The Board approved the following actions for the FY2023/SFY2024 SCAT Section 5310 Formula Grant for Enhanced Mobility of Seniors and Individuals with Disabilities with FDOT:

- Executed and adopted Resolution No. 23-014, authorizing the signing and submission of FDOT Public Transit Section 5310 and supporting documents and assurance to the FDOT, the acceptance of a grant award from the FDOT, and the purchase of vehicles and/or equipment and/or expenditure of grant funds, pursuant to a grant award;
- Executed FDOT Certifications and Assurances and Form SF-424: Application for Federal Assistance;
- Authorized the use of FDOT Toll Revenue Credits as local match source;
- Authorized the Transit Services Director to sign the Grant Application, Application information, Application eligibility, Grant Application Cover Letter, Transportation Plan Certification, Proposed Budget, Standard Lobbying Certification, Leasing Certification, and the Certification of Equivalent Service;
- Authorized the Transit Services Director, if necessary, to execute and submit the Grant Agreement electronically, contingent upon County Attorney and Risk Management approvals;
- Authorized Transit Services Director to execute any additional follow-up documentation, resolution, and amendments necessary to secure these funds; and
- Authorized the County Manager to execute any necessary Budget Change Requests.

Result: APPROVED

Mover: John Tobia

Second: Rob Feltner

F.12. Appointment(s) / Reappointment(s)

The Board appointed Gordon Schleffer to the Community Action Board, with said appointment to expire December 31, 2023; appointed Jennifer Taylor to the Transportation Planning Organization Citizens Advisory Committee, as an alternate, with said appointment to expire December 31, 2023; and appointed Michelle Beavers to the Library System Advisory Board, with said appointment to expire February 8, 2025.

Result: APPROVED

Mover: John Tobia

Second: Rob Feltner

F.13. Bill Folder

The Board approved the Bill Folder.

Result: APPROVED

Mover: John Tobia

Second: Rob Feltner

H.1. Approval of amendment to Ordinance for Fats, Oils and Grease (FOG) Management program by amending Chapter 110. Utilities. More specifically Sections 110-70 and 110-72.

Chair Pritchett called for a public hearing on approval of amendment to Ordinance for Fats, Oils, and Grease (FOG) Management Program by amending Chapter 110, Utilities, or more specifically, Sections 110-70 and 110-72.

Edward Fontanin, Utility Services Director, stated this Item is an approval of an amendment to the Ordinance for FOG Management Program; this is an amendment to Chapter 110; it is specific to 110-70 and 110-72; the basis of this is it provides more definition of compliance of vertical residential complexes.

Chair Pritchett advised the Board she has one public comment card and will call that up first.

Nathan Slusher stated he has two points to point out; one is he would like to ask for context purposes for the public, how often this is occurring; he asked if there are blockages in the sewer system from FOG regularly, or is this making new laws something that happens once a year; he noted the reason he is asking is because the cost allocation for the problems is \$3,000 to \$5,000; and for a vertical apartment complex that has 20 units making \$20,000 to \$30,000 more a month, that is going to have a rent effect, and will affect the rental market because that is a huge amount. He went on to say if it is happening regularly, he is absolutely okay with holding people accountable if they are causing problems; and he understands that; he would like to know, if possible, if he can get some context on that. He stated the second point is if the Board looks in it's Agenda Packet, on the underline section or the amendment that has the underlined section, Section V under maintenance, going down to subsection D1 for inspections, the County has done a fantastic job writing out how the inspections will occur, but the only thing not included is any notification to the property owner; as this reads, if there is a blockage, then the County, the government, would then be in charge of inspecting the government property, the sewage lines; if they determine that a private property is to blame, they just send an invoice and the owner has no opportunity to see the inspection themselves; and he fears if that occurs it could cause long term problems or court cases which would incur more tax dollars. He mentioned he would ask the Board, if possible to amend that so that the property owners are notified so they can be there at the inspection, or one of their representatives, management firms, et cetera, that way if it is their problem and they caused it, they can see it and not have an issue later on.

Chair Pritchett advised she will provide Mr. Fontanin the opportunity to respond if he wants to; she advised if people have those types of detailed questions, it is probably better to send them out to the Board ahead of time so that they have time to gather the data; sometimes some of the questions might take a little bit more research than others; she does know this is an enterprise fund so it is a little bit different than other government taxing like ad valorem; and it is run a little more like a business.

Mr. Fontanin stated to go through the probability or the percentage of what they receive for vertical residential complexes are low; when they were looking at how the ordinance was originally written for FOG and seeing that it was an excessive cost in order to comply with the original ordinance for that and that is why it was considered with a reduction; with regard to the

notification, usually when there is a backup, the owner of the complex notifies Utilities, so they are not going out there doing inspections, this is more of a reactive approach when they are notified by the apartment complex; and when that occurs their management team is usually present.

There being no further comments or objections, the Board adopted Ordinance No. 23-01, amending Brevard County Code of Ordinances, Chapter 110 Utilities; amending article II, Water and Sewer Systems; amending Section 110-36, Definitions, to add a vertical multi-unit residential complex; amending 110-70, Fats, Oils, and Grease (FOG) Management Program to provide for compliance requirements for vertical multi-unit residential complexes; amending 110-72, FOG Management Program criteria to provide for the determination of the cause of FOG obstructions; and providing for area encompassed; enforcement ; conflicting provisions; severability; codification; and effective date.

Result: ADOPTED

Mover: Kristine Zonka

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

I.1. Board Approval Re: Legislative Intent and Permission to Advertise Code Revisions to Sections 62-4342 and 62-4346 regarding buffer requirements in lieu of walls required in BU-1, BU-2, and Industrial zoning classifications pursuant to article VIII of chapter 62, Brevard County Code.

Amanda Elmore, Deputy Director Natural Resources Management, stated this is legislative intent and permission to advertise amendments to the landscaping code where there is a wall requirement because of incompatibility between commercial and industrial uses and residential uses; typically there is a wall required by the site planning code and this would clarify that staff could review a landscaping buffer waiver under the landscaping code in lieu of the wall waiver; and if it is the desire of the Board, staff could still bring back more complicated wall waivers for where there was neighborhood interest.

Commissioner Pritchett stated she thinks this is wonderful.

Commissioner Goodson asked if there is any consideration given to the type of trees that are in proximity of the wall for future damage of the wall.

Ms. Elmore explained there is; she noted there is an appendix in the landscaping code that goes through hundreds of species and their planting requirements; therefore, giving consideration for those dimensions.

Commissioner Goodson when looking up and down sidewalks one looks at walls, sometimes seeing oak trees; and he asked if oak trees are good trees to place beside the wall.

Ms. Elmore advised typically not because they spread and their rooting requirements; it depends on the type of wall; and staff would review all of that as part of the application.

Chair Pritchett commented she thinks part of this is staff keeps bringing back items to the Board like if it is natural buffers it has to come to the Board; she thinks they are always better than having them do the concrete ones; and that is what she likes about this one as well.

The Board granted legislative intent and permission to advertise amendments to Sections

62-4342 and 62-4346, Brevard County Code of Ordinances, allowing for a Type A buffer in lieu of a wall where such wall is required under Article VIII (Site Plans) of Brevard County Code of Ordinances, and clarifying administrative review and requirement language.

Result: APPROVED

Mover: Rob Feltner

Seconded: Kristine Zonka

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

I.2. Resolution, Re: Partial Waiver to Residential Solar Photovoltaic Building Permitting Fees

Commissioner Tobia mentioned at the January 24, 2023 Board of County Commission meeting he suggested the implementation of some parameters to maintain the viability of the solar permit fee waiver program; to recap, number one was to exclude commercial projects as most applications are residential in nature, however the commercial projects come at a much higher cost, therefore, a much higher permitting fee, and they are exempted out; secondly, cap the amount of waiver per permit to the first \$250; since 2018, this would be 71.6 percent of permits would have been completely waived; capping it at \$250 would have been an average savings of close to \$38,000; third, homeowner notices, and this came at the consideration of Commissioner Goodson, so he would like to thank him for his comments there and his great idea regarding the contractor's pocketing the waived money when many applicants are not aware that they qualify for a waiver because the contractor that is issued the permit does not remit the savings; and this would be ameliorated by upon completion of the permitted job a letter would be mailed to the home owner regarding the waiver informing them that they should contact their contractor if they did not receive the savings. He continued by saying finally, a one-year renewal, so instead of putting this out into perpetuity, this would come back to the Board in a year and further changes could be made depending on the amount of money that was waived over the course of the previous year; that is a quick summary of what is before the Board; he is certainly willing to go into more detail if needed; and upon completion he has a motion to approve the attached resolution, and direct staff to bring the Item back in one calendar year for a possible renewal.

Chair Pritchett commented she went back and studied through all the numbers and got really comfortable with it; she had the chance to speak with staff about the percentages of these; she thinks this is a really good Item he is bringing forward; she has one question for him to consider; she spoke with them as far as letters and if it is a construction company building homes it might not make any difference if the County sends them a letter, so she is thinking Commissioner Tobia's intent was to get it into the homeowner's hand if somebody else is doing the work for them, like if a neighborhood is going in by a certain group, a construction area, that might be something that gives staff a little ability to not have to send those letters; and she wanted to throw that out there because she spoke with staff about that.

Commissioner Tobia asked staff if it is able to make that determination because he certainly has no problem with it; he thought it would be easier to blanket, but if staff is able to make that determination to save a few dollars on stamps, it sounds like a great idea.

Tad Calkins, Planning and Development Director, stated he thinks staff will be able to make that determination because they can weed out the construction companies and just look for individual owners.

Commissioner Tobia advised he would like to amend his motion to eliminate the companies

outlined under the plan with the homeowner notice.

The Board executed and adopted Resolution No. 23-015, partially exempting Residential Solar Photovoltaic installations from permitting fees; directed staff to bring the item back in one calendar year for possible renewal; and directed staff to eliminate companies outlined in the plan with the homeowners notice.

Result: ADOPTED

Mover: John Tobia

Seconder: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

J.1. Consideration, re: Department of the Army Right-of-Entry for Environmental Assessment and Response for the Naval Air Station Banana River Off-Base Disposal Area designated as a Formerly Used Defense Site (FUDS) - District 4

Marc Bernath, Public Works Director, stated this Item is a request from the Department of Army for a Right-of-Entry (ROE) for their environmental assessment and response for the former Naval Air Station Banana River off-base disposal area, designated as Formerly Used Defense Sites (FUDS); the request is to sign the right-of-entry; normally for those that are working in the County's right-of-way, there is a right-of-way permit, but they are not permitted to make any changes; and it will include investigations, air sampling, soil samples, water samples, and the potential for large excavations.

Sandra Sullivan stated she is very grateful for the time that a number of the Commissioners spent listening to her about her community concerns on the FUDS; she worked very hard for almost two years on this; she is very grateful to Congressman Posey's office to speed-up the funding of nearly \$8,000,000 for the remedial testing; this is a really big deal because 30 years ago, as the Board knows, there was a FUDS investigation and their own aerial showed a road and a drainage channel into the community; and yet even with the aerials they denied it was their dump at the time there was a class action suit. She continued by saying the Board might recall she came in and showed various things that she had dug up, parts of aircraft, navy plates, 50 caliber brass bullets; she thought it would be interesting to bring a few items back; she mentioned she had dug up much more concerning things like blue chemicals, asbestos, containers of solvents, part of an oil barrel with oil in it, which back in the day was mixed with trichlorinated ethylene, the chemical associated with Camp Lejeune and other air force bases; and Patrick and Cape have plumes of trichlorinated ethylene. She mentioned the County did testing as well and found trichlorinated ethylene in her community in 2018; in addition to the testing by the United States Army Corps of Engineers (USACE), she would like to make an additional request of the Commission; in 2018, the Commission approved for testing Per and Polyfluorinated Substances (PFAS), for contaminant testing, in four shallow wells which provided a base-line for contaminant testing; as a member of the restoration advisory board for Patrick, they also had done some testing in 2018 and they will be doing PFAS testing in 2023; this was not supposed to happen for five more years, but Environmental Protection Agency (EPA) has sped-up the requirement for them to do that RI; it would be very good timing if while Patrick is doing their PFAS testing, that the County is redoing that test to see how those numbers have changed; and what has changed. She mentioned that as a member of the Restoration Advisory Board (RAD) she made a motion to do testing on South base housing, which was done and they found PFAS contamination at 400 parts per trillion next to the high school; as everyone knows, there is a cancer issue beach side and a number of children with cancer, so she would ask that the Board consider this request to also do some remedial testing.

The Board reviewed and approved consideration of the USACE request to sign the ROE for Environmental Assessment and Response for the area formerly known as the Naval Air Station Banana River-Off Base Disposal Area; and provide direction to the County Manager for further action to sign subsequent documents.

Result: APPROVED

Mover: Rob Feltner

Seconded: Kristine Zonka

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

J.2. Adoption of the Save Our Indian River Lagoon Project Plan 2023 Update as recommended by the Save Our Indian River Lagoon Citizens Oversight Committee

Virginia Barker, Natural Resources Management Director, stated this is adoption of the Save Our Indian River Lagoon (SOIRL) Project Plan 2023 update, as recommended by the Citizens Oversight Committee (COC); the 10-year revenues have been adjusted up due to inflation; anticipated collections increased by \$44.3 million and those are allocated, \$18.1 million for stormwater projects, \$5.2 million for environmental dredging of muck, \$2.3 million for wastewater, \$1.1 million for public education and outreach, and \$1 million for vegetation harvesting, with the remainder going into reserves to offset the inflation of future construction costs; and the requested action includes adoption of the Plan, associated Budget Change Requests, signature authority to move forward with agreements to execute all of the projects approved in the Plan, authority for her to sign six-month, no-cost, time extensions for the implementation partners. She explained there are all sorts of delays with these projects especially with supply chain issues, and permission to go to bid or Request For Proposal (RFP) to get the projects done, and to apply for Grants to leverage local dollars with State or Federal funding; in the Agenda Packet there is a list of the significant changes that are in this 2023 update; there is also a PowerPoint prepared by the consultant who prepared the Plan update that goes through in more detail, which is available if the Board is interested; she also has two different progress reports in the packet; one that just goes through each project type, the funding allocation, the pounds of nitrogen reduction anticipated, the average cost per pound, the number of projects, and then there is the more detailed version that provides the status of where staff is at, they are about to complete the 75th project and celebrate that milestone; and they look forward to continued leveraging with the Governor, as he continues to announce more and more funding for these sorts of projects. She mentioned staff is available for any of those presentations or for question and answers.

Laurie Guiser stated she is a south County resident of Sunnyland; she wanted to give her thanks and acknowledgement to the COC, SOIRL, and a plethora of Brevard County offices that have helped her community in education, in projects, and being able to be a good steward as members of her community for the Indian River Lagoon and the environmental projects that they are undertaking or that they are proposing as well; she would like to note that among Brevard County, her community may be the highest cluster of septic grant action in Sunnyland, and they are closing in on 20 completed projects, with roughly 30 more waiting in the wings; and they are still onboarding more of their neighbors. She added her community is truly committed in making environmental differences; and they realize as a small neighborhood, they are a Property Owners Association (POA), not a Home Owners Association (HOA), and they are acting on a completely voluntary basis, so every action that their community takes and the money that they spend, is their own, and it is completely voluntary, so they are very hopeful that they are able to go forward with the current Project Plan so that they can engage and

further improve that effort.

Dana Nasypany stated she is in attendance to thank the COC; as the Board knows, there is a project in this upcoming season and the only thing she wants to speak to is her willingness and ability to assist in grant writing; she is happy to place that on the record; to whoever in the County that does that, she can be the grunt work; and she noted she is no expert, but she has done some successful grant writing in the past.

Jim Glass stated he is a conservation director for the Florida Fly Fishing Association; there are two concerns he has about the plan; one is the plan adds \$11 million of new projects of which about half is for demucking canals in the Mullet Creek area, before they remove the source of the muck, which is the septic tanks; the second point is the plan has to add funding for the preparation of the Plan to eliminate or upgrade all septic tanks; there are 16,000 that are within 55 feet of the Lagoon; and he is very familiar with Mullet Creek area from fishing out of Honest John's fishing camp as he has kept his boat there for many years. He continued by saying he absolutely agrees that the muck in these canals and the adjacent waterways in the Mullet Creek need to be removed; the Plan shows that the removal of these tanks is unfunded and there are 200 tanks in that area; the 200 tanks generate about 52,000 gallons of wastewater per day, which is 19 million gallons per year; and this is the primary cause of the muck deposits in that area. He advised the plan has a statement, if the source is not removed first, dredging will have to be repeated; the COC has the cart before the horse in his opinion; the second concern is the 16,000 septic tanks; these generate four million gallons of wastewater per day that gets into the Lagoon; even though it is diluted, in his opinion the septic tank wastewater along with stormwater occasional discharge, from the sewage infrastructure are the primary sources of nutrients in the Lagoon; and these nutrients cause algae blooms and muck deposits which have killed the seagrasses. He stated the Plan has funded stormwater projects which have and will reduce the effects of stormwater on the Lagoon; what the COC needs to do is fund a plan to upgrade and connect these septic tanks to a sewage treatment plant; Monroe County prepared a plan to eliminate 27,000 septic tanks and 100 package plants which was implemented in the year 2000 and has since been completed; Sarasota County did a similar plan in 2000 to eliminate about 12,000 septic tanks in the Philippi Creek Watershed; these septic tanks were a major cause of the degradation of the water quality in Sarasota Bay; and he asked if Sarasota County and Monroe County can develop a plan to do this, why Brevard County cannot. He went on to say the project plan in Monroe County and Sarasota County were completed in 2000; the Commission should ask the COC how many septic tanks in the IRL watershed have been upgraded or removed during the six year period; he does not know because he could not find it; and finally the focus has to be on eliminating wastewater entering the Lagoon, everything else, demucking, planting seagrass, adding oysters and clams should be postponed until the Lagoon water quality is significantly improved and the seagrass has returned.

Dave Gilbert stated he has lived in Sunnyland for 28 years; he has physically seen muck increase; the community was not all built at one time, they were built from the 70's on out; some of the septic systems do need replaced, some are replaced; he thinks there are probably four on his street, and his neighbor is getting a new one today; not all of them are bad and it is not the only source of the muck; if this project is approved, he believes that 375,000 cubic yards of muck will be removed and not be able to flow into the intercoastal waterway; he respectfully disagrees with Mr. Glass; this project should be one of the first things that is done; and septic systems are being done in parallel, but the cart does not have to be before the horse in this case. He noted there have been projects promoting oyster beds in his community; they do whatever they can do, but they cannot do the demucking effort, or dredging; they are not calling it dredging, they are just looking to get rid of the muck in the community; it makes the a

lot of the intercoastal waterway more usable for a lot of people; there are a lot of people who come in his backyard every day and enjoy the wildlife, the manatees, and the dolphins that are there; and the demucking effort that will be done here will make that water better. He stated he appreciates the recommendation to proceed with the project.

Sandra Sullivan stated she has shown the Board over the last few weeks and months her pieces of paper about her concerns with the IRL; to the point Mr. Glass made about the number of septic systems that are removed, people have to remember 10 percent of the septic systems cause 90 percent of the pollution to the Lagoon, by their own study; those are the ones that are being prioritized, yet she was at a COC meeting when there was a discussion about it being such a small number; she stated they only sent out one postcard, and they were like we knock on doors, we can do marketing, there is a lot people can do; basically, the motion was made to expand it to anyone in the County who has a septic system; and that is really not what the people voted for and she spoke against that. She continued on to say the big issue is what the voters were promised; what the voters were promised in 2016, in the Florida TODAY included Advanced Water Treatment (AWT) plant upgrades; it included infrastructure, in fact it is represented in the referendum language when it says capital improvements and capital upgrades; capital is infrastructure, and yet this has been a barrier or a wall even though the tax has more than doubled from \$304 million, but it still hits this wall on infrastructure; go back to 2017 when there were 22 million gallons of sewage going into the Lagoon; and experts came forward and stated to take care of the sewage plants before cleaning up the muck. She mentioned the County is on its third dredging at Turkey Creek; she reads the scientific reports and Florida Institute of Technology (FIT) statements and they say the primary source of that muck nutrient loading is coming from the sewage plant; she asked why those issues are not being dealt with; yesterday she attended a meeting hosted by MJ Waters with Vince Lamb and whole bunch of people, and they kicked her off, but they were talking about infrastructure and pollution; that is not in the Lagoon Plan, so under the National Estuary Program Comprehensive Conservation and Management Plan (NEPCCMP), the management plan approved by EPA, we're required to have pollution in the Lagoon plan; and PFAS contamination, she asked what has changed since last year. She mentioned there is a University of Florida study that says PFAS contamination from the military and the sewage plants are contaminating and is at high levels, way above the health advisory limits, but is pollution in the Lagoon Plan, it is not, even though the County has the data; this does make sense; at the COC meeting, she takes objection to Marcy Frisk who writes the Plan, who denied and said this lawsuit to the EPA for pollution was dismissed and it has not been dismissed; and she asked if that is a conflict of interest that her husband is on the St. Johns Board.

Lew Kontnik stated he wants to celebrate that the County is actually having this conversation, that there is actually a Plan, that the County has the tax, and it is making progress; he gave his appreciation to the County staff, to the COC, to the Board, and to the residents for putting this in place; he is on the Board of the Brevard Indian River Lagoon Coalition and he personally, and as a group, attend all of the meetings, watch them on television often times for the COC; they do a lot to educate themselves and then the community about the projects that are in the plan, the projects that are done, and the projects that are coming up; what he really wants to say is the Board has enabled a very sound system that includes the COC, includes review, includes the Board's review of the more technical and broader expert review; he endorses what is being done; he thinks the new revision for 2023 is good; if there are real technical issues they should come to the COC, and he knows some have; but he thinks the Board should stick with the Plan.

Vinny Taranto stated he is just there to answer any questions; the ordinance states that the

chair is to present the updated Plan to the Commission, so that is what he is there to do; and he can answer any questions if there are any.

Debby Hancock stated she is from Sunnyland Beach; she just wanted to thank the SOIRL Committee in particular for their help and assistance; she just wants to give the Board a little about Sunnyland and why the dredge is so important; Sunnyland residents have been actively engaged for the last couple of years in doing whatever they can to stop the flow of pollutants into the Indian River Lagoon; they have formed a committee dedicated volunteers to head up various initiatives to educate and involve the residents with a highly successful neighborhood environmental fair, written literature, social media, sample plantings of filtering plants, and offers to help neighbors implement changes; many Sunnyland residents have realized the benefit of the septic upgrade and have completed the upgrade or applied for the upgrade; however, since Sunnyland has no HOA covenants, restrictions, or the ability to assess homeowners, they have no way to fund the critical muck removal needed to restore the waterways leading to the Lagoon. She went on to say they are committed to reducing impact but need the financial help to remove the muck that already exists; they are extremely grateful for everything that has been done and are appreciative of the efforts and support; and if Sunnyland is successful, perhaps they can serve as a model for other communities along the way on future Lagoon projects.

Craig Wallace stated the Board has already heard from the Coalition so it already knows it supports the Plan; they attend all of the COC meetings, and really follow it very closely; if they saw any concerns, they would certainly let the Board know; he wanted to follow up with the Sunnyland story because that is the story of how the Plan works; they started out by having dead fish in their canals, they all live on dead end canals, and the only fish they saw were dead fish; they wanted to do something about it, so they received these letters in the mail and said the County would help pay for new septic upgrades so they started investigating that; they came to the COC meetings and received more information on it and started a program and actually got all their community members to really join together; and they were called the orange shirts in the COC meetings. He went on to say they banded together and they realized it was not just a matter of stopping the leakage from their sewers, it was also all the muck in there and wondered how to get the muck out; they went to the COC and lobbied for the muck removal; he thinks that is a balanced approach where the sewers are taken care of while the muck is being taken out; and that is a model example of one, how a community can get together and make this happen and secondly the program is there to allow that. He went on to say he thinks that is a great part of what this program does.

Chair Pritchett advised the public they should go to the COC meetings and express their concerns; that is probably the best place to hash some of this out; she wanted to mention this is going to be a generational project; it is going to take a long time to take care of this; the County did a lot of construction in the 50s and 60s and there are a lot of these pipes even in houses that hook to sewer systems that are leaking underground; this is going to be an ongoing thing; and she thinks the County will start seeing more of these changes as the new construction comes in, with the new higher criteria for what is being built. She mentioned everything the County does is going to help with this right now; she asked how comparable the new septic systems are to what was placed in a house built back in the 1970s that is on the sewer system; she mentioned she thinks that has probably caused a lot more damage to the environment than the high-end septic systems; and she inquired if that is correct.

Ms. Barker explained that a conventional system, at best, is 30 to 40 percent nitrogen removal, but that is if it is installed with good separation from the ground water table; because the County has a low-lying coastal area, a lot of the construction was allowed closer to the water

table than that; the State rules requiring that separation were not adopted until the 80s, so there are a lot of systems that are polluting much more than that 30 percent reduction of a typical conventional system; and the advanced systems remove 65 to 85 percent depending on which kind of advanced system the homeowners select.

Chair Pritchett stated she would not be objective to eventually making every septic system that is put in, be the advanced ones and for the County to start working toward that goal; and she cannot see it in her time on the Board, that it is going to get enough treatment centers put in to even be able to do the capacity, although there are some projects that are being worked on.

Commissioner Goodson asked if a homeowner in Brevard County wishes to either tie into the sewer line or do an upgrade septic tank, is there any funds that he or she could apply for, for financial assistance.

Ms. Barker responded in the affirmative; she advised the half-cent sales tax has plans for both of those options; if the homeowner is in a septic to sewer conversion area then they will be mandated to connect; if they are near an existing line, there is a grant program to help pay for them to connect; if they are not near any kind of sewer and really their only option is to upgrade, the County also has a grant program to help them with the cost of that upgrade; there are two changes in this 2023 update regarding those programs; previously there was the amount that homeowners were eligible for, for septic upgrades, and it was based on 65 percent minimum performance standard for advanced systems; as Chair Pritchett has just asked, there are more advanced systems than just that basic, therefore, this provides an incentive for people to choose the best system for their yard. She went on to explain, if a homeowner can use a system that removes 85 percent, then the funding that they would be eligible for would reflect that increased nitrogen reduction or increased performance; staff has been very successful in getting State grants for these programs; with those State grants, she would like to be able to say anyone close to an existing sewer line and wants to connect, could use the State grants with half-cent sales tax local matching funds, to help them connect; whether they are part of those highest priority that are closest to the water or anywhere within the Lagoon watershed, there is going to be a benefit; and there is State funding to help make that happen now, so this plan update would make that change.

Commissioner Goodson inquired if the homeowner is not close to a sewer, but close to the river, it backs up to the river, but in the front yard is a force main, so to hook into a force main, he has to have a emulsifier or something.

Ms. Barker responded in the affirmative.

Commissioner Goodson inquired if he would have to maintain that for life or if the County picks up maintenance on that.

Ms. Barker advised she will need to phone a friend on that one, the Utilities Director; and she advised this is a recently changing interpretation from the State.

John Denninghoff, Assistant County Manager, stated previously the rules of the Florida Department of Environmental Protection (FDEP) had promulgated it would require the County to maintain the pump station or the pump to get the homes sewage into the force main; it is rather costly for the Utilities, as one might imagine; the rules on that are being changed, they have not been promulgated, as of yet, but the expectation is that that requirement is going to be altered to leave it on the homeowners to maintain it; if the pump gets struck by lightning the homeowners would not call the County, they would call ABC Plumbing and have it repaired.

Commissioner Zonka stated she knows this has been talked about before and she knows in 2019 the Board sent the Plan back to the COC and significant changes were made to include more infrastructure and a little less muck dredging, but muck removal was still part of the Plan; she knows the County has made big strides on trying to get people hooked up to the sewer system; she asked Ms. Barker to talk a little bit about those efforts; she commented she knows Ms. Barker has talked about that in previous meetings, and she knows it was a lot more than sending out one postcard; and she thinks that probably needs to be stated on the record just to clarify.

Ms. Barker stated in the original Plan, 66 percent of the funding was allocated to muck dredging and a little over 20 percent went to sewage related projects; currently in this Plan, the combination of muck and interstitial treatment combined is 37 percent of the funding, whereas all of the sewage related projects combined are 43 percent of the funding; that was a significant shift recommended by the Board in 2019, and this Plan update is consistent with that; about the postcards, there was a meeting where staff was asked about the level of effort and at that time, staff had only sent one postcard; staff has done additional mailings, and is currently working on other techniques to reach people; they are working with the City utilities as well, to get the word out through their utility bills and other communication mechanisms; and that is just an ongoing program. She continued by saying, of course, there is the press in today's paper; and the more staff gets the word out that these programs exist, hopefully the more participation they will get.

Commissioner Zonka commented she knows prior there was talk about resistance of some residents to hooking up even if the County was to cover the complete cost of it, people still did not want to hook up.

Ms. Barker replied she is correct.

Commissioner Zonka pointed out that is where she thinks the Board talked about mandating and all that other stuff; she also thinks it is important to mention that this Board, prior to the two new Commissioners, has committed tens of millions of dollars to new infrastructure improvements, sewer capacity improvements, and pipelining; this Board has committed more in the past two years than probably has been done in 20 years; she is excited and proud of that; she knows this Board is doing its part; it is not all coming out of the Lagoon fund so maybe people are not seeing it or know about the efforts; the County has to be able to handle all these new customers and be able to prevent as much Infiltration and Inflow (I&I) as it can to make sure the facilities can handle the amount of sewer that it has to treat; and she thanked Ms. Barker for her efforts and the efforts of the COC. She mentioned she is going to go with the science on this one and support the Plan.

Commissioner Goodson stated in the five districts, and he is not talking about people that do not want to pay the fee to hook up once they install the sewer, he wants Ms. Barker to talk to him about the people who probably voted for the cleanup of the Lagoon and now adamantly do not want her in their neighborhood because it will damage a tree; and he asked how many of those people is she facing.

Ms. Barker advised a lot of notifications were just sent out to thousands of people who are in the septic to sewer projects that are in County design right now; those notifications included her department phone numbers for people with questions; their phones have been ringing off the hook for almost three weeks with questions and concerns; there are a number of people who want the Lagoon cleaned up but want to point the finger at somebody else to be the solution and not their own yard.

Commissioner Goodson asked if she can explain why all of them are in his District.

Chair Pritchett commented that is funny because she just asked him how he knew to ask that question.

Commissioner Goodson advised he is going to bring Ms. Barker over for a special meeting when the people come.

Ms. Barker responded staff is available for those special meetings.

Commissioner Feltner asked in the coming years, what will it take for Brevard to improve the wastewater treatment facilities and bring them up to the advanced wastewater treatment; and he asked if that is something that the half-penny sales tax can contribute towards.

Ms. Barker advised when the Plan was developed in 2016, staff looked at the level of treatment at all of the facilities in Brevard County, public and private, County and City; staff identified those that had the highest concentrations that needed upgrades the most; those are the ones that are funded in the Plan; since that initial adoption, through this annual update process, a number of additional facilities have been added to the Plan, including some County facilities; and she advised the County Manager, Frank Abbate, wants to weigh in on this.

Mr. Abbate stated basically, what he wants to add is that the Board has, through Coronavirus Aid, Relief, and Economic Security (CARES) funding that was available and the increases that were passed in a long-term Plan that goes to 2032, because of additional State requirements where the County has to meet certain goals in a certain amount of time, so those projects are moving forward, not only with the funding that Ms. Barker was talking about, but through the rate increase through Board allocations of funds from the CARES program and additional grants that were spoken about earlier that the Governor and the Legislature are putting towards these types of efforts; therefore, there is a combination of funding opportunities in three or four different areas that are helping with the type of situation that is being described. He noted staff is trying to prioritize which plants will move at what time; the goal is to by 2032, meet all those standards that the State has increased with the expectations of what kind of reuse water and what levels are going to be in the advanced wastewater treatment facilities that the County will have.

Mr. Denninghoff added the mandate under Statute applies to all of these utilities with the sewage treatment plants, therefore it is not just the County that is doing this; the cities are doing it as well; and some have the benefit of some SOIRL funding and grants from the SORIL program, but ultimately they are all raising their rates to be able to pay for upgrades to their sewage treatment processes so that they can get up to that required mandated level of treatment, which will be a dramatic improvement from what has been seen.

Chair Pritchett stated before the two new Commissioners came on, the other Board Members had a certain amount of funds that they were allowed to apply to projects and she thinks almost 99 percent of those funds went to these types of projects for capital infrastructure, like Commissioner Zonka stated just moments ago; she wished there were still some of these people in the State of Florida because it would have been great to try to get some kind of mandate done for people to have their septic tanks inspected; she thinks this would help greatly with that as well; and she mentioned if any of the Board Members have any influence on that it would be great. She mentioned that one is for Commissioner Tobia.

The Board adopted the SOIRL Project Plan 2023 update, as recommended by the SOIRL COC on January 20, 2023; authorized associated Budget Change Requests; approved continued signature authority to the Chair (or authorized representative, in accordance with the threshold limits provided for in Brevard County policies and administrative orders) to execute agreements, task orders, change orders, contract renewals, amendments, and other contract-related documents, subject to review and approval by the County Attorney, Risk Management and Purchasing, as appropriate, to provide cost-share from the SOIRL Trust Fund projects and programs approved in the SOIRL Project Plan; approved continued authority for Natural Resources Management Director to execute up to two no-cost time extensions up to six months each; granted permission to advertise formal solicitation of bids and proposals, and to award to the qualified bidder having the lowest, responsible and best response for tangible items, capital improvements projects, and/or equipment, when required and subject to available funding; and authorized Natural Resources Management Director to submit grant applications (subject to review and approval of the Administrative Order 75 Pre-Application Assessment) for leveraging cost share for projects and programs approved in the SOIRL Project Plan.

Result: APPROVED

Mover: Tom Goodson

Second: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

J.3. Approval: RE: Repair, Rehabilitation, and Reconstruction Housing Policy (HS-028) for the State Housing Initiative Partnership (SHIP) Program

Ian Golden, Housing and Human Services Director, stated this is the Department's Repair, Rehabilitation, and Reconstruction Housing Policy; the last time it was before the Board was in April 2017; the Board will notice through the documents that were provided as attachments, there is a summary document showing changes; primarily they have added definitions, cleaned up some of the language to make it more efficient for not only us, but for the citizens that the County is trying to serve; and there are two significant changes. He noted the first one is adding a strategy for limited repair for people between 121 and 140 percent area median income; for a family of four right now the median income is \$113,680, and that would capture workforce housing; families that are in that category of workforce would be eligible for some of the repair programs, specifically limited repair; the Board will notice the language in the Policy regarding that is contingent upon the State's approval of the local Housing Assistance Plan because these are State dollars they would have to okay the use of those funds in that manner; however, it dovetails nicely with Senate Bill (SB) 102, which is currently working its way through at the State level, which includes language regarding workforce housing. He continued on by saying the second major change has to do with construction costs; as it has been heard numerous times from other departments, they have seen a tremendous increase in those costs; staff went and looked at the producer price index for construction materials, and he looked at the month following the previous approval of the plans, May 2017 and compared it to May 2022 and it was a 59.2 percent increase in construction materials; they have adjusted the maximum assistance levels to accommodate and reflect that; and they are also asking for approval for the department, on an annual basis, adjust that assistance level based on what that index does.

The Board approved the changes and updates to the Housing and Human Services Department's Repair, Rehabilitation, and Reconstruction Housing Policy (HS-028) for the SHIP Program.

Result: APPROVED

Mover: Kristine Zonka

Seconded: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

I.3. County Manager's Employment Agreement

Chair Pritchett stated this Item had been discussed briefly, last meeting; she sat down with the County Manager and worked on what she thinks is a fair proposal from him; she has one comment card, so if it is alright she is going to call this forward; and then Commissioner Tobia will have the floor.

Sandra Sullivan stated she appreciates that the Board has been working with Frank Abbate, County Manager, for a number of years; he certainly has a lot of knowledge of the County; her concern is there are a lot of top management in the County getting ready to retire; one of her backgrounds is in knowledge management and obviously for proactive management, and she would just like to ask this Commission to consider that with people like John Denninghoff, Assistant County Manager, who probably knows where all the bodies are buried, and that has so much knowledge, the County is going to be losing a lot of top people at once, and she would ask the Commission to consider that it really needs to get somebody in as soon as possible, even if they are just getting up to speed for an overlap period of time, with both of them in place, but there be a transition time between now and 2024 where that handoff is made so that the three Commissioners who are coming in, who have a steep learning curve, get up to speed on the County; if the Board brings in Mr. Abbate until 2024, then it is losing that knowledge share; it is potentially losing other senior management, not a knowledge share, as well; and then the three Commissioners will be coming in who do not have contacts and have a steep learning curve. She continued by saying if there is some way to just shift this a little bit and maybe table this for today, and bring it back to where the Board is bringing somebody on now and training for that knowledge and then a handoff sometime, maybe in a year's time, to that person, so that when the three Commissioners come on in 2024, they will not be having a new County Manager at the same time; and she thanked the Board for their consideration.

Chair Pritchett stated she thinks the goal is to keep Mr. Abbate for about another 10 years.

Commissioner Tobia advised he does not know where anyone else was on this one because of Sunshine; he has poked and prodded the County Manager, asking him to extend his tenure with the County numerous times and the reason being was, as Ms. Sullivan just pointed out, there are two new Commissioners, who will be wizened veterans in just a couple years, and there will be three new ones; that would be not only difficult for the new Commissioners that have not yet even been elected, but also to have a new County Manager in there; he made the motion last time to ask the Chair to negotiate with Mr. Abbate about the contract; and he has a couple questions for Chair Pritchett if she is open to that.

Chair Pritchett responded affirmatively.

Commissioner Tobia inquired, should Mr. Abbate's Deferred Retirement Option Plan (DROP) Agreement be voided, how much money Mr. Abbate would be walking away from at the conclusion of his DROP period.

Chair Pritchett advised it is more than she would be willing to walk away from; and noted it is almost \$500,000, at \$490,000.

Commissioner Tobia stated it would be naive to think that there would not be something to help fill that gap, and it is in there; Chair Pritchett was wise putting it in there; he wants to talk about

those things; the increased sick leave payout, the maximum contribution to Deferred Compensation Plan, and the severance upon resignation; and he mentioned the math that he came up with was these all equaled about \$371,000.

Chair Pritchett replied yes; and that is on the high end.

Commissioner Tobia stated he is falling back on Chair Pritchett's CPA expertise; one does not need to be a math expert, but he asked if this contract is ratified, is it fair to say that Mr. Abbate would be walking away with \$100,000 less.

Chair Pritchett again responded affirmatively.

Commissioner Tobia mentioned one other thing, and he asked should Mr. Abbate void his DROP, would he then be eligible for a three percent pay into FRS, which is about \$8,000 a year that he is currently not paying.

Chair Pritchett noted Mr. Abbate is going to have to start paying that.

Commissioner Tobia commented if he knew Chair Pritchett was so good at negotiating contracts down, he probably would have asked her to negotiate, single-handedly, the fire contract and it would have been much better; and he mentioned he has one question for Mr. Abbate. He mentioned Mr. Abbate would be losing money on this and he asked if his wife is okay with this contract.

Frank Abbate, County Manager, responded in the affirmative.

Commissioner Zonka noted Mr. Abbate is a wise man.

Commissioner Tobia stated he would like to reserve a little time for conclusion; he thanked Chair Pritchett for taking the lead on this; and he noted he thinks this is a fair proposition to the Board, as well as the County taxpayers.

Chair Pritchett stated Mr. Abbate is an excellent County Manager; she wanted to mention if Mr. Abbate does not have a longevity plan with the County, he is going to lose a lot more money than this; this is Mr. Abbate making a commitment to stay on track here and to do this job for years to come in the future; and she thanked him for that. She reiterated she thinks he is a great Manager; she stated even if the Board went out looking, it would not be able to find someone that would be better than Mr. Abbate in this position; he knows the community, he knows how to serve the Commission, and he has knowledge of every department; and she just thinks he is wonderful.

Commissioner Feltner mentioned first of all, he shares Commissioner Tobia's thoughts that it is obvious there are going to be three new Commissioners at the end of 2024; he thinks the new Commission should select the next County Manager; that is a big motivation for him; and he thinks this does that. He continued on by saying with regards to the point made earlier about bringing a new person, he thinks the Board will be doing that, so obviously it will go through that selection process; and Mr. Abbate will help the with that, with the new Commission.

Commissioner Zonka stated she would guess that would be when Mr. Abbate is ready to retire for good; and she inquired if that is what Commissioner Feltner was suggesting.

Commissioner Feltner noted if he were Mr. Abbate, he would probably retire soon; he

appreciates that Mr. Abbate is going to do this; and he affirmed that will be when Mr. Abbate retires for certain.

Commissioner Zonka added that Mr. Abbate has always been accessible; he is one of those people who people do not want to email or message late in the evening because he will respond right away, he won't wait until the morning, even if it says it is not urgent; she appreciates that about him; he is a great leader; and his Directors will say the same. She went on to say she is honored to have him work for this Board; she thinks the Board is very lucky; she thinks it kind of ended up with Mr. Abbate by mistake; she also thinks it was the greatest mistake this County could have received; she appreciates how A-political he has been as a Manager, which is something not often seen; and she appreciates how he treats his employees. She expressed her appreciation to Mr. Abbate for being willing to stay on, although she is not sure why, and she appreciates his service to this County and this community.

Commissioner Goodson commented he is not going to give Mr. Abbate any 'hooplas' on greatness because he has not known him that long; and he mentioned Pasco County is at \$270,000, Polk County is at \$227,000, and Volusia County...

Chair Pritchett interjected by asking what Mr. Goodson was reading.

Commissioner Goodson advised he is reading their County Manager's pay rate; he continued by saying Volusia County is at \$229,000; and he asked if the Board elects Mr. Abbate to stay, what his base salary would be after he gets out of DROP.

Chair Pritchett mentioned she is not sure he is going to change his salary; and she inquired if Mr. Abbate is going to stay for the same salary.

Mr. Abbate replied the contract does not provide for any increase in the base salary.

Commissioner Goodson noted however, in the negotiations, rather than get 50 percent of his well time he is going to get 100 percent of it; and he asked if that is correct.

Chair Pritchett advised that is correct, however, the last County Manager who left, the Board did the same with him when it released him, and gave him 100 percent of the sick pay as well.

Commissioner Goodson asked if the Board does that for employees that retire, like Mr. Ritchie who retired the other day; and he asked if he received 100 percent of his sick pay.

Chair Pritchett explained he did not, but he is also not running the entire County either.

Commissioner Goodson mentioned Mr. Abbate is running the entire County with a whole bunch of Directors; and he asked if that is correct.

Chair Pritchett mentioned the Directors are wonderful, and she thinks just recently, the Board gave a lot of good increases for the Directors as well; and she mentioned that Mr. Goodson will get to know Mr. Abbate after a while; and she advised when Mr. Abbate first took over this job, it was with an extremely dysfunctional Commission; he was able to pull things together pretty quickly; she thinks they will get to that comfort level with Mr. Abbate over the next few years; and she noted the Board was tough on him for a while too and it will be up to them later.

Commissioner Goodson responded affirmatively.

Chair Pritchett stated this is not any different than what the Board would have done, even at the time for Stockton Whitten, when it tried to keep him, the Board Members were getting ready to offer him quite a package to keep him as well.

Commissioner Goodson mentioned if he is not mistaken, the way he read it, once Mr. Abbate gets on this other contract and the County is paying in advance yearly, Mr. Abbate could quit in one day and get paid; and he inquired if that is correct.

Commissioner Pritchett explained if he does, he is going to miss out on the \$490,000 so it is going to be a drastic reduction in his pocketbook to leave earlier than a set amount of years.

Commissioner Goodson asked under the FRS, and by the State law, if he can stay and that there is no violation after his DROP down date.

Chair Pritchett stated she does not believe so, but she asked the County Attorney, Morris Richardson.

Morris Richardson, County Attorney, advised that it is not a violation, and that Mr. Abbate would have to void his DROP to do that.

Commissioner Goodson asked again if he misread it that if Mr. Abbate stayed one day in January and resigned on January 2, if he would receive his full pay for that year.

Chair Pritchett commented she thinks that is the sick payout.

Commissioner Goodson noted he does not think so.

Chair Pritchett responded she does not think it says a full yearly pay, does it.

Commissioner Goodson advised she may want to check on that; he has no further questions; he commented after spending a lifetime, he is glad Mr. Abbate wants to stay; and that is about as good as he can be.

Commissioner Tobia stated he did a lot of what Commissioner Goodson did, but he looked a little closer to home; he looked at neighboring counties; Osceola County has a population of about 25 percent less and currently, their County Manager makes \$296,000; Indian River County, which has a quarter of the Brevard County population, at 160,000 people, and the salary is \$199,000; Mr. Abbate does make a little bit more, however, he has four times the responsibility; and this is going to hurt Commissioner Goodson, and he asked if Mr. Goodson sat on the Port Commission.

Commissioner Goodson responded affirmatively.

Commissioner Tobia stated he hates to bring up Captain Murray again, but he has 206 employees and makes \$500,000; in fact the Florida TODAY did an article about that pay raise and said that Brevard County could pay the County Manager, and the School Board CEO, and still have \$88,000 to cover what the Port Commissioner makes; in fairness, compared to employees of the past, as well as neighboring, the Board is getting a great deal; and one more thing, if the County were to go for a search firm, it is looking at another \$60,000 to \$100,000.

Chair Pritchett agreed with Commissioner Tobia.

Commissioner Tobia mentioned he spoke with Mr. Abbate probably four or five years ago and he had asked him what his thought was about him bringing up a pay raise because he saw what some neighboring County Managers were making and Mr. Abbate was far below that, \$30,000 to \$40,000 below; and Mr. Abbate was adamantly opposed to him bringing it forward, so he respected his wishes and did not do it. He went on to say to be clear the reason he wanted to do it was not necessarily about Mr. Abbate, it was more about future leadership, because the reality of the situation, the County was not bringing in anyone at the rate it was currently paying; it is at a comparable rate now; he thinks the County is getting a good deal because of that increase and the County was able to get someone who seems to be a very competent County Attorney; and the County has some great people, however, Mr. Abbate has the worst of it having to deal with egos of the five of them.

Chair Pritchett interjected the four of them.

Commissioner Tobia finished by saying on a daily basis. He mentioned his is probably bigger than the other four combined, but the way Mr. Abbate balances that is wonderful; he hopes Mr. Abbate works there a great deal longer, dealing with the five of them is well worth his salary; he is going to make a motion to approve the proposed update to the County Manager's Employment Agreement; and he thanked Chair Pritchett for doing such a good job negotiating him down.

The Board approved the proposed updated County Manager's Employment Agreement.

Result: APPROVED

Mover: John Tobia

Second: Kristine Zonka

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

Chair Pritchett mentioned that when the Board had the opportunity to try to find another County Manager and Mr. Abbate stepped in; the County got the guy bringing in all the people; the Board went through the list; and every single one of them had a criminal record.

Commissioner Zonka interjected, except Mr. Abbate.

Chair Pritchett reiterated, except Mr. Abbate; she mentioned Mr. Abbate stepped up and he said he would do it for now; she thought that was marvelous; and it has just been a great experience.

Commissioner Zonka noted the Board begged him.

Chair Pritchett responded affirmatively; and she stated as a citizen of Brevard County, there is not a better County Manager she would rather have sitting in this position directing the people she loves and being responsible with their funds.

K. PUBLIC COMMENTS (Individuals may not speak under both first and second public comment period.)

Sandra Sullivan expressed her appreciation to the Board for not releasing the deed restrictions on the former Hightower County Park at the request of Satellite Beach; she mentioned this is huge for the community and the community thanks them; while the differential in parking was a fiscal issue for sand renourishment, so is the use of Hightower outfall by the adjacent developer; as a condition of the Corp of Engineers sand renourishment permit funding for the mid reach, the County is required to bring the mid-reach outfalls up to Federal stormwater

standards; according to the 2008 County outfall study, it was not possible to fix Hightower outfall exfiltration because of high ground water; reports said developer's plan put stormwater west; and that changed with the view who misrepresented an application that exfiltration was present on the outfall. She added she provided St. Johns River Water Management District the County's report. She went on to say based on the permit, it seems that the County is out of compliance on the Corp of Engineers contract on the Hightower outfall use; the Corp of Engineer contract, she believes, is worth over \$100 million to the County; in that light, she would urge the Board to coordinate with St. Johns River Water Management District regarding resolving the stormwater permit; the conservation issue also remains, so the community is asking for the Board to go a step further and enforce the County Park Agreements given the latest news that the City has removed the former County Park and the Save the Coast Lands from the Florida Communities Trust (FCT) Management Plan without the consent of the County who is joint acquisition partner; and the County partnership doubled the FCT monies per Florida Administrative Code 815, which required Brevard to put conditions of funding in the County's Comprehensive Plan, for example cap and density. She mentioned for that reason, she believes the County has standing on these FCT Agreements. She stated it is immoral, improper use of the conservation lands, when the City promised generations of Brevard County residents will be indebted to Brevard County to create these conservation lands; the purpose was to be a dark and undisturbed beach for endangered green sea turtles; instead of protecting, the City is monetizing the beach with lights and intensity use which will destroy the site, and the County Attorney says violates the adjacent property clause of the FCT deed. She went on to say in 2012 the County gave City interest in both Hightower Park and Save the Coast Lands while the City was insolvent, according to the City's own statements; she believes the Interlocal Agreement of the County Parks are violated by the City with both immoral and improper use clause, as well as the approval of the Sky Bridge, which the City approved in both the readings of Ordinance 11-77; and under the remedy provisions of the agreement violated, the park shall revert back to the County thus the community asks that the Board please take action with a legal opinion.

L.1. Frank Abbate, County Manager

Frank Abbate, County Manager, stated after speaking with the Chair, there are some scheduling conflicts with Commissioners for the February 16, 2023, scheduled Budget Workshop; he would like to ask the Board to cancel the Workshop for that date and staff will work with the Commission offices to see when would be an appropriate time to have a Budget Workshop scheduled; he mentioned there is an Item relating to Environmentally Endangered Lands (EELs) which staff is currently working on, and they would like to bring that back to the Board because it deals with EELs referendum that was passed and staff is preparing a variety of information to get some direction from the Board as to how it wishes to move forward with that; staff was planning to bring that to the Workshop, however, it will be brought up in one of the upcoming regular Board meetings for discussion; and staff will deal with other items relating to the Budget Workshop moving forward.

The Board approved canceling the Budget Workshop meeting scheduled for February 16, 2023, due to scheduling conflicts.

Result: APPROVED

Mover: John Tobia

Second: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

Frank Abbate, County Manager

Mr. Abbate expressed his appreciation to the Board for the confidence and the kind words; he

mentioned he will continue to try to serve the Board very well; he has hopes of helping the new Board once it comes on board, to decide how it wants to move forward with the organization; staff started last September dealing with succession planning issues to try to make sure that those leaving in the next couple of years are leaving the organization in a better place; that has been the goal for the past seven years to make sure that when many staff members leave that they will be leaving the organization in a much better place; and that will continue to be the driving force in what they do. He noted he appreciates the Board's confidence in him and it is a result of the staff that he has around him; and he appreciates all of them and everything that they do to make this organization what it is.

L.3. Tom Goodson, Commissioner District 2

Commissioner Goodson stated he would like to correct his illustrious compadre in crime that he was not at the Port Commission when they hired him, he was long gone by then; and he just thought he would clear that up.

L.4 John Tobia, Commissioner District 3

Commissioner Tobia stated 75 years ago, the first Polaroid camera came out, gas was \$0.26 per gallon, and George Marshall, a proud graduate of VMI came up with his plan to rebuild Europe; Also on February 9, 1948 his dad was born; he has had the unfortunate responsibility of dealing with him and he has worked hard at it, along with his mom; he just wanted to wish his dad the absolute best on his 75th birthday; he is a 20-year veteran of the United States Air Force and a wonderful human being and a great father; and he wished him a happy birthday and thanked him for watching.

L.5. Rob Feltner, Commissioner District 4

Commissioner Feltner stated Commissioner Tobia's dad did get Steven out of the deal just to make that clear.

L.6. Kristine Zonka, Commissioner District 5, Vice-Chair

Commissioner Zonka commented just when one thinks Commissioner Tobia has no heart, he says something like that; her point is that Commissioner Tobia is a good person but often does not display it; and she has no report she just wanted to say that was a thoughtful comment for Commissioner Tobia's dad.

L.7. Rita Pritchett, Commissioner District 1, Chair

Commissioner Pritchett wished Commissioner Tobia's dad a happy birthday.

Adjourn

Upon consensus of the Board, the meeting adjourned at 6:30 p.m.

ATTEST:

RACHEL SADOFF, CLERK

RITA PRITCHETT, CHAIR

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA