

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

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on May 21, 2019 at 9:06 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

Call to Order

CALL TO ORDER

Attendee Name	Title	Status	Arrived
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	Absent	

MOMENT OF SILENCE

Vice Chair Lober called for a moment of silence.

PLEDGE OF ALLEGIANCE

Commissioner Smith led the assembly in the Pledge of Allegiance.

MINUTES FOR APPROVAL

The Board approved the April 9, 2019, Regular meeting minutes.

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

ITEM E.1., RESOLUTION, RE: RECONIZING THE WEEK OF MAY 19-25 AS EMERGENCY MEDICAL SERVICES (EMS) WEEK

Commissioner Pritchett read aloud, and the Board adopted Resolution Number 19-086, proclaiming May 19, through May 25, 2019, as Emergency Medical Services (EMS) Week.

Chief Mark Schollmeyer, Fire Rescue Director, expressed his appreciation for the Resolution. He stated EMS is the bulk of what his agency does; the agency runs approximately 79,000 EMS calls per year and they transport almost 52,000 patients each year with 30 ambulances; those numbers are logistically quite an accomplishment; but those are just reactive numbers; and they

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are one of the few agencies that are both proactive and reactive. He continued proactively through the community health program, they assist patients during the opioid crisis, they get in front of certain trends and issues, and they also teach hands for CPR for the community, so they are ahead of certain issues.

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

MINUTES FOR APPROVAL

The Board approved the April 23, 2019, Regular meeting minutes.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	John Tobia, Commissioner District 3
AYES:	Rita Pritchett, Bryan Lober, John Tobia, Curt Smith

ITEM E.2., PRESENTATION, RE: 2019 4-H YOUTH TROPICANA PUBLIC SPEAKING CONTEST WINNERS

Beth Shephard, University of Florida/Extension Services Director, stated this is the 4-H presentation for the Tropicana Public Speaking Contest winners; and she will turn this over to Andrea, a 4-H agent, who is going to bring up the speakers.

Andrea stated the two students she brought with her participated in the Tropicana Public Speaking Program this year; this is a school enrichment program that is offered through 4-H for fourth, fifth, and sixth graders throughout the County; they all actually research, write, and deliver a speech of their own interest; and this year there were 578 students who participated throughout the County, so the students she brought beat out 576 other students to be in attendance today. The fourth and fifth grade winner is Aaron Gordon and he attends R.L. Stevens Elementary and his topic is the weather.

Aaron Gordon read his speech about the weather.

Andrea stated a child from Palm Bay Elementary who is a sixth grader will be speaking about technology.

The student read his speech on technology.

ITEM E.3., RESOLUTION, RE: RECOGNIZING INDIAL RIVER LAGOON (IRL) APPRECIATION DAY

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Commissioner Pritchett read aloud, and the Board adopted Resolution No. 19-087, recognizing June 1, 2019, as Indian River Lagoon Appreciation Day.

Melissa Martin expressed her appreciation for the Resolution. She stated she thinks having a rallying date of June 1, 2019, being the kickoff of the fertilizer ban is a nice time for everyone not only to remember and appreciate but to also do something extra. She believes every resident can abide by the fertilizer ban, do something more about their septic systems or their sewage lines, they can talk to their neighbors, businesses can put up signs; people can be very creative in this venture; it takes a community; and she believes the County needs the public awareness on these issues.

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

ITEM E.4., RESOLUTION, RE: NATIONAL SAFE BOATING WEEK

Vice Chair Lober read aloud, and the Board adopted Resolution No. 19-088, proclaiming May 18 through May 24, 2019, as National Safe Boating Week.

A representative for boating safety expressed his appreciation for the Resolution.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	John Tobia, Commissioner District 3
AYES:	Rita Pritchett, Bryan Lober, John Tobia, Curt Smith

ITEM F.5., ACCEPTANCE OF BINDING DEVELOPMENT PLAN, RE: HAPPY LANDINGS HOMES, INC.

Ginger Knox stated she supposes she only gets to make her comments and not go over all the arguments she had that were not originally heard; as the Board knows she has put in an appeal for this matter, which has been completely ignored; apparently there is not an appeal process for any information that is passed at the Board level; she took it to the County Court and they brought it back to the Board; she was then told by the Zoning Office that there is not actually an appeal process, so as far as she knows she cannot appeal the Board's decision even though it was not posted correctly, it was not noticed per law, and she was not allowed her time to speak during the matter because she was told it was going to be pulled from the Agenda; and Chair Isnardi called for a vote anyways. She noted she just wanted to be on public record to say there was an appeal filed within the 30 days that is stated in the Code and that an appeal can be filed; the appeal was completely ignored because apparently there is not an appeal process that citizens are privy to, maybe an attorney could figure it out, but not the citizens; she was sent to the court then sent back to the Board; she was told no one knows how to do the appeal; and she wants the citizens of Brevard County to know that when she came to do her PowerPoint presentation that was provided prior to the meeting, she was told by Chair Isnardi not to go through the PowerPoint presentation because Mr. Scott Knox was not going to go for this

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zoning change. She added after she sat down, Chair Isnardi called for the vote without letting her come back up and do the presentation that was provided to the Board. She explained she wants everyone in this County to know that this matter being voted for today was not properly noticed, she was not given her time as a citizen to tell anybody about no traffic studies being done, and all of the things that were neglected on this, and she believes that is because Mr. Knox is the attorney, otherwise, she does not feel this would have ever been pushed through like this if he was not the attorney on this matter; and she believes the Board has dropped the ball on this tremendously. She noted she is going to try to continue the appeal process on this because everyone will continue to watch this meth rehab that is going into a Viera Suntree residential area, throughout this process and see if the Board continues to let it go without any oversight from the County; and she can see that Chair Isnardi is not in attendance for obvious reasons, but for everyone else in the County maybe there is a little more going on with this rehab that the Board needs to look into.

Vice Chair Lober stated Chair Isnardi is out because her son is graduating U.S. Army Aviation Logistic School in Virginia so she is out there with her family celebrating, otherwise, she would be in attendance.

The Board accepted the Binding Development Plan (BDP) Agreement with Happy Landings Homes, Inc., and the applicant's attorney asked that the BDP not be recorded.

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

ITEM F.1., AMENDMENT, RE: MOSQUITO CONTROL ANTHROPOD CONTROL BUDGET

The Board authorized the Chair to execute the State of Florida, Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, Antropod Control Budget Amendment.

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

ITEM F.2., MEMORANDUM OF UNDERSTANDING WITH THE FLORIDA DEPARTMENT OF HEALTH, RE: EVALUATE ALTERNATIVE NITROGEN REDUCING MEDIA FOR SEPTIC DRAINFIELD

The Board authorized the Chair to execute the Memorandum of Understanding with Florida Department of Health to evaluate alternative nitrogen-reducing media underneath conventional septic system drain fields, subject to County Attorney and Risk Management approval.

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

ITEM F.3., COST-SHARE FUNDING AGREEMENT WITH THE CITY OF COCOA BEACH,RE: AMENDMENT TO PHASE III MUCK DREDGING

The Board authorized the Chair execute an amendment substantially in the form of Amendment 1 to the Cost-Share Funding Agreement with the City of Cocoa Beach pending County Attorney and Risk Management review and approval; and authorized any associated budget change requests.

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

ITEM F.4., REQUEST TO ADVERTISE, RE: SYKES CREEK PHASE I - MUCK REMOVAL PROJECT

The Board authorized advertisement of the Sykes Creek Phase I Muck Removal Project; authorized the Chair to execute all associated construction contracts and change orders, subject to County Attorney and Risk Management review and approval; authorized the County Manager to execute Task Orders up to \$250,000 for engineering services necessary to complete this Capital Improvement Project; and authorized any budget change requests associated with Sykes Creek Phase I Muck Removal Project.

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

ITEM F.6., STAFF DIRECTION, RE: REOPEN PUBLIC HEARING FOR (18PZ00159)

The Board directed staff to reopen public hearing for 18PZ00159, on behalf of a request by Joseph J. and Barbara J. Tulski, to allow for consideration of amending the subject Binding Development Plan (BDP) to be continued to a later date following re-advertisement and re-noticing.

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

ITEM F.7., REQUEST #14 FROM SCHOOL BOARD OF BREVARD COUNTY, RE: DISBURSEMENT OF EDUCATIONAL IMPACT FEES

The Board authorized the disbursement of Educational Facilities Impact Fees in the amount of \$2,738,690.88 to the School Board of Brevard County in accordance with the terms of the Interlocal Agreement; and authorized the Budget Office to execute any budget changes required to implement this disbursement.

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

ITEM F.8., APPROVAL OF FINAL PLAT AND CONTRACT, RE: EGRET'S LANDING PHASE 3 OPEN SPACE SUBDIVISION (18SD00002)

The Board granted final plat approval; and authorized the Chair to sign the final plat and execute the Contract with Egret's landing MI, LLC for Egret's Landing Phase 3 Open Space Subdivision, subject to minor engineering changes as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

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

ITEM F.9., APPROVAL OF FINAL PLAT AND CONTRACT, RE: HICKORY RIDGE PHASE 1 (17SD00015)

The Board granted final plat approval; and authorized the Chair to sign the final plat and execute the Contract with Granite Property Development, Inc. for Hickory Ridge Phase I, subject to minor engineering changes as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

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

ITEM F.10., ACCEPTANCE OF DONATION OF DRAINAGE EASEMENT FROM MCLALLEN (OWNER), RE: ARCHER COURT DRAINAGE IMPROVEMENT PROJECT

The Board accepted the donation of the drainage easement from James I. McLallen, III, as personal representative of the estate of Ethel H. McLallen, for the Archer Court Drainage Improvement Project.

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

ITEM F.11., ACCEPTANCE OF DEPARTMENT OF THE ARMY CONSENT OF EASEMENT, RE: USE OF CORPS OF ENGINEERS RIGHT-OR-WAY - VETERANS MEMORIAL DOCK REPLACEMENT PROJECT

The Board approved and authorized the Chair to execute the Department of the Army Consent to Easement to Use Corps of Engineers Right-of-Way for the Veterans Memorial Dock Replacement Project.

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

ITEM F.12., PERMISSION TO PIGGYBACK CONTRACT WITH CITY OF KANSAS CITY, RE: ELEVATOR MAINTENANCE AND REPAIR

The Board authorized staff to piggyback City of Kansas City contract GENRL-EV 2516 for elevator maintenance and repairs; and authorized the Chairman to sign associated Contract.

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

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ITEM F.14., FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) PUBLIC TRANSPORTATION GRANT AGREEMENT, RE: SECURITY UPGRADES AND IMPROVEMENTS

The Board approved the FDOT-funded Public Transportation Grant Agreement for airport security upgrade projects; and authorized the Budget Office to make any necessary budget changes to implement these actions.

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

ITEM F.15., APPROVAL, RE: HURRICANES HERMINE AND MATTHEW COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS THROUGH THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY

The Board authorized the County Manager to sign a Subrecipient Agreement with the Florida Department of Economic Opportunity, upon approval of Risk Management and the County Attorney's Office; authorized the County Manager to sign any future amendments or modifications with the Florida Department of Economic Opportunity upon approval of Risk Management and the County Attorney's Office; authorized the Housing and Human Services Director to sign related sub-contracts, amendments, and modifications with the Melbourne Housing Authority, upon approval of Risk Management and the County Attorney's Office; to submit all required forms, including environmental reviews, to the Florida Department of Economic Opportunity; and authorized the County Manager to sign all necessary budget change requests.

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

ITEM F.16., APPROVAL, RE: CONFIRMATION OF NEW MEMBERS TO THE BOARD OF DIRECTORS OF GOLF BREVARD, INC.

The Board approved confirmation of **Jeff Pearce** to the Board of Directors of Golf Brevard, with term expiring May 31, 2021; **Jim Cravens** to the Board of Directors of Golf Brevard, Inc., with term expiring May 31, 2022; and **Rick O'Connor** to the Board of Directors of Golf Brevard, Inc., with term expiring May 31, 2022.

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

ITEM F.17., APPROVAL, RE: TOURIST DEVELOPMENT COUNCIL APPOINTMENT TO THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM SELECTION AND MANAGEMENT COMMITTEE

The Board acknowledged the appointment of **Kim A. Zarillo** as a citizen volunteer to the Environmentally Endangered Lands Selection Committee, with term expiring December 31, 2020.

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

ITEM F.18., APPROVAL OF CONSTRUCTION MANAGER CONTRACT WITH RUSH CONSTRUCTION, INC., RE: DOCK REMOVAL AND INSTALLATION AT FISHERMANS LANDING

The Board authorized the Chair to execute Construction Manager Contract with Rush Construction, Inc.; authorized the Chair to execute all related contracts; and authorized the County Manager to approve all necessary budget change requests for repairs to the dock at Fisherman's Landing.

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

ITEM F.19., APPROVAL OF CONTRACT AMENDMENT WITH ENTERPRISE LEASING, RE: SPACE COAST AREA TRANSIT VANPOOL PROGRAM

The Board approved and authorized the Chair to execute Amendment No. 6 Vanpool Management Services for Space Coast Area Transit for a 60-day contract extension, until July 29, 2019, with Enterprise Leasing LLC.

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

ITEM F.20., APPROVAL OF INTERLOCAL AGREEMENT WITH CITY OF ROCKLEDGE, RE: PROVIDING TRANSIT TRASH CANS AND CIGARETTE BUTT CONTAINERS

The Board approved and authorized the County Manager to sign an Interlocal Agreement with the City of Rockledge for the Purpose of providing Transit Trash Cans and Cigarette Butt Containers within City limits.

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

ITEM F.21., RESOLUTION AND GRANT APPLICATION FOR FISCAL YEAR 2019-2020, RE: FEDERAL TRANSIT ADMINISTRATION URBANIZED AREA FORMULA GRANT

The Board adopted Resolution No. 19-089; authorized the Chair to sign the Grant Application and the Designation of Signature authority allowing the Transit Services Director to execute and submit the grant electronically, contingent upon County Attorney and Risk Management approval; authorized the Transit Services Director to execute any additional follow-up documentation/resolutions and amendments necessary to secure these funds; and authorized the County Manager to execute any necessary budget change requests.

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

ITEM F.22., RESOLUTION AND GRANT APPLICATION, RE: TRANSPORTATION DISADVANTAGED INNOVATION AND SERVICE DEVELOPMENT GRANT

The Board adopted Resolution No. 19-090; approved and authorized the Chair to execute Grant Application, the Standard Assurances, and the Public Transportation Grant Agreement, if funding is awarded, contingent upon the County Attorney and Risk Management approval; authorized the County Manager to execute necessary budget change requests; and authorized the Transit Services Director to execute any additional follow-up documentation/resolutions, and amendments necessary to secure these funds.

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

ITEM F.23., REQUEST FOR EXISTING CONTRACT EXTENSION WITH ADVANCED DATA PROCESSING, INC., A SUBSIDIARY OF INTERMEDIX CORPORATION, RE: EMERGENCY MEDICAL SERVICES BILLING AND RELATED PROFESSIONAL SERVICES

The Board granted approval to extend its current contract with Advanced Data Processing, Inc., a subsidiary of InterMedix Corporation, for an additional extension period from June 2, 2019 through September 30, 2019, to facilitate the implementation time required for the newly selected vendor, McKesson, to begin providing patient billing services.

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

ITEM F.24., INTERLOCAL AGREEMENT WITH SCHOOL BOARD OF BREVARD COUNTY, RE: SHELTERING COSTS

The Board approved the Interlocal Agreement with Brevard Public Schools regarding emergency sheltering costs; approved necessary budget change request transferring funds from General Government Restricted Reserves to Reimbursable Contracted Services; and authorized reimbursement to Brevard Public Schools for Hurricane Irma sheltering operations expenses upon receipt of the fully executed Interlocal Agreement.

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

ITEM F.25., AUTHORIZATION, RE: MUNICIPAL REVIEW OF LOCAL OPTION GAS TAX (LOGT) PERCENTAGES ALLOCATIONS

The Board approved directing the Clerk to the Board to mail a copy of the Local Option Gas Tax (LOGT) percentage allocations to each municipality for review; and authorized the Board to conduct the final reviews of the allocations at the July 9, 2019, Board Meeting.

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

ITEM F.26., RESOLUTION AND INTERLOCAL AGREEMENT, RE: DISSOLVING SPACE COAST INFRASTRUCTURE AGENCY

The Board adopted Resolution No. 19-091; and approved the Interlocal Agreement to dissolve the Space Coast Infrastructure Agency.

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

ITEM F.27., APPROVAL, BUDGET CHANGE REQUESTS

The Board approved the Budget Change Requests.

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

ITEM F.28., ACKNOWLEDGE RECEIPT, RE: AUDITED ANNUAL FINANCIAL STATEMENTS FOR MELBOURNE-TILLMAN WATER CONTROL DISTRICT FOR FISCAL YEAR 2017-2018

The Board acknowledged receipt of the audit of the annual financial statements for the Melbourne-Tillman Water Control District for FY 2017-2018.

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

ITEM F.29., ACKNOWLEDGE RECEIPT, RE: FISCAL YEAR 2017-2018 MERRITT ISLAND PUBLIC LIBRARY TAX DISTRICT SEMIANNUAL REPORT

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The Board acknowledged receipt of Fiscal Year 2017-2018 Merritt Island Public Library Tax District Semiannual Report.

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

ITEM F.30., ACKNOWLEDGE RECEIPT, RE: FISCAL YEAR 2020 PROPOSED BUDGET OF WILLOW CREEK COMMUNITY DEVELOPMENT DISTRICT

The Board acknowledged receipt of the FY 2020 proposed budget for the Willow Creek Community Development District.

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

ITEM F.34., APPROVAL, PRECINCT BOUNDARIES - ALTERED AND ADDED

The Board approved the revised precinct boundaries due to precinct consolidations and annexations by the Cities of Melbourne and West Melbourne.

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

ITEM F.13., ACCEPTANCE OF WARRANTY DEED FROM PALM GARDENS DEVELOPMENT, LLC, RE: TRACT D RIGHT-OR-WAY AS DEDICATED ON PLAT RECORDED IN PLAT BOOK 66, PAGE 63

Vice Chair Lober stated since this is a District 5 Item and the Commissioner is out for good reason, he was hoping someone might consider moving it and placing it on a subsequent Consent Agenda.

Commissioner Pritchett inquired if there would be any problems if the Board were to table this.

Corrina Gumm, Interim Public Works Director, advised there is not any problem with that, it is a straight forward item.

Vice Chair Lober inquired if the next meeting is the Zoning meeting or the Regular meeting.

Ms. Gumm advised it could go on the May 30, 2019, meeting.

The Board tabled the acceptance of the Warranty Deed from Palm Gardens Development, LLC for Tract D Right-of-Way as dedicated on Plat Recorded in Plat Book 66, Page 63 to the May 30, 2019, BOCC meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	John Tobia, Commissioner District 3
AYES:	Rita Pritchett, Bryan Lober, John Tobia, Curt Smith

ITEM F.32., INTERLOCAL AGREEMENT BETWEEN BREVARD COUNTY, CITY OF ROCKLEDGE, AND ROCKLEDGE COMMUNITY REDEVELOPMENT DISTRICT, RE: AGENCY TERMINATION DATE

Commissioner Tobia stated this is not the first time this Board has seen an interlocal agreement; this Board came together with a 5:0 vote to authorize the County Manager, Frank Abbate, to bring forward its wishes to get the Community Redevelopment Agencies (CRAs) locked down; the Board asked for five things and did so unanimously; and he believes Mr. Abbate did his best to meet those five, however, this interlocal agreement does not meet two of the five and to him those are pretty substantial in the desires the Board had asked for. He continued it was asked to sunset early, the Rockledge CRA has done that and they did that by shutting it down one percent early; the Board asked for no new debt and there is no said provision in this interlocal agreement which states no new debt past sunset, and that does not meet the request the Board put forth, it does not even come close; the annual report was a great idea by Mr. Abbate and that one was met; unspent money above the debt service to go to roads and there is no provision for that; and there is the internal audit provision. He advised he does not want to put these in any order, but certainly the debt and money unspent going towards roads are the two most important to him, if it was the transverse of this, he may be more inclined to vote for this; however, he would hope the Board would vote this down and ask Mr. Abbate to see if he could get a little closer to what the Board's unanimous request was.

Commissioner Pritchett stated just as a reminder when the Board went through the workshop with these cities two years ago, it went through all the information and the vote was that the Board get them to come back with a date to sunset the CRA because the biggest concern was these things never end; the Board then gave the County Manager a list of things it wanted him to try to incorporate into them, but it was not necessary that they have all these things or it would not go through, because some of them do things differently; and she mentioned she thinks Cocoa Beach was building a garage. She added the CRAs have some things planned out that they are doing; she believes Rockledge has come to the table to try and get a good agreement; she noted the CRAs do not have to do this, there is nothing stating they have to make an agreement with the Board; the municipalities agreed to work with the Board to try to get some agreements together; and she asked if Mr. Abbate feels this was brought to the table and will help the County.

Frank Abbate, County Manager, stated he had a proposed agreement about a year and a half ago that did not come to the Board; this agreement has substantially more items consistent with the guidelines that the Board requested, than the previous agreement; he feels it is significantly better; there is a provision on the indebtedness that indicates that the city agrees to assume and

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be fully liable for any indebtedness owed by the CRA after the CRA termination date; and there is also something that limits the administrative expenses to five percent instead of what is statutorily provided at 25 percent of the County's Tax Increment Funding (TIF) money. He advised it clearly does not have every one of the guidelines fully but it was the best agreement he was able to negotiate at this point; that is why he brought it back to the Board; and he knows the City of Rockledge has entered into this agreement and executed it at the council level, but it is obviously up to this Board whether it is acceptable or not.

Commissioner Pritchett stated she knows the Board goes back and forth on the debt; it is really hard to find a bank that will give a loan past the contract of what someone would be receiving the funds for, so she appreciates that it was placed in the agreement that they would be responsible for it; she would like to meet the bank that would actually give the loan past what is designated income coming in to cover that debt; she has never seen it happen and as an accountant she would never do it; she feels it gives a little comfort contractually; and she thinks this is a good contract that Rockledge has brought to the table.

Commissioner Tobia stated he fears that eventually the County is going to have a critical need that may come before this Board asking it to go over the constitutional mandated cap; he takes all monies extremely seriously; and the one question he has is if this would allow Rockledge CRA to take out new debt.

Mr. Abbate confirmed it would.

Commissioner Pritchett stated the debt would have to be payable within the amount of TIFs they are currently receiving, it will change nothing between what the County and the City have agreed to as far as the TIF funds.

Commissioner Smith stated when he came into office CRAs were a really big topic; a lot of people were anti CRAs and he understands why; at the same time, the cities entered into contracts with the County and they thought they could use them as they perceived they should; his problem with that was that it was such an open-ended deal that it just went on ad infinitum; his main purpose was to try to put an end to these CRAs, but work with the cities in doing so because the cities are really in the driver's seat; once they get the CRA the way they are now written, they can just keep going on in perpetuity as long as they stay in debt; and it was his idea that the Board needed to come together and see if the County could work with the cities to help them understand the County's position. He noted the County's position is that at some point the CRA has to end; fortunately most of the cities have done so, Rockledge being one of them; he advised they do not have to be there, they do not have to agree to anything, and they have agreed to substantially most of what the Board wanted; and he thinks the little bit that they did not meet, the County can work with that. He commented he is totally in favor of this; he feels they made a good faith effort to stand up and be responsible for the County; and he thinks the Board should show some appreciation by voting in favor of this.

Vice Chair Lober stated he appreciates what Rockledge has done here; he spoke with Mr. Abbate in length about the prior negotiations that have taken place between the County and the City of Rockledge that were fruitless up until recently; he is happy that there has been some forward progress; it does not contain everything he would like to see but he thinks each of these should be evaluated on a case by case basis; he does not believe any city is identical to another, so while he thinks this is good in respect to Rockledge, it may not be good in respect to another city that may not have entered into an interlocal with the County on their CRA; and he announced at this point he is in support of it. He added he believes it is a good step in the right direction as it increases transparency; and the early sunset does not accomplish a lot, but it is symbolic that they are moving in the right direction with working with the County.

Motion to deny fails due to lack of a second.

The Board approved and authorized the Chair to execute the Interlocal Agreement between the Brevard County Board of County Commissioners, City of Rockledge City Council, and the Rockledge Community Redevelopment Agency.

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

ITEM F.33., ACKNOWLEDGE RECEIPT, RE: INTERNAL AUDIT REPORTS

Commissioner Tobia stated he would be voting yes on this one; he just wanted to take the time to congratulate John Denninghoff, Assistant County Manager, and his staff for an exceptionally clean audit on the South Central Wastewater Treatment Plant Expansion, there was quite a bit that went into that and the auditors found that not only was the discharge being cleaned but so were the numbers.

The Board acknowledged and approved the Internal Auditor's Reports: Contract Compliance Review, Building Permitting One Stop, Fire Rescue Financial Condition, and the South Central Regional Wastewater Treatment Facility Expansion Reports.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Rita Pritchett, Bryan Lober, John Tobia, Curt Smith

ITEM G., PUBLIC COMMENTS

Vice Chair Lober advised there are more than 10 comment cards and he spoke with the County Attorney on this, the first round of Public Comment is to be limited to 30 minutes; if each speaker received the traditional three minutes, that would be the first 10 speakers; whoever is past 10 will have the opportunity to speak during second Public Comment; and he apologized to those who have to wait.

John Weiler stated he would like to speak on the Banana River and the Indian River Lagoon (IRL) status; he personally read the entire Indian River Lagoon Project Plan; in general, he thinks it is a good summary of the various contributors to the Lagoon condition; unfortunately the priority of actions and where funding should be expended are not in sync, in his opinion, with public opinion and common logic; and in County Commission District 2, Vice Chair Lober and his staff started evaluating various indicated causes of Lagoon damage in early 2018, right after he was elected. He continued the first concern was the central sewage treatment plants, he is happy to report the three major treatment plants in District 2, Sykes Creek, Cocoa Beach, and

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the Cape Canaveral plant, are operating in an efficient manner and have excess capacity to process with no discharges to the Lagoon; he would urge each of the other Commissioners, if they have not already done so, to visit the wastewater treatment plants in their Districts and gain a firsthand understanding of the central sewage disposal systems and determine if the plants are ok and the infrastructure leading to them are in good condition; this would be valuable for the entire project; and he thinks that everyone can agree that the leakage of raw untreated sewage into the Lagoon is unacceptable and when it occurs it is probably the greatest threat. He went on to say what was discovered is that the main lines that bring raw sewage to the plants in District 2 are decayed and have been in need of repair or replacement and have been part of the problem for some time; this should be the first priority to be sure that the existing central sewer system is not contributing to the problem; in his observation, this is the largest contributor to the Lagoon problem; the second priority should be the conversion of septic systems within 100 feet of the Lagoon to a central sewer system that is properly operating and maintained; the Indian River Lagoon Plan identifies key zones that fit this category; and he thinks these should be expedited without delay. He noted he has encountered what appears to be an overburdened, bureaucratic process for getting these projects expedited; a more streamlined and timely process is needed to move forward; one of the areas he found missing and maybe he just overlooked it, is the overpopulation of manatees; he knows there will be some outcry saying there is no way, but the manatee population is greater than the Lagoon seagrass acreage can sustainably report even if it was all back in place; and he has witnessed over the last several weeks the recovery of some grass areas in the Banana River, where he lives. He stated this last weekend a heard of manatees essentially uprooted most of the new seagrass.

Philip Stasik thanked the Board for its service to the community; and congratulated Commissioner Isnardi on her son's graduation. He stated Space Coast Progressive Alliance would like to thank the Board for its compliance with the Florida Sunshine Laws; they know the Board takes very seriously the question of ethics and maintaining the appearance and functional ethical standards that everyone expects; the Board does represent the community and it is very important that the Board does this; and he noted he had read with interest and concern recently when he saw that legal services were being provided by one Commissioner to another Commissioner's family member. He continued he did actually call to find out if what he had seen written in the newspaper was correct; it may indeed be in compliance with Sunshine Laws, however, the question is appearance; as people know it is very important that as the Board conducts its services to the community that it does comply with the letter of the law; it is also important that the appearance of the Board's actions are clean and that there are no questions in the minds of the voters because when citizens have questions it lowers the Board's credibility; and the people do not want that, they want to be able to trust the Board. He added he is in attendance because he wanted to be the little voice and the conscience of the community to ask the Board to be careful as it conducts its business with its interactions with each other in doing business, etcetera; it may possibly be worthwhile to consider independent oversight when a question comes up of one Commissioner's interaction with another Commissioner; and it may be helpful to keep people's confidences in the Board's actions and maintain the trust that the community has come to expect from the Board.

Charles Tovey stated he has some literature about his family being the first family in Brevard County; on the card he wrote about his fines and fees on his property; he was not able to make the last meeting because of family medical issues; he read that the Board is not going to see people for Code Enforcement fines and fees, so he asked the Board to reserve him the right and grandfather him in so he can present this to the Board because it was the Board's name on all the letters that were written to him, besides Palm Shores signatures; and he thinks that all these times he has been in front of the Board and all the people he has addressed and asked help from, he is still looking for guidance and help. He added he guesses he will work it out himself; he thinks it is a spirit of prejudice; this is what he feels this country is polluted with; he

does not know why he does not get recognition for things when other people get recognized for things; and he thinks that is about personal issues. He continued he would like to speak about the Lagoon; he has been doing a little research and things; they have million dollar homes in South Florida which do not have septic systems and they are not on sewer lines; they are spending a million dollars on a house with a composted toilet; he asked why that is not incorporated into the systems; that is other people's jobs; and the County is making all these people do things to their septic tanks but yet the municipalities are dumping millions of gallons into the Lagoon. He inquired how there can be an accurate measure on anything about the septic tanks when there are entities dumping millions of gallons into the Lagoon; he feels that all the septic tanks together for 10 years would not equal the amount that has been dumped into the Lagoon from the municipalities; and he has 10 days left on the Lagoon and he will be finished. He stated it will take time to recover itself, but he is going to be done with his maintenance work by the end of this month; he told the Board to have a good time in June; and there are other things.

Larry Lallo stated he is new on the job, six months; he is starting to become less new and really enjoying it quite well; he introduced his Redevelopment Manager, Cindy Thurman; she worked 18 years with the County in Planning and Zoning; and she has been quite an asset to the office especially when it comes to facilitating business inquiries and requests that come in from day to day. He went on to say he has 30 years' experience in economic and community development; he is a third generation Floridian, but he only moved here about two years ago; his community development experience has not been prior to Florida, with Community Redevelopment Agencies (CRAs); when he saw CRA legislation, he thought it was a good tool, then he ultimately became a CRA executive director; in terms of Merritt Island Redevelopment Agency (MIRA) he thinks there are a few things he could share that the Board may not have thought about; and it would make MIRA unique and maybe more important in many ways than the average CRA. He advised MIRA is the first and only CRA that the County Commissioner's created; and the County Commissioners are the Board of Governance. He added in a sense he reports to his bosses, John Denninghoff, Assistant County Manager, and Frank Abbate, County Manager; the CRA is unique in that the delegation for the day to day administration in terms of the governance is given to an executive administrative board of volunteers comprised of real estate development managers, commercial business owners, and those types of people; he also wanted to share some of the unique things that MIRA is confronted with day to day since its creation; in 1950, population was about 3,500 on Merritt Island and by 1970 the population had become ten-fold; with population growth came a lot of Merritt Island's issues, that continue to this day; and he thinks the reason the County created MIRA were quite interesting. He stated some things might want to be kept in context of the value to the County; they are responsible for six percent of the County which is Merritt Island; eight percent of the population is in Merritt island; eight percent of the County's small businesses are in Merritt Island, over 1,000; and Merritt Island has brought in 10 percent of the County's sales tax.

Vice Chair Lober stated he had spoken with Mr. Lallo prior to having been on the Commission; the concerns that he had with respect to MIRA that have not already been addressed are in the process of being addressed; he knows Mr. Lallo will be getting with some of the Board Members to address concerns he has regarding the beautification program and the Facade Grants to ensure that money is not going to businesses that would otherwise be paying for the same work to be done anyway; he thinks Mr. Lallo is certainly someone with a background in economic development that understands the value of being able to show an ROI on any County funds or any CRA funds that are expended in the CRA strategic area; and he just wanted to give a heads up that there is an Item coming up in July dealing with MIRA to help tighten up some areas of concern and potentially codify some areas that are not codified. He mentioned it will not by any means eliminate MIRA, destroy MIRA, or change their operating budget, but he thinks it is a good step in the right direction. He thanked Mr. Lallo and Ms. Thurman for coming out.

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Peter Fuscas stated he thinks this is a terrific way to be briefed on the committees and agencies; the budget review update, there have been two budget review meetings, one is an organizational meeting and a planning meeting; they have a full five member review board for the first time since 2017; two members had previous service and three are new members; the meetings are two hours and they plan to schedule them every two weeks; and the new members were briefed on last year's budget and had a peek of this years. He noted the County Manager, Frank Abbate, was kind enough to give them a review, along with Jill Hayes, the Budget Office Director; they discussed reviewing this year's budget in the following areas, individual agencies, individual programs, the budget process, and some agency presentations; specific to these items they discussed a standardized fiscal impact statement on all changes in new and old programs, purchases, in short, ordinances that have a fiscal impact, and a universal cost benefit analysis; they discussed a five-year strategic plan, rolled over annually with budget priorities; and they wanted to look at the committee itself to discuss and make recommendations for any changes in composition and operation. He mentioned for financial control and organization they discussed the Mosquito Control, Public Works, Waste Management, Landfill, Enterprise Funds, and Economic Development and Permitting, Debt Service and Cash Investment Policies; and he noted the more money it has, the more money it can constructively apply, the Enterprise Fund and Economic Development are very important. He commented some people want to take a look at employee compensation, manpower, staffing, and costs; they also discussed how to review the Sheriff's budget; capital placement reserves was an issue; the focus will be on the General Fund and various revenues, answers, and expenditures; and in short, they wish to enhance transparency and visibility of the County Budget, provide financial tools for the County, and transparency and access for the County taxpayers.

Vice-Chair Lober inquired if Mr. Fuscas thinks the size of the board is appropriate or if he thinks it could use more or fewer people.

Mr. Fuscas stated he thinks it is an opportunity that ought to be discussed; he thinks it is an opportunity to go into the private sector; they had an industry review board a number of years ago that was excellent where Harris Corporation participated, and a number of other corporations participated; he thinks they should look at adding a number of professional managers, contract managers, budget specialists, and have them focus on certain areas each year; and they can, as a board, embrace and consider how that can be used at the County level. He noted it was really well done at the County level; they issued a huge report of changes in purchasing, consolidating purchasing, and so on; and he thinks that it is certainly a possibility of expanding this.

Commissioner Smith stated he wanted to give a shout out for the volunteers who give their time, give terrific input, and they have a lot of experiences that they bring to the table; and there are a lot of people like them. He believes it is important to recognize them because they serve in anonymity and they do not get paid, but they care about the community and provide the Board with information; sometimes the Board does not agree but it is important to get the information; and just like the Board Members, they do not always agree either, but they care about the County and that is why they are on the Board.

Martha Bryant stated she mostly wanted to express her concern with the Amyotrophic Lateral Sclerosis (ALS) people in South Patrick Shores and let the Board know she thinks more testing should be done; she does not necessarily know all the statistical things, but she has lived in South Patrick Shores since she was born in two different houses; both streets she has lived on intersect; since she has been diagnosed with ALS, there has been someone on each of those streets, that are friends of hers, who have been diagnosed as well; and she knows the Board does not necessarily see the personal things like that, but she hopes the Board will take that into consideration when it sees other people, to help get them to fight for them.

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Vice Chair Lober inquired if she thinks most of the community around her, is aware of the concerns, or if she thinks it is just those who live on the canals; and he noted it is still an issue either way.

Ms. Bryant advised neither of the houses she is talking about are on the canal, they are in South Patrick Shores; there are other streets as well; she knows of another one on the canal; there is another one on Ocean, which is not on the canal; and she does not think the life expectancy is that long so people do not see many people with ALS being around.

Vice Chair Lober stated that is definitely an important topic and there are people on the Board who are sensitive to it.

Chet Ellsworth stated he is in support of Commissioner Tobia and Chair Isnardi in that certain event that occurred at the workshop last week; Mr. Stasik commented earlier on the need for independent oversight and in his opinion there needs to be a citizen's grand jury to figure out what happened there; on that day, he considered the censorship or termination of that meeting by a 4:1 vote as censorship and an implementation of sharia policy in this court; and he thinks the folks who are involved with that and allowed that vote should resign. He continued in furtherance of that, he thinks Commissioner Tobia and Commissioner Isnardi should carry on with business here today; the folks involved with that against Ms. Isnardi should be accounted for, as Mr. Stasik says when he threatened the Board with this independent oversight; that was a very serious thing that occurred there that day; he will not go into the people whom he thinks were involved; he believes that all should resign; and it is very important that the Board censored the public, all except Commissioner Tobia and Chair Isnardi.

Commissioner Pritchett stated just so the public knows, when they got to that workshop, most of the items the Board was going to workshop as far as the advisory boards, they had been working through consistently during the Commission meetings; they worked through some of the TDC issues; the Board probably should have called that meeting before because they can last two to three hours with a lot of staff time; and when she received the book it was minimal. She noted there was some good information the Board received from Commissioner Tobia that day and she thinks there are some things that will be really easy for the Board to change and put through; she does not think it was necessary to do a two hour workshop, therefore, staff was able to get back to work; and if this Board starts doing business because of what is going on with a few people in a municipality it is not a good process. She advised she probably should have called it before, but when she got there she realized it was a waste of time; and it did not stop public comment because people are able to come here and speak, that was a workshop and on one specific topic that did not really require a whole lot more conversation.

Vice Chair Lober stated his recollection was it was a 4:1 vote to cancel it, not a 3:2 vote.

Stacey Patel stated last week her organization passed a resolution that calls on this Commission to work actively to protect public trust; a former local public official now faces serious criminal charges of organized corruption; the County Commission is now also under public scrutiny as the accused is married to the Chair of the County Commission and has retained the Vice Chair as his attorney, even if that role is in a limited scope; while she does not allege or imply impropriety, there are clear connections and now legally protected confidences between the criminally accused and the County Commission; in the wake of the recent arrest she would simply ask that the members of this body be especially careful to avoid real and apparent conflicts of interest; and while it might be technically permissible, as law makers may not have foreseen these unique circumstances, they are particularly concerned about Vice Chair Lober's decision to enter into a privileged attorney client relationship with the accused. She continued Vice Chair Lober has stated publicly that the decision was made after

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discussions with the County Attorney; for many the decision appears to be a knowing dismissal of an elected officials solemn duty to protect the public trust especially during this difficult time when the community is reeling from recent arrests; and they would ask this body to not only follow the letter of the law, but to avoid even the appearance of impropriety. She went on to say she would like to share a couple concerns regarding free speech that she has sent to the County Attorney; she came to raise constitutional issues related to Vice Chair Lober's retaliation against a member of her organization who criticized him on Facebook; in 2005 in *Bennet v. Hendricks*, the 11th circuit held it plainly, private citizens cannot suffer adverse employment actions at the hands of public officials who are not their employers; such retaliation is also apparently in violation of the first amendment as it would clearly deter a person of ordinary firmness from exercising his or her first amendment rights; Commissioner Lober is on record stating he intends to continue this kind of behavior; and in silence, the County Commission appears to accept it as Policy, which may expose the Board to civil suits. She stated since speaking to the Commission about this matter, many local voters have also contacted their Commissioners and they are waiting their responses; Volusia County attorney recently advised County Council members not to block residents on their social media pages in order to protect constituents rights to free speech; local voters have reported Vice Chair Lober has blocked them on Facebook after political disagreements; and they have asked her to inquire if Brevard has a similar Policy. She added it is sometimes unclear online if County staff is speaking on behalf of the County or the Commission; while staff obviously have their right to free speech, she inquired if there are any Policies that exist to ensure that staff conduct on line, including name calling, bullying, treats, or harassment does not chill free speech in this community; and she hopes the Commissioners will let her know how to proceed.

Vice Chair Lober stated he would like to call attention to Policy BCC-55 dealing with Public Comment; Section 4, Subsection g, indicates personal, obscene, or slanderous remarks will not be permitted, so he asked the audience to please be aware of it and try to follow it.

Matt Fleming stated he is in attendance because obviously the County is facing massive problems; the Lagoon has died and the County is spending millions of dollars removing septic tanks while developers are being allowed to put new ones in; the County is dredging and digging in the river bed and rejecting the idea that maybe they should be bringing ocean water into the Lagoon; he thinks those things are common sense; and there is an opioid crisis and there is no public treatment options available other than being arrested, being ordered by the court, or being baker acted. He went on to say there are harmful algae blooms that are starting in the St. John's River, meanwhile, the County is building more new development west into the St. Johns where the runoff will feed these algae blooms; and that is their drinking water. He announced the Supervisor of Elections has engaged in systemic disenfranchisement of voters, women's rights, schools are being privatized, public transport is deficient, and developers are not paying their share of the costs for development which burdens the community with traffic, and more people in the schools. He stated Vice Chair Lober goes around insulting people online and calling people names like vermin and scum, suggesting that people need to be eradicated; he inquired at what point is that going to be content; and he inquired if there is going to be some responsibility for that because he does not think there is. He stated it seems to him that the Commission has chosen to ignore all these things; and the Sheriff is spinning a colored wheel with people's faces on it and no one even has the minimum amount of courage to say that it is inappropriate. He stated the fact that there are these corruption charges is not a surprise to him or probably to most of the people who live in this County; and he added any concept of personal responsibility that is devoid of social responsibility is just greed.

Sandra Sullivan stated she is from South Patrick Shores; this month the cancer report came out for 32937 indicating higher levels of instances of cancer in her area; they also have higher levels of ALS given past reports; she wants to go over what she thinks are environmental influences; one thing the report did not address is the concentration of those cancers where it

gets higher as it gets closer to Patrick Air Force Base; and historically before South Patrick Shores there was a drainage channel from a couple connected dumps as identified on the EPA Epic Study. She went on to say the aerial will show that South Patrick Shores was built on that drainage channel; it was filled in and to have drainage on Patrick Air Force Base they put in a swale; from that swale in 1969 there was a tropical storm and flooding of five to eight inches of rain, so they put in a lake; the lake was put in, in 1969 and that is when the Hodgkin's started; fast forward to 1988, they learn there is vinyl chloride, a class A carcinogen and it has a breakdown product of Trichloroethylene (TCE); and when they did the first environmental assessment they found the lake is volatilizing vinyl chloride to the air and it has 1,000 times the cleanup level that was found in the ground. She continued shortly after that report they put in the drainage channel to the Banana River that dissipates the vinyl chloride but that was the most toxic site with the harm value on Patrick Air Force Base; all the other contaminants went into the river as well, hence the ALS clusters that started in South Patrick Shores; there should only be two cases per 100,000 in a given year statistically and this area has a much higher rate than that; and she noted in one year alone there were six cases on eight canals. She stated there is also the dump on South Patrick Shores; she brought with her all military stuff from dishes from the Navy to pieces of aircraft, all things military, which identifies it as a military site with similar disposal as was found on the most toxic sight on the other side; the community needs a greater assessment of the area; and she has petitioned the Environmental Protection Association (EPA) to come in and do a preliminary assessment on those chemicals coming into South Patrick Shores and on the river.

ITEM H.1., RESOLUTION, RE: PETITION TO VACATE PUBLIC UTILITY EASEMENT, MELBOURNE - JOSEPH J. SBOTO

Vice Chair Lober called for public hearing on a request by Joseph J. Sboto for a petition to vacate a public utility easement in Melbourne.

Corrina Gumm, Interim Public Works Director, stated this is a petition to vacate a portion of a public utility and drainage easement in order to remove an existing pool and screen enclosure from that easement; the property is located on lot 37, Block 1 of the Twins Lakes of Suntime subdivision; notices were sent out to County agencies and public utility companies and they have received no objections; and staff has no concerns with this request.

There being no further comments or objections, the Board adopted Resolution No 19-092, vacating part of a public utility and drainage easement on Lot 37, Block 1, Twin Lakes of Suntime, in Section 14, Township 26 South, Range 36 East.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	John Tobia, Commissioner District 3
AYES:	Rita Pritchett, Bryan Lober, John Tobia, Curt Smith

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ITEM H.2., ORDINANCE, RE: AMENDING BAREFOOT BAY WATER AND SEWER DISTRICT BOUNDARY

Vice Chair Lober called for public hearing to amend the Barefoot Bay Water and Sewer District Boundary to include River Grove Mobile Home Village I & II.

Edward Fontanin, Utility Services Director, stated this is the amendment to Ordinance 99-17, which is the boundary for the Barefoot Bay Water Sewer District boundary; it is to accommodate the River Grove Mobile Home Village which is part of the consent order with Florida Department of Environmental Protection (FDEP); they did the notification; and this is basically to get the approval to amend the boundary.

There being no further comments or objections, the Board adopted Ordinance 19-11, amending Section 98-181 of the Code of Ordinances of Brevard County, Florida to modify the boundary of the Barefoot Bay Water and Sewer District to include territory owned by River Grove Mobile Home Village I & II; located in a portion of Section 14 of Township 30 South, Range 38 East, Brevard County, Florida; providing ratification; and providing for an effective date.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	John Tobia, Commissioner District 3
AYES:	Rita Pritchett, Bryan Lober, John Tobia, Curt Smith

ITEM. I.1., AWARD OF CONSTRUCTION CONTRACT, RE: GRAND CANAL MUCK REMOVAL

Virginia Barker, Natural Resources Management Director, stated this is the Grand Canal Muck Removal Construction Contract Award; it is requested that the Board authorize the Chair to execute a Construction Contract substantially in the form of draft contract attached with Gator Dredging for up to \$26,442,444; Gator Dredging's bid includes cost associated with nutrient removal from the water returning to the Banana River Lagoon; there is \$10 million of State funding assistance in matching local funds from the Indian River Lagoon Trust Fund to fund the project.

Karen Colby stated she wants to talk about the canal and delaying the dredging just to give them a chance to look at the results; she personally has six children and they all swam in that canal closest to Sampson Island as some were just nursing infants still at that time; the sad thing is they used to be able to see through the water and now she cannot see three inches; she has not been in that water since 2018, no fishing, no shrimping, nothing; to be able to get the chance to reexamine the dredging, as a delay not a stop, she believes this needs to be handled like hazardous waste; if they are going to dump it on the side of the road on the Pineda Causeway, it is going to seep right back into the Lagoon; and when it dries it is going to blow, and it will blow onto the people again. She continued if they are going to put it in an agricultural place, she wants some kind of assurance that this is not going to get into the food supply or be used in an area where animals graze and potentially organic cows are eating organic grass and fed with stuffed fertilizer, which is actually muck; she mentioned she knows commissioner Smith is in her area and that cancer means a lot to him; she has lost family members and neighbors; and she just went to a funeral two weeks ago for a 17-year old brain cancer victim, hence the number five she is wearing, because she was told five people do not care. She went on to say

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this victim attended Satellite High School and she is not alone; there are many, many sick people; if this Board would just delay enough so that someone can look at the amount in there before it is placed on the side of the road; she does not think that is safe or okay with any of the residents; it may be okay with an engineering firm but it is not okay with her, her family, or her neighbors; she has a list of dead people and this is not funny, they all died from environmental cancers, Hodgkin's, brain cancers, breast cancer, testicular cancer, prostate cancer, and leukemia; she thinks it is all related to the dredging because that stuff flows in the aquifer, so what comes up out of shallow wells sprinkles into the air on her street and was in the canal maybe a week ago; and when there are hurricanes coming and the water level rises, stuff comes up with it. She added and as the sprinklers go, it goes too. She stated she is not asking the County to not dredge, she believes in dredging, but she wants the County to please investigate what is in there; she votes for people and she asked the Board to please help her because she wants to live.

Vice Chair Lober asked if Ms. Colby has any idea of what she is concerned about specifically that is in the muck.

Ms. Colby responded arsenic, lead, mercury, vinyl chloride, PFOS and PFBA which is in the drinking water because it comes underneath the river and someone is putting extra ingredients in their water on the beachside; she noted all nine beachside schools tested positive since the beachside schools do not get independent water source; it is in the homes anywhere beachside; she was told by someone if anyone were to dig a new pool it causes the vapors to come up to the air causing the VCE to come up where the hole is and sits in the air in a vapor plume; and the last time there was all that messing around is when the ALS came. She advised she wants testing and she wants the muck gone; and she wants a slight delay for testing first.

Vice Chair Lober inquired if she routinely or if she has tested for any or some of those chemicals mentioned by Ms. Colby.

Ms. Barker advised they tested for the entire suite of Environmental Protection Agency (EPA) priority pollutants; in three swallow water wells in the South Patrick Shores subdivision; and she will let Walker explain what they tested for in the muck and the waters in the canals.

Walker Dawsen, Natural Resources Management, stated for the Grand Canal Project they tested at 22 separate sites; the suite of test included PCBs, volatile organic compounds, and heavy metals that Ms. Colby was referring to; in addition to just testing for the concentrations, specific to the heavy metals; there are two additional tests that were included, they include a leach ability test where it is intended to mimic natural weathering and determine whether the heavy metals would be released from the dredged sediments if they were placed on the ground and the rain and wind weathered them if it would leach down into the ground it was sitting on; and there was also another test where it mimics the agitation that is expected to be seen when dredging occurs; the material will be transferred from the dredge area to the dredge material management area via hydraulic tube, so it is a mixture of water and solids, which is a tumbling element; this test is supposed to mimic that tumbling and determine whether or not those heavy metals will be released into the water that will ultimately be decanted from the dredge material; and for both cases the results came back below the minimum detection limits for the heavy metals.

Vice Chair Lober inquired in terms of the items they test, how they determine what they will test for and what they will not test for.

Mr. Dawsen replied there is a standard list they go by, it is an EPA list so it typically includes a battery of pesticides, volatile organic compounds, PCBs, and the heavy metals as well.

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Vice Chair Lober stated he does not know if there is a specific requirement or set of requirements that have to be tested for, and he inquired if there is a specific set of requirements that have to be tested for.

Ms. Barker responded there is testing that is done as a function of the permitting requirements for Florida Department of Environmental Protection (FDEP) and the Army Corp of Engineers, State and federal permits; there is also testing that is done on the solid material before it leaves the de-watering site so they make sure they are not polluting that agriculture or taking a contaminant from one place and relocating it to somewhere else.

Vice Chair Lober asked in terms of the testing they do, are they doing anything over and above the minimum threshold that they are required to do to get those permits, either in the number of science or the number of compounds they test.

Ms. Barker advised they did additional testing beyond what was required for the permits; last summer when the cancer concerns emerged in the community, they collected eight more samples in the Grand Canal area and immediately adjacent to Patrick Air Force Base in addition to everything that was done for the federal and State permits. She added she heard what Ms. Colby said about the concerns of it blowing from the dredge material management site along Pineda, the contractor, Gator Dredging, they plan to pump that material directly into geotubes so they will contain that material where it is not lose or exposed to the air on that site.

Sandra Sullivan stated one of the things is called emerging contaminants, for example in 1988 they did not know about vinyl chloride just an emerging contaminant; today the emerging contaminant would be the munition chemicals and the PFOS; when Ms. Barker said they did additional testing, it was only for the PFOS, when she requested that they test the outfalls which was recommended by the EPA because there is a disposal site on Patrick Shores, and they refused to test that so to her that is a red flag; furthermore, the report itself is a red flag because there was admission of the dump site that was cropped from the two aerals and it was not mention in the history section. She noted when doing testing people would want to look at what is in the area; there was a disclaimer in the report that said they do not consider what the toxicity is in the area; they have to look at the specific toxins that are in the area and where they are flowing the hydrology to know what to test for and where to test, otherwise, things will be missed; the PFOS was over the .7 parts, it was over one on those canals; she has talked to FDEP and they are still trying to figure out as an emerging contaminant what the safe handling of this is; and that in itself is a reason to just delay the dredging. She mentioned she had dug up a report in 1995 that showed the muck sampled at Patrick Air Force Base, once they started draining the LPF site, was exceedingly high risk of cancer, to the point they posted do not fish signs and do not swim signs; she would like to know if the County was ever informed of that because she is so close to Patrick Air Force Base and it is going to affect her as well; it raises serious concerns about the contaminants that are in there and whether the proper contaminants were tested; for example, the munition chemicals and the PFOS handling are emerging contaminants; and until they learn more and the red flags in the report, they did not consider the toxicity of the base to the north, Patrick Air Force Base was not mentioned not the disposal site on South Patrick Shores; and her concern is the high levels of ALS following the dump of the drainage of LPF to the Banana River and down her way, and disturbing the muck will cause another high incident of ALS again. She commented to have six cases on eight canals in one years is insane; and arsenic is over not the residential but the commercial level and is at 22.6; and as it decomposes it gets much bigger and bio accumulates in plants, so if it is on agriculture land and it bio accumulates in plants that is a problem as well.

Vice Chair Lober asked in terms of testing, have there been any other requests made to FDEP, EPA, or any other State, federal, or local governmental agency to test because his concern is that if County staff is telling him essentially that they have tested everything they think is

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appropriate to be tested for his thought is if there is a basis to delay, it would have to be on some real expectation that some other governmental agency is going to either indicate they will or will not test.

Ms. Sullivan advised she has petitioned the EPA to come in and do a preliminary assessment because Patrick Air Force Base is responsible for the contaminants coming off the base which would include the Vinyl chloride coming into Patrick Shores, it would include the drainage that is documented with the EPA into the Banana River, and that they would come in and what she asked for is they do some oversight and Patrick Air Force Base doing a preliminary assessment which would give them that data.

Vice Chair Lober advised what he may end up doing after the speakers is passing the gavel to move to continue this to the first regular meeting after the break; and he knows that will not give anyone enough time to test but his hopes is at least she will have an indication at that point in time that either the EPA or FDEP will or will not attest.

Ms. Sullivan commented she appreciates that because it gives her more time to get more information as well.

Greg Wallace stated he lives on the Grand Canal; he knows there has been a lot of history discussed here today about people who have a lot of diseases such as cancers and so forth that have been attributed to the chemicals and whatever appears to be in the soil and the water; he is an engineer and he usually does not take things at face value, he likes to make his own decisions on scientific information, facts, and so forth; he has worked very closely with the Natural Resources Director and her team that have done the evaluations and the requesting testing; and they have gone over and above. He continued this is a project that has been going on five year plus so there has been plenty of opportunity to identify potential problems; they have had a lot of stuff thrown at them, they have done a lot of evaluations, they have responded to every question that has come from the community; he thinks they have done their due diligence in his opinion to show at least the removal of muck is not going to be at risk to the community; and just because he says that does not mean he does not think they should continue on with other evaluations of the stuff coming out of Patrick Air Force Base, because he thinks that is legitimate and that there could be additional things that need to be looked at there. He added as far as the removal of the muck, they have addressed the issues with the transfer site, they understand and know how to deal with the upland management issues when they dump it. He stated the County has a team of staff that has a lot of knowledge and a lot of background, on the other hand there are a lot of citizens that are making accusations on things that may not be scientifically based, or may be, but does not have the credence to what staff has done; and he mentioned the Natural Resources Staff has answered every question he has had, they have given probably a dozen presentations in the area, and they have addressed all the issues that have been thrown at them, at least to his satisfaction; and he would like to finally see this project move forward. He mentioned if there is a delay, he still thinks it is important to move forward.

George Rosenfield stated he lived in Sea Park, which is now part of South Patrick Shores from January 1957 through June of 1965; his water source was from a 30-foot shallow well for the first five or six years of his nine years living there, then the water came in from Melbourne; his wife died four and a half years ago from Leukemia and he has called someone from the newspaper twice, and each time he had an item in the paper, recently about cancer in South Patrick Shores; and she also had some previous cancers. He noted some years ago she had a pre-cancerous breast lump removed and another cancer removed from her leg; one or two of the three types of cancers removed were unidentifiable; one they think was caused by a trigger bite where she could have gotten any place; and it is quite possible that her Leukemia could go back to South Patrick Shores, as they are finding out now. He continued sometime in the middle

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while they lived up north, they found that there was an island of cancer just south of Patrick Air Force Base and they figured it was due to the radar that used to be right on the southeast corner and that the ground lobes of the radar reached out about 300 yards and caused cancer, which was the Taylormade Development and it did not reach as far as Sea Park, so they said, but who knows; he just wanted to say that his wife had Leukemia; and he wonders if it could have been from what they are now finding out about in the South Patrick Shores area.

Commissioner Pritchett inquired if the Board went ahead with this, would the contractor be able to get to the muck removal before July.

Ms. Barker replied they definitely would not; the first thing they would need to do is build a turning lane off of Pineda for trucks to be able to access the dredge material management area; and that construction will take months.

Commissioner Pritchett noted that will give the hesitation of time if they are looking for the EPA to do some extra testing; the testing the County did would be in compliance with the EPA, so she would not imagine that they would contradict themselves and come to the table with that; she likes that the County did some extra things; muck is nasty; she thinks that the company is going to contain the waste is a big plus; and she likes that is going to be treated on the island. She went on to say she would like to get the initiation going on this and if something terrible comes up, she believes Ms. Barker would come back and report it to the Board.

Ms. Barker responded there is one kind of testing that is planned for Ms. Sullivan's yard at the end of June, unless the dates for that have changed; there is additional EPA testing in the South Patrick Shores community that the dates have not yet been set; there is not, to her knowledge, any plan for any other agency to do further testing of the muck; and she thinks it would depend on what the findings were and if they find something, whether that is something that was already tested for in the muck and did not find that those constituents had migrated or transported by stormwater to the canal system; and she noted there could be contaminants in the mainland that have not made it to or are not currently present in the canal muck. She added even if they found something on the mainland it would not necessarily mean that it is a concern for the muck.

Commissioner Pritchett asked if they found something would Ms. Barker be able to test the muck for that if it is an environmental hazard.

Ms. Barker responded affirmatively.

Commissioner Pritchett stated she thinks the Board can probably do this because she thinks it is going to take a long time before the actual project and then staff can come back if something relevant is found and the Board can make a shift decision on how to handle it.

Vice Chair Lober advised he would like to hear from Commissioner Smith, then he will jump in on it.

Commissioner Smith stated he heard the testimony, he heard the concerns, and he has had many people in his office over the last several months; he is concerned about cancers because he had cancer himself; he lost his older sister and his mother to breast cancer, so it is not something he takes lightly; he has listened to the comments by both staff and the constituents, but he just does not think it is possible or even likely that some element will be discovered in the next six weeks or six years that people should know about that they do not already know about; and his overriding decision is muck is nasty, it has terrible stuff in it, it has been tested over and above what is supposed to be tested, and he thinks it is better to get the muck out rather than leaving it sit there and contaminate the water; and he thinks the benefit of removing the muck is

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far more superior than any detriment if it was left in there so he is in favor of this.

Vice Chair Lober inquired if the Board moves forward and then finds out the EPA is willing to test for some additional substances, what position would the Board be in; and if the Board could then ask for a hold or would it still be on the hook for whatever obligations that it would otherwise be assuming.

Eden Bentley, County Attorney, stated she believes the Board would probably have to amend the contract to address the new concerns as these would be unexpected conditions.

Vice Chair Lober stated he does not mind supporting this is if the Board supports some type of amendment that states if FDEP or EPA expresses willingness to test for some additional substances that have not previously been tested for, that the Board would put things on holding pending the outcome of that.

Commissioner Tobia inquired how that would impact the terms of the contract. He stated he imagines that with the mobilization of machinery that costs would go up, and asked Ms. Barker if she would expect costs to go up if that condition was exercised or not.

Ms. Barker stated she thinks any change that the Board would want to make now outside of a competitive process could result in a cost increase; they are going to mobilize one set of equipment for developing the DMMA; and they would mobilize different equipment for starting the dredging.

Commissioner Tobia inquired without another bid process, she would not know whether that would be \$5, \$500,000 or \$5 million.

Ms. Barker agreed with Commissioner Tobia. She stated especially on a project of this scale, a \$26 million contract.

Commissioner Pritchett stated she agrees with Commissioner Smith on this; she is not sure they will come up with something; in the rare case that they do, if the County is responsible and all of the sudden somebody finds something horrific that was not thought of, of course the Board is going to stop and do something different to cause no harm; and she thinks with the Board just being responsible that if they do this and in a couple months they find something, the County will have to pause and do something different, that is only appropriate. She reiterated it is going to be a long time to set this up before they can actually get to the project and she noted she is in favor of this today knowing if staff found something bad it would stop the project.

Ms. Barker explained one of the things staff could do if they found something bad would be to negotiate with the contractor to add a component in there treatment train to clean that up which might be far better than leaving it and contaminating the Lagoon.

Vice Chair Lober stated his concern is they may have the County over the barrel at that point because they would already be contracted and they could essentially quote any price they wanted to get it cleaned up; he is not trying to twist anyone's arm into doing something that they are not comfortable doing; seeing the appetite appears that it is going to pass, he will not bother making the motion to continue it; he will be voting against it; and he noted he like the idea he just does not like the idea of doing it prior to knowing whether there will additional testing or not.

The Board approved and executed the Construction Contract, substantially in the form of a draft Contract with Gator Dredging, for up to \$26,442,444, and pending the County Attorney and Risk Management review and approval; authorized the Chair to execute all associated change orders; and authorized for any associate budget change requests.

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

ITEM K., PUBLIC COMMENTS

Karen Colby stated she knows of something that was not tested for, it was the PFOS and leach ability test; they also did not test the canal heads like they were asked to; they tested random sites that were very safe unlikely to produce anything; the people can tell the County where the stuff is; it is where it came out into the river and settled because it is heavy; they did not look where people know where it is; in her opinion it seems conveniently orchestrated; and she is sorry but she is upset right now because she has to go home and see a neighbor that is dying. She continued that her in-laws sold their house on the canal at a huge loss to get out of there because they did not want to die; dementia can also be caused by the aluminums; anybody on a canal is at risk of the aluminums if they are swimming n it or eating fish from it; the fish have aluminum in them and so do the shrimp; and she wanted no fishing signs and shrimping signs in the contaminated area or any area at all that has PFOS or PFOA, they need to be shut down from fishing, shrimping, swimming, kayaking, water boarding, or anything because it crosses through the skin. She went on to say she wants to live, and if she says it enough maybe someone will listen; she reiterated they did not test the canal heads on purpose because that is where the stuff stagnates, people can see it; she sees people allowing their children to go down slides into the canals in South Patrick Shores and it gives her a horrible feeling that those kids are not going to be there for their weddings; she announced her niece's dog died six days after she moved to South Patrick Shores because lumps developed on her neck; and the other dog is sick too. She noted this is not funny any longer; she asked if anyone would want their child out crawling around in the backyard knowing the incidents of death now; once this company is awarded the contract, the Board cannot take it away; if it is tabled it can be thought about, they can get the results from the canal heads and them reopen it; and in her opinion no one has looked for PFOS in there because they did not know about it. She mentioned Erin Brockovich came her to see; she is not superwoman, the people in the community have to be; she will continue to be at the meetings; and she has a lot of friends and family that will continue until they are safe. She stated it is not just South Patrick Shores it is in Indian Harbor; the canals down there are so disgusting and no one has tested them; and they tested city hall in Satellite Beach that used to a Fire Department, so of course there is stuff there, she used to live there.

David Kearns stated back to the Isnardi matter, Florida Statute 112.313(7)(a) certainly applies in this case, Conflicting Employment or Contractual Relationship; and he read, "No public officer of employee of an agency shall have or hold any employment of contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties." He inquired if the legal representation of Commissioner Lober for Chair Isnardi's spouse, David Isnardi done free of charge, pro bono, or if there was there a fee involved; why was the idea to represent Mr. Isnardi not immediately nixed by one or both Commissioners; if the remainder of the Board was informed of Commissioner Lober's decision to represent Mr. Isnardi; if the County Attorney was informed; if there is a written record of this

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exchange; and what was the County Attorney's response to this. He asked if Commissioner Lober was aware of Florida Statute regarding a conflict of interest and others he could read that may apply, but are not so flattering; has Chair Isnardi considered resigning in light of recent developments in her husband's very public case involving the FBI, FDLE, and charges therein; and has the Board considered asking Chair Isnardi to resign, if not, why not. He added each Commissioner is invited to weigh in on the matter.

Robert Burns inquired if the time is supposed to start before or after the speaker gives their address.

Vice Chair Lober stated he has been trying to be consistent with everyone.

Mr. Burns advised a few people it started when they got up and others when they got up to walk to the podium, so he was just curious of the Policy. He did not plan on speaking but as a result of some of the things he heard today he decided to speak up; he commended Commissioner Lober on handling the duties of the Chair today and maintain the quorum; and he thinks he has done better today than in the past.

Vice Chair Lober stated he appreciates that.

Mr. Burns asked Vice Chair Lober not to interrupt him during his public comment. He stated he finds it troubling that Vice Chair Lober referenced a Policy on public comments that he tried to enforce today, unnecessarily on two speakers, the standard they were being upheld to, that he does not uphold himself to, acting in the capacity of the Vice-chair and today as the Chair; and he would ask that at a minimum Vice Chair Lober hold himself to the standards that he expects the public to hold themselves to, when addressing this dais. He went on to say before that he has given Vice Chair Lober ample opportunity to address some of the misstatements, misinformation, and false statements that he has made about him on the record at this dais; he gave that opportunity publicly and through his District email; Vice Chair Lober asked him to provide documentation that goes towards some of the claims he made about him stating that he was race baiting Vice Chair Lober; he emailed him and asked him to send it to him; the civil rights law suit that was filed against Vice Chair Lober by a previous client as he requested; and he believes that substantiates that Vice Chair Lober has a problem with a minority client. He continued for full disclosure that law suit was dismissed, however it does exist and Vice Chair Lober tried to imply that it does not; he is certain Vice Chair Lober knew of it as he was listed as one of the defendants on the case; and he is giving Vice Chair Lober yet another chance to correct the statements he made about him and the false statements that he made about his actions on social media before he proceeds with two separate complaints that he has notarized to be filed today with two separate jurisdictions that he falls under. He added not only is Vice Chair Lober subject to the laws and regulations of this Board, but also as an attorney he falls under the professional ethics standards of the Florida Bar, which he feels he has lost his way and surpassed the threshold that would substantiate a complaint for that; and he reiterated today he is being one more opportunity to correct the record before he goes forward with any other measures.

Vice Chair Lober stated he anticipated he would have some more dishonest commentary coming from certain individuals and he inquired if Don Walker, Communications/SCGTV Director, still had the slide shows available. He noted he would like to start with the one pertaining to the law suit that was referenced. He inquired to the County Attorney, by virtue of someone being listed as a defendant in a law suit is that in and of itself a certainty that the individual was served or that they had any way of knowing.

Eden Bentley, County Attorney, replied the answer is no.

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Vice Chair Lober stated he did not know when this individual would come back, but he will help him and give him a little fuel for his complaints he says he is going to file.

Commissioner Pritchett stated as a recommendation, she thinks the Board is entering into a long time period where there is going to be a lot of emotional responses; there is a lot of confusion right now and people are angry, not that they should not be, but the Board has some things it is going to have to deal with, but she thinks in this room the Board should probably try to maintain a professional environment from the public and from the front; the Board cannot control what goes on with public media or what is going on with the municipalities, but she thinks maybe everyone should try to abide by the Pledge of Civility moving forward that everyone try to avoid personal attacks and comments; and to work hard towards doing County business. She added she thinks that is what needs to be done. She went on to say people can be hot about issues but if it is not something that is being voted on, then she thinks this should only pertain to County business; she believes this would set up some good ground rules and the Board will not be walking down this path every meeting; and she thinks everyone should start behaving like grownups.

The Board recessed at 11:17 a.m. and reconvened at 11:24 a.m.

Commissioner Smith stated he agrees with Commissioner Pritchett; it is very common in this period of time that people find their culture in that they point, counterpoint, anger, and hate; at some point the Board has to realize that no matter what it does at any given time 50 percent of the people are not going to like what someone did or said, and 50 percent will love it; having done this for four and a half years, next week 50 percent of the people will hate someone whom they loved this week or vice versa; and he thinks the Board needs to start the ball rolling where it has to be above the fray and understand that no matter what someone says or does they are going to get potshots taken at them, so do not take everything personally. He added there are some people that no matter someone does, they just will not like some people, that is just the way it is; the point, counterpoint is destructive and does not serve any purpose other than to create more information and inflammatory comments; and someone said during the break, the Board needs to be concerned about this turning into the Jerry Springer Show, and he does not want that. He noted the Board consists of professionals and they were elected by the people to run the County business not to get involved in personal turmoil. He hopes the community and the Board Members take that to heart.

Vice Chair Lober stated he appreciates what Commissioner Smith said; he agrees there are a percentage of people who like what is done and a certain percentage who do not like what is done; he believes when there are misstatements and defamation that occurs with respect to things that either were not said or things taken so far out of context as to be essentially false, he thinks it is necessary to let people make their judgments based upon the facts opposed to twisted facts or distorted facts by certain individuals; and he will not waste too much time today addressing this but he does think with the suggestions dealing with race that he would like to go ahead and address that flat on. He added he believes it is necessary. He went on to explain the slide show; this is a Facebook post from last year indicating if he would defend her, probably not because he does not defend minorities; Mr. Burns talked about a law suit a few minutes ago as supposed evidence, he assumes, of him being either racist or having something against other folks; the case involves a gentleman he represented for a short period of time named Aldo Ray Johnson Jr.; and what was not mentioned in context and was conveniently forgotten by a lot of people who come to the dais to attack, is this individual had no less than five attorneys. He advised first he had Steve Hendrickson who moved to withdraw on July 11, 2016 and the motion was granted; next he had Jennifer Kerwin who moved to withdraw on August 24, 2016, and the motion was granted; the third attorney was Charles Nervine, who has since passed away, moved to withdraw on August 30, 2016, and the motion was granted; then he was the attorney and moved to withdraw October 30, 2016, and motion was granted; he noted the basis

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for his motion was not that he was black or a minority; and his fifth attorney was Erica Feinswog. He commented the point is he had five attorneys so he does not know if the four prior to the fifth one were all racist or what the contention is here; on January 22, 2018, with attorney Feinswog representing him, Mr. Johnson entered a plea and was adjudicated guilty and convicted of multiple violent felonies in the case in which he withdrew from having represented him; the next slide is a document that was filed in the case and it is an order judging the defendant incompetent to proceed and it indicates in pertinent parts that he is not competent to proceed, he is not currently competent to proceed, and it addresses psychiatric care stating he is incompetent to proceed due to the defendant's mental illness; and incompetent to proceed meets the criteria for involuntary placement, manifestly incapable to survive alone, and there is a substantial likelihood that he could inflict serious bodily harm on himself or another person. He proceeded the law suit where he was sued was Aldo Ray Johnson, Jr. versus Circuit Judge Jeffrey Mahl, Brian Lober, with his name misspelled and that is probably why he was never served and consequently never knew this existed, and Jennifer Kerwin who is also an attorney; and he went on to explain how bad these folks are, Jeffrey Mahl is a Circuit Judge and a member of the Florida Bar for over 30 years with zero disciplinary history on file. He inquired if someone in the audience was cursing and advised if he is cursing then he needs to leave.

An audience member stated Vice Chair Lober is bringing his personal business into a County Commission meeting.

Vice Chair Lober explained it was brought up by someone; he noted this gentleman had his three minutes to speak without being interrupted and he does not get to speak out of turn; and as the audience member cursed at the Commissioner, Vice Chair Lober asked for him to be removed.

Vice Chair Lober continued with his slides. He stated he has not been an attorney for 30 years but it has been a little while; he does not have any disciplinary history despite folks calling to read him to the Bar over everything under the sun for political motivation; and then Jennifer Kerwin who was also sued, is an attorney with no disciplinary history; he noted these are not folks that have a history of doing anything with respect to treating folks differently on account of their ethnicity; the thought is somewhere between absurd and offensive; and he stated he wanted to see what the allegations were about him because that does matter. He went on to say he did not visit the defendant for three months, that he told him he did not want the case, and that he could get to court faster if allowed him to withdraw; as to those items, attorney-client privilege unfortunately precludes him from addressing a lot of what he would like to address, but he thinks he can talk about some of it; the first one is public record and the allegation is that he was not visited for three months; the order appointing him ordered him to represent the individual in September 2016, he signed and they filed a notice of non-objection to his withdrawal in October, so that claim is factually inaccurate; he reiterated he was appointed to represent him in September he acknowledged in his law suit that they had spoken about his potential withdrawal, that was done in person, and if there is a call log to the jail anyone is able to request it, there is no privilege, so even if he instantaneously learned of his appointment to represent him and even if the time he signed the document was the first time he had ever met with him, his claim that they did meet for three months would be debunked; allegation two was he told him he did not want the case, given that he moved to withdraw either he did not want the case or he had some conflict precluding the representation; however, something to bear in mind is that he had no less than five attorneys in just one case. He went on to say he was not remotely alone from withdrawing from the case; he suggested if Mr. Burns wants to start asserting that numerous people are racists against folks despite every one of those individuals having represented and dealt with minorities time and time again, he does not know how there is any basis to conclude that there is anything untoward about his or anyone else's withdrawal in this case; and as far as telling Mr. Johnson he could get to court faster by allowing him to withdraw, signing a document authorizing his withdrawal would get him a new attorney

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appointed more quickly and would obviate the need to have a hearing to determine whether or not he should be permitted to withdraw. He noted during that time he would have sat in jail with his case stalled, so signing that document did in fact get his case moving faster than it otherwise would have. He stated what Mr. Johnson was suing for was money damages of \$2 million plus and unspecified amount for punitive damages, plus an additional \$10,000 for each day he was in custody, or wrongfully in custody, he is not certain of that though; it was not mentioned anywhere in his complaint or anything pertaining to this, he did not say it had anything to do with race or ethnicity because it did not have anything to do with it; and he supposes when someone is race baiting it is convenient to turn a non-issue into an issue. He pointed out he was never served, the judgment in this case stated a decision has been rendered and the case is dismissed with prejudice; to dismiss something with prejudice means the case is dismissed and it cannot be refiled; specifically that is not done, when cases are dismissed they are dismissed without prejudice, so this was dismissed with prejudice and the record is pretty clear that there are such glaring issues with respect to what was filed in the complaint that it would be futile to allow him the opportunity to amend it to refile because there was essentially nothing of merit; and he noted this all without him even having to file a response, so that gives an idea of how ridiculous this whole case was. He stated he wants to talk about this gentleman's supposed evidence of racism that he was listed as an attorney along with others along with a respected circuit judge and a longtime assistant Public Defender by a man who was found by the court to suffer mental illness, that he was one of five attorneys to represent the defendant in this case, the one and only claim of potential substance against him was demonstrably false that he had visited the defendant in at least three months and has been proven so, and the federal court in which this was filed was not in Brevard County and not only dismissed it prior to him having filed a response, but dismissed it with prejudice so they could not be refiled; and he inquired if the court is supposed racists as well. He noted there are folks coming to the dais to stir the pot, who are professional agitators that are able to come to a meeting at 9:00 a.m. because they are not doing anything or even attempting to do anything that is productive; it is a shame because this Board is trying to do good work and trying to get things done; and there are people talking about folks dying of brain cancer and Leukemia and instead there are threats of impostor individuals that are looking at stirring the pot and labeling people as racists because they have no intelligent argument to levy against them and they default to something that is very hard to disprove. He mentioned he would keep this short so he will leave it at that and hopefully for the remainder of the meeting the Board can get back on being productive without anyone else yelling obscenities, which is apparently something else that folks do when they have nothing intelligent to say.

ITEM L.4., JOHN TOBIA, COMMISSIONER DISTRICT 3, RE: REPORT

Commissioner Tobia stated on May 17, there was an Advisory Board Workshop that had been in the planning since December of last year; he would like to thank Kathy Wall for the enormous amount of staff time that went into the hundreds of pages of preparatory work that was passed out to the Commission long before the meeting; initially he thought some of those issues could be brought up on May 30, but the more he thinks about this, and he does not want to blindside anyone, he thinks that probably waiting until have the break, in July at a regular scheduled meeting, not a Zoning meeting, would probably give the public the greatest amount of time; he will not be amending any of the suggestions that he has, although he may be adding some; and he asked that the Board peruse the suggestions and add any so everyone can be dutifully prepared for the July meeting.

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Commissioner Pritchett commended Commissioner Tobia for what he handed out; she thought there were some really good ideas in there, like combining the Environmentally Endangered Lands (EELS); she believes there is some good information in that handout; after she looked at the book it seemed pretty minor compared to what they had worked on, but he had some good ideas; and she thinks that will be very easy for the Board to go through. She thanked Commissioner Tobia for bringing it to the Board and stated she has been researching it.

Commissioner Tobia stated for the few hours he spent, he thinks it would be remiss to mention the hundreds of hours that Kathy Wall, Special Projects Coordinator, spent putting together a wonderful document.

Commissioner Pritchett agreed it was a good project, and she thanked all of the staff. She noted these advisory boards consist of volunteers and she thinks they are the heroes of the community coming along with their expertise and trying to give the Board ideas to help it work through things; and the Board may not always go with their suggestions, but it certainly helps to know what other people in the community are thinking.

Vice Chair Lober stated he thinks for the EELs suggestion by Commissioner Tobia, that he will probably have the votes; he likes that one the most out of everything else on there; there are some he intends to support and others may be a harder sell for him; however, he encouraged Commissioner Tobia to continue to bring them forward because he believes he will have some degree of success with it.

Commissioner Tobia stated someone in office had made mention to doing away with some of these boards that may turn many of them into subcommittees the same way the Tourist Development Council (TDC) has; that way there can be a filter through another committee, maintain a large degree of citizen participation, and make the process a little more streamlined; he certainly is not stuck on those ones, those are just starting points; and he would be more than excited if additional comments were made that the Board could keep citizen participation high and make the process so much better in such a way that everyone's opinion gets heard. He noted when there are 60 plus advisory boards there is a lot of noise out there; if the Board was able to streamline that, then the individuals that do volunteer their time, the Board would have a better chance to listen to a fewer numbers; and that was the goal behind this. He mentioned he is looking forward to discussing it in July.

ITEM L.5., CURT SMITH, COMMISSIONER DISTRICT 4, RE: REPORT

Commissioner Smith stated he would like to add to what he had already said earlier; he appreciates the fact that Vice Chair Lober was offended by the comments, but few people if any, besides Vice Chair Lober himself, really paid much attention to all the detail; he thinks he could have served himself the same way by patently dismissing everything that was said about him; he does not know if Vice Chair Lober paid any attention to his campaign, but if he spent a little time counter acting and talking about all the things that were said against him, people would still be talking about it; and he just does not think the Board Members need to go down the trail of the Jerry Springer Show as there are all responsible individuals on the Board, they have a tough job to do, and most of the people out there respect that and respect the Board for what it does. He added he does not think there is respect to be gained by counter attacking; and that is just his thoughts on this.

Vice Chair Lober stated he respects Commissioner Smith's position; everyone has their own styles, but he certainly would not begrudge or fault anyone who chooses to respond if they felt

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something had been sad about them is untrue; he thinks the question is to what degree is someone comfortable doing that and to what degree is it appropriate; there is certainly an element of subjectivity in there to where some people may let certain things go and others might not; how much someone chooses to say about that is also a personal and subjective matter; and each Board Member has to do what he or she thinks is right; and represent their constituents the best way they can. He reiterated he is not going to fault anyone who defends themselves to whatever degree that individual feels appropriate.

Commissioner Pritchett stated she thinks what might serve this Board best moving forward is to go back to nobody gets personal, it is stopped right away, whether it is from that side of this side; she thinks that will get everyone out of the funk they may have gotten into; everyone has different ways of doing things and different opinions; she thinks Vice Chair Lober is trying to do his absolute best to do this job; she does not always agree with him and sometimes they argue against one another, but if someone were to argue with him respectfully Vice Chair Lober will listen; and she mentioned even she and Commissioner Tobia go back and forth often. She added she thinks the Board is starting to lose this and it needs to get back to that; people are allowed to have a different opinion, allowed to be frustrated with what is going on, but it really does not need to get personal because the Board will not be able to get done what it is trying to do. She went on to say if people fight in the mud they are going to get messy; there is no reason to do that; there are ways to communicate, understand, and listen; once everyone starts getting offensive, everyone tunes out and it takes a lot of maturity to keep listening when people are trying to offend someone else; she thinks that is something that needs to start happening in this room, just shutting things down when it starts getting personal; and she truly believes the Board is going to need to do that with the things coming ahead.

Vice Chair Lober stated he does not disagree with that.

Commissioner Smith stated his words of wisdom he learned many years ago were, "do not wrestle with a pig because you both get dirty and the pig loves it."

Commissioner Tobia stated the nicest person on the dais is Commissioner Pritchett and the nicest person out there is Mr. Stasik; he thinks Mr. Stasik had a difference of opinion, but he is the model; he thinks everyone should have the ability and the opportunity to voice, but if there was a winner today on presentation it was undoubtedly Mr. Stasik; he is always welcome here; and he thanked him for participating.

ADJOURNED

Upon consensus of the Board, the meeting adjourned at 11:45 a.m.

ATTEST:

May 21, 2019

SCOTT ELLIS, CLERK

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