

JUNE/JULY 2018 Shore News

South Patrick Residents Association
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RESIDENT CONCERNS – Question & Answer

Q: There are areas where cars are parked on/over the sidewalk in front of residents' homes? Is this legal? Who owns the sidewalks?

A: "No Parking" over public sidewalks is a state and county law. Florida State Law Section 316.1945 and Brevard County Code of Ordinances Section 106-31 prohibit parking over sidewalks, which are a public right of way. These public sidewalks are not owned by private individuals. Common sense tells us that parking over sidewalks can be a serious safety issue, for children riding bikes, pedestrians, and drivers. In addition, there is a liability issue involved if a child doesn't see the parked vehicle and crashes into it or is forced to enter the roadway to avoid the vehicle and is then hit by a car. Jurisdiction and enforcement of the law resides with the Brevard County Sheriff's Department. Please rearrange the vehicles on your driveway to follow the law and to accommodate residents who use our sidewalks. No Excuses, please.

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MUCK DREDGING UPDATE @ SPRA JUNE 11th MEETING

The County Natural Resources Management Department will attend our June 11th SPRA meeting. The County has acquired all of the regulatory permits for dredging and dewatering of the dredged material for the Pineda site, located at the north end of the Grand Canal. The next step is to hold a public hearing for a temporary use permit to allow nearly 7 acres of this public conservation site to be temporarily used as a dewatering site for the estimated 2-3 year demucking project from north end of Samson's Island to the Pineda. Please read the article from Natural Resources that follows.

GRAND CANAL PROJECT UPDATE

by Walker Dawson, Engineer III, Natural Resources; 321-261-8646

The Brevard County Muck Dredging Project began through a series of appropriations from the Florida Legislature in 2014 through 2017, totaling over \$40M for the removal of muck deposits throughout the IRL in Brevard. The Grand Canal Muck Removal Project, from Sampson Island north to the Pineda Causeway, along with a majority of its feeder canals, is a major project initiated with that funding. In addition, the Save Our Indian River Lagoon Project Plan (SOIRL) is underway, expecting to implement over 143 projects in a 10-year plan. The Grand Canal Muck Removal Project will be completed through the funding assistance provided under the SOIRL Project Plan. Completion of the Grand Canal project would not be possible without SOIRL funding.

Buffers & Waivers: Under the current project layout, dredging must maintain a 10 foot buffer from any engineered structures, like docks, seawalls, boat ramps, etc. County

staff is currently assessing the viability of obtaining a permit modification to expand the current dredge area and allow for dredging to include areas within 5 feet of structures. This decreased setback will require authorization through waivers executed by individual property owners. The intent of allowing individual property owners to authorize dredging to within 5 feet of structures is to increase the effectiveness of muck removal and thus improve the benefits to water quality. Additionally, this decreased setback will allow for better access to the adjacent shoreline and docks by removing accumulated bottom sediments.

Temporary Use Agreement: Another aspect of this project is the County-owned parcel that is proposed for dewatering activities for the duration of the Grand Canal dredge project. Due to the zoning of the County-owned parcel, the proposed dewatering activities and potential impacts to surrounding residents, a temporary use agreement (TUA) is being sought. The authorization of a TUA by the Board of County Commissioners (Board) would allow for use of the site during

SPRA Community Meeting • David Schechter Center
Monday, June 11, 2018, 7:15 p.m. • MUCK MEETING
SPRA, PO Box 372357, Satellite Beach, FL 32937

By Ayn Samuelson

construction activities. Additionally, the TUA is only valid for one year. So for each year for the duration of the project, a new TUA request will be required to go before the Board in a public hearing.

Muck Removal: The project will remove over 620,000 cubic yards of muck from the Grand Canal system. The project should take approximately 2 to 3 years to complete. Dredging activities will not occur each year from December 1st through March 15th in accordance with the issued permits for manatee protection. The long-term success of muck removal is dependent on continued reductions in land-based sources of pollutants to prevent the continued build-up of muck in the lagoon. Muck removal is just one part of the entire process to reduce excess nutrients in the Indian River Lagoon and restore ecosystem health. You can help reduce your contributions to muck by keeping grass clippings, leaves, and other vegetation out of the canals and sweeping it off of hard services to prevent them from washing down storm drains. Also, only fertilize from October 1-May 31, using a slow-release nitrogen and zero phosphorous fertilizer to prevent feeding harmful algae, which adds to the decaying vegetation on the bottom. For additional information on the Save Our Indian River Lagoon Project Plan go to <http://www.brevardfl.gov/SaveOurLagoon/> to view the entire plan, see progress updates, learn about upcoming Citizen Oversight Committee Meetings or view archived meetings. You can also follow us on Facebook <https://www.facebook.com/BrevardCountySaveOurLagoon/>

& Instagram <https://www.instagram.com/saveourlagoon/> to keep up with news and announcements.

What is Next? Natural Resources is waiting to receive the final design plans and technical specifications from our engineering consultant. Once we receive this we will compile bid documents and send out for internal review/approval. Once appropriate review has taken place, we will put it on the agenda for a future BOCC meeting. Then the project will go out to bid. With regard to the public hearing, we will review comments and make a determination as to what BOCC meeting it will be brought forward. Once we know this date, we will send out the official notification letters to property owners within 1000' feet of the temporary spoil management area. Below is the draft copy of the public hearing letter that will be sent to all property owners within 1000' of the proposed dewatering site, which impacts North Waterway Estates and Tortoise Island residents specifically.

Natural Resources Public Hearing Letter to Impacted Residents:

Proposed Letter to Residents: The Brevard County Planning and Development Department advises you as a property owner within 1,000', that Brevard County is seeking approval of a temporary use for a portion of an 18+ acre parcel owned by Brevard County. The property is located approximately 2,500 feet west of South Patrick Drive and abutting the south side of S.R. 404 Pineda Causeway. Specifically: Brevard County has requested a Temporary Use Agreement, to utilize

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approximately 6.83 acres of the 18.83 site for temporary dewatering activities as part of the Grand Canal Muck Removal Project. These activities include the development of the site for construction dewatering of the dredged material, use of heavy equipment to process dredged material and load haul trucks, and the ingress/egress of haul trucks to remove the dredged material from the site. It is anticipated that the project duration will require two to three years to complete. If approved, the site will be used for one year initially. Additional Temporary Use Agreement for this site will likely be sought after the initial one year period until project completion. All temporary equipment, supplies, etc. shall be removed from the property prior to the expiration of the temporary use agreement. Commence date will coincide with the date of Notice to Proceed issued to the construction contractor who is awarded the contract. The public hearing will be held at the Brevard County Government Center Commission Chambers, 2725 - Judge Fran Jamieson Way, Bldg. "C", Viera, Florida by the Board of County Commissioners on (TBD date and time). You are invited to attend the public hearing to voice

any comments you may have. You may also write to the address shown at the top of this notice. Please direct telephone inquiries to Walker Dawson in Brevard County's Natural Resources Management Department at (321) 372-5195.

SPRA RAISES CONCERNS ABOUT DEMUCKING North Grand Canal Dredging Project – Temporary Use Agreement @ Pineda

SPRA received the advance notice of the public hearing to designate approximately 6.83 acres of public conservation land as a temporary dewatering site for muck drying. This conservation land is situated along the south side of the Pineda Causeway directly across the canal to the immediate north of Tortoise Island and across the canal to the immediate west of North Waterway Estates. During the length of this project, both locations will lose a green barrier that has provided both a visual and auditory cushion for the residents, as well as a home for wildlife.

When SPRA first held a meeting in April 2015, which some 175 individuals attended, discussions with the County began

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about the entire Grand Canal dredging project. The project was subsequently modified in size (due to funding and deleterious impacts on residents) to become the north Grand Canal project, extending from the north end of Samson's Island to the Pineda Causeway. SPRA was informed that this project would take about two years, that we should expect pipes/hoses to extend the length of the project, and that this would directly impact residents and wildlife during that time period. After the completion of this two-three year project, the 6.83 acres would be re-purposed to become a green barrier, planted with native species compatible with the environment, again helping to shield residents and provide a home for wildlife.

It was clearly stated that the southern portions of the Grand Canal are to be considered separate projects, those within city jurisdictions, for which separate funding, locations for dewatering, and transport would be planned. These southern projects would take another four to six years to complete and are not part of this two to three year project.

It is critical to include proper language in the proposed Temporary Use Agreement, and in any iteration thereof over the next two to three years, that unincorporated residents, where nearly all of this northern project will take place, will be assured that they will not endure an additional four to six year marathon of pipes/hoses extending through our area to the Pineda. Residents must be confident that this is a separate project for which the 6.83 acres will be used only for the northern portion and then immediately re-purposed after the 2-3 year project is completed.

BEACHSIDE WASTEWATER TREATMENT FACILITY

Brevard County utility officials are considering constructing a \$50 million wastewater treatment plant, ideally at a site in the Indian Harbour Beach area. A new plant on the beaches should help reduce the previous massive sewage discharges into the lagoon. The existing Wastewater Treatment Plant in Melbourne Beach is nearing capacity, and Brevard Utility's Director Jim Helmer said the Florida Department Environmental Protection has the authority to order the County to add capacity as part of their operating permit renewal process. Helmer suggested that had a new plant been in operation, during Hurricane Irma, that there would have been "no sewage discharges" into the Lagoon. Brevard Utility discharged at least 22 million gallons from facilities in the South Beaches, Port St. John, and Sykes Creek after Hurricane Irma. Most of the sewage discharges poured into Anchor Drive Canal in Satellite Beach.

The proposed treatment plant would be able to process some 6 million gallons per day, and the plant would include additional capacity to account for population growth and septic-to-sewer conversions. In addition to the construction costs, including engineering and design costs, nearly ½ million dollars per year would be needed for operational costs for 12 employees to operate and maintain the plant.

Higher Utility Rates: These upgrades will mean that utility customers will pay an increase in rates. Helmer estimated that an 8.5 percent increase in sewer rates would be needed to finance the project, about \$4.25 a month for residential customers living in single-family homes. Because the estimated design of the facility would take about two years, and the construction phase would take about three years, rate

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increases could be phased in over several years. The good news about rate increase is that they are based on what amount of water/sewer customers use, and are called user fees.

Plans are also underway to make upgrades to old clay pipelines located throughout Brevard County, which should reduce leakage into the ground water and into the lagoon. Helmer estimated it could require about \$22.8 million to line all the aging clay pipelines in the South Beaches area. This area was designated as one of three areas that have the greatest potential for storm-related discharges into the lagoon because of old piping. Previously in 2013, the County Commission approved a 10-year, \$134 million program for improvements to infrastructure lead by the Utility Department. That plan included five years of annual rate increases from 2014 through 2018 beginning with 9 percent in 2014, 6 percent in 2015, and 5 percent in 2016, 2017 and 2018. All future rate increases under that plan are tied to increases in the Consumer Price Index.

The Commission is seeking a more detailed assessment that would connect to projects funded by the County's half-percent sales tax targeted for lagoon projects approved by referendum in 2016 and include information as to what individual cities and towns are doing to address these issues.

REPLACING LIFT STATIONS IN SPRA

Brevard Utilities is starting to replace sewer line lift stations in our SPRA area.

- **Lift Station S-05** will be constructed within the Lake Shepard median location, where the existing lift station is located. Work on building the new S-05 will have already

begun prior to receiving this Shore News edition. The green pipes and valves will be approximately 36-inches above grade, along with the antenna and control panel. Traffic will be managed by the contractor to minimize impacts to residents during the construction period. The majority of the work will be performed in the median.

- **Lift Station S-04** is located in North Waterway Estates along the west side of Ibis. Recently, there were several trucks working at that location over a period of several days. One of the two pumps in the station failed. The Utilities Dept. stated they have two pumps in the station for redundancy (the station is still operating), and they are trying to get the other pump back online. In reference to full station replacement, FDOT has re-entered negotiations with the County to allow us to install a new station in the area across the street (in the green space) from the existing station, but land acquisition has not been finalized.

- **Lift Station S-19** is located along Jolly Roger in the Moorings at the northwest corner. The current design has the station being replaced and relocated to the southwest corner of the intersection. FDOT has re-entered negotiations with the County to allow us to install a new station within the greenspace adjacent to South Patrick Drive. Final design plans has been on hold until the outcome of potential land acquisition has been thoroughly vetted, similar to the Ibis issue.

FIXING THE SEWAGE SYSTEM

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New research further solidifies data showing E. coli as a main culprit of pollution and that E. coli comes from a failing sanitary sewer system, both public and private. The County Commission is the decision-making body with the authority and responsibility to move sewer infrastructure repairs and replacement forward. This mandates a courageous effort to dig into the heart of the problem, rather than deal with less critical components that can be addressed at a later date.

Replacement of many of old sewer lines is past due. Brevard Utilities is making an effort to replace main lines in our south beaches area, as noted by Utilities director Jim Helmer. Smoke testing can help to identify public and private sewer lines that are failing. The County should be ready to upgrade their connection at the street, as well as to replace/repair public sewer lines, and property owners must accept responsibility to repair or replace their lines on their own property. Relining and using resin are two means that could be used to repair sewer line leaks, rather than trenching and replacement, as long as each sewer line is properly assessed in its current condition. Some sewer lines, because of their deteriorated condition should be replaced, while others will be suitable for relining.

In addition we must accommodate the conversion of septic to sewer. In order to assess which septic systems should be converted first, they can be rated on a scale of risk with regard to their location, type, soils data, and depth-to-groundwater. This would provide a clearer picture of which septic

conversions are critical and which are working properly.

The failing sewer line lift stations in the SPRA area are beginning to be replaced, as noted by the information on three of them west of South Patrick Drive. The consequences of these failures can lead to the back-up of raw sewage into homes and/or spillage into the lagoon, neither of which is acceptable. Finally, waste water treatment plant capacity issues are being addressed with the discussion of building a new plan in the south beaches area.

BREVARD COUNTY HIGHLIGHTS

It is important to note that at least two taxing authorities are looking to raise rates, fees, or taxes: Brevard County Utility Services (as noted above), Brevard County Fire Services, and the Brevard County School Board is in the process of discussing exactly how they will fund their school safety program at the onset and over the long run. While the citizens appreciate that issues associated with infrastructure, planning, and fiscal management, along with safety concerns in the schools, all result in the request for more revenue, and residents will feel the direct impacts of these decisions.

1) Brevard Fire Services Assessment Rate Increase: Brevard County Fire Rescue (BCFR) Chief Mark Schollmeyer gave Commissioners two proposals: raise fees by 15 percent this fall; or implement more incremental increases, which commissioners ultimately, tentatively approved. Chief Schollmeyer said BCFR's operating expenses are greater than the current operating revenue, and that the department

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is currently using reserve funds to cover expenses. It was reported that the increases in fire assessment fees would also help pay for salaries going forward.

Schollmeyer said the lack of fire assessment rate increases over the past several years resulted in the delay of capital projects, such as fire engine replacement and upgrades to fire stations. Without a fee increase, he indicated that crew levels might have to be cut and fire stations might have to close.

D4 Commissioner Smith stated that he would support the 15 percent increase, but the other commissioners refused to support his motion. Commissioner Barfield made a motion for a 6 percent initial increase that was approved by Commissioners Smith, Barfield, and Pritchett, while Isnardi and Tobia did not support the proposal.

In the end, property owners of more than 108,000 residential and commercial properties in Brevard County will be paying

higher fire assessment fees beginning with this November's tax bill. The new fire assessment rates are based on both the type and size of the property. In addition, for commercial properties, the "hazard" level of a property's use is also a factor in setting rates, as the more hazardous a facility is deemed, the more resources would be required to fight a fire. Brevard's fire service operations are funded by a combination of the following:

- The fire assessment fee, which is expected to raise \$22.5 million this budget year, is a non-advalorem fee found on the November tax bill.
- The fire control municipal service taxing unit (MSTU) property tax rate (millage) is voted on by the Commissioners during budget hearings. It appears on the November tax bill and is the variable used along with the assessed value of your property to determine the tax amount due for your property.



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This is expected to raise \$11.6 million during this budget year. A required Notice of Hearing On Proposed Brevard County Fire Services Special Assessment Rate dated May 1, 2018 was sent to each property owner serviced by Brevard's fire operations. If approved by the Commission, which has stated their intent to approve the proposed increases, a six percent increase will appear on the 2018 November tax bill in the non-advalorem portion. This assessment will increase annually until a 15% increase above fiscal year 2018 has been reached.

2) Brevard School Board Votes for School Safety Officers/Security Specialists: The Brevard County School Board unanimously voted on May 8th to hire 28 full-time security specialists in response to the shooting at Parkland, Florida that ignited the debate about school safety and security. The decision came quickly, after two other options were shown to be more costly, unpopular, and potentially less within their purview.

The new state law crafted in response to the shooting at Parkland requires that a school resource officer, a school employee who has been trained under a marshal program, or a school safety officer be located on each school campus by the start of the upcoming school year. The term School Safety Officer has been interpreted to mean that school districts may create their own, private policing departments. These school safety officers/security specialists would be hired and paid by the district. Staff indicated that the district can use funding allocated by the legislature for districts that adopt the marshal or guardian programs. The Board estimated the cost for 28

security specialists will reach \$1.2 million to pay for salaries and benefits, including those of a supervisor. In addition, funding could come from the operating budget, and staff has identified several areas from which funds can be drawn.

The Board attorney stated that the new state law indicates that school districts can implement "any combination of the following options which best meets the needs of the school district." Therefore, the Board's decision to hire security specialists should fulfill the law's requirements.

The Brevard School Board evaluated two different options before voting to hire their own force of security specialists:

- School Resource Officers (SROs) in every school. The cost was estimated at \$130,000 per officer, with the total estimated annual cost at \$7.8 million to hire the officers. Discussions about raising taxes to fund this option were discussed.

- Train and arm current school staff, who would remain anonymous, under the Brevard Sheriff's proposed S.T.O.M.P. program. Concerns were voiced about staff carrying weapons as related to safety, as well as concern that this would impact their regular school duties. Teachers were not allowed to become a part of this program, as per the union contract.

The job description continues to be a work in progress, but the main components are available. The identities of these security specialists will be made public, as the specialists will be new employees who are hired specifically for the school security specialist positions. These new security specialists will be required to complete 176 hours of training carried out by the Sheriff's Office, and they will carry a handgun specifically



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issued by the Sheriff's Office. The type of guns, equipment, and uniforms, will be discussed as the Board moves forward to complete the details. Applicants must also pass psychological screenings, drug tests, and background checks. In addition, the security specialists must meet the physical requirements of a sworn police officer, as well as obtain a concealed carry permit.

STATE HIGHLIGHTS

State Senator Debbie Mayfield

1) Indian River Lagoon Clean-up

This past legislative session Mayfield filed Senate Bill 786, Land Acquisition Trust Fund, which would have annually allocated \$50 million toward certain projects, related to our Lagoon. This bill died in committee. Senator Mayfield plans on refiling in the next legislation session. Protecting the Indian River Lagoon remains one of her top priorities, and she pledged to work with state and local officials to find solutions that will help restore our lagoon and prevent further damage.

2) Proposed Constitutional Amendments:

The Constitution Revision Commission finalized eight proposals to be considered by voters as amendments to our state constitution. All eight of the proposals received the necessary 22 votes by the members of the Constitution Revision Commission and will be placed on the November 2018 ballot. It is important to research these proposals and make an informed decision on which proposals you will support.

"SEWAGE HITS THE FAN IN BREVARD" from Sunshine State News online news

"The lagoon has lost 95 percent of its seagrass, it's suffered not only massive fish kills, but die-off of endangered manatees, dolphins, and pelicans," says Harbor Branch and Florida Atlantic University marine biologist Brian Lapointe, whose four peer-reviewed studies of local waters show where the bulk of the problem is coming from. Lapointe says over the years Brevard County has paid out millions of dollars for muck research and removal from the lagoon bottom, but has spent very little on the root cause of the problem – sewage "Muck buildup is a symptom of a sewage-driven eutrophication problem," Lapointe preaches during his presentations. "Brevard County," he says, "is actually using the Indian River Lagoon as part of its sewage treatment process. Just as solids, or muck, need to be periodically removed from sewage treatment plants, this is what they're now doing in the Indian River Lagoon, mostly removing muck."

AREA 1 ►

KREATHA HASTON • khaston@spranews.com

- Nominations for yard of the month are greatly appreciated.
- A boat engine was vandalized through the center console. The Sheriff was called, and deputies took prints.
- Cars are speeding along NE 3rd Street as a cut-through to the Pineda, with some cars going over 50 mph. Some of the locals are also part of the speeding problem. Please slow down.

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AREA 2 ►

RICK DORMINY • 912-223-9020 • rdorminy@spranews.com

- We have several houses in Area 2 that are being renovated, and they really look nice. Our neighborhoods are looking better and better!
- Please encourage anyone you see on the dunes at the beach to stay off, as these are areas where sea oats were recently planted that are getting walked on and the grass is dying.
- I need nominations for the next YOM, so please include both the address and names of you nominee.

AREA 3 ►

LILLIAN SKINNER • askinner@spranews.com

- Please nominate a neighbor's yard that has greatly improved or always looks great as yard of the month. Also include both the address and names of you nominee.

AREA 4 ►

MARILYNN COLLINS • 773-8490 • mcollins@spranews.com

KREATHA HASTON • khaston@spranews.com

- On April 20, 2018, a dead Osprey was retrieved out of the North Neptune/Atlantis canal. It was taken to the Florida Wildlife Hospital, where it was determined that it had been shot by a pellet-type projectile. The matter was turned over to the FFWC and is under investigation. If anyone has any info on person(s) shooting at birds or animals please call FWC @ 407 275-4150 to report. It is a criminal offense to shoot at,

maim, or kill an Osprey. While the Osprey is not endangered, it is a protected species.

- On March 10th @ approx. 2:30 AM a truck plowed through the Coral Reef hedge just north of the North Neptune entrance and exited onto South Patrick Dr. Six Silver Buttonwood shrubs were totaled, as well as the area surrounding it. Pieces of the truck were retrieved, and tracks were examined by the Sheriff's deputy who came and took report. Anyone with knowledge of incident please contact your area director.

AREA 5 ►

BOB CAHALL • 779-9282 • bcahall@spranews.com

- Sympathy for the Matalone family on the passing of Dominick Matalone.
- If anyone is interested in helping to decide how to beautify the Skylark median, you are encouraged to attend the next SPRA meeting.
- Yard of the month nominations are needed.
- Hope every one has a great Summer.

AREA 6 ►

CLYDE BERRY • 779-3129 • cberry@spranews.com

- The smoke testing is nearly completed in Area 6 with very good results.
- Thank you for your Yard of the Month recommendations. I rotate the selection through Lighthouse Landing, Sleepy Lagoon, The Moorings, and Tortoise View Estates and Villas. Next Yard of the Month will come from Sleepy Lagoon.



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