

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, August 10, 2021

5:00 PM

Melbourne-Tillman

Commission Chambers

A. CALL TO ORDER 5:30 PM

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE

Commissioner Zonka led the assembly in the Pledge of Allegiance.

K. PUBLIC COMMENTS

Joseph Gooden, Home Owner Association (HOA) representative, stated on July 30 it came to his attention that the trees along John Rodes Boulevard were being taken down to accommodate an eight foot wide sidewalk; although he agrees that a sidewalk is needed and is long overdue, the project was started two years ago and was funded by an application that was submitted by a former employee that needed to be move forward quickly, or else the funding would be lost; no one from the County communicated with the HOA, although the property which is adjacent to it is being affected by it and the trees is what the development was named after Oak Forest have been taken down; it is a done deal and he has accepted that, but he is really sad because of it; the residents have been hurt and damaged in the process; they would like to think that the County will step up and help to rebuild and make this entrance as attractive as it can be; but it will never be as attractive as it once was. He mentioned a lot of the residents and almost everyone that he has talked to in the small community of 66 have fairly valuable homes there, and they pay a lot of the taxes for that area, they are really upset about this; he reached out to everyone in Brevard County Government that he could think of, including Commissioner Zonka's office a number of times; he has spoken with Frank Abbate, County Manager, they had a nice conversation, and he put him in touch with John Denninghoff, Assistant County Manager; he spoke with him and Marc Bernath, Public Works Director, all who were very cooperative; but still very sad that these trees were taken down in such a rush and it could have been worked out where these trees could have been saved, as they would have been glad to give the property by deeding it over to the County in order to allow the standoff required around the trees. He remarked what is done is done, it is in the past, but he wanted to come there tonight to let the Board know that there is a face and a community that is really grieving over the loss of these trees; he stated it seems trite maybe to people who are outside the area but if the sidewalk is walked that they had, it was like a botanical garden, it was beautiful, a meandering sidewalk on County property, installed with County approval at the time 16 years ago, an irrigation system, beautiful landscaping that they invested thousands of dollars in to develop, and much of it has been destroyed; in the project there has been no allocation for even removing the remnants of the sidewalk although that is being done with a request that he put through to Mr. Bernath's office; and he is cooperating and it will be removed. He added the irrigation system is going to be capped and it will not be replaced, but the beauty of the area is lost forever; they are looking to the County now to find some funding to help make them whole again; the one thing that is missing and he does not think it is on the plans which are very detailed, there is a utility pole that is right smack-dab in the middle of where that sidewalk needs to go; the contractor told him today that they did not know when it was going to be moved, because the engineers did not even know it was there, and the project is probably going to come to a halt; and the time that is going to be wasted for the project to move forward could have been used to work things out with the community. He stated he knows there has been a lot of nasty calls and emails that have come through; he cannot apologize for them because he feels the pain of these people and the entire community, for the loss of these trees; if any of the Board members had walked the sidewalk, he knows, that they would agree with him; some of the trees are in excess of 50 years old and they are all coming down; one big tree remains at the entrance and the contractor said he will save that one until the very end, if getting your efforts are fruitful at least that tree can be saved, it has not come down yet; and he does not know if there is anything that can be done to save that tree. He

thanked the Board for their time and he just wanted to let them know firsthand what his position was and hopefully the County will work with them down the road to try and help make them whole again.

Commissioner Zonka mentioned if there is anything that the Board could do, they will definitely get with staff to see, as far as funding goes because obviously funding is limited; obviously she thinks the County said it and she thinks he was one of the more reasonable dialogues they have had with residents; she knows it did not go the way it should have, but they could not prevent what had already happened; they had no control over that; and a lot of the thing was the sidewalk was fine, but the sidewalk was not fine.

Mr. Gooden agreed that sidewalk was not fine.

Commissioner Zonka stated that eight foot was for the Americans with Disability Act (ADA) compliance, whether or not they should have gone back to the drawing board, she does not know; but she is sure that he heard they need 100 percent before they can even give property away like that.

Mr. Gooden replied that is not true according to the by-law, he looked into that; they could not have moved on that quickly and actually an easement had already been granted to the County, so it may not have been necessary at all; the easement was granted when the community was established 16 years ago; but that is really a moot point.

Commissioner Zonka stated that maybe there can be some re-planting of some trees though that are far enough from the new sidewalk; she knows there are things that can be done underground to prevent the root system from navigating to under the sidewalk; and it is terrible.

Mr. Gooden stated it is; he knows that the Board will probably hear more complaints about it, and it will not be from him because he is trying to work with the County; he will be there as a point-person to ask for help to make this right; he apologized for being the evil HOA person; and he does not like having an HOA himself.

Commissioner Zonka stated that she does like some HOA's, she just thinks they get a little crazy, but that is with any HOA.

Mr. Gooden stated they are there to actually protect the value of the property and it is actually good for the tax base and the County; this project was long overdue but in the two years that it has been in the works, no time has been taken to talk to the people, and that was a failing on the side of the County; he is not going to throw any more stones on that, they know that and are moving past that; and he thanked the Board for its time and he apologized for going on for so long.

Commissioner Zonka stated they usually have a timer for three minutes and that is what they grant for public comments, and to be respectful of that.

Mr. Gooden apologized.

Commission Zonka advised that he was okay because she wanted to hear about it.

Chuck Roast stated he is also a resident of Oak Forrest Community and he would like to emphasize while Mr. Gooden is present, that he is not just speaking on behalf of the HOA; he has talked to his neighbors to the north and his back fence is on the edge of the City of

Melbourne in unincorporated Brevard County; and he spoke with the neighbors who live behind his house that are not a part of the Community and they all feel the same way, this is not one HOA complaining, but is an entire Community in this area because they have lost some gorgeous trees; he mentioned he is not a melodramatic person, but he gets a twisted feeling in his gut while driving home every day wondering how many more trees will be gone; he thinks this was a bad mix of poor planning and bureaucratic inertia; he is not going to throw anymore stones, but it upsets him that they rushed to destroy the things that cannot be replaced, well before there was any time to stop and think; as Mr. Gooden pointed out they will be halted for other reasons after there is an opportunity to reconcile any of the damage, it sounds like; he was not aware there is a plan to at least remediate the sidewalk; if they were not aware the plan calls for just running the sidewalk straight through the area; the old sidewalk curved to go around the trees and the sidewalk is literally marked where they are going to saw through the middle of the sidewalk lengthwise, to run the sidewalk chunks of the sidewalk that are left behind with no budget to reconcile that, and obviously no budget to plant trees to replace them; and he agrees with Mr. Gooden that it has been a pretty upsetting experience, and he hopes that there is not a repeat in the future, and for other places.

Adoption of a Resolution establishing user fees for FY 2021-2022 for the Melbourne-Tillman Water Control District

Commissioner Zonka called for a public hearing for Adoption of a Resolution Establishing User Fees for FY 2020 2021 for the Melbourne Tillman Water Control District.

Frank Abbate, County Manager, stated this is the first of two public hearings for adopting a resolution to establish the fees for Melbourne-Tillman as a Water Control District; he believes the second hearing is different from what is in the drafted resolution, which was previously scheduled on September 21, and that is depending on Board action tonight; it will come back to the Board for consideration with District 3 and District 5 both having a chance to vote on it as it is required statutorily at the August 24 Board meeting, the upcoming meeting; and they will get it properly advertised for that meeting so they are here for that public meeting at this point.

Commissioner Lober asked Mr. Abbate what he was looking for.

Mr. Abbate replied a motion to adopt a resolution, there has to be one public hearing within the district, and this is that meeting; and he is asking the Board to approve the draft of the resolution that is going to come back to the Board with the recommended increases that are in the public hearing notice.

Commissioner Lober clarified that this is a District three and District five thing, if Districts three and five are okay with this, then he is okay with this; and he asked if there was any comment positive or negative from Commissioner Tobia.

Mr. Abbate replied from his understanding Commissioner Tobia is okay with the resolution as long as it is within the Consumer Price Index (CPI); in this particular case the only increases that are occurring are within the CPI; and in a couple areas he believes there are no increases.

The Board conducted the public hearing and approved establishing the proposed user fees for the Melbourne-Tillman Water Control District for FY 2021-2022 as follows

- (1) Residential from at \$24.44 per lot, acre or portion thereof to \$24.74
- (2) Agriculture remains at \$8.50 per lot, acre or portion thereof
- (3) Commercial from \$47.35 per lot, acre or portion thereof to \$47.93;

and authorized the Chair to sign the resolution at the second public hearing scheduled for August 24, 2021.

Result: APPROVED

Mover: Bryan Lober

Seconded: Curt Smith

Ayes: Lober, Smith, and Zonka

Absent: Pritchett, and Tobia

L.1. Frank Abbate, County Manager, Report

Frank Abbate, County Manager, stated he heard from Health First, who in light of what is happening with COVID-19 had contacted and worked with Public Safety and Fire Rescue, and have asked to enter into an agreement with Brevard County Fire Rescue (BCFR) for a limited inter-facility transport of patients from Health First facilities to other area hospitals, to assist them with hospital crowding that is occurring because of the latest COVID-19 surge; there is going to be a variety of parameters in the contract; he has spoken to Brett Esrock, Chief Executive Officer (CEO) of Hospital Division at Health First, who said they are in agreement with the terms that both staffs has been negotiating which will provide a BCFR transport capable ambulance; Fire Rescue would also provide one ambulance driver who is an Emergency Medical Technician (EMT) or Paramedic certified; Health First would be responsible for providing qualified nursing and/or other staffing to accompany the patient that is being transferred, they would work 12-hour shifts Monday through Friday, and there will be a chargeable bill for the transports billable to Health First, providing it be dependent on Fire Rescue staffing levels as things move forward; they are looking for a 30-day contract and are asking the Board to authorize it, and they will work out the rest of the details and delegate to him the authority to enter into this agreement and would be 30 days with a renewal option that would be approved by the County Attorney and Risk Management if the Board is willing to do that.

Commissioner Lober asked if it would help if the Board authorized Mr. Abbate to do this with any hospital system in Brevard County.

Mr. Abbate replied yes; he stated that would be good, because they do not know if there is going to be any need with the other hospital system, they have not reached out; but this is all very recently developing, so it may be limited reserve ambulances that are available, and that Fire Rescue is looking to do what they can.

Commissioner Zonka advised she has to abstain from the vote because she works for Health First.

The Board authorized Frank Abbate, County Manager, to enter 30-day Agreements to allow Fire Rescue to provide limited inter-facility ambulance transports of patients with any hospital system or healthcare facility within Brevard County due to the surge of COVID-19; additional parameters shall be that the County is to provide the ambulance and a driver who is Emergency Medical Technician or Paramedic certified; the hospital system requesting the transfer shall provide qualified nursing and/or other staffing to accompany the patient in the ambulance; Fire Rescue ambulance and driver to work 12-hour shifts Monday through Friday depending upon staffing levels, and the hospital shall be charged or billed for the transport; and a renewal option to be approved by the County Attorney and Risk Management.

Result: APPROVED

Mover: Bryan Lober

Second: Curt Smith

Ayes: Lober, and Smith

Absent: Pritchett, and Tobia

Abstain: Zonka

L.3. Bryan Lober, Commissioner District 2, Report

Commissioner Lober stated he was going to save this for the next meeting, but since they have already delved in the topic he will bring it up; he had a chance after today's International Association Fire Fighters (IAFF) negotiations out in Rockledge, to talk with two of the District's Chiefs and one Assistant Chief within Brevard County Fire Rescue (BCFR); he does not know if there is much that the Board can do about this, but he just wanted to bring it to everyone's attention both staff and Commissioners and otherwise that, there is a potential concern among some of the BCFR personnel that they are tied up at various hospitals on account of them being essentially overloaded; they cannot get their folks out of the ambulances quickly, which is causing a line up; he was told at one point they had seven ambulances waiting to offload their patients in a particular hospital here in Brevard; he thinks in the beginning of the negotiations or right before them there was a notice that was sent out from one of the three major health care systems saying, to divert ambulances from that healthcare system elsewhere because they were simply at capacity and could not do anything; he understands they are working in some cases with tents and/or trailers, but to the extent that they can free-up the Emergency Medical Technician (EMT), even if it is to help the hospital systems which was contemplated by the earlier motion that passed, and whatever can be done to try and get them in and out of the hospital so they can work another call, he thinks might be wise; if there is an expenditure that has to take place whether it comes out of American Rescue Plan Act (ARPA) funds, rather than an existing budget for the department; he just does not know what the solution is, but he just wanted to bring it to the Board's attention; and if someone has a bright idea that might resolve or even help alleviate it even to a degree, they will have an opportunity to explore that and eventually put it in place.

Upon consensus of the Board, the meeting adjourned at 5:30 p.m.

ATTEST:

RACHEL SADOFF, CLERK

COMMISSIONERS

KRISTINE ZONKA, CHAIR

BOARD OF COUNTY

BREVARD COUNTY, FLORIDA