

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on April 23, 2019 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Rita Pritchett	Commissioner District 1	Present	
Bryan Lober	Vice Chair Commissioner District 2	Present	
John Tobia	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Kristine Isnardi	Chair Commissioner District 5	Present	

**MOMENT OF SILENCE**

Chair Isnardi called for a moment of silence.

**PLEDGE OF ALLEGIANCE**

Commissioner Pritchett led the assembly in the Pledge of Allegiance.

**MINUTES FOR APPROVAL**

The Board approved the March 26, 2019 Regular Meeting Minutes.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Commissioner District 1
<b>SECONDER:</b>	John Tobia, Commissioner District 3
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM E.1., RESOLUTION, RE: NATIONAL DAY OF PRAYER**

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-061, proclaiming May 2, 2019, as Day of Prayer in Brevard County.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Curt Smith, Commissioner District 4
<b>SECONDER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM E.2., RESOLUTION, RE: PROCLAIMING MAY 2019 AS OLDER AMERICANS MONTH**

Chair Isnardi read aloud, and the Board adopted Resolution No. 19-062, proclaiming May 2019 as Older Americans Month.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM E.3., RESOLUTION, RE: PROCLAIMING MAY 2019 AS TREATMENT DRUG COURT MONTH**

Chair Isnardi read aloud, and the Board adopted Resolution No. 19-063, proclaiming May 2019 as Treatment Drug Court Month.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>SECONDER:</b>	Rita Pritchett, Commissioner District 1
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.1., RESOLUTION AND APPLICATION FOR GRANT FUNDS FROM FLORIDA INLAND NAVIGATION DISTRICT (FIND), RE: ACQUISITION OF MERRITT ISLAND AREA LONG-TERM STORMWATER TREATMENT AND INTERMITTENT SPOIL HANDLING**

The Board adopted Resolution No. 19-064; authorized the Application for a Grant from Florida Inland Navigation District (FIND) for acquisition of a Merritt Island Area Spoil Handling Site; authorized the Chair to execute the subsequent grant contract with County Attorney and Risk Management approval, if awarded; authorized the use of Save Our Indian River Lagoon matching funds; and authorized any Budget Change Requests.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Tobia, Commissioner District 3
<b>SECONDER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.4., FINAL PLAT AND CONTRACT, RE: STADIUM PARKWAY SOUTH EXTENSION - PHASE 2**

The Board granted final plat approval for Stadium Parkway South Extension - Phase 2; and authorized the Chair to sign final plat and Contract with The Viera Company, subject to minor

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engineering changes, as applicable, and developer responsible for obtaining all other jurisdictional permits.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Tobia, Commissioner District 3
<b>SECONDER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.5., SETTLEMENT AGREEMENT AMENDMENT, RE: AQUARINA PUD**

The Board approved and authorized the Chair to execute consent to the 2019 Aquarina Settlement Agreement and Addendum.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Tobia, Commissioner District 3
<b>SECONDER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.6., BINDING DEVELOPMENT PLAN, RE: SYLVIA PROPERTIES, INC. (18PZ00120)**

The Board executed Binding Development Plan with Sylvia Properties, Inc., for property located on five acres, on the northwest corner of U.S. Highway 192 and Columbia Lane.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Tobia, Commissioner District 3
<b>SECONDER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.7., RESOLUTION AND RELEASE OF PERFORMANCE BOND, RE: LOREN COVE SOUTH, PHASE 1 SUBDIVISION - THE VIERA COMPANY**

The Board adopted Resolution No. 19-065, releasing the Contract and Surety Performance Bond, dated April 10, 2018, for Loren Cove South, Phase 1 Subdivision - The Viera Company.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Tobia, Commissioner District 3
<b>SECONDER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.8., RESOLUTION AND RELEASE OF PERFORMANCE BOND, RE: LOREN COVE SOUTH, PHASE 2 SUBDIVISION - THE VIERA COMPANY**

The Board adopted Resolution 19-066, releasing Contract and Surety Performance Bond, dated July 10, 2018, for Loren Cove South, Phase 9 Subdivision - The Viera Company

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** John Tobia, Commissioner District 3  
**SECONDER:** Bryan Lober, Vice Chair Commissioner District 2  
**AYES:** Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.9., CONTRACT FOR SALE AND PURCHASE FROM MANOYD SMITH, RE: LIFT STATION W4 AS PART OF WEST COCOA UTILITY IMPROVEMENTS PROJECT**

The Board approved and authorized the Chair to execute Contract for Sale and purchase with Manoyd Smith for Lift Station W4 as part of the West Cocoa Utility Improvements Project; authorized the County Manager, or his designee, to accept deliver of an cause the recording of any deed, grant of easement, or other instrument conveying interest in real property needed for the West Cocoa Utility Improvements Project, pursuant to Policy BCC-24.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** John Tobia, Commissioner District 3  
**SECONDER:** Bryan Lober, Vice Chair Commissioner District 2  
**AYES:** Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.10., PERMISSION TO PIGGYBACK ON THE LEE COUNTY CONTRACT NO. B170265ANB, RE: FULL-DEPTH RECLAMATION SERVICES**

The Board granted permission to piggyback the Lee County Contract #B170265ANB with Asphalt Paving Systems, Inc. (APS) to provide road reconstruction services, including Full-Depth Reclamation on various types of County Maintained roads; authorized the use of Reserve Funds from Solid Waste to be utilized for the cost-share on Adamson Road Reconstruction; and approved any Budget Change Requests associated with these actions.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** John Tobia, Commissioner District 3  
**SECONDER:** Bryan Lober, Vice Chair Commissioner District 2  
**AYES:** Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.11., APPOINTMENTS, RE: COMMUNITY ACTION ADVISORY BOARD**

The Board appointed/reappointed **Pastor Jerome Dukes, Tauheedah D. Hamilton,** and **Latonya Hubbard** to the Community Action Board, with terms expiring December 31, 2020.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** John Tobia, Commissioner District 3  
**SECONDER:** Bryan Lober, Vice Chair Commissioner District 2  
**AYES:** Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.14., RESOLUTION AND LEASE, RE: THE PILLAR OF HOPE WORLDWIDE OUTREACH, INC.**

The Board adopted Resolution No. 19-067; and authorized the Chair to execute a Lease Agreement with The Pillar of Hope Worldwide Outreach, Inc. for an area in Cuyler Park Community Center.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** John Tobia, Commissioner District 3  
**SECONDER:** Bryan Lober, Vice Chair Commissioner District 2  
**AYES:** Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.15., APPROVAL, RE: FEDERAL TRANSIT ADMINISTRATION FISCAL YEAR 2019 CERTIFICATIONS AND ASSURANCES**

The Board approved and authorized the Chair to sign the Fiscal Year 2019 Certifications and Assurances for Federal Transit Administration (FTA) Grants; and authorized the Transit Services Director to execute the Certifications and Assurances electronically.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** John Tobia, Commissioner District 3  
**SECONDER:** Bryan Lober, Vice Chair Commissioner District 2  
**AYES:** Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.16., PERMISSION TO ISSUE RFQ, RE: TRANSIT SERVICES PLANNING AND ENGINEERING SERVICES**

The Board authorized the Transit Services Department to develop and release for advertisement a Request for Qualifications (RFQ) for Planning and Engineering Services; approved a Selection Committee consisting of the Transit Services Director, Jim Liesenfelt, Assistant County Manager, and Terry Jordan, Transit Planner, or their designees; approved a Negotiation Committee consisting of the Transit Services Director, Karen Petters, Finance Officer, and Terry Jordan, Transit Planner, or their designees; authorized the County Manager to execute all resulting awards and contracts upon approval of the County Attorney's Office and Risk Management; and authorized the County Manager to execute any necessary budget change requests.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** John Tobia, Commissioner District 3  
**SECONDER:** Bryan Lober, Vice Chair Commissioner District 2  
**AYES:** Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.17., APPROVAL, RE: SECTION 5310 GRANT, ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES, APPLICATION FOR TRANSIT SERVICES**

The Board adopted Resolution No. 19-068; executed Application for Federal Assistance with Florida Department of Transportation (FDOT); executed FDOT Certifications and Assurances; approved the use of FDOT Toll Revenue Credits; approved for the Transit Services Director to sign the Grant Application Submittal Letter, Transportation Plan Certification, Proposed Budget, Standard Lobbying Certification, Leasing Certification, and Certification of Equivalent Service; authorized the Chair to execute the Grant Agreement, contingent upon County Attorney and Risk Management approval; authorized the Transit Services Director to execute any additional follow-up documentation/resolutions, and amendments necessary to secure these funds; and authorized the County Manager to execute necessary budget change requests.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** John Tobia, Commissioner District 3  
**SECONDER:** Bryan Lober, Vice Chair Commissioner District 2  
**AYES:** Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.18., APPROVAL, RE: TRANSIT SERVICES FDOT PUBLIC TRANSIT BLOCK GRANT PROGRAM**

The Board adopted Resolution No. 19-069; approved and authorized the Chair to sign Public Transportation Grant Agreement with Florida Department of Transportation (FDOT) allowing the allocation of \$1,669,000 State Public Transit Block Grant Program funds for Space Coast Area Transit; authorized the Chair to sign any follow-up documents, upon Risk Management and County Attorney approval; and authorized the County Manager to execute necessary budget change requests.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** John Tobia, Commissioner District 3  
**SECONDER:** Bryan Lober, Vice Chair Commissioner District 2  
**AYES:** Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.19., REQUEST FOR PERMISSION, RE: TO ISSUE AN INVITATION TO BID FOR FLEXIBLE SPENDING ACCOUNT**

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The Board authorized the Department of Human Resources to develop and release for advertisement an Invitation for Bid from established companies for Flexible Spending Account services in support of the continued operation of the Boards Flexible Spending Program; and authorized the Human Resources Director to execute all resulting contracts upon review by the County Attorney's Office.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Tobia, Commissioner District 3
<b>SECONDER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.20., APPROVAL OF PARTIAL STIPULATED FINAL JUDGEMENT, RE: BREVARD COUNTY, FL V. B WEST ET AL, CASE NUMBER 05-2013-CA-025677-XXXX-XX**

The Board approved Stipulated Partial Final Judgment in the amount of \$6,500 as to expert witness fees and costs for Barry A. Diskin, Ph.D., in the appraisal fees litigation for Brevard County v. B West et al, Case Number 05-2013-CA-025677-XXXX-XX.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Tobia, Commissioner District 3
<b>SECONDER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.23., APPROVAL, RE: APPOINTMENT/REAPPOINTMENTS**

The Board appointed/reappointed **Nick Sanzone** to the Marine Advisory Council, with term expiring December 31, 2019.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Tobia, Commissioner District 3
<b>SECONDER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.2., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: AMENDMENT TO FERTILIZER USE ON URBAN LANDSCAPE**

Judy McCluney stated she wants to thank the Board for putting this up and supporting the signage and retail education on the Fertilizer Ordinance; she pointed out it could be compared to putting up street signs to tell people which way to go; and most people want to know and to do the right thing. She went on to say several years ago she went to her local Ace Hardware, and the clerk did not even know about the Fertilizer Ordinance; when she explained this, her boss actually set up her own display; this is giving people resources and help to make the right choices; and most people really care about the Lagoon. She noted this connection the Board is

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making to give them materials to make the right choices is nothing but helpful; and every pound that can be prevented from going into the Lagoon of this really potent stuff called fertilizer that grows algae a lot, is saving the taxpayers so much money. She stated prevention is 99 percent of the cure. She expressed her support for this, and for the Board getting behind it and putting it as a needed amendment to the Fertilizer Ordinance.

Commissioner Tobia advised he passed out to the Board Members an amendment to this Ordinance; while he appreciates the need to prevent nutrient loading of the Lagoon of a variety of sources, including fertilizer, he thinks the mandate included in this Ordinance is premature; mandates on private businesses should be a last resort; the amendment before the Board takes the mandate out of this, requires the County to produce the signage, and distribute it to the retailers, but does not mandate them to put it up; and trying to do this through cooperation and education is far more preferable to government mandates. He went on to say mandates do not allow for flexibility in unique circumstances, and these directives are simply cop outs; this will force private businesses to do the Boards job; and after discussion he would move for the acceptance of the amended Ordinance, which simply takes out the mandate and puts in an optional signage.

Commissioner Lober inquired if the Board ends up adopting the modified ordinance Commissioner Tobia proposed, if it finds a significant number of retailers do not comply, would he be amenable to support something down-the-road, whether it be six months or otherwise, more in line with the original ordinance that was proposed mandating that they display it.

Commissioner Tobia replied no, he would not; he stated he is against mandates on private businesses; the original ordinance, he does not think there is an enforcement clause on it; not that it means anything; but it is kind of an open-ended mandate; and for that reason the amended one making it optional, there is no need for an enforcement clause on it.

Commissioner Pritchett asked if the cost of the signs is coming out of the Indian River Lagoon Fund.

Virginia Barker, Natural Resources Management Director, responded affirmatively.

Commissioner Pritchett stated fertilizer is illegal to put on properties during the blackout periods; the problem is sales are not allowed to be stopped during those times because it is a State of Florida item; she talked to so many people who want to do the right thing, but they just do not know; and if a person goes into a store and the fertilizer is for sale, he or she does not understand perhaps that they are not supposed to be using it during the heavy rain season. She pointed out she thinks this is a great thing to do as far as education for the Indian River Lagoon and how much is being spent on the Lagoon, this is like tenths of a penny; she fully supports this, she thinks it is a good item; she wishes she would have brought it to the Board herself; and she reiterated she fully supports the item. She noted it is just the businesses putting up the signs, which is responsible since they are still able to sell the fertilizer.

Motion by Commissioner Tobia dies due to the lack of a second.

Motion by Commissioner Pritchett, seconded by Commissioner Lober, to approve the Item as is.

Commissioner Tobia questioned if this Item came out of District 4.

Chair Isnardi replied affirmatively.



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Commissioner Tobia inquired how large these signs will be, the size.

Commissioner Smith responded he thinks there are various sizes.

Ms. Barker advised currently there are two sizes designed; one is sort of normal notebook paper size, and another that is bigger depending on what works better in the stores; and the larger one is 18x22 inches.

Commissioner Tobia asked if Ms. Barker has spoken to any retailers and asked them for any input as to the buy in before the mandate.

Ms. Barker responded she did not personally have those conversations, but both staff and consultants have had those conversations; some locations are amenable; and she introduced Carolina Alvarez who has spoken to some of the stores directly.

Carolina Alvarez, Natural Resources Management Department, advised she spoke with Lowe's, they have no problem with putting the signs by the fertilizer; they just asked that it be laminated or plastic; they also said they could help the County determine the amount of sales, if any; and that they can even narrow it down to specific times and brands of fertilizer, whether it has 50 percent release or not, and whether it has phosphorous or not. She went on by saying Lowe's requested that when and if the ordinance is amended for the County to let them know and to bring them signs; they actually requested 10 signs; and staff was only considering giving two signs per store.

Commissioner Tobia asked if staff is getting such buy in from retailers asking for multiple signs, what the logic is by making it a mandate since the stores are actually interested in participating in this particular program.

Ms. Alvarez noted there will be no option not to hang them if the ordinance is passed; in this way, staff brings them to the store, and the signs can be hung by the fertilizer; and the consumer has the decision of whether they purchase or not.

Commissioner Tobia inquired how much staff time is involved in County staff going around visiting these locations to make sure the signs are up in a proper fashion.

Ms. Barker responded staff has not really addressed that; in Ms. Alvarez's research, she checked with a number of the other communities that have adopted ordinances like this; they actually mail the signs; they have involvement of the community to let them know whether there are compliance issues or not; and at the moment staff does not plan to have a lot of workforce out there checking on whether the signs are posted. She pointed out if that is needed, staff can look at it down-the-road.

Commissioner Tobia questioned what the enforcement mechanism is when a retailer does not participate with this government mandate.

Ms. Barker advised this revised ordinance would go into the fertilizer section of the existing Code; there are enforcement provisions in Section 46-347, and penalties in Section 46-348, that is in the Board's Agenda Packet; and she believes there is a maximum fine of \$500, which is consistent with the rest of the County Code.

Eden Bentley, County Attorney, explained it references Code Enforcement as well.

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Commissioner Tobia asked if the County will offer any leeway when fertilizer is sold outside, signs do fly off in inclement weather, and from a Code Enforcement standpoint how that will help; he stated he imagines \$500 to Lowe's would be no big deal; but to smaller businesses it may be considered quite a bit of money; and he questioned how that will be handled.

Ms. Barker replied all of the signs will be weatherproof; the idea is to have grommets so they can be attached with tie wraps to whatever makes sense for that stores presentation; she cannot imagine there would not be a first time warning kind of situation; this is not about penalties, it is about getting information posted for the consumer; and unless a trend or pattern is noticed, and not just not posting the information, she does not see why the County would want to go down the penalty route.

Commissioner Lober stated he wants to give a shout out as apparently there is an Ace Hardware in District 1 that stopped selling fertilizer all together during the period of time which it is not permitted to be applied; he is not asking that other folks do that, if they want to, God bless them, that is great; but he thinks there is a difference between regulating a business in a more aggressive, heavy-handed approach and regulating a business only in so far as it is necessary to increase consumer knowledge. He went on to say often times, not at the local level at least, but at the federal level, with certain products they have requirements of statement of the country of origin, a person will see that on a lot of things made in China or wherever it might be, it is not to burden the manufacturers and fabricators, it is to make sure that the folks who are buying are well informed; there are disclaimers on a lot of things indicating how they have to be used or how they are implied to be used; and some of that is certainly from liability, but it is also to increase consumer knowledge when talking about something that may not be patently evident to the average person that walks in. He pointed out when he moved to Brevard County in 2010 or 2011, he did not know about a fertilizer ordinance here, he just does not fertilize his lawn because he never needed to and he never thought it was something that was beneficial, especially if a person is using reclaimed well water; but had he had a lawn that he thought needed fertilizing, he would not have known years back that there is anything illegal about it; he does not think the average citizen comes to Brevard County and pulls municipal or County Code to determine what is or is not permissible; and he thinks that is kind of an unrealistic expectation to have of just about anyone. He stated he as an attorney, not knowing that when he moved here, he thinks it would suggest, if anything, that the average person who is not inclined to sit and read through the laws is going to be certainly no more likely to read through the County Code; and he thinks something like this is a good step, there is a compelling need, and the Lagoon is not going the direction everyone wanted it to over a period of years. He added he remembers when Ms. Barker mentioned at a workshop this past week that several or multiple Commissioners approached her about this specific idea, and he was one of the Commissioners; he imagines this being a District 4 Item that Commissioner Smith was another Commissioner; but this is something where there is zero expense to the businesses, and it increases consumer knowledge, not in some artificial way or something that is not going to realize a result, he thinks it will change people's perception of what is and is not permissible based on this just so he or she is aware of what the law is. He noted a lot of times people talk about the law being unknown, and people being unnoticed as to what the requirements are, this helps with exactly that; he does not have a problem increasing consumer knowledge when there is a major benefit of doing so; he is supportive of this; he does understand where Commissioner Tobia is coming from; and had this been something that was more onerous on the businesses, he would have been right behind him.

Chair Isnardi called for a motion on the vote.

The Board approved legislative intent and granted permission to advertise for an ordinance amending Chapter 46, Environment, Article VIII - Fertilizer Use on urban Landscape, to require notice to consumer signage in retail outlets.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Rita Pritchett, Commissioner District 1
<b>SECONDER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>AYES:</b>	Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
<b>NAYS:</b>	John Tobia

**ITEM F.13., RESOLUTION AMENDMENT, RE: CREATING COCOA WEST RECREATION COMPLEX ADVISORY COMMITTEE**

Mildred Holder stated when she came here this morning, she did not have an Agenda; as she read over the Agenda, something stuck out in her mind that she has been going over; and she wanted to ask some questions concerning the renovation of the Cocoa West Community Center. She went on to say she sees the Board is doing great work out there; she does not know what is going on inside the building; but once it is completed, her concern is if there will be a visionary in there to implement some programs that will draw in the young people, get them off of the streets, where they can find something of interest that will cause them to want to achieve something higher than just going around shooting cars with paint ball machines, and other little devilish things. She noted if these young people can be reached now through that Community Center, that is her concern; and she asked who will be in there that is a visionary that can ask and implement some programs that will interest the young people. She commented she wants to invite Commissioner Pritchett to some of their homeowners meetings; she will have the president of the homeowners association contact her; they are interested in the community, seeing it vitalized, and living up to its potential; and she stated there are great people and homeowners who care about their homes.

Mary Ellen Donner, Parks and Recreation Director, explained the renovations are currently ongoing; they are funded by Community Development Block Grant (CDBG) monies; it is a two-phased project; and they hope to be open before summer. She expressed her appreciation to Ms. Holder for the input; and she advised she will get with the Central Area Manager and the coordinator of that Community Center, and take a look at her request.

The Board adopted Resolution No. 19-071, amending Resolution No. 06-006, creating the Cocoa West Recreation Complex Advisory Committee, and recognizing the redistricting of the Cocoa West Recreation Complex Advisory Committee from County Commission District 2 to County Commissioner District 1.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Commissioner District 1
<b>SECONDER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.21., RESOLUTION, RE: CONSIDER AN AD VALOREM TAX ABATEMENT - BK TECHNOLOGIES, INC.**

Commissioner Tobia explained there is a Commissioner that is onboard now that was not the last time Greg Weiner appeared before the Board; there is a question, but he wants to provide a background for Commissioner Lober; and Sunshine precludes him from having that conversation. He went on by saying on July 14, 2018, after he questioned whether a Qualified Targeted Industry wage waiver was necessary, Mr. Weiner made several comments; those comments included, "If it is not necessary, why is the State saying they need it;" "We do not make the rules, we work with the State. When the State says a waiver is needed, we get that waiver;" "These are conversations that take place, and we do not approach each other with lawyers letters;" and when he pointed out Brevard never received documentation from the State, Mr. Weiner pointed out, "The agency was Enterprise Florida, Inc. (EFI)." He stated he is a strong believer in the Reagan Doctrine of Trust but Verify, so he decided to check whether these statements had any basis in reality, these conversations with the State; two weeks later on July 28, 2018, he made a public records request of Enterprise Florida and asked for, "All non-exempt records of communication, including email, notes, and phone logs between Enterprise Florida and the Economic Development Commission of Florida's Space Coast regarding waivers of the wage requirement for Qualified Targeted Industries, Florida Statute, Section 288.106, whether it be a general discussion or relating to a specific project during a two year period between July 17 and July 27, 2018;" he also asked for certain search terms, such as 'Qualified Targeted Industry' and 'Weiner'; and he inquired how many records does he think he received with communications between Enterprise Florida and Mr. Weiner or anyone in his office regarding Qualified Targeted Industry wage requirements.

Greg Weiner, Economic Development Commissioner of Florida's Space Coast, advised for the record, right after that meeting that Commissioner Tobia attributed the remarks to he sent the entire Commission information, including an email correspondence that came from the State; he was not anticipating questions about this.

Commissioner Tobia pointed out the answer is zero; Mr. Weiner stated to this Commission that he had spoken with Enterprise Florida, and a public records request over a two-year period indicated that was false; there were no emails, no phone calls, and no letters of communication; and he inquired that Mr. Weiner made numerous less than credible statements to this Board, how can it trust him with any information he currently brings to it.

Mr. Weiner noted Commissioner Tobia made some misstatements himself; first of all, he did not say it was written communication, there were telephone communications, and telephone communications would not show up in public records requests to his knowledge, he will defer to the County Attorney on that point; secondly, he cannot take responsibility for the level of compliance that Enterprise Florida brings to Commissioner Tobia's request; he did, however, provide, as he said earlier, to each and every one of the Board Members, a communication right after it because he did not have with him the numbers, he explained, and he also included an explanation from Enterprise Florida, technically from the Department of Economic Opportunity; and the Commissioner knows if he read that email that there was communication on the subject between him personally and the State.

Commissioner Tobia commented to be clear, his public records request said all non-exempt records of communication including email, notes, and phone call logs, so he better believe, that is what Mr. Weiner did say, that is why he specifically included it, and he has the public records requests where there was absolutely blank, there were one hundred and some pages, but there were no mentions of that.

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Mr. Weiner asked if Commissioner Tobia accounts for the mail he provided to the entire Board directly after that meeting; if the information Commissioner Tobia has is accurate, where the failure is; he advised it is not on his part or the EDCs part, at least that one email they failed to provide; and he questioned if Commissioner Tobia recalls the email he is referring to.

Commissioner Tobia responded he was going with the public request; Mr. Weiner has the incentive to say he is not an expert of email chains or anything like that; he is a fan of public records requests; and the State of Florida has no incentive. He stated obviously he has incentive to CYA, but certainly Enterprise Florida does not, and they provided him that the email record or communication does not exist.

Mr. Weiner again asked if Commissioner Tobia recalls the email he sent to the entire Commission, he does not know if Commissioner Lober was on it at that point, that had as a part of it an explanation to some of the questions that were raised and attached to it an email communication about the subject it was inquiring about that proves the information Commissioner Tobia has is inaccurate in some way; he advised he did not respond to that request; and he respectfully suggests that this request be directed to the person he requested it of, not to him. He pointed out he did not respond to the public records request.

Commissioner Tobia stated the public records request was not on EDC because they are a private organization and the Board does not have the ability to find out a whole bunch of information despite that taxpayers provide them with a \$1.4 million grant; however, the public records request was between the EDC and Enterprise Florida; and he reiterated he got back zero from Enterprise Florida, which is the statement Mr. Weiner pointed out that he had that discussion with.

Mr. Weiner stated he does not know why they did not turn up, the one email he is aware of, he thinks that is a question, is best directed to them; he will say generally speaking these communications on issues like this tend to be verbal; he does not know what the State's procedures are for cataloguing phone calls; and he reiterated those are questions best asked of Enterprise Florida.

Commissioner Tobia stated he will certainly go back and question the authenticity of the alleged email that took place.

Mr. Weiner asked if Commissioner Tobia is questioning whether the email he forwarded was authentic or not.

Commissioner Tobia responded absolutely, the response he received back from the public records request said there was not one, so the information he has from the State says there was absolutely not one.

Mr. Weiner stated in the interest of good faith sir, the Board has an email, or it should, in its possession that indicated that what it was told by the State had to be incorrect with respect to at least that one instance because that email was an email he wrote with an attachment, and it came from either Department of Economic Opportunity (DEO) or EFI, so he had to know of the existence of at least one; and why they did not know of the existence of that one, or did not catch it, he cannot answer for them.

Commissioner Tobia advised he will be more than willing to forward Mr. Weiner the entire package he got back, and he will go back and question them.

Mr. Weiner noted he will forward the Commission the email he sent again.

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Commissioner Tobia pointed out he will question the public records request, because if Mr. Weiner sent it there is a date on it.

Mr. Weiner stated the email was sent from him, he took the email and he sent it to the Board.

Commissioner Tobia stated if it was sent between Mr. Weiner and a State agency, the State agency should have that record, and go from there.

Mr. Weiner commented yes, they should.

Commissioner Lober questioned if this is a District 3 or District 5 location for this business.

Chair Isnardi advised it is District 5.

Commissioner Lober stated this is one where he is somewhat ambivalent for different reasons than Commissioner Tobia; and he asked Chair Isnardi what her thoughts are regarding this.

Chair Isnardi explained it is tax abatement, it is pretty simple; she was satisfied with the information provided; she does recall that email; and she highly doubts Mr. Weiner would fake an email from a State agency. She went on to say whether or not a person agrees with what the Board approves, the reality is it did occur; if they are omitting that from their public records request, she would not be necessarily shocked that they would not include a phone log based on a public records request either; and maybe they do not keep those records, she is not sure. She reiterated she has no issue with this; it was discussed at length before; and she stated her heartburn lies with cash incentives, and this is not one of those items.

Commissioner Lober stated his intention is to defer to Chair Isnardi since it is in her District; and he is ambivalent about it regardless.

Mr. Weiner asked what questions he can answer to him Commissioner Lober through the ambivalence.

Commissioner Lober responded he does not know whether this is one of those instances, respectfully, where if a person is getting what he or she wants to maybe stop talking at that point, but his ambivalence, if a person looks at the actual proposal, it talked about the number of new jobs and them anticipating it; he inquired how they come up with those particular projections and what the Board has that really locks them into that; he stated he understands it is a tax abatement, so if they do not produce it they do not get the abatement; but he is always somewhat skeptical when it comes to things that are projections that at least on the surface appear to originate from folks that stand to benefit from those projections being rosier than they otherwise might be.

Mr. Weiner pointed out it is a good question, as over the years he has often wondered how a business can make that projection reliably, which he thinks that is what Commissioner Lober is saying; nonetheless they need to understand two things, and they do understand two things as they go through the process, if they intend to pursue the incentive, they must make a projection, and that there is a penalty for misprojecting; and in the course of conversations, they have had times where they have explained it to them many times, and they do the very best they can. He went on by saying by in large most companies' project somewhat conservatively.

Commissioner Lober stated he would think it would be the other way around.

Mr. Weiner noted the motivation is to over inflate, but the penalty for inflation is severe, and they

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explain that to them; if a company promises and under delivers, they are penalized; and if a company under promises and over delivers, that might be a good strategy.

Commissioner Lober stated he may not agree they are penalized, they are just not given the full benefit of what they otherwise would receive, so in a sense, they are not getting that positive incentive, which is in his mind is different than having a negative incentive; but be that as it may, as he said, he is in support based on the fact that it is in the Chair's District, and she is in support of it. He advised he does not like the concept of handing money over, but he is amenable to considering tax abatements when appropriate; it does not mean each and every one of them; if he is ambivalent, and if there is something in another Commissioner's District, his intention is probably to go with his or her inclination; and if this Item was in Commissioner Tobia's District, he would not be supporting it. He noted in his District it will be the totality of the circumstances; he does not have the benefit of knowing the exchanges that took place prior to him being put on the Commission, so he does not have an opinion one way or another; having spoken to Mr. Weiner after the election he did not have any concerns in terms of him being candid and truthful with him; but again, he is not going to say yay or nay about exchanges he simply is not familiar with because he has never seen those documents and emails.

Frank Abbate, County Manager, stated he wanted to address one item briefly that may alleviate some of the concern; in the past there have been discussions about what was statutorily required and what was submitted by the company asking for the abatement in their application; there was some lack of perhaps clarity, at least on some of the Board's part; and he recently had conversations with Lynda Weatherman, President and CEO of the EDC, and staff is looking at not only coming back to the Board with things that address the contract situation with EDC but in this particular process have an additional document which commends the company receiving the tax abatement to what was put in the application. He advised she and he had that conversation two weeks ago; he thinks it will further address Commissioner Lober's concern, but she was very much on board in favor of looking at what is appropriate in that scenario to address exactly that issue relative to the clarity.

Commissioner Pritchett stated 35 jobs with an average rate of \$73,500, is phenomenal; she and Chair Isnardi governed cities when they were crashing economically, people were not able to feed their families, and they were fighting for jobs; she thinks the County could run into a danger now that things are better that it will quit being hungry; and she thinks it is important to stay hungry, because the statistics she received last year with the State of Florida population was still going down, but Brevard County's is going up. She stated this is kind of a no brainer, especially since there is a claw back in it if they do not meet it. She pointed out she is excited for District 5 getting 35 more jobs at this type of wage; and she expressed her appreciation to the EDC for looking out for these types of things. She stated sometimes it is seed money to help these companies get started, and they may never get to grow and expand; in a couple of years they are off and running; and hopefully those companies will be around 30 years from now getting jobs to everyone's grandkids so they do not move out of the area.

Commissioner Tobia questioned if there are \$16,914 in net revenue per year.

Mr. Weiner responded that is the annual taxes on personal property estimated.

Commissioner Tobia asked Mr. Weiner to repeat that again; he stated he thought he read it was a net revenue increase.

Mr. Weiner pointed out the total new revenue to the County is estimated to be that amount annually; that assumes the EBT is recommended to the Commission, which it has not yet been, at 100 percent for 10 years; there is a scoring system which the committee that makes the recommendation follows; it is not rule bound, but there is guidance on that; and it could

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theoretically come back at eight years at 80 percent, he does not know what they will decide, but it assumes the maximum.

Commissioner Lober stated if Commissioner Tobia were to in the future bring a motion that would in some way reasonably increase the record keeping and recording requirements on the EDC in exchange for continuing to receive County funding, for instance basically making some provision akin to a Chapter 119 request where they would have to reply to it, he would probably find him rather supportive of that; and if that is something he is interested in, he will tell him he has one less vote to count on that.

Chair Isnardi advised she found one of those emails from the Department of Economic Opportunity from July 25, 2018, and it may have even been sent before that, that talks about the job requirements and stuff like that.

Commissioner Tobia stated he cannot find that email; he is sure Mr. Weiner sent it; Mr. Weiner came before this Board on July 14th; and his question was he made a statement that an email exists it would have taken place between him and a State agency prior to the meeting, not after; and he has no question that Mr. Weiner quickly called after the meeting.

Chair Isnardi stated this email looks like they could verify this per their discussion because Mr. Weiner maybe requested it for the Board's benefit.

Mr. Weiner noted after Commissioner Tobia raised the issue, because these things typically are discussed, not put in writing, he asked them to explain what the procedure was; and that email was generated after the Board meeting.

The Board adopted Resolution No. 19-070, qualifying BK Technologies, Inc. as an eligible business under the County's Tax Abatement Program; and authorized a public hearing to consider adopting an ordinance.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Rita Pritchett, Commissioner District 1
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
<b>NAYS:</b>	John Tobia

## ITEM G. PUBLIC COMMENTS

Chet Ellsworth stated he was at the last meeting, and was proposing a vote on the Council on American-Islamic Relations (CAIR) letter that was sent to the Commissioners; he is here to address, and bring forward, some of the most interesting things that have happened since that date; and to put before the Board some items that are unpopular. He went on to say in the national scheme of things the Congressmen in Washington, D.C., have decided to do some more investigations; during that time they paid their taxes on April 15th; in those taxes are how they pay for those investigations; and what the taxpayers do not realize are the hidden costs of these investigations, when corruptions occurs, and on the national scene they have an attack on their rule of law. He noted the taxes paid included attorney privilege taxes, things that most taxpayers do not think about; when there is corruption, in other words, when those privileges are abridged those become corruption taxes; and they are hidden taxes in the system. He explained that brings them back to the April 9th letter asking for a vote on that letter sent by



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CAIR, which is an attorney-driven corporation from Georgia; he now wants to bring up that over the past two months, he has requested from the Circuit Court Clerk investigations over other attorney-driven corporations that are abridging attorney privileges in the court system in Brevard County; he is saying that there is a rule of law problem here; and he has a letter here that provides that those request for investigation from the County Clerk be switched over to the Sheriff.

Chair Isnardi advised she would like to look into more of what Mr. Ellsworth is talking about, probably a conversation much longer than a meeting.

Mr. Ellsworth stated he was hoping that, but he got no response from his presentation, and he gave the Board those letters last week.

Chair Isnardi noted regarding the CAIR and how they tried to stifle the first amendment of that other organization; the fact that this Board did not take action should speak to how it feels about that; that organization has been meeting here for a very long time, and the County never received a complaint until that organization decided they did not like one of the speakers; and she reiterated the fact this Board did not act upon it should tell Mr. Ellsworth it supports the first amendment.

Commissioner Lober stated his office had communications from some folks who wanted comments about the topic of Mr. Ellsworth's prior item; he did give some comments; and if Mr. Ellsworth puts in the word 'charisma' and his last name on Google, the first link that comes up should do a pretty good job in summarizing where he is at with respect to that.

Charles Tovey stated he is a general practitioner, he did not want to devote all of his time to one subject or one category, so he is a broad spectrum advisor he guesses; he emphasized the relations between the Town of Palm Shores and the Lagoon as Palm Shores uprising led to the downfall of the Lagoon; and if the Board gives him time he has more information, and he can show it on a map, how it is related to the Lagoon. He went on by saying what he does for the Lagoon is not recognized and it is immediate results bettering the Lagoon; the Board should see by now a positive turn to the Lagoon; and the Board can have a nice June vacation and enjoy the Lagoon. He noted he does not like contention and being in arguments of who is first and this and that, but he has more conformation about his great-great grandparents who were the first settlers of Brevard County before it was Brevard County and how they had to clear the land, cut down Palm trees to make their house, they made it out of the Palm trunks as the support, and the Palm fronds was the roof thatch hut with no windows, only a door. He advised he would like some help with his personal matters that he has been complaining about for years, and why he switches things; he does not have a lot of time, and he has to cut things short so they can be gone over at another time; one of the most important things to be done now to help the Lagoon is to increase the sweeper services, but not the sweeper, to use the vacuum trucks all along U.S. 1 and the adjacent west part of Brevard County; and if they are increased now, up through June, the rainy season, a lot will be saved; he does have his own blend of fertilizer; he has a lot to say; and he hopes the Board had a nice Easter.

George Rosenfield stated he has a copy of a letter from a professor of economics of Florida State University considering the cost of county residential development; he received this letter in September 2017 from a Mr. McMillan of North Merritt Island after the County approved a housing development in North Merritt Island to which he objected on an environmental basis; he gave it to the Board then in consideration of future decisions; but it did little if any good. He went on to say he is doing it again because it is two Commissions later; if he waits two more years for the next time, he will only be 95 years old; he will read only a few pertinent sentences; and he will hand the letter to Chair Isnardi for later distribution. He read, "About the fiscal impacts of residential development, the accepted wisdom on this among academic economists

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is the taxes levied on residential development do not cover the cost of providing government service to the development. Multifamily development tends to impose the highest fiscal costs on municipalities. Commercial development more than pays for itself, that is very good for a county." He stated it should be considered in future decisions.

Sandra Sullivan stated as the Board knows in South Patrick Shores they have an old military dump from World War II and post-World War II under their community; she was unaware of that when she purchased her home; this is not a situation specific to her, it involves the community; it runs basically from Pineda Causeway down to about Berkley; and it also impacts west toward the Indian River Lagoon. She went on to say she has been before the Board in the past and talked about the contaminants going down to heads of the canals and the outfalls, which she requested be tested at a Save Our Indian River Lagoon meeting; and it has still not been tested, so she is very concerned about the dredging of that material. She advised in West Florida and St. Petersburg they had an issue where the arsenic concentrated and it ended up costing the County \$1 million to clean it up; and their levels are not at the residential level, they are at the commercial level. She pointed out what she is here to talk about today is that in 1991 there was an investigation, and they did not get the Formerly Used Defense Sites (FUDS) eligibility to clean up the dump because they said the military did not use the dump and they did not own the land on the dump; they since know that it is not correct; they know they took the map and secured the top half, and they took it off; they hid the fact that there were roads down into the dump; and they also know from records requests that they owned part of South Patrick Shores. She stated if there had been oversight in 1991, that would not have been permitted; what she is here today for is to ask the Board to have the mapping division map the fore taking of land onto a map so they know exactly what the military owns with the FUDS eligibility; the FUDS eligibility right now is the initial findings letter, which is going through an internal review, and it will go to Washington, D.C. very soon; this is a very time critical matter, which is why when she found out there was a meeting today, she dashed down here to make a request that the mapping division take these four legal descriptions and map them on a map so they know exactly what they owned; and she is also grateful to Scott Ellis, Clerk of Courts, office who is doing some records request helping her out of Orlando to see what land that they leased.

Commissioner Lober stated just in the interest of full disclosure, he and Ms. Sullivan are Facebook compadres; he has seen a lot of what she has posted about this issue on there; and he asked her to let the Board know about some of the items that have been dug up in the area, because he thought that out of everything Ms. Sullivan put online, it has been the most surprising or most interesting, depending on how a person wants to look at it.

Ms. Sullivan advised she owns one-half an acre, it is beautiful property; she had no idea her property was on the edge of this dump; a few weeks ago she dug up an airplane instrument panel with all of the instruments behind it; she dug up electric ice boxes encapsulated in lead; and she has dug up tracks that they would have laid down before they built the runways for the aircraft to land on it. She went on to add there have been pieces of lead, different types of metal, and radio equipment with radio tubes; there have been axles and transmissions; and stuff is everywhere. She pointed out the other day she was repairing an irrigation head and she ended up digging up some stuff, and her gloves tore; she usually wore leather gloves, and these were latex; and her hand blistered from whatever she came in contact with. She explained the Economic Protection Agency (EPA) has come to her yard and tested; her yard is above the health limit on Dichlorodiphenyltrichlorethane (DDT), arsenic, and PCBs; and they need the Board's help.

Commissioner Lober inquired what would be the cost or amount of time that would need to be expended, in rough estimate, in order to do what Ms. Sullivan has asked.

John Denninghoff, Assistant County Manager, stated staff has not done an assessment of that,

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so he cannot really answer the question; however, he will say they frequently receive requests from the public to perform services for them on their behalf that are really private matters that are not services the County typically provides or within its scope; and they are often in the position of telling folks staff is unable to help them.

Ms. Sullivan stated this is not her issue, it involves all of South Patrick Shores, and had this been addressed in 1991, they would never have gotten away with saying this was not land that they use and not land that they owned; she is very grateful to Mr. Ellis' office; there are four taking of the lands documents; the legal descriptions are quite straight forward other than one; and one is more entailed, and she recognized by reading it that it was over her head. She reiterated this is not just pertaining to her property, this is pertaining to Government Lot 1, part of Government Lot 2, Government Lot 3, Government Lot 4, these are old maps, and 1991 was the last map that they had government lots. She noted this land goes all the way to Satellite Beach; there was on the EPA Ethics Study on a drainage channel all the way down to Satellite High School; a student died a few weeks ago of brain cancer; and there has been a high number of cancers in the area. She stated there is a drainage channel from the dump all the way to Satellite High School; and she further reiterated this is a broader issue than just her property.

Chair Isnardi stated she is sympathetic to Ms. Sullivan's cause because it is a potential and probable health issue, and that is where she sort of won her over; it is not her disputing with a neighbor or private company, it has to do with an old dump and some historical data she may be finding near impossible to get her hands on; and she would be okay if the Board helps her with this considering it is a public health issue.

Commissioner Lober noted he is onboard with that as well.

Commissioner Tobia questioned if the Board were to ameliorate this situation, does that put the Board in a position with the neighbors and the larger area, if they have no estimated costs for one site to fix it.

Eden Bentley, County Attorney, advised there is a lot of research that would need to be done, and she has no idea what something like that would cost and the level of detail that would have to be gone into to have a reliable report; and she thinks what Commissioner Tobia is concerned about is the Board's liability once it undertakes a job it has to perform it well. She went on by saying it is so preliminary, she really cannot give a good answer as to the liability.

Ms. Sullivan pointed out Scott Ellis' office has found the records for the taking of the lands, so they have the legal descriptions of the land; all they are looking for is to transpose those onto a map so they know the areas; and this information can be communicated to the Corp of Engineers, which she will provide the contact for them. She stated it is related to the Corp of Engineers determination of FUDS eligibility.

Commissioner Pritchett stated it sounds reasonable; what she would like to do is, if Ms. Sullivan would give the Board a week or two, to do some research; and maybe it could come back with things that can be done as a Commission.

Ms. Sullivan asked if she would have to come to another meeting to come to a decision; she stated the only reason why she is asking is the FUDS eligibility has done their initial letter of findings, it is going through an internal review; it is really time critical; and the next step is to go to Washington, D.C., for approval or denial.

Commissioner Pritchett stated she would like research done on this.

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Commissioner Smith stated this is his District; he and others visited Ms. Sullivan's property last year; it was eye opening to him because she had hired someone to use one of those metal detectors to go around her property; and he outlined all of the parcels he could find. He noted there were a lot of orange lines; one of them looked like an airplane wing; but at that time what she was asking was way beyond the Board, it has no control of this; this is a government created mess; he told Ms. Sullivan what he could do is to attempt to get Congressmen Posey, Rubio, and then Senator Nelson involved, which he did; and he also reached out to the Florida Department of Environmental Protection (FDEP), and they deferred to the U.S. Government because it is not a State or County issue. He advised those three offices did get involved; he feels helpless, it is really not within the Board's purview; and it would be a good idea if the County could provide the information about the maps.

Ms. Sullivan stated in 1991 they were not, based on the evidence, ethical.

Commissioner Lober stated in terms of the future meeting, if Ms. Sullivan wants, he would suggest she may want to reach out to her Commissioner because if she has information to provide him, if it is something that he thinks would benefit the Commission rather than having her sit through potentially a six-hour meeting, it could get on that way.

Ms. Sullivan advised she did call Commissioner Smith's office and Corrina Gumm, Interim Public Works Director, this morning; Ms. Gumm said she spoke to Commissioner Smith's office, and Pat Woodard had advised them to not do this.

Commissioner Lober stated either through Commissioner Smith's office, or he could sit down with Ms. Sullivan and perhaps someone from Natural Resources Management Department; he asked that Ms. Sullivan give him a while because there are some things he has to get to in the immediate future; but if she will give him a few weeks, he will be happy to sit down with her to at least see if there is something that can be worked out; and as Commissioner Pritchett said, there needs to be a little time for folks to do a little due diligence on this.

Ms. Sullivan asked if the FUDS eligibility comes back and they say no, and they have contamination in South Patrick Shores and down to Satellite Beach, who is then responsible to clean it up, it is above the health limit; and she stated it is in the Board's interest to help and make sure the FUDS eligibility goes through.

Commissioner Tobia asked if Commissioner Smith is in favor of these additional delineations going on the map that Ms. Sullivan is referring to.

Commissioner Smith replied he does not think it is a problem.

Commissioner Tobia asked to direct staff to go ahead and do this seeing if there is no additional liability or no additional cost; he stated he would hate to think that it takes two weeks to find out it is just transposing of some numbers; and he would not want Ms. Sullivan to come back because of that. He stated if there were any types of liability that the County would be under or any type of great expense, it would be appropriate to come in.

Commissioner Smith suggested reaching out to Virginia Barker, Natural Resources Management Director; she has done a lot of research on this; and she could probably fast forward on the information.

Commissioner Tobia stated what Ms. Sullivan is asking for is to get more delineation on a map.

Ms. Sullivan advised Scott Ellis' office has gotten them the legal documents of the taking of the lands by the United States of America; they just want to put those on a map as to exactly what

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those were because the maps today are not in government lot terms to show what lands they took.

Commissioner Tobia stated assuming there is no great cost to this, and no liability on the County, he would have no problem making a motion.

Commissioner Lober stated rather than directing staff to do it, he would move, instead of directing them, that the Board would authorize staff to perform this at the discretion of the County Manager, or the County Attorney.

Attorney Bentley noted the County Surveyor could probably give the Board an estimate of what this overlay might cost, so then it would have the cost factor, and in the meantime staff can be looking at the issues that may be raised.

Commissioner Lober stated if there is some massive concern that is raised in doing due diligence, rather than having it come back again he would rather give them a little bit of latitude, although he would like to see this done.

Chair Isnardi asked if there is any way to put a legal disclaimer such as, 'to the best of our knowledge', she does not know how to do that.

Attorney Bentley explained staff would have to look at exactly what Ms. Sullivan has and exactly what she really intends on having on the map.

Commissioner Pritchett advised she is a researcher, so she wants to ask staff many questions; she stated she likes the motion if there is not going to be any costs relatively, it would be something to move with; but it may be better to wait a week or so and get some information.

Attorney Bentley inquired if staff could come back with a report to the Board.

Commissioner Pritchett replied that would be good.

Mr. Denninghoff advised the Board the report would be an estimate of what staff believes, based on what they think they know, because there is a lot they do not know as to the level of effort to be able to accomplish this; if all staff is doing is mapping the government lot lines, that might not be that much effort in 20 to 40 hours of highly skilled manpower; but if it includes mapping out a great deal of the South Patrick Shores housing area or Satellite Beach, it will become a monumental task that is going to be incredibly huge; and he does not have any idea at this point what that will be.

Ms. Sullivan stated three of the takings of the land go to the top one quarter of the top one-half; the descriptions are pretty straight forward in that regard on three of the taking of lands; and there are multiple descriptions in there. She noted there is only one document she has seen on the fourth taking of lands as it is more complex, and it has to do with the widening a road and the land they took on either side of it; it references some more detail descriptions of what they took than in the previous documents; and there seems to be them referencing more detailed knowledge than what was taken or what was denoted in the other three documents. She stated if the FUDS eligibility is gotten, the FUDS are paying for the cleanup; if they do not get that, the costs are so much higher.

Chair Isnardi stated Ms. Sullivan wants the lots lines of where the property existed through the process.

Ms. Sullivan stated they are just talking about the original taking of the lands by the United

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States of America to ascertain what they owned, because in order to get FUDS eligibility a person has to show either they owned or leased; there is one part of Government Lot 2 that they did not own; and she reiterated Scott Ellis' office is assisting her with getting those documents out of Orlando. She pointed out she has invested a huge amount of time into this for the sake of the community.

Commissioner Pritchett stated she would like to see what FUDS is going to require as far as their eligibility from what the report was going to have.

The Board authorized staff to come back to the Board with a report at the May 7, 2019, Regular meeting, outlining the costs and the potential liabilities of performing the mapping services requested by Sandra Sullivan.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Tobia, Commissioner District 3
<b>SECONDER:</b>	Rita Pritchett, Commissioner District 1
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

#### **ITEM I.1., APPOINTMENTS, RE: ENVIRONMENTALLY ENDANGERED LANDS PROGRAM SELECTION AND MANAGEMENT COMMITTEE**

Mary Ellen Donner, Parks and Recreation Director, stated this Item is a request for the Board to appoint four qualified committee applicants to the Environmentally Endangered Lands Selection and Management Committee.

The Board appointed/reappointed **David Breininger, Tammy Dabu, Paul Schmalzer, and Lisa Toland** to the Environmentally Endangered Lands Selection and Management Committee, with terms expiring December 31, 2020.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Commissioner District 1
<b>SECONDER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

#### **ITEM J.1., APPROVAL OF RESOLUTION FOR SALE OF PROPERTY IN COUNTY-OWNED COMMERCE PARK IN TITUSVILLE**

Troy Post, North Brevard Economic Development Zone (NBEDZ) Director, stated he is here today because they have a request to approval a real estate sales contract for the purchase of property in the County-owned Spaceport Commerce Park, which is in Titusville; this is a park that was developed originally in the early 1980s; and by Ordinance 13-08, the NBEDZ has been given the ability to be the agent for negotiating real estate deals involving the land at the Commerce Park. He went on to add the company that has made the offer is Merritt Precision Technologies, Inc.; the company is planning to acquire a five-acre lot; they would propose building about 20,000 square feet under roof; and they would employ in the future

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an additional 12 jobs above their current employment totals. He stated the company originally came to the NBEDZ with an offer of \$25,000 an acre; it was countered by NBEDZ at \$30,000 an acre, primarily by using as a guide a report that was prepared last summer by Clayton, Roper, and Marshall, which is a real estate appraisal firm based out of Orlando; and their task was to come up with a market evaluation of some of the remaining lots in the park. He noted using that as a guide, their recommendation in starting their process of trying to accelerate development and marketing of the park, came in at .70 cents per square foot; this offer is consistent with some of those findings; and they are asking for approval of the real estate contract.

Commissioner Lober stated he did meet with Mr. Post; when he spoke with him, what he was anticipating seeing on today's Agenda was four acres as the price indicated; but now there are five acres; in looking through that report he referenced, which he was kind enough to provide to him, there was basically an estimate of \$55,000 an acre being an appropriate value for parcels of two to five acres, he does not know if that is inclusive of five or not; and then from five to 12 acres an approximate value of \$35,000 an acre. He asked if the change from four to five acres was to make it closer to the \$35,000 per acre, or if there was some misunderstanding in some point of the process previously. He advised according to his staff who have been kind enough to look into this at some level of detail, there was somewhat recent sale nearby where property sold for over \$70,000 an acre; if the Board does approve this, it should be mindful of that; this is probably below what the actual market value would bear for property like this; and he asked what the appetite is of selling below market value, and it is arguable about how below market value it is, property for the purpose of incentivizing this sort of business at this particular location. He went on if the Board thinks it is appropriate and it is that important to bring this type of business there, then by all means it should be supported; the alternative though, if the goal is to get market value out of the land the County can do substantially better than this; he is always hesitant to companies projections as to how many jobs or additional jobs they may bring in; but with something like this, there is really not much of a claw back that he has seen; and if they do not produce the number of jobs they are speaking of, they still get the land at a pretty sizable discount. He explained he thinks it is nice to have these businesses come in, but he questions the price the County is selling it at; he is not saying it should sell it at \$70,000 an acre; but \$30,000 an acre seems rather low unless the goal to sell it at that price is to incentivize that particular type of business in that particular location.

Mr. Post responded the NBEDZ and the County are not a private development firm, so the interest is in trying to grow the commerce in the north end of the County; the use of a park like this is just to try to advance those economic development goals; they believe the report is a good and accurate understanding of what industrial sales have been in the area; on a side note, the developer did come back and request an additional acreage; and it has to do with the way in which they are having to take an existing parcel and create the acres he needs for his development. He pointed out in talking to him and his builder it became necessary to add an additional acre, so that is why it is a little bit larger parcel. He advised this is a good tool for them to be able to drive commerce in the area; this is a company that does principally its work in the marine industries that kind of advances their goal of diversification trying to not be so dependent upon all of the aerospace companies they have in the area, though they are certainly welcome, and they appreciate what they do; and they think it is a good tool to use in that regard.

Commissioner Pritchett advised it is so fun going to the NBEDZ meetings with the people on there, it is probably her favorite board because the interaction and conversations that

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they have; when the first amount came in at \$25,000, which they have sold them for in the past when the County was a little lower, they had some heartburn over, so they did some negotiation, talked about the problems that are going to be on the property with stormwater and some things like that that this company is going to have to take care of; this park is pretty fascinating; they set it up a long time ago; and the County has been trying to get businesses there and during the slow in the economy, it almost could not pay people to move in there. She noted there is still a lot of property out there to develop; but the initiative on this, like Mr. Post mentioned, is the County has become so dependent on the space program. She advised working so hard to get diversity in there, this became a little jewel in her District; she would not mind in the future starting to get some market values to give to the NBDEZ for them to consider; but this is a good project; and it may be something to move forward with to get more appraisal values when working with these companies, because these lands have a certain market that can move into this commerce park. She invited the Board Members to attend a NBEDZ meeting. She noted she is in favor of this.

Commissioner Tobia stated this report brings up an interesting valuation, and he understands they probably have a limited number of sales, in fact, he thinks that is a condition, but if a person were to look at a four-acre sale at \$55,000 an acre, that would be \$220,000; and then by looking at a five-acre sale at \$35,000, that would be \$175,000, so if this is accurate, it would be cheaper to buy five acres, not per acre but total than it would actually be to buy four acres. He added it would probably be cheaper to buy six acres than four acres; he understands Mr. Post is the steward of money and he cannot go out and get analysis over and over again; but assuming that five acres is inclusive, then this valuation would make that about a discount of \$25,000.

Mr. Post explained it is a fair point; one of the things they do when they meet with someone who is interested in a site out there is to try to understand what their building needs are and how they would orient their buildings on the site to make sure there is adequate land for not only the building but also the parking areas, stormwater retention, and everything they would have to keep on site, so a project that had a need that could really fit on a two-acre site, they would not want to sell them a seven or eight acre site, that is just not necessary in order to kind of get into that price range where it might be cheaper; and again, it is an economic development tool and it behooves them to make sure that when they develop these lots they are not compromising their ability to develop some additional projects out there.

Commissioner Tobia stated he greatly appreciates Commissioner Lober's analysis, because he agrees, but he thinks the benefit of the doubt should go with, given the condition of this analysis, Commissioner Pritchett; he expressed his appreciation to Mr. Post for being so helpful with the explanation and providing all of this documentation; he stated \$25,000 sounds like a fair incentive to bring out new jobs and new businesses to that area; and ultimately this gets less land the County will have to manage and put onto someone else's responsibility. He advised if Mr. Post continues to work like this, the amount of space he will have to get out will continue to decrease. He noted he will be voting in support of this.

Commissioner Lober stated he still has his reservations with respect to this; this is Commissioner Pritchett's District; if she tells him it is particularly important to her, he will support it; but if it is not, he is inclined to vote against it.

Commissioner Pritchett exclaimed it is a good one; she has sat in on their meetings and



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listened to them banter; she reiterated this is a great project; and it will be a great return on investment for this amount.

The Board adopted Resolution No. 19-072, authorizing conveyance of real property interest in a parcel within the Spaceport Commerce Park to Merritt Precision Technologies, Inc., for \$150,000; and executed the Contract for Sale and Purchase.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Commissioner District 1
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM J.2., APPROVAL, RE: EEL PROGRAM, SUPPORT FOR EXCHANGE**

Mary Ellen Donner, Parks and Recreation Director, stated this is a request for approval of the EEL Program support of and exchange of land between the State of Florida and a private land owner, Mr. Pinkerton.

Commissioner Lober stated he is not clear on whether this is Tropical Group Investments that owns this property or if it is the Pinkerton's who own the property.

Kevin Pinkerton advised he owns the property.

Commissioner Lober inquired how long Mr. Pinkerton has owned that property.

Mr. Pinkerton responded the end of December he believes.

Commissioner Lober asked if prior to Mr. Pinkerton owning it, it belonged to Tropical Group Investments.

Mr. Pinkerton replied he does not know.

Commissioner Lober stated he was just concerned, when he looked at the Agenda Item it said Tropical Group Investments has approached the EEL Program with the exchange proposal; and when he looked he did not see Mr. Pinkerton as an officer or agent of Tropical Group, but he did see there was a conveyance at some point last year. He noted he wants to make sure whatever the Board does, it is accurate in who owns the land and what it is supporting, because the way the Agenda Item reads it appears that Tropical Group is the owner of it.

Mr. Pinkerton pointed out he owns the lots right on the proposed property, Parcel ID is 29-37-26-00-513 to 517; and they are getting ready to finalize the contract with their home builder to build their home.

Commissioner Lober asked if Mr. Pinkerton approached the EEL Program to propose this exchange.

Mr. Pinkerton responded they want to do a family farm there; he has triplet seven year old

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boys; knowing how boys get into trouble, they wanted to provide an area where everyone wants to be there when they are growing up in the environment; he approached the State of Florida asking what those lands were; and living in Colorado for a while they had grazing right options, he asked about grazing rights, and they said they would actually sell it if it is of a benefit to the State. He added they explained the program on the two to one advantage on the amount of acres, being he would give them two acres per one acre of their land; and they would do a land exchange if the land was inside a habitat management area that they are trying to increase.

Commissioner Lober noted in terms of the two to one advantage, it sounds like it is a benefit to the State in order to do the swap; and he asked why it is then if Mr. Pinkerton is giving up so much land why does he want to do this.

Mr. Pinkerton replied because the land they want is in the environmental areas, and they cannot really do anything with it; but the land behind it is going to be used for a couple of cows, goats, and basically to build his family's home; he and his wife both grew up on small farms; she is planning on starting an aquaponics greenhouse garden; and they will be able to do their fresh vegetables through organic, sustainable farming without damaging the environment, and they will be bringing in small farm animals.

Commissioner Lober inquired why Mr. Pinkerton bought that land if he was aware that there were issues with respect to developing and using it.

Mr. Pinkerton advised the land was purchased for the land trade.

Commissioner Lober asked if he bought it specifically to exchange it.

Mr. Pinkerton responded affirmatively.

Commissioner Tobia stated he asked staff about this; to be clear, the value of the land Mr. Pinkerton would be getting would be more than the land he is providing to the State; however, it is the State's land, and that is a decision Mr. Pinkerton would have to have with the State; there would be no detriment to Brevard County taxpayers; and in fact, there may be an advantage, because if at some point the County were to manage the EELs land, there would be continuity and this would be in a contiguous area, so this actually could have a positive effect years down the road if the County were to manage that. He advised while he is less than market value, he thinks this is probably a good exception; he is not asking for anyone else's support; just because this is in his District, no extra measures should be given because he is the Commissioner of this District; but he will be voting for this; and he asked the Board to come to its own conclusions.

Commissioner Lober stated the only time he has not supported a particular Commissioner with respect to a property issue in their District is when Commissioner Tobia said essentially the same thing in the past; his concern is he does not know he wants to incentivize individuals purchasing land with the explicit intent of swapping it out for more valuable land; he appreciates what Mr. Pinkerton has done, and he would probably have done the same being in the same position if he thought it was something that was reasonably available; but he does not want this to become something that is a trend. He added whether it is the State that ends up eating part of the costs or some other governmental agency or entity, he does not feel comfortable about buying land, turning around and selling it or swapping it for more valuable land with the government; he has talked to folks in full compliance of Sunshine with

respect to some land that was purchased for Solid Waste to use where it was purchased, there was a short turn around, and it was sold to the County at a substantial increase over the price that was paid; and again, if Commissioner Tobia would feel this is of particular importance as it is in his District, he would support him on it. He pointed out just as a general principle he does not want to incentivize that; he does not want to see this happen with the County where people are buying land and then trading it for more valuable land with the County.

Mr. Pinkerton stated when he found out about the land program, he and his realtor did a search not just for land they could trade but the State is trying to get properties connected to get a larger area to create environmental sanctuaries; they went through extra effort to make sure all of the lots they had they were going to use in the land exchange adjoined other State-owned lands so they could create a larger single parcel instead of just buying ones here and there; and they also made sure they were in the environmental area the State is trying to sustain. He pointed out the lots he has are not in an environmentally protected area.

Commissioner Pritchett stated she thinks the County will end up with the EELs properties; and she is in support of this. She advised she understands Commissioner Lober; she does not want to make this a pattern either; but she thinks this one might be appropriate.

Chair Isnardi noted this just benefits the EELs program; and she does not see how it is a negative.

Commissioner Lober wished Mr. Pinkerton well on this; he stated he is not trying to convince anyone else to change their vote; but for the one and only reason he has already articulated, he cannot support it today.

Chair Isnardi explained this is the first time the Board has had any items like this before it as far as people buying land to exchange it for EELs properties, it just does not happen.

The Board approved the Environmentally Endangered Lands (EEL) Selection and Management Committee recommendation to exchange the State of Florida land managed under the EEL Program to Pinkerton.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Rita Pritchett, Commissioner District 1
<b>SECONDER:</b>	John Tobia, Commissioner District 3
<b>AYES:</b>	Rita Pritchett, John Tobia, Curt Smith, Kristine Isnardi
<b>NAYS:</b>	Bryan Lober

**ITEM J.3., BREVARD COUNTY COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2018**

Mark Peterson, County Finance, stated this is the Annual Financial Report that staff spends six months out of the year preparing; he commends the accounting staff, the rest of their staff, as well as County Departments that they receive input from to be able to put this document together; this is just to acknowledge the receipt of it; and it is prepared in

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accordance with generally accepted accounting principles. He went on to say they are audited each year; they get it done by the end of March each year; and it is presented to the Government Finance Officers Association for review. He pointed out they have been receiving the certificate of achievement for financial reporting for 35 years; this report reflects the ongoing operations of the County; and it is something a common reader will be able to understand. He advised there is the introduction section, which is the table of contents and transmittal letter; then there is the financial section, which has the management and discussion analysis; this is a narrative of everything that is in the book; if a person just wanted to get an overall view of the financial condition of the County, the MDNA presents that, it will separate between governmental funds and the business type activities; business type activities are Solid Waste, Water/Sewer, and Space Coast Area Transit (SCAT); the governmental funds is the County General Fund, including the special revenue funds which are areas of transportation trust, the Save Our Indian River Lagoon, Emergency Management, Tourism Development, and there are a lot of funds that are very specialized. He noted at the end of the year, September 30, 2018, the fund balance for governmental funds was \$291 million; of that, a large portion was the General Fund, which was \$50 million; and that increased \$10 million over the previous year. He went on by saying the next largest area was that of Save Our Indian River Lagoon, which had a fund balance of \$76 million; the next largest was the Brevard County Transportation Trust, which had a fund balance of \$67 million; and between the General Fund, Save Our Indian River Lagoon, and the County Transportation Trust, that made up the majority of the \$291 million of fund balance. He stated the other funds range from \$5 million to \$15 million; but this report goes into a lot more detail; and the fund balance is the resources they ended the year with. He added they are not indicating how it is being spent in the future from a budgetary standpoint; a lot of those funds are re-appropriated to be spent in the current fiscal year; but this is just a snap shot that occurred back on September 30th. He noted also in the financial section they have the statistical indicators; this is 10 years' worth of information that an individual can go back historically and see what the trends are from a General Fund or where the money is being spent in Utilities; it also covers debt coverage, the debt capacity, and revenue coverages; one of the things that he will also point out is the County's debt this last year decreased \$29 million; and the current outstanding debt is \$192 million down from \$221 million. He advised the County does not have a lot of debt in comparison to other counties or other municipalities; and those are also reflected in the 10-year trends. He pointed out the final section is the single audit section, which is required any time they get any federal or State grants, they have to be audited; this section really points out the monies received from both federal and State; and the auditors concentrate very heavily on this area, because when money is gotten from federal and State agencies, they want to ensure the funds are being spent properly. He expressed his appreciation to the Board for letting him present this; and he stated if in the future, during the year, if anyone has a question regarding the CAFR, to please contact the Finance Department.

Commissioner Lober expressed his appreciation to Mr. Peterson; he stated he noticed Steve Burdett, Finance Director, was in the audience earlier; Mr. Burdett and Mr. Peterson were kind enough to meet with him in his office about the CAFR; there were a lot of interesting little tidbits in that mountain of numbers and information; and one of the items he thinks was interesting, and he wants to have discussion with staff about, perhaps individually, and he will bring them back to the Board if it pans out, pertains to the paving of roads nearing reconstruction. He added by saying he thinks given the amount there, even if it is already earmarked for something else, knowing the County will have money coming in, in the future, it may save more in the long run to start paving more roads nearing reconstruction even if it is spending in a particular year more than it is bringing in based on

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that surplus sitting available for that, so that is something he would like to look at and have discussions with staff over; and had it not been identified by the Comptrollers side, he would not have been aware of the numbers that are truly out there.

Commissioner Pritchett thanked the Clerk's Office for their hard work; and she advised the report is beautiful. She expressed her appreciation to Mr. Peterson for his ability to strategically reinvest the capital; she stated she thinks he is doing a great job; and she feels very confident with what they do.

Chair Isnardi stated the Clerk's Office is very lucky to have Mr. Peterson, he is brilliant, and she appreciates everything he does for this County and the Clerk's Office.

Mr. Peterson stated he commends staff from the Finance Director, Assistant Finance Director, and the rest of staff; most of them have been with the Clerk's Office for a number of years, so they have history; they love what they do; this report is just a moment of time of where the County is at; and they want to provide the Board with the information it needs to be able to make the decisions it is facing every day at every Commission meeting.

Commissioner Lober advised the Clerk's Office has pretty good in-house counsel as well.

The Board acknowledged the Comprehensive Annual Financial Report (CAFR) for Fiscal Year ended September 30, 2018.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Commissioner District 1
<b>SECONDER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM J.4., APPROVAL, RE: RELEASE OF RESERVATION OF PHOSPHATE, MINERALS, METALS, AND PETROLEUM RIGHTS OVER A PORTION OF DEEDED RIGHT OF WAY FOR LEMON AVENUE AS DEEDED IN OFFICIAL RECORD BOOK 5854, PAGE 9767 FROM BREVARD COUNTY TO SANDS POINT, LLC**

Corrina Gumm, Interim Public Works Director, stated this Item is a request for approval to release the Reservation of Phosphate, Minerals, Metals, and Petroleum Rights over a .01 acre parcel of land owned by Sands Point, LLC; this property was previously a portion of Lemon Street right-of-way that was vacated and deeded to this owner of the adjacent property several years ago; during the owners attempt to sell the property, it was discovered that this Reservation was held by Brevard County; and that is just because the transfer did not specifically release the mineral rights as part of that process.

Commissioner Pritchett stated it is not typical that the County would still have the mineral rights, and it is a small strip.

The Board executed and approved the Release for Reservation of Phosphate, Minerals, Metals, and Petroleum Rights over a portion of deeded right-of-way for Lemon Street, deeded from Brevard County to Sands Point, LLC, as recorded in the Official Records Book 5854, Page 9767, and indicating that Mineral Rights are to be reserved unless the applicable agency chooses not to.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Commissioner District 1
<b>SECONDER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM L.1., BOARD REPORTS, RE: FRANK ABBATE, COUNTY MANAGER**

Frank Abbate, County Manager, stated staff had given the Board two reports on Solid Waste; they are going to have that meeting in July; one of the other outstanding things they have, and in the second report staff gave the Board, in the last paragraph, they indicated they were going to bring the Request for Proposals (RFP) back to the Board on the waste energy; and in fact, that was not a requirement when the Board approved that and asked staff to move forward on it as quickly as they reasonably could. He went on to say they currently have a draft of 140 pages, which Solid Waste Management has gone through and they are making the tweaks based on what the consultant had put together, and they are filling in the gaps as needed; he asked unless the Board wants staff to specifically bring it back for it to review the RFP, staff will process that and keep the ball rolling, because he is not sure how quickly that will be; he stated Euri Rodriguez, Solid Waste Management Director, does know that is very important to keep that moving along as quickly as possible; and he wanted to make sure the Board would be good with staff just bringing the RFP forward.

The Board authorized the County Manager to continue moving forward with the Request for Proposals (RFP) process for Solid Waste Management on waste to energy.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Commissioner District 1
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM L.2., BOARD REPORTS, RE: EDEN BENTLEY, COUNTY ATTORNEY**

Eden Bentley, County Attorney, stated she wants to remind the Board of the Executive Session after the meeting.

**ITEM L.4., BOARD REPORTS, RE: BRYAN LOBER, COMMISSIONER DISTRICT 2**

Commissioner Lober expressed his appreciation to the County Attorney's Office for their help on a variety of issues that have been, at least in part, due to his own creation in trying to get some items resolved; they have been going above and beyond since the last meeting to get him all of the information he has asked for; and he does not think the County can do any better than the folks it has over there.

**ITEM L.5., BOARD REPORTS, RE: JOHN TOBIA, COMMISSIONER DISTRICT 3**

Commissioner Tobia stated he has not had a resolution in quite some time; he brought to the Board a proposal on Barefoot Bay about the collection of the fees; he met with some of the trustees as well as counsel for Barefoot Bay; while he is in no position to make any type of agreement, what he mentioned to them is if their fees came in below the Consumer Price Index (CPI), and would not be considered a tax increase, he thinks it would be fair the way it is collected; however, should they come in with a rate that is higher than the CPI, it would be wise for the Board to re-examine that. He advised they are in the budget process now; he cannot honestly tell the Board where they are going to fall; but if they fall below it is a moot point; and if it comes above he would like to bring it back to the Board for further discussion. He went on by saying in July he will be bringing forward some proposals for charter amendments; he spoke with the County Attorney's Office about these initiatives before, and it became clear that this is a very involved and lengthy process; he is bringing it up now because if any other Commissioner has a proposal for charter amendments it could be beneficial to bring it up at the same time so some resources and staff time can be pooled; and the Board has June off so this would provide ample time to work through those. He pointed out the third item is there will be a motion at the end of this; the Board has often extolled the principles of Home Rule; several years ago the City of Palm Bay, a portion of which is in his District, took the initiative to exercise Home Rule with its parks; this effort has been successful for all parties; the City is now able to prioritize based on the needs and desires of its citizens; and many of its parks, such as Palm Bay Regional Park, are truly wonderful places. He went on to say other cities expressed interest in following the City of Palm Bay's example; the City of Cocoa Beach, for instance, has expressed interest in taking control of Lori Wilson Park, which under initiative led by Commissioner Lober's predecessor is currently funded by the County Tourism Board; and he began looking at a variety of options to apply Home Rule principles to parks located within municipalities and he found the issue to be very complex. He noted the County is currently operating some parks under expired interlocal agreements, for example; there are County-owned parks in municipalities and city-owned parks operated by the County; keep in mind that even if the Board were to go in one of these directions, it would not require a cut in funding to any of these park; and in fact, some of these services could be increased, because MSTUs are collected within some municipalities that have city parks, the County might return some revenue to them as they have in the City of Palm Bay, or the County could continue to reduce the millages with the understanding the municipality could increase theirs resulting in no net increase in taxes for residents and no change in funding the parks.

Commissioner Lober stated in terms of that he has no problem in looking at options; what the Board does is going to depend on what is produced by staff.

The Board authorized the Parks and Recreation Director to provide a report of research options for feasibility of parks being eligible for Tourism funding, turning parks over to cities for their control, based on the precedent set by the City of Palm Bay and City of Cocoa Beach.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Tobia, Commissioner District 3
<b>SECONDER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

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Commissioner Tobia stated on April 9th Hell froze over; Commissioner Smith and he voted together in the minority; he thought this event should be commemorated; and he presented Commissioner Smith with a symbol of his appreciation for his resoluteness in the face of overwhelming opposition, including the formable canine Winks. He pointed out he made up, at no taxpayer expense, a t-shirt for Commissioner Smith that says, 'Principles over Puppies'; and it is good gym workout material.

Commissioner Smith advised he is happy to have this t-shirt; he wishes he could say he is looking forward to wearing it, because he is not; but he expressed his appreciation.

Commissioner Lober stated regarding a few of Commissioner Tobia's topics he brought up earlier, as far as Barefoot Bay, he thinks he made mention when it came up before, essentially whatever in reason Commissioner Tobia wants to do with that, he will support him; they are his constituents, it only affects them; if Commissioner Tobia is happy with the impact it will have in his District, then God bless, just bring something back to the Board; and unless it is absolutely off the wall, he will support it. He went on to say as far as the charter amendments, the Board has the fortunate misfortune of Sunshine; he questioned since he will not be able to ask him after the meeting, are there charter amendments Commissioner Tobia thinks may be good for the Board to know about so it can mull over them in the meanwhile, even in generalities; and he stated he would just like to know something if Commissioner Tobia is willing to provide that information on the record.

Commissioner Tobia advised they will be focused on tax collection; he is still working through them; but this process involves a whole bunch of steps that the County Attorney can go through; the thought was the Board could do this cumulatively so it would not have to go outside should there be different ones; he does not know if anyone else has anything he or she would like to put on the Charter; but his goal certainly would be to have this all done at once so it is not spread out over a long period of time. He reiterated his will be with the tax collection.

**ITEM L.7., BOARD REPORTS, RE: KRISTINE ISNARDI, COMMISSIONER DISTRICT 5, CHAIR**

Chair Isnardi expressed her appreciation to the Board for allowing her to go to Washington, D.C.; she stated it looks like they will have meetings on the 13th; but they may possibly have a meeting at the Pentagon on the 14th; and worse case they stay for two days, and best case they are only there for one evening. She advised they will fight for the Space Command here.

Commissioner Pritchett stated the one time last year she was able to go, it made a big impact; if a person is up there around all of them, it means a lot to them to be able to see the community show up; and she knows Chair Isnardi being up there will make a big difference. She went on to say she thinks the Board needs to work hard to get the military presence here stronger; showing up makes a difference.

Chair Isnardi stated she likes this because it is not a bunch of legislators with appointments and mulling them in one after the other, this is sort of a planned appointment. She stated the chances may be slim, but they are not impossible, and a person cannot get anywhere without asking.



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**ADJOURN**

Upon consensus of the Board, the meeting adjourned at 11:25 a.m.

ATTEST:

\_\_\_\_\_  
SCOTT ELLIS, CLERK

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