

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

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on May 7, 2019 at 5:00 PM 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**

Chair Isnardi led the assembly in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The Board approved the February 12, 2019 Regular Meeting Minutes, and the February 21, 2019 Special Meeting Minutes.

<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 E.2., RESOLUTION, RE: RECOGNIZING EAGLE SCOUT RYAN JARVIS**

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-074, recognizing and commending Ryan Jarvis for achieving the rank of Eagle Scout.

Ryan Jarvis expressed his appreciation for the Resolution.

May 7, 2019

<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.3., RESOLUTION, RE: RECOGNIZING WATER SAFETY AND DROWNING PREVENTION MONTH**

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-075, proclaiming May 2019 as Water Safety and Drowning Prevention Month.

Mary Ann Ferrara, Rotary Club of Viera, expressed her appreciation to the Board and the Board of Education in Brevard County; she stated they started this program with the Rotary Club back in 2010; and every year since then, the number of school children the rotary clubs in Brevard have taught to the school children has increased to over 12,000 students in Pre-K and Kindergarten with the Josh the Otter Water Safety Literacy Program. She pointed out they actually go into the schools and read to the students the story about Josh the Otter; Josh, believe it or not, was the name of the little boy that Blake and Kathy Collingsworth from Lincoln, Nebraska, lost in their brand new home when they were getting ready for an open house; they looked around and wanted to know where Josh was; and unfortunately, they found him at the bottom of the pool. She advised Mr. Collingsworth was absolutely devastated, and he did some research and found out the number of children who drowned under five years of age, Florida is one of the leading states for the number of deaths by drowning; he found out there was a program with the National Prevention of Drowning going to be happening in Miami, Florida; and he went to Miami, and low and behold, Jim Underwood, a retired admiral from the Coast Guard was also down there, and he was a member of the Breakfast Club of Merritt Island Rotary Club. She went on to add that Mr. Underwood hooked up with Mr. Collingsworth, and that is how the Rotary Club got started in the Josh Foundation. She noted she misses her friend Jim Underwood who has been here year after year; unfortunately, he is in North Carolina for some medical reasons; and he could not be here today. She stated Josh has been so busy the first week of May, that they had to give him a rest; he has been going up and down I-95 and U.S. 1 corridor to all of the different school systems, so the little guy is here; she knows Commissioner Smith takes Josh the Otter and does readings in the schools; anytime the public is interested, the schools are looking for parents or willing volunteers to come in; and the Rotary Club will provide the Josh the Otter book to read to the Pre-K and the Kindergarten classes to read the book. She stated they provide a little patch that says, "Josh never swims alone;" and they tell the children they should never go near the water unless there is an adult.

Commissioner Smith pointed out Blake Collingsworth, Josh's father, wrote Josh the Otter, the book; it has a terrific affect when he goes to the elementary schools and read the story to the children; they put it in the context of a little otter that has to learn how to swim; and other little otters in the neighborhood teach him how to swim. He added it is a great story, and a wonderful program.

<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.4., RESOLUTION, RE: RECOGNIZING AND HONORING LT. COL. TIM THOMAS AND DEREK SMITH**

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-076, recognizing and honoring Lt. Col. Tim Thomas and Derek Smith for their heroic actions on April 1, in saving the life of Colin Seeley.

Derek Smith expressed his appreciation to the Board for the Resolution. He went on by saying it is obviously a humbling experience to be able to have this said, but what he wants to point out, and he knows Colonel Thomas feels the same way, is the importance of education; they are lucky to have a School Board that provided the schools with Automated External Defibrillators (AEDs); they are also thankful to be educated, both of them were educated in life saving techniques, which is not always the case; and there are so many people in the community who are not educated on how to save lives. He noted he wants to resonate to the Board to continue to find ways to educate the community and how to use an AED machine, how to perform life savings Cardiopulmonary Resuscitation (CPR) because that machine is the difference between life and death; they had to learn that as a first-hand experience; as many times as he has gone through CPR training as a coach, because it is something they have to do on a yearly basis, it never went through his mind they would ever have to do this; and until a person has to do this, it is an unbelievably insane experience. He advised without the team work between he and Lieutenant Colonel, it is hard to explain; their teamwork with the AED machine and the fact their school provided them with that allowed them to be able to talk about this situation instead of something else; and he asked the Board to continue to find ways to promote education and to fund AED machines.

Lieutenant Colonel Tim Thomas stated the AED machines, CPR, and mouth-to-mouth are essential; but it also helps to pray in the name of Jesus; and he knows both he and Coach Smith are Christians and they were doing that the whole time. He pointed out God has a special purpose for Colin Seeley; he told Colin he is special; and he reiterated God has something very special for that young man to do in his life. He stated he has been to combat a couple of times and seen some pretty ugly things before, but when a person sees a young man that he or she knows who is part of their program, his family is part of their program, it is an entirely different emotion people go through. He expressed his appreciation to Mr. Smith for being there, because when Colin initially went down they were probably a good couple of hundred yards away from the building and the AED machine; had he not been there and saw him struggling to get Colin off of the ground and pulled up with the golf cart to get him closer to the AED machine, it was seconds that were saved; and he advised they were a team working together. He stated it helps having two people; the equipment is essential; and the educational part is important. He explained that Viera High School has had two students who have had sudden cardiac arrest in the last three years; a person thinks it can never happen to them, but it can; and this is why the education, equipment, and legislation is important. He stated he wants to brag about the Brevard County support that came out to help this family out, the Go Fund Me page, there was \$14,000 raised; the Ronald McDonald House and hospital team at the children's hospital

May 7, 2019

was fantastic; the booster club and staff from Viera High School just came together as one; and this inspired him to see the community come together and help this wonderful family out. He noted Renee Seeley, Colin's mother, is one of the strongest people he has ever seen; she was the rock, she never wavered, and she was never scared; and he expressed his appreciation to the Board for its recognition.

<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.5., RESOLUTION, RE: PROCLAIMING THE WEEK OF MAY 6-12 AS NATIONAL NURSES WEEK**

Chair Isnardi read aloud, and the Board adopted Resolution No. 19-077, proclaiming the week of May 6-12, 2019, as National Nurses Week.

A representative from Health First expressed her appreciation to the Board for the recognition; she stated they brought a few of their nurses; Hospice of Health First has about 70 nurses currently who are taking care of about 300 patients Countywide; the goal with Hospice is for patients to be able to stay in their home; and most people do not want to be in a hospital setting. She advised they go from Titusville, Mims, Scottsmoor down to Barefoot Bay, Micco, Malabar, over to Sebastian, and up both sides; and whoever designed Brevard County was not in home healthcare because it is a very long County.

Chair Isnardi stated she is a little biased, because she still works in the Health First system, and she has to say it is the best system in the County; often people do not know what nurses do, and that they cover the entire County; and with home health care, they also have the ability, and they have an inpatient unit as well, that can manage those patients, because sometimes there are elderly who cannot take care of their loved ones because they are frail or do not have enough family to assist. She noted she loves what she does as a Nurse Practitioner, she loves her patients, loves seeing people every day, and the whole clinician part of it, but her heart will always be in Hospice, because it is not just rewarding for what they get back from families that they are able to help, but it is such a contribution and wonderful thing. She added if a person has ever used Hospice, he or she knows; and it was an honor and a privilege to do this job and to work with the other nurses.

A representative from Health First advised Hospice does not stop when the person passes away they have a large bereavement program that follows the families afterwards, because there is so much that happens afterwards.

Chair Isnardi expressed her appreciation to Dr. Rudy Ruiz; and with a fantastic doctor, it makes a nurse's job a lot easier.

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

**ITEM F.1., PATRICK AIR FORCE BASE RIGHT OF ENTRY FOR MID REACH**

The Board authorized the County Manager to execute the Department of the Air Force Right of Entry to Brevard County, Florida, to use property located on Patrick Air Force; directed staff that the Air Force site will not be utilized unless any contractor using the site holds appropriate insurance and executes and agreement with the County, to be prepared by the County Attorney's Office, addressing the County's right to sovereign immunity under Section 768.28 Florida Statutes; and authorized the County Manager to execute said agreement with the Contractor after County Attorney and Risk Management approval of the agreement.

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

**ITEM F.2., RESOLUTIONS, RE: ESTABLISHING EROSION CONTROL LINE IN MID REACH AND ALSO WITHIN SPESSARD HOLLAND**

The Board adopted Resolution No. 19-078, requesting Erosion Control Lines be established on the 7.8 mile Mid-Reach shoreline; adopted Resolution No. 19-079, requesting an Erosion Control Line be established on approximately 0.4 mile of shoreline within Spessard Holland Park; and authorized the County Manager or his designee to take further actions as may be necessary to establish these two Erosion Control Lines.

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

**ITEM F.3., CERTIFICATION OF LANDS FOR SOUTH REACH**

The Board executed the Certifications of Lands for the South Reach of the Brevard County Shore Protection Project as prepared by the County Attorney's Office; and executed the Brevard County Shore Protection Project South Reach Segment Construction Access and Staging Consent of Use.

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

**ITEM F.4., CERTIFICATION OF LANDS MID REACH**

The Board executed all Certifications of Lands for the Mid-Reach of the Brevard County Shore Protection Project as prepared by the County Attorney's Office; executed the Brevard County Shore Protection Project Mid-Reach Segment Construction Access and Staging Consent of Use; and executed the Brevard County Shore Protection Mid-Reach Segment Consent of Use.

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

**ITEM F.5., BLUE CRAB COVE PH II: STAN MAYFIELD WORKING WATERFRONT GRANT CONTRACT EXECUTION AND CONFIDENTIALITY AGREEMENT**

The Board approved the Stan Mayfield Working Waterfront Grant for the acquisition and expansion of the Blue Crab Cove Working Waterfront site; authorized the Chair to execute Florida Communities Trust (FCT) Grant Contract; accepted the FCT statutorily imposed confidentiality provisions for the recently awarded FCT Stan Mayfield Working Waterfront Grant; and authorized the Chair to sign purchase agreements negotiated pursuant to the grant agreement, subject to approval by the County Attorney's Office.

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

**ITEM F.7., FINAL PLAT APPROVAL, RE: VIERA NORTH PUD - PARCEL P REMAINDER OF LOT 1 (19SD00006)**

The Board granted final plat approval; and authorized the Chair to sign the final plat for Viera North PUD, Parcel P, remainder of Lot 1, subject to minor engineering changes, as applicable, and developer responsible for all other necessary jurisdictional permits.

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

**ITEM F.9., RESOLUTION AND RELEASE OF PERFORMANCE BOND, RE: VIERA VILLAGE CENTER, PHASE 1 SUBDIVISION - THE VIERA COMPANY**

The Board adopted Resolution No. 19-080, releasing the Contract and Surety Performance Bond dated October 23, 2018, for Viera Village Center, Phase 1 Subdivision; and authorized the Chair to execute the Resolution.

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

**ITEM F.10., RESOLUTION AND RELEASE OF SURETY PERFORMANCE BOND, RE: STONECREST AT ADDISON VILLAGE SUBDIVISION, PHASE 2 - THE VIERA COMPANY**

The Board adopted Resolution No. 19-081, releasing the Contract and Surety Performance Bond dated May 8, 2018, for Stonecrest at Addison Village Subdivision, Phase 1; and authorized the Chair to execute the Resolution.

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

**ITEM F.11., APPROVAL, RE: DONATION OF PUBLIC UTILITY EASEMENT FROM PIERCE HARDY LIMITED PARTNERSHIP TO BREVARD COUNTY**

The Board accepted the donation of public utility easement from Pierce Hardy Limited Partnership, for property located in Section 30, Township 26 South, Range 37 East.

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

May 7, 2019

**ITEM F.12., APPROVAL, RE: DONATION OF UTILITY EASEMENT FROM 4 JAYS MHP LLC FOR THE WEST COCOA UTILITIES IMPROVEMENT PROJECT**

The Board approved and accepted the utility easement from 4 Jays MHP, LLC, for the West Cocoa utilities Improvement Project.

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

**ITEM F.13., RESOLUTION AND RELEASE OF PERFORMANCE BOND, RE: TRASONA AT ADDISON VILLAGE, PHASE 8 SUBDIVISION - THE VIERA COMPANY**

The Board adopted Resolution No. 19-082, releasing the Contract and Surety Performance Bond dated April 10, 2018, for Trasona at Addison Village, Phase 8 Subdivision; and authorized the Chair to execute the Resolution.

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

**ITEM F.14., RESOLUTION AND RELEASE OF PERFORMANCE BOND, RE: PANTHER RIDGE, PHASE 1 SUBDIVISION - D.R. HORTON, INC.**

The Board adopted Resolution No. 19-083, releasing the Contract and Surety Performance Bond dated October 9, 2018, for Panther Ridge, Phase 1 Subdivision; and authorized the Chair to execute the Resolution.

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

**ITEM F.15., APPROVAL, RE: QUIT CLAIM DEED TO BUCKOSKI TO CORRECT A TITLE ISSUE OVER THE BUCKOSKI PARCEL**

The Board approved and authorized the Chair to execute the Quit Claim Deed to Franklyn Buckoski, Caroline Kipp Buckoski, and Rochelle R. Hanley, for property located in Section 18, Township 21, Range 35.

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

**ITEM F.16., PREVIOUSLY RECORDED QUIT CLAIM DEEDS FROM EMERALD INVESTMENT HOLDINGS, LLC**

The Board approved and accepted the previously recorded Quit Claim Deeds from Emerald Investment Holdings, LLC.

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

**ITEM F.17., APPROVAL, RE: DONATION OF PUBLIC UTILITY AND DRAINAGE EASEMENT FROM THE OGLE'S FOR THE PIONEER AND MIMOSA DRAINAGE IMPROVEMENT PROJECT**

The Board approved and accepted the donation of public utility and drainage easement from the Ogle's (Owners) for the Pioneer and Mimosa Drainage Improvement Project.

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

**ITEM F.18., TASK ORDER NO. 7 CDM SMITH: MECHANICAL INTEGRITY TESTING OF SYKES CREEK REGIONAL WATER RECLAMATION FACILITY DEEP INJECTION WELL SYSTEM**

The Board approved and executed Task Order No. 7 with CDM Smith for necessary engineering services associated with the Florida Department of Environmental Protection (FDEP) permit required for Mechanical Integrity Test (MIT) at the Sykes Creek Regional Water Reclamation Facility - Deep Injection Well System.

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

**ITEM F.19., BUDGET CHANGE REQUESTS**

The Board approved the Budget Change Requests, as submitted.

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

**ITEM F.20., ACKNOWLEDGE RECEIPT OF COMMUNITY REDEVELOPMENT AGENCIES ANNUAL REPORTS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2018**

The Board acknowledged receipt of Community Redevelopment Agencies Annual Reports for the Fiscal Year ending September 30, 2018.

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

**ITEM F.21., CONTRACT RENEWAL: BOND COUNSEL SERVICES**

The Board approved and authorized the Chair to execute the Agreement to Renew Existing Contract Final Renewal Contract with Nabors, Giblin, and Nickerson, P.A. for Bond Counsel Services.

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

**ITEM F.22., RENEWAL OF ANNUAL PROPERTY INSURANCE PROGRAM EFFECTIVE 6/1/2019**

The Board authorized Risk Management to bind and secure placement of the County's property insurance coverage as presented and recommended by Public Risk Insurance Agency (PRIA), the County's property/casualty insurance broker, with an effective date of June 1, 2019, at a cost not to exceed \$1,977,386.

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

**ITEM F.23., BREVARD COUNTY V. MICHAEL B. CREWS, SR., ET AL; CASE NO.:05-2018-CA-018421-XXXX-XX - APPROVAL OF SETTLEMENT AGREEMENTS**

The Board approved and authorized the County Attorney's Office to sign the settlement agreements to settle claims relating to Brevard County v. Michael B. Crews, Sr., et al, Case Number 05-2018-CA-018241-XXXX-XX.

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

**ITEM G., PUBLIC COMMENTS**

Sandra Sullivan stated this past week the Brevard Department of Health report came out with higher incidences of cancer in the area; that was something they expected, that is why they started looking into the issues in the area; and she wanted to address a couple of theories she has pertaining to what might be contributing to this in their area. She went on to say one of the things that the report did not address, it addressed 32937, but that is a wide area from South Patrick Shores down to Indian Harbour Beach, and one thing they do not know is whether it is closer to Patrick Air Force Base than say for instance South Patrick Shores; there is a report done by a third party with a heat map that indicates it is considerably higher up there; and she would encourage Brevard Department of Health to look at that aspect, as well as investigating other cancers which are not Perfluorooctanesulfonic Acid (PFOS) related. She pointed out the theory is a combination of four things that may be impacting health; one is the military dump in South Patrick Shores; the second is a drainage channel that is on the Environmental Protection Agency (EPA) European Prospective Investigation into Cancer and Nutrition (EPIC) Study that went from the military base down to Satellite High School, which would have been designed to drain the dump, and in doing so carried contaminants from that old dump; the Patrick Air Force Base have numerous reports on the Air Force public records site, they have drainage channels from all of its dumps to the Banana River; and the contaminant testing needs to be done on the Lagoon. She went on to say today she came from mapping and looked at maps, and in 1988 was the first assessment of where all of the dumps were on that base. She stated on the dump there were bombs, 55 barrels of oil, hydraulic fluid, other unspecified liquids, batteries, and the EPA report details what was in there; in addition to the chemical contamination they are also concerned about the munitions because there are reportedly bombs there as well as full belts of ammunition; and that is related to a carcinogen in an EPA 2015 report.

Chet Elsworth stated he is here to extend his appreciation and show support for the Board's interest in the Space Command endeavor; he is concerned about transparency of this big, huge project for the future of this County; and the impact it will have on the County's future is

May 7, 2019

unbelievable. He asked if there is going to be a website set up so there is transparency between information studies on what is happening; he advised Chair Isnardi is going to Washington, D.C. to talk with people; and he is here to find out how it is going to work.

Chair Isnardi advised they have not even decided on the location yet.

Mr. Elsworth stated in that part of it, as it goes on there is competition between parties, influences from other people; his firm is doing a study on the Mueller effect on this upcoming Space Command thing; and he would be interested to know if there is something out there.

Chair Isnardi stated the only thing she brought back to this Board is the fact that she was able to get a meeting with the Secretary of the Air Force; that is all she knows until she can just pitch Brevard County as a possible location.

Mr. Elsworth noted he appreciates the Board picking up the tab, and maybe they can get something.

Chair Isnardi pointed out she will keep the Board and the public informed of everything they do, because any gains being made, and some say it is a long shot because Brevard County is competing with Colorado and that sort of thing, but she will definitely keep everyone informed.

**ITEM H.1., RESOLUTION, RE: PETITION TO VACATE PUBLIC UTILITY EASEMENTS - MERRITT ISLAND - MARIA T. CIECHANSKI**

Chair Isnardi called for a public hearing to consider a petition to vacate a portion of two public utility easements in Merritt Island, as petitioned by Maria T. Ciechanski.

Corrina Gumm, Interim Public Works Director, stated this is a petition to vacate a portion of two public utility and drainage easements located on Lot 33, Block A, Indian River Village Subdivision; this is an order to remove an existing pool and screened patio as encroachments; notices were sent out to County agencies and public utility companies; and staff has received no objections, and staff has no concerns with this request.

There being no further comments or any objections, the Board adopted Resolution No. 19-084, vacating a portion of two public utility easements located on Lot 33, Block A, Indian River Village Subdivision, in Merritt Island, as petitioned by Maria T. Ciechanski.

<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 H.2., AMENDMENTS TO ARTICLE VIII - ENTITLED "FERTILIZER USE ON URBAN LANDSCAPE"**

May 7, 2019

Chair Isnardi called for a public hearing to consider amendment to Article VIII, entitled "Fertilizer Use on Urban Landscape."

Virginia Barker, Natural Resources Management Director, stated this is an amendment to Article VIII, entitled "Fertilizer Use on Urban Landscape"; the amendment would require consumer signage at retail outlets for fertilizer; other locations have found that compliance with local ordinances increases when consumers are notified at the point of sale; and signs will be provided by the County funded through the 1/2 cent sales tax from the Lagoon fund.

There being no further comments or objections, the Board adopted Ordinance No. 19-09, amending Chapter 46, Environment, Article VIII, Fertilizer Use on Urban Landscape; specifically amending Section 46-337 applicability to require that fertilizer retailers post a notice to consumers about the limitations of fertilizer use; providing for Countywide application; providing for resolution of conflicting provisions; providing for severability; providing for inclusion in Code; providing for area encompassed and an effective date.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Curt Smith, Commissioner District 4
<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 H.3., ECONOMIC DEVELOPMENT TAX EXEMPTION ORDINANCE, RE: BK TECHNOLOGIES**

Chair Isnardi called for a public hearing to consider an economic development tax exemption ordinance for BK Technologies.

Commissioner Tobia stated his office received an unsolicited telephone call yesterday about an employee who had been laid off recently from BK Technologies, Inc.; he asked since part of this is about creating new jobs, and he has no way to verify whether or not this person was actually laid off from there, has this company laid off any number of individuals in the past couple of years.

Jennifer Hashagen, Economic Development Commission of Florida's Space Coast, replied to her knowledge they have not laid off a number of individuals in any chunk; she does not know if they have laid off individuals here or there; and as business needs change, she is sure that they have scaled down and hired up again. She advised she has not gone back to determine their exact employment history and how it has varied over the years.

Commissioner Tobia advised if the intent here is to bring in jobs, he is concerned if they laid off people and then were hiring a whole bunch of people to make up for the people they lay off in order to get the tax incentive; and he inquired if she has any Security and Exchange Commission (SEC) filings or anything like that, that would show as she says it is not a great number, because he is not talking about creating a great number of jobs here either, so he would feel a lot more comfortable if he knew that had not taken place.

Ms. Hashagen stated they have reviewed the recent SEC filings, and she has not seen any regarding layoffs; she does not know if it was one individual what the true reason was behind that may have been; they did hire a national site selection firm, which would lead her to believe

May 7, 2019

that this is a competitive project and that they are serious about hiring new employees; and she has never seen where a company has laid off and then re-hired in order to receive the incentives. She went on to say she would not believe this is a company that is doing that; they are well known, and in good standing in the community.

Commissioner Tobia asked when she reviewed the former SEC filings over the last few years or if she talking recently.

Ms. Hashagen replied just recently they have been looked into.

Commissioner Tobia inquired if it was in the last year.

Ms. Hashagen responded affirmatively; she advised a company scales down and hires up as necessary; they do have a small number of employees relatively speaking here as it is at 100 employees; and it fluctuates between 98 and 113 people at a given time.

Commissioner Tobia asked if that is a fluctuation of 15, right.

Ms. Hashagen replied affirmatively.

Commissioner Tobia inquired how many jobs this project was going to produce.

Ms. Hashagen advised this project is 35 positions.

Commissioner Tobia noted his office just received a call out of the blue; he would not leave his name; but it certainly was cause for concern on his end that a company would do that in order to benefit.

Commissioner Lober stated if Commissioner Tobia wants to move to table or continue this to the next meeting, he is happy to support that if it would make him more comfortable to get that additional information.

Commissioner Tobia pointed out this happened literally today; had he had more time, he would have certainly sent an email out, but he did not; to put it bluntly, incentivizing businesses over others does not meet his philosophy one way or another, it will not meet it this week or two weeks from now; and this was an interesting wrinkle that was brought to his attention. He advised either way whether the Board waits or does it now, he will vote no.

Chair Isnardi stated her office never received that call; she is not saying it is not true, and she would not question Commissioner Tobia being truthful and honest; but she finds it unusual they would only call one Commissioner's Office. She explained it could be a disgruntled employee; it is hard to verify if it is true at all; and she cannot base her decision on an employee who no longer works for a company. She noted taxpayers overwhelmingly supported tax abatements; this is not a cash incentive; and she will be supporting this.

There being no further comments or objections, the Board adopted Ordinance No. 19-10, granting economic development ad valorem exemption to BK Technologies, Inc.; specifying the items exempted providing the expiration date of the exemption; finding that the business meets the requirements of Chapter 96.1995(16) F.S.; providing for proof of eligibility for exemption; BK Technologies, Inc.; providing an effective date.

<b>RESULT:</b>	<b>ADOPTED [3 TO 2]</b>
<b>MOVER:</b>	Rita Pritchett, Commissioner District 1
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Rita Pritchett, Curt Smith, Kristine Isnardi
<b>NAYS:</b>	Bryan Lober, John Tobia

**ITEM 1.1., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: CODE ENFORCEMENT FINE REDUCTION REQUESTS AND PROCESS REVIEW**

Tad Calkins, Planning and Development Director, stated this is a request for legislative intent and permission to advertise amendments to Chapter 2, Article VI, Division 2 entitled Code Enforcement Special Magistrate, and Board direction regarding the establishment of Code provisions to authorize the Special Magistrate to make a final decision concerning fine reductions; and additionally they are asking for permission to look at some other streamlines in the areas relating to the Code Enforcement, which would include codifying the rules with the Special Magistrate, the posting of procedures and clarification, and a resolution revising or establishment for the fines in the hearing and administrative costs. He went on by adding this Item came to staff on February 26, 2019, where the Board asked them to explore looking at delegating that authority to the Special Magistrate as the final determination in the reductions for the fines, and to aid the Board in the discussion, staff has provided four options they see as potential outcomes, and of course, there may be others, as follows: Option 1 would be to provide legislative intent and permission to advertise modifying their Code provisions to authorize the Special Magistrate to make those final decisions; Option 2 would include the items staff sees as efficiencies and why they are there in that Code Section where they would ask the Board allow staff to do these items as well, codifying the rules of the Special Magistrate, revising the courthouse postings to allow them to post in the Viera Government Center as well, expand the courtesy notice program, and examine the assessments in hearing and administrative cost resolutions; Option 3 would be granting permission for staff to move forward with both of those; and Option 4 would be to send staff in a different direction.

Commissioner Lober stated as to 2b, it just makes sense; he does not think he has ever seen anyone go to a courthouse looking for the postings; and he has been in all of the courthouses many, many times. He went on to say given that folks would probably be more likely to have involvement with the government offices here, it just makes sense to him regardless of whatever the Board chooses to do or not do, that the postings are done in the government center in lieu of posting in the courthouses.

Commissioner Smith stated he has looked these over and he thinks Option 3 would be the way to go.

Motion by Commissioner Smith, seconded by Commissioner Pritchett, to approve legislative intent and grant permission to advertise Option 3, for modifications to the current enforcement Code, authorizing the Special Magistrate to make the final determination for all reduction requests; and for examination of other process areas where efficiencies could be realized for respondents and staff, such as: a) codification of Special Magistrate Rules; b) replacement of Courthouse postings with Viera Government Center postings; c) expansion of the courtesy letter pilot program to include all appropriate types of complaints (to exclude health-safety and recurring issues; and d) examination of fine assessment, hearing and administrative costs to include aggravating and mitigating circumstance consideration by the Special Magistrate.

May 7, 2019

Commissioner Tobia expressed his appreciation to Mr. Calkins and his staff, as this was quite an undertaking; he stated he has done a magnificent job on this, that it is going to be better for not only the Board but better for staff, and most importantly the citizens; and he would like to fully-support Commissioner Smith and his motion when it comes for a vote. He stated he wants to give hats off to Mr. Calkins and his staff; this came up at almost every meeting; and he reiterated his appreciation to staff.

Chair Isnardi noted she was hoping to have, maybe not as part of this, but a review of the fine structure, because it seems like, and her heartburn with the Special Magistrate, it seems like he always reduces about the same percentage for just about every case; if the fines are so egregious and the person has corrected the problem, and the fines are so absorbent that it makes it to where someone feels a need to come before the Board, which is not always the case but often is the case, maybe that is somewhere the Board may need to look as well; she does not want to make it to where it is not worth somebody fixing the problem, but when the fines are so high people just kind of throw their hands up and do not fix the problem at times because they feel so buried underneath it or they were not aware there was a Code Enforcement thing because it is a property changing or otherwise; and if the goal is to get people to come into compliance or to fix the issue, that should always be the number one goal. She went on by adding she wants the Board to recover its costs, but she does not want to make it so punitive for someone who has fixed the problem. She commented she does not know if the Board is interested at all in having fines that are not so ridiculous.

Mr. Calkins stated he believes Option 2d could be expanded to take a look at that piece of it, if the motion were to carry forward; it is something that could be rolled in if the Board wishes for staff to do that.

Chair Isnardi stated if the Special Magistrate is the end all be all then there is no appeal to the Board and it kind of scares her, because it kind of takes away that right to come to the Board; it is easy enough for the Board to defer to what the Special Magistrate decides, but those are the Board's residents who it is representing, and she does not know if she likes losing the ability to do that.

Commissioner Smith stated he fully supports Chair Isnardi's idea of looking at these fines, but from his perspective in having seen these, he feels it is necessary to get people's attention, because he thinks the numbers used were 95 percent of the people comply; and it is roughly three percent of the people who do not comply.

Mr. Calkins pointed out there is 92 percent voluntary compliance with the Code Enforcement program, and that is on average out of about 2,400 cases a year, so when looking at that eight percent and break it down, there is about five percent that go to the Special Magistrate hearing; there is a hearing cost associated with that; and then there is three percent that will actually go into having fines assessed. He noted they are very successful in getting people through the process, having them acknowledge what the violation is, and making the corrections, they just have that three percent that staff would like to improve on.

Commissioner Smith asked if the fines as they stand now get people's attention; he stated it seems like if it is 92 percent compliance that is pretty high of a batting average.

Mr. Calkins stated he is not sure what people's motive is to come into compliance, but he thinks staff really presents it to people if they do not correct the situation that there is a process they will go through regarding the fines; the fines are established by the Special Magistrate; staff can look at if they are appropriate; they have looked at what other jurisdictions have as fines within Brevard County, and the County's seem to be the lowest from a starting standpoint of \$25 a day for the fine; but then as that rolls it depends on the amount of time for the property to come into

May 7, 2019

compliance.

Commissioner Pritchett advised the Board has to be able to cover staff time always when going through this; she does have a little bit of hesitation; and she asked in the worst case scenario, what are people's next step if they are struggling with a decision, are they able to take it to another place.

Mr. Calkins replied he believes their process would be a civil matter, but he does believe that also through the Board's ability and delegation that they would be having a cap on that fine that the Special Magistrate would have the ability to waive or to reduce based on the Board's current Policies in place.

A representative from Planning and Development Department stated currently the opportunities for a respondent to appeal the Special Magistrate's decision currently to the Circuit Court, so there is an avenue for them to pursue if they disagree with the Special Magistrate's decision currently.

Commissioner Pritchett stated she has seen several cases come before the Board, and some of those have gone in the favor of people who have come before it, and she wants to make sure there is an avenue for those to do something; and she asked if the Board is giving staff more flexibility to do some of those things the Board would have done then.

Mr. Calkins stated staff can look at setting some guidelines for the Special Magistrate for mitigating circumstances that the Board may like them to take into consideration; it would be one of the things staff could bring back to the Board; and that way the Board can give staff input. He pointed out he does believe they have some of that now in some of the different areas of Code Enforcement; and Natural Resources Management has some of that in their wetland violations where there are some things the Special Magistrate can consider. He asked if staff can come back with a report regarding fine assessment.

Commissioner Smith stated if the fines get to \$40,000 or \$50,000 it is because the person is not doing anything, so he does not see the problem.

Chair Isnardi pointed out that is not always the case, sometimes it is property going between people.

Commissioner Lober stated essentially their recourse would already go the direction that has been suggested, it is the same as it would be if they came here and did not like what the Board said; it is not that they lose that; essentially the way he looks at it is the Special Magistrate performs the function that he or she currently performs, plus the Board's function as it currently exists, so they would still have that additional route if they wanted to seek some sort of relief from whatever decision was rendered by the Special Magistrate; and it ultimately would not be the Board. He stated he does not know if it would be worthy maybe saying if it is over a certain amount that it comes to the Board, or if that is simply overcomplicating it, where if it is something trivial, let the Special Magistrate resolve it; but if it is a consequence of \$50,000 or \$75,000, it should come back.

Chair Isnardi stated it is all relevant on what a person sees as a high amount.

Commissioner Tobia stated he thinks Mr. Calkins office had this already covered on Option 2d; to him it is pretty darned clear; he thinks it was staffs intent to be as fair as possible to provide leeway to the Special Magistrate who is in a better position and has a greater understanding of these types of issues than the Board; and to provide he or she that flexibility. He asked if that is what the intent was with Option 2d.

Mr. Calkins replied affirmatively; he stated staff is asking for legislative intent, so Code changes would be brought back ultimately for the Board's approval at a later time; and the Board would have an opportunity to review those mitigating circumstances and tell staff if they are appropriate or if something different should be done.

Chair Isnardi stated there were roughly 2,400 cases and 92 percent are ultimately resolved; these 92 percent are not people who are being fined, they are just people with Code issues.

Mr. Calkins advised staff gets 2,400 complaints a year, and they investigate; some of those there is no violation; and some of them there are violations, and staff works with them.

Chair Isnardi stated she is not sure these people would qualify to be in that 92 percent compliance, at least in her opinion; if 72 people, three percent of 2,400, that this would affect, she is nervous about taking that; and she reiterated she gets nervous not allowing people to appeal to the Board, because there are always mitigating circumstances. She noted examination of the fine assessment in item d probably has more to deal with the Special Magistrate's leeway than it has to do with how fines are currently cumulated.

Commissioner Lober stated at this time he is going to support it as it is just being advertised, but he does not know if he will support it depending on what the Board decides to do when this comes back; and he does not want someone to misperceive his support of this today as he being open to everything that may result down-the-road.

Chair Isnardi called for a vote on the motion.

The Board approved legislative intent and granted permission to advertise Option 3, for modifications to the current enforcement code, authorizing the Special Magistrate to make the final determination for all reduction requests; and for examination of other process areas where efficiencies could be realized for Respondents and staff, such as: a) codification of Special Magistrate Rules; b) replacement of Courthouse postings with Viera Government Center postings; c) expansion of the courtesy letter pilot program to include all appropriate types of complaints (to exclude health-safety and recurring issues); and d) examination of fine assessment, hearing and administrative costs to include aggravating and mitigating circumstance consideration by the Special Magistrate.

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

## **ITEM I.2., BOARD REPORT OF COSTS AND LIABILITIES FOR A REQUEST BY SANDRA SULLIVAN**

Corrina Gumm, Interim Public Works Director, stated this Item is in response to the Board's directive to investigate the cost and liability associated with County staff providing mapping and related surveying services to Sandra Sullivan for her use in pursuing Formerly Used Defense Sites (FUDS) eligibility; the criteria for FUDS eligibility are whether they are military owned,

May 7, 2019

leased, or otherwise possessed the land at issue and contamination occurred; they have prepared a staff report which is included with this Agenda Item; and after the submittal of the staff report they also prepared an illustration showing a total of six locations, and she has that exhibit she can share with the Board now. She provided the exhibit to the Board. She went on by saying Ms. Sullivan provided three legal descriptions that are shown on that illustration, which the County Surveyor has reviewed and determined that none of the lands described are in the area of concern; they have identified the location on the illustration; and all are north of the Pineda Causeway. She pointed out staff then researched and obtained three additional legal descriptions and mapped those; those locations are south of the Pineda Causeway; however, they do not include home sites and they do not describe lands that are suspected to be previously military waste sites. She advised staff's research is based on a very limited amount of documents; but they have completed Ms. Sullivan's request to provide a map illustrating the locations that have been military owned to the best of their knowledge; without having additional real estate documentation, there just is not enough information available at this time to develop a meaningful map; she did meet with Ms. Sullivan this afternoon, she came in to look at some aerial photos that are stored in the mapping department; and she was able to give her a brief summary of staff's findings, and also a copy of the illustration.

Sandra Sullivan stated she wishes she would have been given an opportunity to have this in advance, it might have elevated the necessity for her to come up here; she is a bit disappointed for a few reasons; the primary document, the most important one, was Book 1 Page 93; and she is going to read one sentence from that description, "Lot 1 and the northeast quarter of the northeast quarter of Section 22, and that part of Government Lot line to the north quarter of Section 23, and the north half of the northwest corner of Section 23." She went on to say those on the map when looking at the area in blue, the area in blue, Section 23; the document he has for Book 1 Page 93 is in red, therefore, there is an error; she would have liked to have pointed that out if she had been given an opportunity; also she has spent some time at the Clerk of Courts office when she originally made the request in writing to the County, it was to have collaboration between the surveyor, the mapping office, and the Clerk of Courts; and they could have avoided some of the issues. She noted she also asked the surveyor when she sent him the documents to be in touch with the Clerk of Courts. She added further in her going to the Clerk of Courts it was explained to her how this all works; this document is part of Civil Case 80 out of Orlando where the judgment was originally heard; and that case is comprised of multiple documents, so the County puts in the log book one document but it may not be all of the documents. She stated it then becomes necessary to actually go to the courts and get a copy of Civil Case #80; they have been able to determine since then that the case is housed in Atlanta in the Southern District Court; and this will take more time than anticipated as everything is more complicated. She has inquired of the Corp of Engineers with their investigation to see if they have those records already, because there are costs associated with getting it out of the Southern District Court; she is waiting back for a response, because then she can proceed with a Freedom of Information Act (FOIA) to get those documents; and also in speaking about the issue with Jim Waymer and he offered that the *Florida TODAY* may be willing to pay for the costs if they can give him an estimate.

Commissioner Pritchett stated first of all the struggle Ms. Sullivan is going through is heartbreaking, and it is hard because she is the one having to live through this; from studying what staff has provided thus far, their question last time the Board met was whether it can aid in some type of report; and from what staff has communicated to her, and they were trying, she is not sure staff is qualified to do it. She went on by saying staff could give her something she is able to use and put a disclaimer on it; then she does not think it will hold water for her; the cost to do it is ambiguous because they do not know necessarily where to get the information; she did ask questions with what recourse she had; and staff said Ms. Sullivan was expecting some report in June that is going to help. She asked if that is correct.

May 7, 2019

Ms. Gumm advised there is additional testing that the Army Corp of Engineers and Environmental Protection Agency (EPA); what she understands, it is based on her limited information, but she believes June is when they are going to do some air sampling; and she does not know how long that will take to get results from that.

Commissioner Pritchett stated what the Board can do is if Ms. Sullivan has questions it can find ways to get some information into her hands; she is not sure she can lead this march; and something else is none of her neighbors is in this with her right now.

Ms. Sullivan noted there are some neighbors who are not in this with her.

Commissioner Pritchett stated well maybe if they reach out or something; staff has not found enough yet for them to jump in all the way; she does not know if they will or not; but she thinks this is almost a federal government needing to be led issue, because they should be paying for all this.

Ms. Sullivan asked if she can communicate on the testing aspect.

Commissioner Pritchett replied no, she is not sure it will be relevant with this.

Ms. Sullivan advised what Commissioner Pritchett said about the testing in June has nothing to do with this at all.

Commissioner Pritchett pointed out she thinks it will help the federal government get more involved for her; but what she is asking the County to get these maps together, she does not think it is qualified to do it; and from talking to staff, they are not knowing where to get the resources from. She stated she is not sure this is something she can assign the County to; she asked who typically does this, and staff said they do not typically do this individually, they do it with the EPA or the federal government; but the Board is here if she needs information and it can be found, she does not mind trying to help her with that, but she is not sure this is an assignment that maybe should be for County government at this time.

Ms. Sullivan suggested the reason they have a multi-layered government is to have checks and balances; what happened in 1991 was because there were no checks and balances on the federal government on the Corp of Engineers, so they came back and said the land was not used by them, which is the first criteria; the second criteria is they never owned, leased, or otherwise possessed; and that is the two criteria for eligibility. She added in reviewing this document, what they did to the aerial is they clipped it at Pineda Causeway to obscure and hide the fact that there are roads from the base directly down into the dump area, so now they can establish that they did use it; the second question would be if they owned it; just with one document she can show part of Section 23 in the northern part of it that they owned; and what was explained to her was that Case 80 has additional documents in it. She noted she is just one owner of many this affects, so it is not her responsibility to pay a surveyor to go against the federal government.

Commissioner Pritchett stated she thinks it is the federal government; and at that time she may have more ammunition or information to move forward.

Ms. Sullivan asked who Commissioner Pritchett thinks in the federal government is going to do that part.

Commissioner Pritchett advised she does not know, she thinks it will have to do more research and maybe hire someone to take it on, but they are going to have to find an element that will provoke them to move farther.

May 7, 2019

Ms. Sullivan commented maybe she can do what some of her neighbors do, just sell her land and leave.

Commissioner Pritchett stated she is only one Commissioner, she can hear from others.

Ms. Sullivan stated there is a Department of Health (DOH) report that just came out and it shows they have higher instances of Cancer; and if the County intervened in 1991 and offered some oversight, she would not be here 30 years later.

Commissioner Lober stated he thinks depending on what she finds out in terms of what results in her FOIA request, she may want to come back, because if there is something County staff is comfortable doing in the sense that they have the expertise, she does not mind pushing them in the direction of helping her; but she thinks having that information may be beneficial; and he thinks, and this is a suggestion she is free to take or not, but he would look to see prior to even coming here what staff thinks they are able to do to help with respect to that. He went on by saying if there is some question about collaboration with the Clerk of Courts, he can tell her, let him know which individual it is over there and he will do whatever he can from his one of five seats to keep in touch with them, because he has never had an issue communicating with anyone over there.

Ms. Sullivan advised they have been absolutely incredible; she cannot tell the Board how grateful she is to receive so many records and maps from them; and she wants to say they have been hugely amazing and she is impressed with their office. She stated she does take Commissioner Lober's suggestion, she thinks it is very good; she has done a lot of leg work on this to get these documents; but when she gets them, that is outside her area of expertise, and it is in the County's interest to act as a checks and balances to make sure the Corp of Engineers goes in the right direction. She added maybe between now and then they may get lucky and come back, because the letter is in view right now; it may be a very short time and come back.

Commissioner Lober pointed out as it is alien to Ms. Sullivan, it is alien to him; he asked her to try to bear with the Board because it is not something that he feels like he has any expertise in; he is trying to get himself brought up to speed as much as he reasonably can; but it is an odd issue; and certain things that come up frequently with County Commission work, this is not one of them that he thinks will come up in the future, certainly not in the next couple of years.

Ms. Sullivan stated she looks at it this way, she could have just sold her property quietly, but she decided to do the right thing and do her civic duty for her community; she is a very private person, she does not do this sort of thing; and for her to step out and do this is very big in her world.

Commissioner Lober advised that is why he wants to help her to the extent the Board is able to; he does not want to have staff do something that will put Ms. Sullivan in a worse position relying on something they are not comfortable that they are qualified to put together; but he asked her to please keep the Commissioners in the loop when she receives the memo.

Ms. Sullivan noted the document said very clearly Section 23, on that one document; she just looked at this and there was nothing in Section 23, and it is in the document; and this is not correct.

Commissioner Pritchett reiterated she is not sure the County is qualified to put that together; as Commissioner Lober just said, as Ms. Sullivan gathers more information back, to bring it to the Board; and she really thinks if she gets her neighbors together doing some of this with her so she has a larger vocal group with the federal government, and as she needs stuff the Board can

May 7, 2019

serve them stuff, but what she is asking for the mapping of that is maybe beyond County staff's qualification.

Ms. Sullivan asked what Commissioner Pritchett means getting her neighbors together; she stated they have a group of over 600 people.

Commissioner Pritchett pointed out Ms. Sullivan is pretty vocal, and if she gets everybody else jumping in with that.

Ms. Sullivan inquired if she means fund raising.

Commissioner Pritchett asked if she is the only person reaching out to the EPA and trying to get some of this information done, because she is the only person the Board sees.

Ms. Sullivan explained she is the primary point of contact, but she is working with several people in the community.

Commissioner Pritchett stated to get those people going with her, and to let there be other voices with her; more voices sound more like thunder, and more attention is given; she was not trying to insult Ms. Sullivan on that; and she is trying to give her some ideas on what might help her with this project.

Chair Isnardi noted especially if Ms. Sullivan wants federal legislators to help her.

Ms. Sullivan stated she will do some call to action so people will write lots of letters and bug people.

Commissioner Smith expressed his appreciation to staff, because they spent a lot of time on this, and they went over and above trying to help Ms. Sullivan.

The Board discussed the Board Report of Costs and Liabilities for a request by Sandra Sullivan, but took no formal action.

**ITEM J.1., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE AMENDMENT TO MODIFY ORDINANCE 99-17, SECTION 1, WHICH SETS FORTH THE BOUNDARIES OF THE BAREFOOT BAY WATER AND SEWER DISTRICT**

Edward Fontanin, Utility Services Director, stated this Item is to request legislative intent and permission to advertise to amend Ordinance No. 99-17, Section 1; this is to modify the boundaries for the Barefoot Bay Water and Sewer District; this is catered for the River Grove Mobile Home Park; they have been issued an Florida Department of Environmental Protection (FDEP) consent decree related to the water quality of their private water system; and as a result as part of the FDEP consent, the language was written to connect into the Barefoot Bay water system. He pointed out this is for water and not for sewer; this is to allow staff to advertise for the one-day period, at which if no hiccups occur, they will come back to the Board to ask for approval.

The Board approved legislative intent and granted permission to advertise for a public hearing for an amendment to Ordinance No. 99-17, and as subsequently amended, which sets forth the boundaries of the Barefoot Bay Water and Sewer District to include property owned by River Groves Mobile Home Village I & II.

<b>RESULT:</b>	<b>ADOPTED [4 TO 0]</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>AWAY:</b>	Bryan Lober

## **ITEM J.2., STATE LOBBYING SERVICES**

Leslie Rothering, Interim Central Services Director, stated this Item is a request for approval for advertisement of a Request for Proposal (RFP) for State Lobbying Services; in addition staff is asking for direction regarding the review and evaluation; there are three options listed; the first option is for the Board to evaluate the proposals as outlined in the RFP; and that is based on the current selection that was made for the current contract that is in place. She went on by saying the second item is to appoint a selection and negotiating committee, consisting of Matt Wallace, Public Safety Director, Virginia Barkers, Natural Resources Management Director, and Peter Cranis, Tourism Development Office Director; the committee would review the responses, and bring that recommendation back to the Board; the appointment of a negotiating committee comprised of staff that was identified in option 2; and then also appointing a Board Member is listed as option 3.

Commissioner Tobia stated a couple of months ago after he argued to issue an RFP rather than to negotiate with the incumbent, the Board selected him to sit on the selection committee for the Federal Lobbyist; if anyone on that selection committee would be able to tell the Board that Commissioner Smith was absolutely and totally right; the market has clearly swung in the direction of drastic rate increases; they were paying \$48,000 a year; and the lowest bid they received was \$72,000 or a 66 percent increase. He added he does not want to make the same mistake twice; there is no reason to believe the market would be any different for the State Lobbyist; the current Lobbyist, Mr. Book, is very competitive; he charges Miami/Dade County \$120,000, the City of Palm Bay \$60,135; and normally there is an option 4, discretion of the Board.

Motion by Commissioner Tobia, seconded by Commissioner Lober, to direct staff to negotiate with Mr. Book to see if he is willing to continue his services at the contracted rate of \$60,000 a year so the Board does not run into the same increase it had for the Federal Lobbyist.

Chair Isnardi advised she has had the pleasure of working with Mr. Book when she was in the City of Palm Bay, and she does not think the Board will find anyone who works harder and has more doors opened than him; and she would be in support of this only because of the feedback and the way he makes sure the Board has everything it needs. She noted she will support the motion.

Commissioner Pritchett asked Commissioner Tobia if he wants to put some kind of percentage on this if Mr. Book wants more.

Commissioner Tobia inquired if Commissioner Pritchett is talking CPI.

Commissioner Pritchett pointed out she knew Commissioner Tobia would be; and she questioned if Mr. Book charges \$60,000 a year and there was a huge jump, does Commissioner Tobia want to give an amount to negotiate with before staff comes back to the Board.

May 7, 2019

Commissioner Tobia stated he thinks it would be best to have staff reach out and at least open negotiations; he thinks Mr. Book is probably not looking at quadrupling or hitting anywhere near that 66 percent; he thinks CPI is very fair; and the fact the County had a three-year contract and the CPI has not been met those three years, but either way he does not think it is anywhere near the 66 percent increase. He advised he trusts staff to bring back to the Board a reasonable amount, in fact, one that would be extremely close to that.

Chair Isnardi called for a vote on the motion.

The Board directed staff to negotiate a contract with Ronald L. Book, P.A., for State Lobbying Services, and to bring it back to the Board once negotiations are complete.

<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 J.3., QUALIFIED TARGETED INDUSTRY RESOLUTION, RE: BK TECHNOLOGIES, INC.**

Frank Abbate, County Manager, stated this Item is a follow up to the economic development Item for BK Technologies; and it would be the resolution that would allow participation with the State Incentive Program.

The Board adopted Resolution No. 19-085, making BK Technologies, Inc., a Qualified Targeted Industry in Brevard County.

<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, John Tobia, Curt Smith, Kristine Isnardi
<b>NAYS:</b>	Bryan Lober

**ITEM J.4., BOARD POLICY LIMITING MOTIONS WHICH HAVE A FISCAL IMPACT OF MORE THAN \$2,500 DURING BOARD REPORTS**

Commissioner Tobia stated there have been a few instances of measures being proposed by Board Reports having significant financial impacts; Board Reports are unique as they are not published on the Agenda; and the public has no reasonable way to provide input. He went on by saying secondly other Commissioners do not have time to carefully consider costs and ramifications; some past actions, full costs were not even determined at the time when they were proposed; all this would do is create a policy that says Board policies can be waived by a simple majority vote; but he is confident this option would not be utilized except for emergencies, that is a super majority vote for financial impacts in Board Reports.

Commissioner Lober stated the one thing that concerns him about this, and he understands that

May 7, 2019

policy could be waived by a majority vote by the Board, but he is concerned if there are exigent circumstances where something truly cannot wait this may make it more difficult to get those exigent circumstances addressed, so if there were some provision to allow for a Commissioner to indicate there are exigent circumstances to move forward, he would be happy to support it; but obviously, that relies on the honor system to some degree.

Commissioner Pritchett stated she does not think she is going to support this, but she would think if the Board were to do this the Board is coming in with large items, one of the Board Members could ask that it be tabled to the next meeting, she would totally be in agreement with that; and if Commissioner Tobia had some ideas of what happened in the past where there were changes made, she would be more than willing to do a table or that a Commissioner is asked to bring an item back, and she would definitely submit to that herself.

Commissioner Tobia noted the Board voted on, and of course he was in the minority, to give an additional half percent raise to constitutional offices under Board Reports; and that came up without the benefit of the public having the ability to comment on that.

Commissioner Pritchett asked if that was during budget discussions.

Commissioner Tobia advised that was during a Board Report, so in other words, it was not published; and that had serious ramifications on the County's budget. He added another example that had serious ramifications on the budget, ones in which the County Manager could not quantify at the time, and yet it was voted on, was to give employees an additional holiday, which there are some Charter issues with that; but nonetheless he is more concerned about the fiscal issues on that; and the Board cannot expect the County Manager to have those answers off hand, yet the Board went forward again. He stated he voted against it, but it is hard not only for him but for the public to be able to weigh in on those types of issues without having a dollar figure.

Commissioner Pritchett stated she thinks Commissioner Tobia has a good point, and she gives him her word if a Board Member is doing that and he asks to table it, she will second his table; she would hate to take away the ability of the Board to do its job with the majority; but she hears him; and she thinks on things that are large budget items, it should be tabled until the next meeting.

Commissioner Lober asked as to the half percent increase for the constitutional officers, does Commissioner Tobia recall roughly what period of time that was in, because he does recall the second item very clearly that he mentioned.

Commissioner Tobia advised he does not have the date off hand; he is sure staff can get that in short order; but the Board provided generously a three and a half percent increase to County staff; a constitutional officer decided that three percent was his idea for a budgeted increase prior to the Board's three and a half percent; and he came back to the Board and asked it to increase his staff's budget from that three to three and a half percent. He went on by saying that was done under a Board Report; to the best of his recollection, the Board did not have a dollar figure attached to that, yet this Board went ahead and voted in favor of that; and he apologizes he does not have the date, but it certainly happened up here.

Chair Isnardi pointed out the one thing that was voted on the Board did have those dollar figures, because she remembers it had a chart on what it would mean if salaries were increased; she could be wrong because this was a while ago.

Commissioner Tobia asked which one.

May 7, 2019

Chair Isnardi replied on the constitutional officer one.

Commissioner Tobia commented absolutely not.

Chair Isnardi noted she also had that figure on the employee because it was actually something she discussed with management before bringing it up during Board Reports.

Commissioner Tobia advised discussing with management and giving the Board heads up so it can make an informed decision as to costs are completely different scenarios; sunshine does not allow staff to act as a conduit.

Chair Isnardi explained no one suggest that of course; what she is saying to him is she had gotten that figure and it was expressed during the meeting; and she will not apologize for giving the employees that holiday because things happen. She went on to say they try to public notice everything, but the Board also has the County Manager who has to bring something to the Board and what constitutes an emergency is very subjective; sometimes things need to get voted on or passed through and it is the last minute, and not always the ideal timing; and she just worries it ties the Board's hands too much, and she does not think it abuses it. She stated she will not be supporting this the way it sits now; if something comes to the Board that can wait, and it is important to a Board Member, she is happy to table it; and the Board are the ones who were elected to make those decisions, and it is accountable when it does. She stated she does not remember getting any complaints from citizens or calls to her office complaining about the Board going with the three and a half percent options or complaining with the Board giving the employees the extra holiday that was in between another holiday, which oftentimes was voted on previous Boards.

Commissioner Pritchett stated on the other if Commissioner Tobia will let her know when, she will go back and look at it; she thinks what she does remember was when the Board was working through the budget process, he or she all had those numbers running through his or her head pretty tight, but if there is something else, she would be glad to go look at that; and she would definitely support if things come up and the Board wants to table it, and it is not going to cause harm, she is with him and will table it at that time.

Commissioner Tobia advised to be very clear, he did not want to bring it up then, but it is certainly a Charter issue; looking left and right, those are the Board's employees; everyone else according to the Charter are employees at the direction of the County Manager; he certainly does not want to put him in a position to impact the Charter in such a way that it puts the Board in malfeasance, which is a removable offense; and he absolutely and utterly does not want to dictate policy to the County Manager whether it be leave or workload, because that is a direct violation of the Charter. He noted this would also keep the Board Members separate as the Charter probably intended.

Commissioner Lober stated not going too far on a Segway here, that concern to him seems separate and apart from the time during when it was discussed, so Commissioner Tobia may have a valid point, it has never been brought up to him in the past in terms of whether that is compatible with the Charter, but whether it was discussed under Board Reports or under some other item, if it is incompatible with the Charter, the action is still going to remain incompatible with the Charter; he respects the concern; he does not know that he shares it necessarily; but he does respect it certainly.

Commissioner Tobia pointed out the issue would be something worth looking into; but when it is a Board Report there is no time for the public to look into it, there is not time for the Board to look into it, and there is not time for the media to look into it; it is blindsiding the rest of the Commissioners on fiscal policy; and he thinks that is what the largest issue is.

May 7, 2019

Commissioner Lober stated he would understand with applied to things which are essentially snuck into Board reports; if that is what it is intended to prevent, he would jump on, and there have been two Commissioners already say if someone has a non-exigent circumstance, or he should say to be a little better, if someone is lacking exigent circumstances, and they are simply doing it for purposes of sneaking it in, or it clearly appears that way, he has no problem tabling it; but he just hates to put a rule in place that requires a vote to override that essentially puts the Board in a compromised condition with respect with being able to deal with things that folks do not have the benefit of knowing. He went on to add he knows there are things that sometimes have to be put on the Agenda as an add on that does not make it to the preliminary Agenda simply because they are oftentimes not known to individuals who have the ability to put those on the Agenda at the time the first Agenda draft goes out; and there are other things, thankfully less frequent that come up after the Agenda is essentially locked in place, and it is not because people are trying to sneak things in there. He noted he agrees that by and large as a general rule more notice is better, and having something as a line item certainly is better than having it pop up in Board Reports; but he just has concerns about what potential ramifications this may have that may not be intended.

Commissioner Tobia pointed out such things as holidays are planned out decades, centuries a head of time, there is no surprise when Christmas or New Year's is coming up, these do not sneak up on anyone; and he is just very curious as to weigh the ramifications before the Board votes on these things. He stated he is not certain how he would have voted on that on the additional holiday had he known the figures; but the way it was put up, the Board voted on something it did not have a financial cost on; he does not mind being seen as a Grinch; and he is not going to vote on something if he does not know what the cost and impact is going to be on Brevard County citizens that are planning on using government services and finding out those government services are not available. He advised that was the intent behind this to make it a super majority; he does not believe there was any ill intent on anyone up here, he just thinks it is probably better for government to be in the sunshine and give everyone the opportunity to speak one way or the other with all of the information presented instead of blindsided; he thinks these exigent circumstances would be agreed upon by four or five of the Board Members instead of just three; that was the intent; and he does not think there will be a second on this one, so he thinks it is going to probably go down in flames.

Chair Isnardi asked the County Manager, and she does not want to put him on the spot, if he had that approximation for the Board about what the holiday would cost when the Board voted on it.

Frank Abbate, County Manager, replied if he recalls correctly he thinks he gave the Board an estimate because as Chair Isnardi had already mentioned, the County had done this in past years; he thinks he remembered what that amount was; and he told the Board the approximate amount.

Chair Isnardi questioned if any of the County Attorneys have questioned whether or not it was a Charter violation when the Board votes to do it, and she asked if it has ever been brought to Mr. Abbate's attention.

Mr. Abbate responded not to his knowledge.

Eden Bentley, County Attorney, advised she had never heard that from the County Attorney.

Chair Isnardi inquired if that would be Attorney Bentley's opinion that the Board violated the Charter to give the employees a holiday.

May 7, 2019

Attorney Bentley replied she believes it is a working decision with the Board and the County Manager.

Chair Isnardi stated if this was such an egregious thing that the Board was doing, she is surprised it did not get brought up until now; that is why she will not support it; she thinks everything is in the sunshine; the Board never walks things on the Agenda to be sneaky or to hide things, because each Board Member is accountable for how he or she votes; and she reiterated she will not support it as it ties its hands.

The Board discussed Board policy limiting motions which have a fiscal impact of more than \$2,500 during Board reports, but took no formal action.

#### **ITEM J.5., BOARD DISCUSSION ONLY: DISSOLUTION OF PSJ AND NMI DEPENDENT SPECIAL DISTRICTS**

Commissioner Tobia stated he brought these semi-draft ordinances to the Board in October 2017; the reason he is bringing them back is because several things have changed since that time; most importantly there is a new Commissioner in District 2 where one of these boards is located; second Port St. John (PSJ) has become even more inactive than it was in 2017; and since the time he brought it up on October 5, 2017, there have been a grand total of two zoning requests with recommendation from PSJ, and one in the past year. He went on to explain his proposal is to follow the most basic and conservative principles to shrink government, to streamline, and to improve staff and resources efficiency; the proposal is consistent with the original intent of the Board; the boards were designed to sunset; PSJ was designed to sunset in 1996; North Merritt Island (NMI) was written to sunset in 1998; and he thinks someone said there is nothing more permanent than a temporary government program, and this is probably an indication of that. He advised at the end of the Item he would certainly like to get the direction of his fellow Commissioners whether to pursue this for legislative intent at a future meeting or to let it go until such a time that something changes with either the Board or constituents.

\*The Board recessed at 6:45 p.m. and reconvened at 6:55 p.m.

Phil Bennardo stated he is a member of the North Merritt Island Homeowners Association; he disagrees with dissolving the North Merritt Island Dependent Special District; there are two primary reasons for that; he has been very pleased so far with the level of interest the new County Commissioner, Bryan Lober, has taken in issues affecting North Merritt Island; and he thinks he has been to every HOA meeting they have had since even before he was elected. He went on by adding the first issue is the Board overall have made several decisions in the recent past that have not been in the best interest of the residents of North Merritt Island; as examples, there is approving increased density, cruise ship parking, and things that have added to already existing traffic problems and flooding problems; there was an attempt about a year ago to use North Merritt Island as a dumping ground for toxic muck from the Indian River Lagoon; and those are only a few examples. He pointed out his other primary concern is there are numerous infrastructure problems on North Merritt Island that are either not being addressed or being addressed very slowly; one example, they have one fire station and it is in such a state of disrepair that the firemen have to sleep in an RV that is in the parking lot; and it is because the building is not habitable where they would otherwise sleep, and it has been like that for some time. He stated he does not know of any plans to correct that; he has heard it is possible they may want to close that fire station. He concluded by saying as a resident of North Merritt Island, they rely on the Dependent Special District board to be their voice and another level of representation to the Board; he does not want to see that go away; and he reiterated he strongly disagrees with dissolving the North Merritt Island Dependent Special District board.

May 7, 2019

Hugh Beins stated he just got this email a short time ago, and he will read it; he strongly objects to District 3's proposal to disband the Dependent Special District board; it is like their boots on the ground; the citizens let them know what the issues are; and then they address it to the Board, which he thinks helps in trying to get rid of the government. He read the email, as follows, "Our board is the only government that the North Merritt Island has being unincorporated where citizens can voice their opinions about rezoning requests in these areas. These boards then report these recommendations of the citizens to the Commissioners regarding the wishes of local citizens, and the Commissioner from Palm Bay wants these boards done away with. If you still want representation, the board is staffed with local volunteers with term limits whom we elect with a process in place for over two decades." He went on to say in the nation's capital they have the license plate that says 'Taxation without Representation'; and that is the way the citizens are going to feel if they do not have any representation by having one more level of volunteer government to give the Board more knowledge of what is going on, because it is a unique situation. He added the Florida Inland Navigation District (FIND) dumping all of that muck in there; there are more rezoning and rezoning trying to pack more people in there; it is quite a mellow area; there is wildlife, the Space Center, and very much flooding; and they have probably had the worst flooding ever in his 25 years there. He stated every acre of land that is concreted over and the roofing on the housing, the water cannot percolate in the soil, and the thousands of gallons of extras go into the streams; where he lives their water level has never been higher; the City of Palm Bay is over-populated right now; and they do not need that in North Merritt Island.

John Schantzen stated the Special District Board is democracy in action; it is Home Rule; it was established by referendum; and through the election cycle, its board members are elected, and they are not paid as they are volunteers. He went on to say he knows the destitute developers want one less step to pave over their community; and as one of his neighbors say, follow the money. He stated those destitute developers are probably generous contributors to election campaigns, whereas the homeowners who are less likely to have an extra dollar or two only have their word and their vote, and they use that vote to build that board and fill that board. He advised Merritt Island is a cash cow for Brevard County; they pay their fire fees; and they have the smallest station in the County, and it is in bad shape. He asked the Board to not support this Item.

Commissioner Lober stated he does not know how the various fire stations compare to one another; he asked if the fire station is the smallest station; and could he address as well what the prior speaker mentioned about the building not being habitable.

Frank Abbate, County Manager, stated he is not sure what fire station he is talking about, but the County just got done rehabilitating completely during the last year a station that had mold and other issues; he was speaking to Mr. Wallace right before this item to confirm that; and he does not know if he is speaking about the same station.

Commissioner Lober inquired if it was north of the Barge Canal.

Matthew Wallace, Public Safety Director, advised it is the North Merritt Island station; they literally just re-entered into it about a month ago after complete renovation.

Commissioner Lober stated he would like to have a longer conversation about this another day at Mr. Wallace's convenience.

Mary Hillberg stated she is the Chair of the special advisory board for North Merritt Island, and she has been for several years; North Merritt Island started this, they initiated it, and they worked to have this happen and to be theirs; they followed the plan of the Port St. John one, they are the ones who did it originally, because they felt like they were not being heard; they felt

May 7, 2019

they were a unique community; and the rest of the area was being paid attention to, and they were kind of like step children. She went on by saying North Merritt Island is a unique, very challenging area; as John Denninghoff, Assistant County Manager, Virginia Barker, Natural Resources Management Director, and staff can tell the Board, with all the stormwater systems, stormwater plans, the pumping, the ideas, and the redesigning, it is very expensive to keep them out of water. She pointed out the people there feel like they need to have somebody on their side, even though she knows they have their own Commissioner; it is a large District; and for them to come up here to speak each time for everything is difficult. She stated with the challenges they are having right now with the EDA and so forth, a lot of the information is not even moving; most people are not even aware they are having this discussion tonight; she would hope the Board would consider the aspects of the communities need; it does not cost anything, they volunteer, they are elected by the community members, they work hard, they study, and she does not know what the exact intent of this is; and Commissioner Tobia said it is shrinking the government. She noted the government can be shrunk just so much; the Board Members are the citizen's employees; the people do not want the Board to shrink; and they want the Board to stay where it is. She stated this is not something she thinks is an issue that is a really big ticket issue; this is a community of volunteers who are trying to help; and they pass on their advice to the Planning and Zoning Board.

Jack Ratterman, President of the North Merritt Island Homeowners Association, stated last night they had their monthly meeting, and there was a unanimous vote in support of the Special District Board; this board looks out for the interest of North Merritt Island; they are all volunteers; the cost to the community is zero; and they abide by the same rules as the Board with the Sunshine Law. He advised the people on the board are very dedicated; when there is an issue before the board, at least three or four of the members will visit the location that is under discussion; they try to do the best for the community; and they have no private interest in it at all. He noted if the Board is for transparency, this is what it is looking for to keep this board.

Commissioner Lober stated he has gotten a lot of outreach from constituents on this particular issue, and with no exceptions that come to mind everyone has been opposed to dissolving the Dependent Special District; based on what he has heard here, it is consistent with what he has heard in the past from his constituents; Merritt Island is kind of unique in the sense it is a big unincorporated area; it is not just big geographically, it is big in terms of population; and they have him, Merritt Island Redevelopment Area (MIRA), and North Merritt Island Dependent Special District board. He added given that it has been absolutely unanimous, or close to that, he would be opposed in anything that results in getting rid of that District; from his perspective, he hopes it will not pass; he does not know about Port St. John or if they have different tax structures than NMI board, but given that the goal, although it is a noble one, he does not know the goal overrides the concerns of his constituents; and whether he personally likes or dislikes the idea of having the District, given that it is absolutely overwhelmingly to the extent of being universal in favor of keeping this, he does not think he has much of a choice in it but to respect the will of his constituents and to go along with what they want him to do in this case.

Commissioner Pritchett advised she is in the same place with Port St. John; they are a great group of people; she hears from three out of four of these probably twice a month; they are out in the community; and they are really doing a great service. She went on to say it is a large area, large population, and this is one she is going to vote to keep.

Commissioner Tobia stated he was just looking for direction; obviously Sunshine precludes him from speaking to the other Commissioners; he pointed out 25 years ago when then County Commissioner Scott Ellis was up here he said these boards will never go away to spite the fact that there is a Sunshine clause in them; and he was very prophetic 25 years ago, and when he voted against these, he certainly knew what he was talking about. He noted he has done his due diligence not once but twice to try to shrink the size of government; the residents of North

May 7, 2019

Merritt Island are well represented by the Commissioner that sits to his right, as they were with the Commissioner who sat to his right prior to Commissioner Lober, and they have the exact same rights as everyone else when it comes to showing up for the Planning and Zoning, as well as showing up for the Board, as they are currently here; they are absolutely unique as is every community in Brevard County; and he is afraid that 25 years from now the County will have other dependent districts moving forward. He stated he promised to do his best to make government decrease in size, not increase the size of government; he thinks it is wonderful they voted to not dissolve their board in unanimous support of themselves, that is a noble vote; and with that he thanks the Board for allowing him to get the concerns, and it is very clear there is no support up here to shrink government today.

Commissioner Pritchett noted when they put the board in, Port St. John was a decent size, but it has grown into a city; it is a large area; they are not incorporated; and again, her concern is in District 1 they have one incorporated area, that is Titusville, and they have 44 percent of the unincorporated area of Brevard County in District 1. She pointed out she has all these people as a community and it is so beneficial, especially what they are trying to do, when they come together and help give ideas of what the community is looking at; maybe this board should be made so it does not sunset, because Port St. John is going to be around, and she does not want to make them incorporate; and she would rather keep them as a County area. She advised they are doing a service; they are helping the County out tremendously with costs because they are doing a lot of the leg work; they go to P&Z and state their case; if the area would have lost population, she could have seen where it might need to go away; but this is actually working like a city. She stated she thinks it is vital to have citizen participation.

Commissioner Lober stated it is a great goal to limit the size of government, but another goal that competes with it in this case is having access to government; and in his mind having access to government is the winner of the contest between the two. He explained it is a lot easier, and it is not just his assumption, he has had constituents tell him point blank that it is much easier for them to stay in North Merritt Island to essentially get their voice heard by the Board than to go to various different P&Z meetings and before the Board itself; and if that is what it takes to allow people to access the government and have their voice heard, he is in favor of it. He noted in terms of a concern of there being numerous other special districts popping up, he does not plan on proposing any; there would have to be some incredible circumstances for him to propose a new special district; if someone else proposed one, there would have to be incredible circumstances for him to support one; but all he can tell the Board is it has something that has a very clear set of benefits to his constituents; his constituents are beyond overwhelmingly in favor of it. He stated if those boards were dissolved, they would probably incorporate, and the Board would be paying people to essentially do the exact same functions; and in trying to shrink government, all the Board would have done in the end is to potentially expand it to a tremendous extent. He stated his thought is if they have him, MIRA, and the dependent special district and that is all they have because there is no municipality, especially given that the dependent special district cost a negligible amount of money to keep going, he does not see a case for dissolving them by any means. He pointed out he respects the goal, but he just thinks it is like a chess game where a person has to look a couple of moves down the road; it is horrifying to him to think what the cost to Merritt Island and the County would be were they to incorporate; and he believes if they have the feeling that the County as a whole does not care about them, does not want them to have the minimal representation that they have apart from the District 2 office, he does not have any good arguments for them at that point not to incorporate.

Commissioner Smith asked how much these two special districts cost the County in the course of a year.

Commissioner Tobia replied he looked at it from the red tape perspective as someone that was

May 7, 2019

looking at developing; what this does is set it back an extra level that if they decide to build in one of these areas, this requires them to go to a unique board that is a third level that they have to go to; he thinks transparency is absolutely ridiculous as everyone has the exact same opportunity to come to P&Z as well as the Board; it is an added level to those individuals who create jobs, and those that pay impact fees; and again, this was met to sunset. He stated he will go with the will of the people who decided this was the best idea for it to end at some period of time; but again, clearly, that advice given by Mr. Ellis was absolutely correct. He pointed out the cost to the taxpayers has to be borne by the amount of time that individuals who want to provide jobs and tax revenue is impacted, not just the direct dollars to the County.

Commissioner Smith advised so it cost nothing, so if it is shrunk, the Board is not shrinking government as there is no cost; as far as the fact it was supposed to sunset, evidentially there are more than a few boards before this one that did not agree with Scott Ellis; and for everyone to just mark this board as one more that does not agree with Mr. Ellis on this particular issue.

Chair Isnardi stated she appreciates Commissioner Lober looking out for his District as he should do; while she agrees it is important people have representation out there, she thinks the idea there are so much overkill with the representation out there; she thinks Merritt Island should have incorporated a long time ago in her opinion; the North Merritt Island Homeowners Association, the special district, and she agrees with Commissioner Tobia, which is surprising, because it has not been the case lately; and it is not just about shrinking government, it is about the amount of hoops people have to jump through and the overkill with oversight. She noted to say staff has no involvement would not be true; she is sure staff has to put those reports together as well, and it becomes part of the Board's Agenda; she thinks Port St. John may be a little bit different of a circumstance; a Board 10 years from now is going to say it cannot believe Merritt Island is not incorporated; and she thinks they do not get services because they are not incorporated, and they are not able to do the things they want to do. She stated while she agrees part of the area as Merritt Island as part of the County is the Board's job; she does not want to say she does not want to hear from people; homeowners associations are a good thing; but dependent special district, once they are created, they never go away.

The Board discussed dissolution of Port St. John (PSJ) and North Merritt Island (NMI) Dependent Special Districts, but took no formal action.

#### **ITEM J.6., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: TOURISM TAX BUDGET PLAN**

Peter Cranis, Tourism Development Director, stated this is legislative intent and permission to advertise regarding the tourism tax budget plan to lower the match requirement for tourism funding by Indian River Lagoon grants, and then amend Section 102-119; it is in two parts; the first one is a recommendation from the Tourist Development Council (TDC) in regards to the IRL grant program that is part of the beach committee; it has been a 3:1 grant that is written into the Ordinance; but the TDC is recommending lowering that to try to get more applications that would meet the grant requirements down to 2:1. He went on to say the second part is something that was identified by the County Attorney's office, and he agreed, which is the language in the Ordinance has got a 24-month time limit in there; and they would recommend taking that out and leaving it open, because if there were ever any need to change the allocation, they would certainly come before the Board to vote on that; they are not making any recommendation at this time to do that; they would recommend taking out that language. He noted there are then a lot of old numbers in there; he does not know how far back the Ordinance goes, but it looks like quite a few years, because the numbers in there do not match up with where the County is today; most other counties in the research they looked at did not have actual numbers in there regarding the tax collection by percentage, so staff would recommend striking those.

Commissioner Lober stated since he represents the County Commission on the TDC, this was an item that was a relatively hot button, but essentially as Mr. Cranis has suggested, the reason for lowering it from 3:1 to a lower number is simply because there are municipalities that are out there that do not have the ability to meet that 3:1, so it is not the County is essentially giving them more or requiring less from them, it is like they are looking to do this to enable projects that would never otherwise take place; with respect to this he would point out this is simply advertising it, and if there is some question, he would say to go forward with advertising it; the Board can have someone from each side of the discussion come and present when this comes back for a hearing; but there certainly were a couple of people opposed to it on the TDC; and there were many people in favor of it. He noted he will support this.

Commissioner Pritchett stated she is good with it, and she believes everyone voted the item through.

Chair Isnardi stated in actuality all of these municipalities contribute to the lagoon tax, so they may as well reap the benefits of projects for their area; and she will be supporting this.

The Board approved legislative intent and granted permission to advertise for a public hearing for amendments to the County's Tourism Development Tax Budget Plan, Section 102-119, Brevard County Code, regarding Indian River Lagoon grant funding, and either updating the anticipated net revenue figures, or deleting the language altogether.

<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 J.7., DISCUSSION OF TDC MEMBERSHIP AND TDC APPOINTEE(S)**

Commissioner Lober stated he wanted to use the opportunity to continue the discussion of the Tourist Development Council (TDC); first to have the opportunity in the Sunshine to see if anyone has had any ability to look at potential securing waivers, or putting together waiver requests for their TDC appointees; it is something unfortunately that needs to be handled sooner rather than later; and the worst potential result the Board may have for those folks who are serving on the TDC. He went on to say there has been a lot of discussion back and forth between his office and the County Attorney's Office over some of the Code that pertains to the TDC; his concern as he mentioned last meeting was to get this particular advisory committee up to par in the sense that it is operating according to the State Statute; one of the items that came to his attention by way of the County Attorney's Office in looking to do that is that the Board has a kind of gaping absence of a provision for addressing how to remove members were the need to arise to remove a member from the TDC; and essentially his view, taking off the Commissioner hat for a moment and putting the attorney hat on, is by and large in this country and in this State a person can do more or less what he or she wants to unless there is a law prohibiting that particular action. He added he invites the County Attorney to jump in as well if she has a difference of opinion on this, but that is one of the great things about living in America, and one of the great things about living in Florida, a person can do what he or she wants unless it is prohibited; his understanding is essentially now without there being anything addressing removal of a TDC appointee specifically in the Code, his read of that would be it would simply require a majority vote by the County Commission, and it can be with or without

May 7, 2019

cause; but the concern is it troubles him the Board has an absence of that particular information in the Code. He pointed out he thinks it is cleaner by all measures to have that in the Code; he is not asking to remove anyone; obviously he does not want to see Laurilee Thompson go, so he will put her mind at ease; but he would like to ask the Board to consider waiving legislative intent given this is something that could cause the Board problems and go straight to advertising an ordinance that would effectively codify terms of removal for TDC appointees such that an appointee can be removed with or without cause by a majority vote of the County Commission, which is consistent with the County Attorney's opinion of what the policy would be now if the Board were to ask for her best estimate of what the policy would be. He asked if that is accurate.

Eden Bentley, County Attorney, replied that is correct.

Commissioner Lober advised he is not looking at changing anything, he is looking at formalizing that and codifying that; also to help the Board out because this is another area of ambiguity, it could happen due to a variety of reasons, not simply due to removing someone, but if someone resigns or someone drops dead or gets terminally ill, that needs to be specified as well, and this is part of the motion, that any vacancies that are filled will not restart the clock for that appointee such that the appointee in filling a vacancy would only serve out the remainder of the term of that vacancy, so whatever the duration of term would be for that position whether it is due to removal or someone quitting or someone dying or otherwise being able to serve; and then lastly since the Board did briefly address term limits to the TDC, he would ask that the Board would also treat any partial term served in a manner that does not impact and does not count toward a term limit so that it is not impacted in terms of the maximum term of service. He stated he would not ordinarily ask to waive legislative intent, he thinks it is the first time he did that, but his concern is the Board could have some real problems and have a potential argument from someone looking at essentially grasping at straws to stay on, and the Board really needs a mechanism by which to deal with major issues that come up that necessitate and warrant removing a particular member; but again, he is not asking to remove anyone, but he is going to make the motion to advertise that legislative intent to essentially codify what the County Attorney's and his impressions are with respect to removing folks, with the two caveats he added the vacancies being filled not restarting the clock, and also that not counting toward a term limit, so essentially filling a vacancy will not count for or against a person in determining how long someone's been on the TDC.

Commissioner Pritchett asked if this would be exclusive of all boards, because this discussion has been had up here before; and a new Commissioner got on, someone had already appointed a person.

Attorney Bentley advised there are two places where this language can be added; it can be put in the TDC Code, which is Section 102, or it could be done in Chapter 2 and have it applied to all advisory bodies; there is a uniform advisory board Code section; and it can go in either place really.

Commissioner Pritchett stated she knows the Board had a conversation before and it is getting ready to have a workshop on it about the fairness of an exiting Commissioner throwing someone on a board and it does not give the new Commissioner an opportunity, so the Board can do that if it does this and it would be able to bring some type of remedy to that; and it would open up the ability of the new Commissioner.

Chair Isnardi noted that makes sense and it would take care of both of those problems.

Commissioner Lober stated obviously the wording would have to be worked out, but essentially if it is not otherwise specified then the Board can default to that; he was not looking at doing

May 7, 2019

something that broad with this, but if that is the mood of the Commission he is happy to support that as well and he is happy to modify the motion accordingly; and basically the Board can make everything generic and say with respect to any term limits which may or may not be applicable filling a vacancy shall not count toward or against that.

Attorney Bentley stated she thinks that language can be included, the County has the same absence language about terms and what happens with a resignation or vacancy for a number of the advisory boards, so that can be helpful in that instance as well.

Commissioner Lober stated if the County Attorney has no concerns he is happy to modify the motion essentially to make it generic to anything where there is nothing in conflict with what the Board is proposing at this point, but otherwise maintaining the same.

Attorney Bentley stated she thinks that can be managed.

Commissioner Pritchett stated airing on the side of things she has heard Chair Isnardi and Commissioner Tobia say in the past, because they have always wanted due process, she would like to know their thoughts on that.

Commissioner Lober stated the reason to him seemed to appropriate to ask to waive the typical policy, and he has not done it before as he mentioned, because they could have a tremendous black eye and have a delay in the Board's ability to react to it; if someone goes absolutely nuts and kills someone or kill a series of people, he or she may still be sitting on the TDC board as the Commissions appointees while it is trying to work through this process; he does not think that anyone is going to go buy an axe or go crazy on the TDC, but the Board could have someone do something profound, illegal, or totally immoral to the point the Board all wants to get rid of this person, but there would be potentially a greater susceptibility to an argument that there was some vagueness or ambiguity in a way that this was not addressed; and he sees this as a glaring omission which the Board needs to address a little bit quicker in an abundance of caution. He noted if nothing happens there is no advantage of doing this now, but he is just concerned the Board cannot count on everything working out the rosier possible way that it could; he reiterated he does not know if anything crazy is going to happen between now and the next couple of months; but he is concerned that if something happens like someone getting horrible media coverage due to some malfeasance on their part either with the TDC or with their own business entity, now the Board is in a bad spot; and there is a sense of urgency that may not otherwise be there.

Commissioner Tobia inquired taking Commissioner Lober's scenario, if someone committed a felony and this was not to go through, does the Board or anyone have the ability to remove a member of the TDC for cause, because murder as he mentioned probably would be cause.

Attorney Bentley replied at the very beginning of Commissioner Lober's discussion he mentioned that the Ordinance is silent as to removal; there are no provisions about removal in the County's Code; given the absence of language, she would say the Board has the ability to remove people at this time; this would simply codify the process and make it very clear what would happen with the terms and the procedure for doing so; for example, with Merritt Island Redevelopment Agency (MIRA) there is a removal for cause procedure and it has a notice period; and the Board can do things like that if it is codified.

Commissioner Tobia asked the County Attorney if she is concerned that someone on the TDC board would do something so egregious that would require, assuming this did not go through in the time manner he is trying to facilitate this, that they would commit that serial murder, the Board would vote to remove them off of the TDC, and they would come back and potentially have some cause of action against the Board for removing them for cause, because it is silent

May 7, 2019

and the Board had not yet codified that.

Attorney Bentley responded no, she thinks the Board can in the absence of language; it just is not a clear procedure in how the Board does it; it would have to create the procedure for doing it that is all; and the Board does not have to create a Code to do that. She reiterated it is just silent, the Board can proceed.

Commissioner Tobia stated he does not disagree with the premise but he does not have anything; when he was in the Legislature there was something called a shell bill; and what Commissioner Lober has presented to the Board is a shell bill, and it is pretty substantive. He noted he does not disagree with the premise Commissioner Lober is going for, except he just has not seen it; the good news is it will not cost the taxpayers any money; he is not opposed to waiving the advertisement all together, because that is something the Board has set up; however, he asked why in this circumstance. He stated Chair Isnardi explained it well when it came to the CSC why the Board needed to go forward with that; but with this one the Board has the right to remove someone for cause right now, what situation, a real life situation, or an ability why the Board would have to shorten this by a two-week period.

Commissioner Lober stated this is entirely hypothetical, he is not daring to accuse anyone of doing anything like this, but say the Board has information that comes up that says an appointee is giving kickbacks or is found to have given kickbacks to a prior County employee in order to drive room nights at his or her hotel, that would be a problem; if that gets covered in the news and that is something that comes up he would be very concerned; he doubts that would come up in the next day; he is talking about something along those lines, but not that particular hypothetical; and he does not know what he does not know, and it concerns him. He advised the whole reason to do this in an expeditious fashion is to put the Board on the best possible footing; he agrees with the County Attorney 100 percent on what she has said so far with respect to this item; he thinks it is not giving the Board any additional rights that it otherwise does not already have; but it is codifying them to keep it clean and everything on the up and up. He noted in an abundance of caution it is always better to have a clear process; all the Board would be doing is codifying the process which already exists; and that is how he sees it different than taking some massive step that is changing some fundamental aspect of County government. He stated he can come up with several hypothetical instances; if someone starts bad mouthing everyone else on the TDC and it gets run, and they are essentially toxic to the TDC to the point the County is in a bad spot and it is causing a black eye, that is possible; he does not know what people are going to do; it is not dealing with just one individual, it would be a number of individuals all of whom have their unique life experiences and circumstances; and someone's wife or husband could leave them and he or she could go off of the deep end and do something. He stated he does not know what may or may not happen, but he is concerned there is a glaring omission that it is not addressed; and the Board could deal with it, but rather than dealing with it in the way it is currently available, he would rather deal with it with the same options available to the Board in a cleaner fashion that essentially keeps the Board above board all the more so.

Commissioner Smith stated he has not heard anything here this evening that would cause him to think this has to be fast-tracked and bypass normal procedure.

Frank Abbate, County Manager, stated a week from Thursday there is a workshop at 1:00 p.m. where staff will be bringing up Board Policies that relate to 60-plus advisory committees; he was working today with staff on a PowerPoint presentation to give the Board the overview of a variety of items that relate to advisory committees; and there are different Ordinances currently in play, two or three, that may be applicable, and the County Attorney mentioned one of them. He went on to say when staff gives the Board the overview they will be asking where the Board would like different direction from where they are now, so hopefully the Board will be able to

May 7, 2019

bring those packages given to it on the 60-plus advisory committees, staff will give an overview of what they did and what is currently applicable, and then they will have the opportunity for Board discussion and public comment in terms of things that it wants to change. He pointed out there may be a number of issues on a global basis the Board may want.

Commissioner Lober stated he is happy to narrow it back to just the TDC, but he is just concerned; it is the same reason people buy insurance, they hope they never need it, but when they do it is nice to have it; and this is something that it would be very nice to have this in place were the need to arise.

Commissioner Pritchett stated she would like to do this for all of the boards; she would rather just follow the process, and that would give the Board Members time to get all of the telephone calls; and that way it can be figured out what is being looked at.

Commissioner Lober questioned if this is put off to the workshop Mr. Abbate identified, could it still be brought back at the end of the month at any of the meetings to be able to resolve or would it put the item back into June at this point if the first hearing is not waived.

Mr. Abbate responded it would actually bring the Board into July.

Commissioner Lober advised that is his concern; but for that he would be happy to push it back if a person is talking a week or two; and that would be many weeks.

Commissioner Pritchett asked if it can be brought to the workshop for the Board to make a better decision then.

Commissioner Lober stated the problem is if the Board does it on that date, it would not be able to get it finalized before it is out for the month. He noted he is going to maintain the motion as it is, but if it dies for lack of a second, it dies for lack of a second.

Chair Isnardi pointed out she would second for further discussion, but she does not think he has the support; she likes the idea of codifying it; but that is probably where she would stop. She advised when a few more rules are added to it, it is probably something that can be addressed at a workshop. She stated if the Board has the ability to do it now, she does not see what the harm would be in making that legal opinion more solid.

Commissioner Tobia stated since this is an ordinance, the Board would have one more opportunity; it is very easy to vote for something for legislative intent, because many times the Board does not necessarily have it in writing; but since this is an ordinance and something that would come back, he is going to take Commissioner Lober at his word that this is just an insurance policy and he is not targeting anyone on the TDC; and he would second this for fast tracking it and foregoing the notice.

Chair Isnardi explained she likes the idea of legislative intent; when something is put on the Agenda it should be complete and the information should be available to the public for several days before a meeting, perhaps over a week or more; but the legislative intent was because staff was getting inundated with bazaar requests, so staff was putting in hours and days in research on items that did not have a chance of going anywhere, or no movement would ever be made during Board meetings; and legislative intent is not solely for public notice, but it is basically to make sure there is order, and the desire of the Board to hear the items. She reiterated she is okay waiving legislative intent because she believes it is giving plenty of public notice.

Commissioner Lober noted he wants to clarify a concern Commissioner Tobia brought up earlier

May 7, 2019

in terms of essentially the shell bill, and Attorney Bentley can jump in if her recollection is different than his, but the Board discussed a lot of different items pertaining to TDC membership, and he does not believe it was until a couple of days ago, it was certainly this week, that they had finalized the direction they wanted to go with this; his intention of putting this on the Agenda was to preserve the Board's ability to discuss it; but just as he mentioned before there are certain things which the Board has knowledge of timely enough that it can be put on the Advanced Agenda; and there are certain things which come up that have to be add ons and certain things that cannot be. He went on by saying rather than having this come up under a Board Report, which he thought was ill advised where essentially people have no idea what he is going to talk about; he made it authentic as he could but he did not have a final answer from the County Attorney's Office; it is not due to any wrong doing or slacking on Attorney Bentley's part; but they had just been going back and forth so many times; and he believes it was two days ago that it was firmed up. He stated it is not where he is trying to sneak something in or do anything like that; but he appreciates the support.

Chair Isnardi asked if this is only for the TDC.

Commissioner Lober replied if the Board wants him to limit it and essentially leave it that way, he is happy to leave it that way; and if Commissioner Tobia's second still stands, he would appreciate that.

Commissioner Pritchett stated she thinks there need to be something in place where the Board can remove people on advisory boards; the TDC has a few cranky members, but it would not be enough to remove them; and she really does not understand this. She pointed out the Board should have that information if it is going to break Policy to do something, because there is nothing; and the Board is sending out a message about advisory board members. She went on to say she thinks it is too ambiguous; clearly if someone on the advisory board is breaking the law, it will remedy itself; she is concerned of the message that is being sent out to the board members; and she noted she is dealing with hit and miss information right now. She stated she thinks the Board should do it for all of the advisory boards; but she does not know what process cannot be followed. She reiterated she does not know why the Board is voting on this right now so quickly.

Commissioner Lober stated again he wishes he could provide Commissioner Pritchett information; he thinks she is looking for information he really may not have; it is simply to codify the mechanism in place; he would understand her concern more so if he was either expanding or limiting some function that the Board would otherwise have; but all he is doing is trying to put in Code the Policy which the County Attorney already believes is in place. He pointed out were the Board to change something, he would certainly see there being a benefit in advertising this potentially more so or as much as possible; but he reiterated nothing is being changed, it is simply cleaning things up; and it would be great to have this with all of the boards. He noted since he is on TDC, his concerns are with the TDC, just like his concern at the last meeting was regarding his TDC appointee; he is open to doing this with all of the boards, but his particular concern is with the TDC, because that is the advisory board he is serving on; and he respects it if Commissioner Pritchett cannot support it and he will not take it personally.

Chair Isnardi stated she is more inclined to support it if it includes all of the boards; it not only holds the board accountable if someone does want to remove someone who is on the board, it actually makes it more public; and this way it has to come back to the Board to look for support for removing someone. She stated if a person is becoming a problem on a board or not showing up for meetings, that is important, or if a Commissioner has a better representative that is more of an expert in a field; and in order to be fair, she thinks it should be applied to all of the boards. She asked Commissioner Lober to have his materials together in time for the publication of the Agenda. She advised as long as the Agenda Item is in place, the Board will

May 7, 2019

have enough time for the notice.

Attorney Bentley stated the ad would have to be to the *Florida TODAY* by tomorrow at noon in order to make the 31<sup>st</sup> Agenda, so staff will have to work very quickly.

Mr. Abbate asked if that is the Agenda the Board is shooting for.

Commissioner Lober noted as long as it is done this month he is fine; if it has to be a Zoning meeting, it can be kicked back an extra few days to give the County Attorney some breathing room if the Board is okay with that; he is not worried about a day or two; and he is worried about a month plus long gap.

Attorney Bentley explained if the Board is okay with this being on the Zoning meeting, staff would very much like to have that fallback position in case they do not make the target date.

Chair Isnardi pointed out it would be better if it is because she is not going to be at the meeting on the 21<sup>st</sup>, which she was going to express during Board Reports.

Commissioner Lober stated if he can maintain Commissioner Tobia's support, he is happy to phrase it to apply to all advisory boards.

Commissioner Tobia advised he was more comfortable with just the TDC in all honesty; again, the Board gets one more crack at this; and his second holds either way.

Commissioner Pritchett stated she would prefer all boards; she will support this when it comes back; she is going to vote no on this just because she would rather not be in a hurry; and just so the Board knows, she thinks it is a good idea. She stated she learned whenever she does anything without having information or as a crisis, she usually makes bad decisions.

Chair Isnardi called for a vote on the motion.

The Board waived legislative intent and granted permission to advertise for an ordinance codifying terms of removal of all advisory board appointees, specifying that any vacancies that are filled will not restart the clock for that appointee, such as that appointee in filling a vacancy would only serve out the remainder of the term of that vacancy, to treat any partial term served in a manner that does not impact and does not count towards a term limit so that it is not impacted in terms of the maximum term of service, and to bring it back to the Board for its consideration at its May 30, 2019, Board meeting.

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

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

Commissioner Lober expressed his appreciation to Tad Calkins, Planning and Development Director; he had a fund raiser for the Merritt Island Volunteer Fire Department on Sunday,

May 7, 2019

and he was kind enough to come out; it was brought to his attention there may be some folks who had questions pertaining to Board action that took place prior to his time on the Board; and he was an invaluable resource, and he certainly did have an opportunity to address some of the questions folks had which were beyond his range of knowledge. He reiterated his thanks to Mr. Calkins and the Planning and Development folks.

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

Commissioner Tobia stated it is somebody's Birthday today; he is a beer aficionado, he is an amateur astronomer, he is a Game of Throne's fan, he is a legal scholar, he is an all-around great guy, and the fact he is here at 7:57 p.m. tonight speaks to he may need some mental counseling on this one; he thanks Billy Prasad for all of his hard work; and he wished him a Happy Birthday.

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

Chair Isnardi advised the Board she was not going to be at the meeting on the 21st; she is going to try to call in; her son is graduating from Army aviation training; and she would not miss that unless something else bigger was happening. She pointed out there are not many things bigger than that. She stated she may be on the road driving; if she is physically doing the driving, she will not be very productive, active, or helpful member of the Board; but if she is not driving, she will call into the meeting. She asked the Board Members to support Commissioner Lober as he is being thrown into the deep end; she stated she does not think people realize what goes on up there; and it can get a little bit nerveing. She stated she is sitting as part of the Space Summit in Orlando, and she will let everyone know how that goes; she thinks everyone got an invite, but she is part of the panel; and she asked the Board to wish her luck and pray she represents Brevard County well. She stated she will let the Board know how her Washington, D.C. trip goes; they are meeting with the Secretary of the Air Force, which is exciting; and she will keep the Board abreast on everything.

Commissioner Lober stated since he will be parked in Chair Isnardi's seat at the next go around, he has asked Mr. Abbate to place himself next to front and center to keep him out of trouble; and if anyone sees Mr. Abbate here, that is at his request, to make sure he does not make any catastrophic failure.

**ADJOURN**

Upon consensus of the Board, the meeting adjourned at 8:00 p.m.

ATTEST:

May 7, 2019

---

SCOTT ELLIS, CLERK

---

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