

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

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on July 9, 2019 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

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 | Present | |

MOMENT OF SILENCE

Chair Isnardi called for a moment of silence.

PLEDGE OF ALLEGIANCE

Commissioner Pritchett led the assembly in the Pledge of Allegiance.

MINUTES FOR APPROVAL

The Board approved the April 18, 2019 special meeting minutes and the May 7, 2019 and May 21, 2019 regular meeting minutes.

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

ITEM E.1., RESOLUTION VITAS

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-097, recognizing VITAS.

A representative of VITAS shared a story about a couple who was married for greater than 50 years; both had a terminal diagnosis and were admitted to this facility; they arrived at the facility together on March 17, 2019; and this couple passed away four days apart from each other. He noted it is an honor to serve this community; and he expressed his appreciation for the Resolution.

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

ITEM E.2., RESOLUTION COMMENDING AND CONGRATULATING TAIWAN ON SUCCESSFUL LAUNCH OF FORMOSAT-7

Commissioner Lober read aloud, and the Board adopted Resolution No. 19-098, commending and congratulating Taiwan on the successful launch of FORMOSAT-7.

David Chen, a representative of Taiwan, expressed his appreciation for Resolution.

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

ITEM F.1., MOSQUITO CONTROL DETAILED WORK PLAN - ARTHROPOD CONTROL

The Board authorized the Chair to execute the Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, FY 2019-2020 Detailed Work Plan Budget - Arthropod Control to qualify the Brevard Mosquito Control District as a State approved Mosquito Control Program.

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

ITEM F.2., TASK ORDER AGREEMENT TO FURNISH PROFESSIONAL ENGINEERING SERVICES FOR MUD LAKE PHASE 1 DRAINAGE IMPROVEMENTS

The Board approved and authorized the Chair to execute the Task Order Agreement between Brevard County and Tetra Tech, Inc. to furnish professional engineering services for Mud Lake Phase 1 drainage improvements; and authorized the County Manager, or his designee, to execute future change orders and project associated agreements subject to County Attorney and Risk Management approval.

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

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ITEM F.3., BCC-78 RENEWAL: PUBLIC INTEREST DETERMINATION DELEGATION FOR MAINTENANCE DREDGING

The Board approved Board Policy BCC-78 to renew delegated authority to Natural Resources Management Director for existing navigational channels, existing access to water dependent shore based facilities, and add where dredging is in the public interest due to improving the water quality by removing accumulated silt or improving circulation.

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

ITEM F.4., BCC-85 RENEWAL: LISTED SPECIES RELOCATION

The Board approved renewal of Board Policy BCC-85, "Listed Species Relocation," allowing private sector interests or individuals the ability to relocate listed species to County-managed or owned lands.

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

ITEM F.5., BREVARD COUNTY FEDERAL SHORE PROTECTION PROJECT (BCSPP) SOUTH REACH AND MID REACH

The Board authorized the Chair to execute the Cooperation Agreement between the United States of America and Brevard County for rehabilitation of the Brevard County, Florida Shore Protection Project, South Reach; and the memorandum of Agreement among the Bureau of Ocean Energy Management (BOEM), the U.S. Army Corps of Engineers, and the Brevard County Board of County Commissioners regarding the use of Outer Continental Shelf Sand Resources for Shore Protection and Restoration, subject to approval of final documents by the County Attorney.

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

ITEM F.6., FINAL PLAT APPROVAL, RE: HERON CREEK (18SDM00002)

The Board granted final plat approval; and authorized the Chair to sign the final plat for Heron Creek, subject to all minor engineering changes, as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

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

ITEM F.7., FINAL PLAT AND CONTRACT APPROVAL, RE: VIERA BOULEVARD COMMERCIAL CENTER I - PHASE 1 (18SD00018)

The Board granted final plat approval; and authorized the Chair to sign the final plat for and contract for Viera Boulevard Commercial Center I, Phase 1 in accordance with Section 62-2841(i) and Section 62-2844, subject to minor engineering changes, as applicable, and developer is responsible for obtaining all other necessary jurisdictional permits.

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

ITEM F.8., FINAL PLAT APPROVAL, RE: PANTHER RIDGE PHASE 2 (19SD00003)

The Board granted final plat approval; and authorized the Chair to sign the final plat for Panther Ridge Phase 2 in accordance with Section 62-2841(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: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.9., FINAL PLAT AND CONTRACT APPROVAL, RE: STONECREST AT ADDISON VILLAGE PHASE 3 (19SD00004)

The Board granted final plat approval; and authorized the Chair to sign the final plat and execute the Contract with Stonecrest at Addison Village Phase 3 for the Viera Company, subject to minor changes, as applicable, and developer responsible for all other necessary jurisdictional permits.

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

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ITEM F.10., FINAL PLAT APPROVAL, RE: VIERA BOULEVARD EXTENSION - TRACT A (19SD00001)

The Board granted final plat approval; and authorized the Chair to sign the final plat for Viera Boulevard Extension, Tract A for the Viera Company, subject to minor changes, if necessary, receipt of all documents required for recording, and developer responsible for all other necessary jurisdictional permits.

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

ITEM F.11., BOARD POLICY REVIEW, RE: BCC-45, INITIATION AND DEVELOPMENT OF NEW OR AMENDED ORDINANCES

The Board approved the Board Policy BCC-45, Initiation and Development of New or Amended Ordinances.

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

ITEM F.12., BOARD POLICY REVIEW, RE: BCC-51, ZONING ACTIONS AND FINDINGS OF FACT

The Board approved the Board Policy BCC-51, Zoning Actions and Findings of Fact.

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

ITEM F.14., BOARD POLICY REVIEW, RE: BCC-82, CONTINUED USE OF TEMPORARY RESIDENCE AFTER ISSUANCE OF CERTIFICATE OF OCCUPANCY

The Board approved the Board Policy BCC-82, Continued Use of Temporary Residence after Issuance of Certified of Occupancy.

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

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ITEM F.15., RESOLUTION AND RELEASE OF PERFORMANCE BOND, RE: ADELAIDE SUBDIVISION, PHASE 5 - THE VIERA COMPANY

The Board executed and adopted Resolution No. 19-099, releasing the Contract and Surety Performance Bond dated April 10, 2018, for Adelaide Subdivision, Phase 5 - The Viera Company.

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

ITEM F.16., APPROVAL RE: INGRESS AND EGRESS EASEMENT FROM TURTLE BEACH PROPERTIES, LLC AS REQUIRED BY SITE PLAN 15SP00009

The Board approved and accepted the ingress and egress easement from Turtle Beach Properties, LLC as required by Site Plan 15SP00009.

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

ITEM F.17., APPROVAL RE: DONATION OF SANITARY SEWER EASEMENT AND INGRESS/EGRESS EASEMENT FROM WELLS FARGO BANK, NORTH COURTENAY PARKWAY

The Board accepted the donation of Sanitary Sewer Easement from Wells Fargo Bank; and executed and approved the Sanitary Sewer Easement and Ingress/Egress Easement for North Courtenay Parkway.

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

ITEM F.18., APPROVAL RE: WARRANTY DEED FOR RIGHT OF WAY DEDICATION FROM CUMBERLAND FARMS, INC. (MICCO) AS REQUIRED BY SITE PLAN 18SP00017

The Board accepted the Warranty Deed for Right-of-Way Dedication from Cumberland Farms, Inc.

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

ITEM F.19., APPROVAL RE: ACCEPTANCE OF WARRANTY DEED FOR ADDITIONAL ROAD RIGHT OF WAY - HARVEST COVE SUBDIVISION - CITY OF ROCKLEDGE

The Board accepted the Warranty Deed for additional road Right-of-Way from the City of Rockledge - Harvest Cove Subdivision.

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

ITEM F.20., APPROVAL RE: SIDEWALK EASEMENT FROM COASTAL FAMILY LLC AS REQUIRED BY SITE PLAN 18SP00010

The Board accepted the Sidewalk Easement from Coastal Family, LLC, as required by Site Plan 18SP00010.

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

ITEM F.21., APPROVAL, RE: OFF SYSTEM CONSTRUCTION AND MAINTENANCE AGREEMENT AND RESOLUTION BETWEEN STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND BREVARD COUNTY FOR STATE ROAD 405 SPACEPORT CONNECTOR SIS INTERSECTION IMPROVEMENTS

The Board adopted Resolution No. 19-100; approved Off System Construction and Maintenance Agreement with FDOT for the State Road 405 Spaceport Connector SIS Intersection Improvements, Project Number FM436122-1-52-01; and authorized the Chair to execute the Resolution and Agreement.

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

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ITEM F.22., APPROVAL, RE: INTERLOCAL AGREEMENT WITH TOWN OF MELBOURNE VILLAGE FOR DAYTON BOULEVARD CULVERT REPLACEMENT

The Board approved and authorized the Chair to execute Interlocal Agreement with Town of Melbourne Village for Dayton Boulevard Culvert Replacement; and approved any necessary Budget Change Requests associated with this action.

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

ITEM F.23., APPROVAL, RE: RESOLUTION AND PERPETUAL EASEMENT AND RESOLUTION AND TEMPORARY EASEMENT BETWEEN FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND BREVARD COUNTY RELATED TO THE REPLACEMENT AND REALIGNMENT OF THE EXISTING CULVERT AT STATE ROAD 5/US 1 FROM ERNEST SANDS ROAD TO TOPSAIL DRIVE

The Board adopted Resolution Nos. 19-101 and 19-102; approved Perpetual Easement and Temporary Easement with FDOT for replacement and realignment of existing culvert at State Road 5/U.S. 1 from Ernest Sands Road to Topsail Drive; and authorized the Chair to execute Resolutions and Easements.

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

ITEM F.25., APPROVAL, RE: COMMUNITY ACTION BOARD REVISED BY-LAWS

The Board approved and authorized the Chair to execute revised Community Action Board By-Laws.

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

ITEM F.26., APPROVAL, RE: AUTHORIZATION TO PIGGYBACK ORANGE COUNTY STHLETIC SOD INSTALLATION BID AND RE-SOD ATHLETIC FIELDS AT CHAIN OF LAKES

The Board authorized staff to piggyback Orange County Contract No. Y16-1062 Athletic Field Sod and Installation to re-sod two athletic fields at Chain of Lakes Park.

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

ITEM F.27., APPROVAL, RE: TRANSIT SERVICES, FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED TRIP AND EQUIPMENT GRANT

The Board authorized the following actions for the Trip and Equipment Grant from the Florida Commission for the Transportation Disadvantaged in the amount of \$1,580,966:

- Adopted and authorized the Chair to execute Resolution No. 19-103
- Approved and authorized the Chair to execute Grant Application
- Approved and authorized the Chair to execute Grant Agreement
- Authorized the County Manager to sign all necessary Budget Change Requests
- Authorized the Transit Services Director to sign all assurances, warranties, certifications, and any other document that may be required in connection with agreement or subsequent agreements

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

ITEM F.28., APPROVAL, RE: PIGGYBACK BCSO CONTRACT WITH TYLER TECHNOLOGIES (FORMERLY NEW WORLD), INC. FOR CAD (COMPUTER AIDED DISPATCH) SOFTWARE FOR BCFR'S DISPATCH CENTER

The Board approved piggyback of the Brevard County Sheriff's Office contract with Tyler Technologies, Inc. for the installation and maintenance of CAD software for BCFR's Dispatch Center; authorized the County Manager, Public Safety Director, or designee, to execute all resulting contracts, budget change requests, task orders, renewals, and extensions with Tyler Technologies, Inc., upon approval by the County Attorney's Office and Risk Management; and authorized the County Manager, or his designee, to approve and execute a contract extension with the County's current CAD software vendor, Tiburon, to allow sufficient time for the transition between both vendors.

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

ITEM F.29., 2019-20 ANNUAL BUDGET RESOLUTION, RE: BREVARD WORKFORCE DEVELOPMENT BOARD, INC. DBA CAREERSOURCE BREVARD

The Board executed and adopted Resolution No. 19-104, the 2019-20 Annual Budget for

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Brevard Workforce Development Board, Inc. d/b/a CareerSource Brevard.

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

ITEM F.30., BREVARD COUNTY ANNUAL FINANCIAL AUDITS REPORT FOR FISCAL YEAR ENDED SEPTEMBER 30, 2018

The Board acknowledged the Brevard County Annual Financial Audits for the Fiscal Year ended September 30, 2018 and the accompanying management letters.

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

ITEM F.31., BUDGET CHANGE REQUESTS

The Board approved the budget change requests.

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

ITEM F.32., APPROVAL OF COLLECTION COSTS FOR BUSINESS TAX RECEIPTS

The Board approved the proposed cost of \$285,143, as submitted by the Tax Collector, for administration and collection of County Business Tax Receipts.

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

ITEM F.33., ACKNOWLEDGE RECEIPT OF PROPOSED BUDGETS FOR COMMUNITY DEVELOPMENT DISTRICTS (CDD)

The Board acknowledged receipt of the Fiscal Year 2020 Proposed Budgets for the Baytree CDD and the Viera East CDD.

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

ITEM F.34., AMENDMENT TO PROCUREMENT POLICY BCC-25

The Board approved amending Board Policy BCC-25, Procurement, by updating the language in Paragraph III.V. E., Verification to remove submission of evidence with bid/proposal and required prior to award and contract execution.

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

ITEM F.35., APPROVAL: SALE OF SURPLUS PROPERTY BY BIDDING PROCESS

The Board granted permission to advertise for the sale of surplus for one parcel of real property by bidding process, pursuant to Florida Statue 125.35(1)(a), and by a super-majority vote requirement for approval per Section 2-244, Code of Ordinances.

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

ITEM F.36., APPROVAL: SALE OF SURPLUS REAL PROPERTY BY PRIVATE SALE PROCESS

The Board approved the private sale of two surplus parcels of property pursuant to Florida Statute 125.36(2); and authorized for the County Manager, or his designee, to negotiate the terms of the private sale per Sec. 2-243(b), Code of Ordinances of Brevard County.

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

ITEM F.37., NECESSARY ACTION IN OBLOY CIVIL CASE

The Board permitted the County Attorney to take any necessary steps to further the County's interests, including authorization to appeal the Court's order, if the County's motion for rehearing/reconsideration is denied.

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

ITEM F.38., AGREEMENT WITH THE PROPERTY APPRAISER FOR THE COUNTY'S NON-AD VALOREM ASSESSMENTS

The Board approved a three-year Agreement with the Brevard County Property Appraiser for development and maintenance of an expanded use code for the County's non-ad valorem assessments.

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

ITEM F.39., APPOINTMENTS TO BREVARD COUNTY WORKFORCE DEVELOPMENT, INC. BOARD OF DIRECTORS DBA CAREERSOURCE BREVARD

The Board appointed **Arthur Hoelke**, and **Lynn Brockwell-Carey**, and reappointed **Susan Glasglow**, **Nancy Heller**, **Jennifer Kenny**, **Traci Klinkbeil**, **Terry Schrumphf**, **Patricia Stratton**, **Frank Abbate**, and **Shawn Beal** to the Brevard Workforce Development Board with said terms expiring June 30, 2022.

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

ITEM F.40., APPOINTMENTS/REAPPOINTMENTS

The Board appointed **Adam Kohler** to the Transportation Planning Organization Citizens Advisory Committee, as an alternate, with said term expiring December 31, 2019; and appointed **Steven Darling** to the Port St. John Dependent Special District Board, with term expiring December 31, 2023.

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

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ITEM F.41., BILLFOLDER/FINANCE

The Board approved the Billfolder as submitted.

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

ITEM G., PUBLIC COMMENTS

Chair Isnardi advised the first Public Comment session will be for 30 minutes as in the Policy and as practiced, so it will be the first 10 Public Comment cards and the remainder will go onto second Public Comment session later in the meeting.

Karen Colby stated she is here to talk about the right to free speech; she is asking that the community not lose sight of what the founding fathers wanted to do and the principles of the First Amendment, which protects that freedom of speech; according to UScourts.gov, the US Supreme Court has struggled to determine what exactly constitutes protective speech; freedom of speech includes the right to use certain offensive words and phrases to convey political messages, this is from Cohen versus California 403USCourt15 in 1971; according to Jason Wilson characters may not deserve free speech but they are entitled to it; rights are not earned by ones righteousness of one's values, they are just rights and people do not have to special to get them; all American's earned them because their forefathers guaranteed those rights; and the rights to freedom of expression is the tool that cultivated the fight to win every single right in this Country's history. She continued the people would have nothing without the right to free speech; there would not be women voting, there would not be other people voting, there would be nothing to ask for it without that right to free speech; she noted it means a lot to her as an American; people have to stick together for the right to free speech; if someone cuts it in half and says people can say this but, then it is no longer the right to free speech; and she feels very strongly that people cannot erode the rights to free speech. She went on to say the people asked for this right, the people voted for this right, and people should stand for them regardless of who says what; she has been insulted pretty bad in the past few months; she gives them the right to say it; she also has the right to repeat things back and so does everyone else in her opinion as an American; she mentioned the Board also has a right to free speech as the Board Members earned it just as everyone else; and she asked for a moment of silence for those veterans who worked to get everyone the rights to free speech.

Henry Parrish III stated one thing he would like to say on the boat removal that the County and the Tourist Development Council (TDC) has supported, is to thank Commissioner Lober on publicly manning some removals of those boats; back in his day, one of the biggest frustrations was that Maritime Law and locals did not mesh and there were a series of boats that had landed on shore and were not allowed to be removed; there were agencies fighting each other, but it is great to see the momentum of these boats; normally in Cocoa if one or two is removed, there is one or two more sinking right behind it, so it is kid of a mess; and he noted he appreciates the Board supporting that and the TDC for paying for it at \$3,500 per boat. He added he would also like to speak about the Historic Commission; his family goes way back in Florida as they arrived in Florida in 1823; they have been in the State for 196 years; they have a long supporting history; his mother is the founder of Brevard County Historic Commission and she founded it in 1963; the County begged her to bring it in so she did; she served on it for 45 years and it has been a big success; there is an Agenda Item coming up this evening that he feels is politically

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charged from a Commissioner, that is unfounded; and he believes that history is just as important as anything moving forward, especially for people who have lived there for more than a generation. He stated this County has made a lot of money; some of the cities are very old, historic cities and people come here to spend money; the history is very important and he believes this County is tied to history; and he noted Ponce De Leon landed in Melbourne Beach, and there is the space situation that is just starting, with big days ahead. He asked that the Board not kill the Historic Commission.

Commissioner Lober stated first off it is important to note the public's right to criticize any of the Board Members, but he believes having context is important as well; it is important to realize that a combination of intentionally and dishonest bad actors who potentially are striving for relevancy as well as some naive folks who have unfortunately been brought into this to believe some things without doing their due diligence and verifying them, have expressed some dissatisfaction with a couple comments that he made on his personal Facebook account; he believes the vast majority of folks who have been upset by that have been upset simply because the comments have been talked so far out of context that they do not resemble what was actually posted; and he would like to address two of those comments so if someone wishes to criticize at least they will know what they are criticizing him for instead of some false narratives that have been floating around, which have resulted in, among other things, a correction or two having been printed in the local newspaper. He explained a gentleman made a post on a political social media page pointing out that anti-Trump protesters who are hoping to protest the dually elected President while he was in Orlando, that they did not have enough funds to travel out there to protest him; this comment, interestingly and conveniently enough, has been left out of all the media coverage surrounding his posts; he noted he would suggest the reasoning is because real context does not fit a particularly malicious political narrative; the very first individual who replied to that, in him stating that the anti-Trump protesters should be aware of Dodge Chargers, took this to be a reference to police cars which are often times Dodge Chargers; there is a definite correlation between those who disapprove of the dually elected president and those who distrust the police and prefer they not be around during protests; in response to that which addressed a 2019 Trump protest, he jokingly replied he would not recommend using a snow plow and immediately the folks who were either malicious, naive, or gullible claim that he was endorsing a two-year old terrorist attack in Charlottesville which had never even been so much as mentioned in the thread; not letting truth get in the way of a divisive partisan story, some dishonest folks and probably some well-intentioned naive folks claim that it was a Dodge Charger used in the horrendous attack from years back, and ridiculously by extension that his comments somehow condoned murder which is abhorrent; and the facts are no one ever mentioned Charlottesville prior to his comment on that thread, more importantly the car that was used in that attack was not even a Dodge Charger despite fake news claiming otherwise out of convenience, looking at the coverage from back then it is clear that was not the model of the vehicle that was used. He advised his comment referred to a much more recent 2019 incident that occurred in Massachusetts when a series of anti-Trump protesters were sprayed by slush or snow by a passing by snow plow; it was not alleged that the drive intended to injure anyone; his comment was intended to make a joke out of that not running over or murdering someone; to say that the comment he made referred to a years old incident is simply dishonest and it is a stretch from something funny to something evil; moving on to the second comment where he stated he would be willing to look the other way if an openly pro-choice objectively racist and sexist bigot wished to have an abortion, at least he understands how that could be construed as objectionable; the individual referenced that his comment was dehumanizing towards her and her potential children; he believes that life starts at conception and as such it is not dehumanizing someone that does not exist; and he reiterated the hateful bigot never once so much as claimed to be pregnant and the more interesting part is many of the more prominent members of the local political group in which this individual chairs have shared, commented on, and liked photos dehumanizing actual real people. He added there has been a photo put out and liked by numerous in her group showing insects with State

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Representative Randy Fine's head superimposed on one insect; the point is there is such hypocrisy and double standards; there are folks here that essentially want free speech as view points that they enjoy and they will sit and cough while he is trying to express his constitutional free speech, it is disgusting, and it is very telling that they cannot engage in an honest debate when they come here and do that in mass; and to promote their fake narrative, they are not going to allow their opposition or someone they do not agree with come to the podium and comment on what was going on. He went on to say he would like to finish that item, the audience is welcome not to like it and those people are also welcome to leave if they do care for it, but he does have a right to speak and he is going to enjoy that just as he is going to enjoy allowing them to speak and spread what they care to spread. He stated the photo that was put out and liked by many who held positions in that particular group, had a superimposed picture of State Representative Randy Fine on an insect and his head was superimposed on another insect with the two insects engaging in a sex act; that is dehumanizing two actual people, but he did not hear any criticism coming from those folks on that side of the aisle when it came out or the pig snout that was put out over his face; he appreciates that some folks find that funny, but it is very telling that certain individuals can pick and choose what they are offended with; he is not there to go over the hateful rhetoric of his contractors, the vast majority of whom are not even constituents of his; and he does believe the attempt here is one to chill free speech and they are coming here to cough and choke and make noise when he is trying to speak to prevent him from engaging in a constitutional protected activity despite the fact that he has been nothing but courtesy to the folks who come here without coughing, choking, and making a fool of himself.

Catherine Haynes stated she is here in support of residents of this County and to ask the Board as a government body to do the right thing; when the people elected the Board to serve them, with that vote came many expectations, expectations that exceed those expected to be displayed by the average citizen; for instance, she expects the Board Members understand they are now elected officials, a representative of the people's government, a government for the people, by the people and of the people; as a result the Board will understand that they it is here to serve the constituents, which is all the citizens of Brevard; The Board is here to protect the citizens when their rights have been infringed; and she expects the Board as elected officials to meet those expectations by listening to the people, even those who may not have voted for any one of the Board Members. She added in other words, as a government official, she seeks to understand. She went on to say it saddens her that many of the audience are here tonight because when citizens of Brevard recently voiced their opinions it was met with lectures, backlash, bullying, and even retaliation; she asked how in the world this County has gotten to this and what is being talked about tonight, she simply does not understand it; she asked how the citizens of Brevard exercising a constitutional right, freedom of speech, led to such repeated on-going, aggressive reactions from a governing official and government staff; and she mentioned the very people who are here and took an oath to office to serve the people, not an oath to serve themselves. She continued she expects as government officials, the Board has the civility to control its emotions; the Board Members are human and have the same emotions as the rest of the community, but when this Board was elected to serve, it should display self-control; at times the constituents will grow frustrated with a Board Member, argue, voice disparaging thoughts, and even lies, but the Board consists of elected officials and as such it should lead the community to become the best versions of itself, in other words, the Board should be inspiring the people as a County to be better; and it is embarrassing and incredibly disheartening that the people have elected leaders who joke about hurting others, as well as seemingly attempt to shame and threaten members of the community. She explained she expects the Board to select staff members who consistently excel at serving the people with words and actions as they too are government employees and serve as the Board's voice; she demands that they also lead by example with vision and integrity; she asked the Board to please not sit in silence and turn a blind eye to what is happening in this County; she asked the Board to step up, doing the right thing is hard but by placing someone's name on the ballot to serve the government role, it is saying that they are here for the people and to do the right thing

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every minute of every day while in office. She asked the Board to lead with integrity and grit because what is happening in this County is and will continue to have devastating effects on the people.

Claudia Thomas stated it was her how posted the now infamous screen shot that Commissioner Lober referenced when he tagged Lockheed Martin, her employer for almost 30 years and for whom she currently works as a contractor; the same tag triggered subsequent calls between Commissioner Lober and Lockheed and between Lockheed and said contractor; a few facts are now necessary since the March meeting when Commissioner Lober did his best to brow beat her friend Stacey Patel; and she advised she did work for Lockheed Martin and with a stellar record as Lockheed Martin's Government Affairs Director, and he would have discovered that had he continued with his unwarranted searches. She continued while she had retired a few years ago, she was asked to come back last year on a contract position, one that has been extended not once, but twice; she resents Commissioner Lober's thinly veiled attempt to deflect from the real issue by insinuating that she was a liar on public record; on the day of the picture she posted, she was attending a habitat event honoring women veterans; she has been a member of the women build team for almost eight years, project near and dear to her heart; she was looking forward to this particular event because her friend Mel Martin was being recognized and she cannot say enough about this women, a brilliant and ethical person who's behavior she tries and sometimes fail, to emulate; what she did not expect that day and was not emotionally prepared for was to see not only her opponent but also the opponent of someone else she canvassed for, another woman veteran; it just felt wrong that the people who fight for the least among had to share this day with two people who hold such opposing beliefs; and she tried since those elections to bottle up her sadness and anger, that some voters in the place she has called home for 40 years, make some of the choices they do, and she believes on this day it came to a head. She went on to say to Commissioner Lober, it hurt her to have to take that call from her employer as she strongly believes he had no right to retaliate against her by contacting Lockheed in an attempt to threaten her employment; it cause her some distress while she worried that her position might have been in jeopardy; luckily her employer called and informed her they understand the difference between free speech of a personal nature and that which impacts the company; and they did in fact tell her she could put her post back up if she so desired; however, what worries her is what might have happened had he directed this at someone whose employer is more likely to be intimidated. She added to the rest of the Board she is asking for its help; what Commissioner Lober did to her and his boycott of events like Civility Brevard, his comments on the dais, and his horrific comments about Stacey show that he has no intention of discontinuing his behavior that is reprehensible and inappropriate for a government official; she believes the Board Members have good hearts; and she asked that the Board spare the County further embarrassment and potential lawsuits by asking Commissioner Lober to resign from any position of trust or County representation that he may have.

Commissioner Lober stated he wants to address what actually happened.

Commissioner Smith interjected that this is out of order; this is public comment period; there are Board Reports at the end where Commissioner Lober can respond at that time; and this is taking up the public's comment period.

Chair Isnardi stated that is the fine line; she asked if she should allow the Commissioner who is been addressed to respond or should it wait until the end; and if anyone wants to respond at the end of public comment, he or she can.

Commissioner Smith noted that would be fine, otherwise, it is just going to keep going back and forth.

Chair Isnardi stated she totally gets it; she wants order to remain as well, however at the same

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time if it was anyone attacking Commissioner Smith or any other person on the dais she would want them to have the chance to respond in fairness; and she asked Commissioner Lober if he can do that at the end of Public Comment.

Commissioner Lober stated if there is a specific accusation, he thinks it loses its effect if it is untimely.

Chair Isnardi advised she thinks the Board has to maintain order.

Commissioner Lober noted he could be very brief.

Chair Isnardi allowed Commissioner Lober to comment.

Commissioner Lober stated the short answer was that he was told point blank, if he was not there that the six digit check going to habitat might not have been cast and he has that in writing if anyone wants to do a public records request, they can; and he advised people to not call him a hypocrite or use vulgarity when saying he is there to ensure they can get their money.

Chair Isnardi advised from now on comments from the Commission or any responses will be at the end of Public Comment, not during; and that the Board had not set the rules so it is not fair to implement them now because someone does not like what was said.

Janice Stout stated Commissioner Lober is not her Commissioner and she thanked Commissioner Tobia for doing an excellent job representing her District; she noted she has worked with Commissioner Lober, he is a friend, in the republican party; and she thanked him for the hundreds of millions he has saved the County because he has worked with the Board to actually do a lot of great things for the County, working with the Lagoon to save taxpayers money. She went on to say she would like to address some things that were said and very offensive to her; someone asked how the County got this offensive place talking about all these words and what offends people; she advised they got here from women walking on the streets of Washington D.C., in vagina costumes and suddenly someone is offended because they were told to go ahead and have an abortion; and she stated that Stacey Patel could go ahead and have her abortion because she has walked on the streets of the Eau Gallie causeway holding a sign that read, "MY uterus, my body, my choice;" when someone says it to her she is offended; and she advised Ms. Patel to pick a lane.

Chair Isnardi asked Ms. Stout to keep her comments directed to the Commission.

Ms. Stout advised she is talking directly to the Board.

Chair Isnardi advised Ms. Stout not to get personal.

Ms. Stout advised she called someone a racist when she does not even have the correct story and then says on her feed in no way should the democratic ticket be two white men, no back to regular scheduling everybody, that is a racist statement and she cannot even admit to it; it is there, it has been screened shot, it is all over Facebook, and she will deny it; however, she has unleashed an attack like no other on Commissioner Lober. She added she has had people call his home and threaten to rape his wife, and she is deeply offended.

Chair Isnardi advised Ms. Stout to be careful.

Ms. Stout advised she has heard it, she has seen it, and she has gotten the threats herself.

Chair Isnardi explained Ms. Stout can talk about the comments made but she cannot accuse

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other people of making those comments.

Ms. Stout stated the comments made to her personally from Ms. Patel's friends stating she told them to do it; she told them to say she knows all about her, they looked up her personal record, they know where she lives; that is a threat; and that is what is coming from that side all because they do not like Commissioner Lober's position.

John Henry Weiler stated he is here to speak in support of Commissioner Lober due to all the negative comments that have been made; for the first time in over 12 years District 2 finally has a Commissioner who is keeping his campaign promises to restrict expansion of government to the local level, re-expenditure is under control, and to ensure that County funds are being used to maintain and upgrade infrastructure that is under the County Commissioner's jurisdiction; during his campaign he promised to get the potholed section of South Courtenay in front of the Junior High repaired and it has been resurfaced along with 25 other residential streets; he promised to get the Kiwanis Island boat ramp replaced after its destruction during Irma, along with the boat ramp on SR 520, and both have been done; he promised to focus on cleaning up the Lagoon, and he has worked tirelessly to ensure Indian River Lagoon (IRL) funds are focused on the things that give the most bang for the buck in an expedited fashion; and he promised to evaluate the Tourist Development Council (TDC) expenditure of funds and get effective use of those funds, and there again making a difference. He added this has all been accomplished in Commissioner Lober's first six months in office; Commissioner Lober is doing what most people voted for him to do; and he encouraged him to maintain his focused effort. He continued there are partisan forces attacking Commissioner Lober daily for his counter-attacks on social media; they are the same forces who have attacked the President and designated many busses, deplorables; they have only recently declared that two white men cannot be allowed to President and Vice President on their own ticket; and he asked how partisan and discriminatory can they get. He added in any event he believes Commissioner Lober has the right to freely speak his mind about issues and respond in kind to personal attacks; he asked Commissioner Lober to continue his focused efforts to get fiscal reforms, and infrastructure projects to improve the waste management system in Brevard County; and he thanked him for the willingness to serve by putting his personal legal career on hold as he accomplishes these tasks for this community. He noted he watched Commissioner Lober for four months before the primary campaign and when he first decided to run for office, and he has known him to be a man of integrity, a man of his word, and a man that does what he says he is going to do; and he has no objection to him as an individual, away from the Commission, responding to attacks on social media.

Ruth Ganter stated she lives on Merritt Island and the County has turned her house into a retention pond which she is not happy with; a road was put in a number of years ago and her house was placed below the crown of the road; the infrastructure on Merritt Island is so bad, she does not even know how it exists, but when it rains it comes into her house and all of the water from Sixth Avenue comes into her yard and all the garbage from the neighborhood comes into her bank, and then the sewer system turns and backs up in her yard; and what she wants is relief. She noted she calls the County and they all say they do not know what to do, but there must be someone that knows how to get rid of water; they want to live in the house, they have been there 57 years; she even asked for sandbags and they said they could not do that; she asked what the County is going to do; she mentioned she has called everybody; people could surfboard in the front of her yard when it rains; and she has a lake but here is not supposed be road water in a fresh lake, but it is being used as a retention pond so it has cat tails. She continued she knows it is against the law, but the law is being broken anyhow, so why not get rid of the cat tails so there is more space for water; this is no way to live, when every time it rains she is so apprehensive that she is going to be under water; the other day it rained for about 10 minutes and it was already four or five feet into the garage; when people drive by they make these giant fishtails which makes the water wave into the house; she was given a sign for

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a no wake zone, but that does not work; and she wants some relief. She went on to say her son went out today and looked in the drains, which are full of plastic; she asked if those are supposed to be cleaned out; and the plant needs to be able to pump sewage, because it is not right that she has sewage in her yard.

Commissioner Lober stated it appears she has a couple different issues out there and if she wants to come in to his office sometime this week he will get her in.

Ms. Ganter noted for him to pick the day and she will be there.

Commissioner Lober asked if the Assistant County Manager or someone from staff could come in to address some of those issues as well.

John Denninghoff, Assistant County Manager, stated someone from Public Works and himself could come.

Ms. Ganter stated that was a country road when she bought the house, but now it is like the New Jersey Turnpike because some days she cannot even get out.

Commissioner Lober stated he needs to get a better grasp of what is going on there and Mr. Denninghoff will meet with her as well.

Ms. Ganter advised she called and called.

Commissioner Lober advised they would look into this; and if she can come this week, he will get her in.

Reverend Johnnie B. Dennis stated when voters and taxpayers allow unlawful acts to go on unpunished, that is moving toward a County government of men and women rather than a government of law; for years West Cocoa, District 1, has been a victim of systemic racism and dereliction of duty; the Board of County Commissioners have a duty to ensure that it a 99 percent black community have the right to the enjoyment of their property which is guaranteed by the Fourteenth Amendment that he fought for; even if it is a democratic community, they pay taxes there; and dereliction of duty is crime of the local government Code Chapter 87, Removal of a County Commissioner, and it clearly states that a Commissioner can be removed from office by a U.S. District Judge for the following incompetence's, gross ignorance of official duties, intentional unlawful behavior related to their duties, intentional or corrupt failure, refusal, or neglect on their duties as elected officials; and Commissioner Pritchett was elected to serve District 1, and located in District 1 is a training range owned by the County and she is responsible for her tenant. He added no efforts have been made by Commissioner Pritchett to build stalls, close the range in, build a side wall, build a great wall and plant grass on it; several requests have been made privately and they have received no cooperation in their black community since Commissioner Pritchett has been elected; their Fourteenth Amendment right to enjoy their property has been constantly violated; and he asked Ms. Pritchett to give him a response within 30 days on what she is going to do. He mentioned Commissioner Pritchett already knows that last time he filed for removal of her because there was a problem, but not now.

Amelia Sullivan stated she is 12 years old and her house is located on a military dump; she has the biggest yard in the neighborhood and that basically means all the children in the neighborhood come to her house to play, they climb trees, they play hide-and-go-seek, and make forts; she can longer do that because of the dump in her yard; and she is not even allowed to go in the yard any longer. She noted all she does anymore is go out on the patio and take the dog out. She advised no one is allowed over and that she was alone again; the Board

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can understand that does not make her feel very good; and she stated that is why she is reaching out to the Board so it can help.

Chair Isnardi noted the remaining Public Comment cards would go into the remaining Public Comment slot as per Policy.

ITEM H.1., PETITION TO VACATE PUBLIC UTILITY EASEMENT-COCOA-MATTHEW S. AND ROXANNE R. MILHOLLAND

Chair Isnardi called for public hearing on a petition to vacate a public utility and drainage easement located in Port St. John Unit Eight subdivision requested by Matthew S. and Roxanne R. Milholland.

Corrina Gumm, Interim Public Works Director, stated this is a petition to vacate 10 feet of a 20 foot wide public utility drainage easement along the rear line of Lot 7, Block 316 of the Port St. John Unit Eight subdivision; this will allow the owners to construct a pool outside; and notices have been sent to all County agencies and public utility companies with no objections.

There being no further comments or objections, the Board approved Resolution No. 19-105, vacating 10 feet of a 20-foot wide public utility and drainage easement in Port St. John Unit Eight subdivision as request by Matthew S. and Roxanne R. Milholland

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

ITEM H.2., PETITION TO VACATE PUBLIC UTILITY EASEMENT-COCOA-DANIEL C. AND CHERLYN A. ULMER

Chair Isnardi called for public hearing on a petition to vacate a public utility and drainage easement located in Port St. John Unit Four subdivision requested by Daniel C. and Cherlyn A. Ulmer.

Corrina Gumm, Interim Public Works Director, stated this is another petition to vacate a portion a 20-foot wide public utility drainage easement along the rear lot line of Lot 20, Block 279 at the Port St. John Unit Eight subdivision; this will allow the owners to construct a pool outside the remaining easement; notices have been sent out and they have received no objections.

There being no further comments or objections, the Board adopted Resolution No. 19-106, vacating a portion a 20-foot wide public utility drainage easement along the rear lot line of Lot 20, Block 279 at the Port St. John Unit Eight subdivision as requested by Daniel C. and Cherlyn A. Ulmer.

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

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ITEM H.3., PETITION TO VACATE PUBLIC UTILITY EASEMENTS-COCOA-PATRICIA R. BURGETT

Chair Isnardi called for public hearing on a petition to vacate a public utility and drainage easement located in Port St. John Unit Four subdivision requested by Patricia R. Burgett.

Corrina Gumm, Interim Public Works Director, stated this is a petition to vacate three wide public utility drainage easements within Lot 32, Block 128 of the Port St. John Unit Four subdivision; this will remove existing sheds as encroachments into these easements; these are rare easements; and notices have been sent to all County agencies and public utility companies with no objections.

There being no further comments or objections, the Board approved Resolution No. 19-107, vacating a public utility and drainage easement within Lot 32, Block 128 of the Port St. John Unit Four subdivision requested by Patricia R. Burgett.

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

ITEM H.4., PETITION TO VACATE PUBLIC RIGHT-OF-WAY 15TH STREET-TITUSVILLE-LAWRENCE P. AND KATHERINE A. HANKEN

Chair Isnardi called for public hearing on a petition to vacate part of a 50-foot wide unopened public right-of-way in the Sun Valley subdivision requested by Lawrence P. and Katherine A. Hanken.

Corrina Gumm, Interim Public Works Director, stated this is a petition to vacate part of a 50-foot wide unopened public right-of-way along Lots 15, 16, and 17 of Block 52 of the Sun Valley subdivision in Titusville; this will allow the owners additional area for the construction of a single family residence; and notices have been sent to all County agencies and public utility companies with no objections.

There being no other comments or objections, the Board adopted resolution No. 19-108, vacating part of a 50-foot wide unopened public right-of-way along Lots 15, 16, and 17, Block 52 of the Sun Valley subdivision in Titusville as requested by Lawrence P. and Katherine A. Hanken.

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

ITEM H.5., PETITION TO VACATE SIDEWALK EASEMENT-GROVE STREET, MERRITT ISLAND-BREVARD COUNTY

Chair Isnardi called for public hearing on a petition to vacate a sidewalk easement on Grove Street in Merritt Park Place subdivision, on Merritt Island as requested by Brevard County.

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Corrina Gumm, Interim Public Works Director, stated this is a request to vacate a portion of an existing five-foot wide sidewalk easement on Grove Street along Lot 1, Block C of the Merritt Park Place subdivision; this will remove a portion of the site's building as an encroachment into this easement that is along Grove Street; the existing sidewalk is actually in the right-of-way not in the easement; and notices have been sent out to all County agencies and public utility companies and they have received no objections. She added staff has no concerns of this request.

There being no further comments or objections, the Board adopted Resolution No. 19-109, vacating a portion of an existing five-foot wide sidewalk easement on Grove Street along Lot 1, Block C of the Merritt Park Place subdivision as requested by Brevard County.

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

ITEM H.6., APPROVAL, RE: FISCAL YEAR 2019-2020 HOME INVESTMENT PARTNERSHIPS PROGRAM CONSORTIUM ANNUAL ACTION PLAN

Chair Isnardi called for public hearing on Fiscal Year 2019-2020 Brevard County HOME Investment Partnership Program Consortium One Year Annual Action Plan.

Ian Golden, Housing and Human Services Director, stated this is a required public hearing for the U.S. Department of Housing of Urban Development (HUD) funds, HOME Investment Partnerships Program and Community Development Block Grant (CDBG); every year they are required to do an annual action plan with four major cities in the County, Palm Bay, Melbourne, Cocoa, and Titusville and everyone receives federal funding; they act as lead agency for the housing, the HOME side; therefore they submit one consolidated action plan which reviews what was done the previous year and sets up the priorities for the coming year. They are required to hold this public hearing and they are receiving public comments at this time; and then they will do a second public hearing July 23, 2019.

There being no further comments, the Board conducted the first public hearing, as required by the U.S. Department of Housing and Urban Development (HUD), for the purpose of receiving public comments on the strategies set forth in the HOME Investment Partnerships Program and Community Development Block Grant (CDBG) Annual Action Plan.

ITEM I.1., US ARMY CORP OF ENGINEERS PERMIT FOR US192 PROJECT

Euripides Rodriguez, Solid Waste Management Director, stated this is about US 192 regarding the US Army Corp of Engineers Environmental Resource Permit; as directed by the Board in April or May, staff was to come back to the Board with updates of different options; and he has updated all the information and it is enclosed in the Agenda Report.

Chair Isnardi stated she would like to speak first since this is in her District; obviously, for anyone not following, this is for a new landfill on 192 and she has been adamantly opposed to it; she thinks there are better options; and it was the intention of the Board to revisit this after the break to give everyone the chance to look at the appraisal for that property from American Recyclers and the possibility of purchasing that property to extend the life of the Sarno facility

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and it is in the report about using some existing property that is there for extending life; the Board was looking for other options because any way it is sliced, putting another landfill out on 192, at the entrance to this County, is a bad idea, and not just environmentally; and she does not care what the report says about mitigation of wetlands, staff has said in the past that it cannot recreate a natural wetland anyways. She continued also missing from the report is the impact on property values, this is at Deseret Ranch and she asked if anyone wants to see this when they drive into Brevard County; she stated she thinks as a government and as responsible stewards and Commissioners, the Board should do everything in its power to prevent another footprint of a landfill no matter how dire it looks; right now is the County has asked for a height variance at the existing Sarno landfill, which is well within reason, and so far it has cleared Planning and Zoning; that would extend it and give the County more time; she reiterated she thinks the most proper thing would be to not do this because she does not believe any part of this would be a good scenario, at least that is her opinion; and she knows at some point the Board was willing and open to looking at other options. She went on to say the Board could discuss the hurdles but she thinks it is important to ask what can be done to not do this; Deseret Ranch sued the County because it took their land over 30 years ago because the Sarno landfill was dire and failing then, but the County has made it this far; this is just the signing of the permit and because it has been going on for so long she just thinks people do not get excited about it any longer; and she advised she will not be supporting this and she does not think it would be wise of the Board to do that without all of the information. She added the Board asked for this report and staff did what it was asked to do, but they do not have all of the information, there is no appraisal for the property, at list in the report she does not see a potential value of the Deseret Ranch property, if the County were to put out an Request for Proposal (RFP) it were to sell it in the future; that information would mitigate a lot of the costs to make the Sarno landfill be able to handle more and to do a lot of other things; and she reiterated she thinks it is a bad idea and it is not a legacy that she wants to own, politically it is not going to affect her, because she will obviously be long gone before this place were to ever open, but she thinks anything the Board can do to prevent another landfill is a good thing so she feels the Board should look at every other option. She stated one thing that has not been done is looking past if Deseret Ranch was not an option or why something else is a better idea, this has always been considered an option and she thinks it should not be considered as an option; and she gets very frustrated that the Board is not doing more to prevent this.

Commissioner Pritchett inquired if there is an expiration on the permit the County is trying to get.

Frank Abbate, County Manager, noted there is no expiration that the Army Corp has given them; they have not signed the permit yet; and he inquired if the County has a certain period of time to have construction underway.

Mr. Rodriguez stated the permit is good for 10 years from the time it had been issued.

Commissioner Pritchett asked if the County has 10 years on the permit before it has to take action.

Mr. Abbate clarified, the County has to have construction underway within 10 years; he advised the County has not signed the permit because the Board action that was taken in April.

Commissioner Pritchett asked how long the County has to sign the permit before this whole thing expires.

Mr. Abbate stated the time for the County to object to the permit as it was issued has passed so for the County to move forward it is just when they sign the permit; and then the County will be in the position to take the next steps. He advised there are various steps that were included in the report of what those steps would be including additional permits that would need to be

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obtained, two from Florida Department of Environmental Protection (FDEP) and Federal Aviation Administration (FAA); after that they would get into the turning lanes that would have to be the first phase the County would have to take action on, followed by wetland mitigation; and that would have to be completed before considering to move forward with any kind of construction at the site.

Commissioner Pritchett asked the County Manager to explain the plan to move forward on Sarno Road, because he told her yesterday that it adds up to six or seven years on that site.

Mr. Abbate mentioned right now the latest estimate he had obtained from the consultants was without the additional height variances being granted by Melbourne, there was a little over approximately a year due to the hurricane debris that was added to the facility; if in fact the County obtains that height variance it would add another approximate three years; there is also an additional property that the County has that is being used by FIND and their lease ends this year; and although it is a significant costs to do it, the County could actually add another four years by making modifications to that part of the site. He added those are the first two areas and then the Florida Recyclers site which is adjacent to it and has a potential to add eight to 20 years depending on what is done there and what the cost is; staff has tried to give the Board as much information as they have; and as the Chair indicated staff does not have the information yet, but he believes that information will come from the appraiser in mid-July.

Commissioner Pritchett stated she thinks staff is making some progress; she thinks the plan is working; her goal would be to move ahead with Sarno Road so the County is not starting a new footprint for this; then she thinks the County should get more aggressive in the recycling efforts because she thinks a lot of this is construction and even some landscaping things that are filling up most of these dumps; she thinks the nation is going to have to get better at taking care of its waste; and she noted she is on board with this. She went on to say her goal would be for the County to continue to own the property and let Deseret Ranch use it forever and ever amen; it is going well now and the County paid a lot of money to get it; she does not know if Deseret Ranch would be able to come up with the money to repurchase it, but as long as it belongs to the County she would like to keep it; worst case scenario if the Board has to come back in a crisis it will have to have another conversation; however she really appreciates that staff has been able to come up with alternatives so the County does not have to increase the footprint and to stay on the place that the County already has.

Chair Isnardi stated she appreciates that; she thinks this item is staff wanting the Board to sign the permit; there is no harm in waiting for the information on the appraisal and look at the entire option; her fear is that if the Board signs the permit and very discreetly starts doing things, then they are almost at the point of no return; and she thinks the Board needs all of the information before jumping the gun.

Commissioner Pritchett stated she is fine with that, but if the Board does this down the road to see what happens, she is not going to vote to turn that into a facility because she thinks the Board needs to work on other things; and she thinks the County needs to continue to own it and let Deseret Ranch use it to farm on or until something happens down the road. She mentioned she thinks the County is starting to make some progress and she is thankful that staff is getting aggressive with this.

Commissioner Lober stated he was there for the Planning and Zoning meeting this past Friday; he believes something is likely to go through just based on everything he has done in terms of due diligence and recon with some of the folks down there; one of the things he thinks will help to emphasize in order to increase the likelihood of that going through is that this request is not asking to increase the height for that particular property over the highest portion of that property anyway; it technically can be a height increase but really the County is asking to cap out at 81

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feet which is already where it is set to cap out for the bulk of the landfill; and this is a small spot at one extreme corner so whatever harm would be done at having an 81 foot landfill is going to be done anyway, so he sees no additional harm taking place to anyone. He went on to say he thinks that was a point of contention with a lot of folks; they also heard 104 feet was the magic number that came up at one point; his understanding is it is 104 feet above sea level but 81 feet above the base elevation for that facility; and he thinks any conversation anyone chooses to have with anyone who has influence with Melbourne, that is a point worth focusing on.

Hugh Evans, representative for Florida Recyclers of Brevard, stated he was asked by the County to provide some documents including surveys so they could determine what is left at Florida recycle; that survey was completed this week and the County will be receiving a copy of that; they asked for a copy of financial information which will be completed in the next 10 days and turned over; and that should be right on target with the August date in the report. He noted he thinks everything is moving ahead; it is a complicated issue and he realizes there are a lot of moving parts; and they are trying to do their part to provide the County with the information they need.

Chair Isnardi asked what his deadline is.

Mr. Evans responded they will have the County information completed probably this week, they will review it, and send it to the County probably Monday or Tuesday of the following week; the survey is done now, so they can get them a copy of that; that gives them about one million cubic yards of remaining space; and he mentioned they also recycle about 50 percent of the material that comes in to the landfill, so they use about 50,000 cubic yards on an annual basis even though much more waste comes in.

Chair Isnardi advised American Recyclers is a property adjacent to the landfill and it is already zoned landfill; that would not only save a ton of money and time, it takes years to get a landfill permit; and that is already what they are doing there now.

Commissioner Tobia inquired if it is correct to say that the appraiser cannot confidently do an appraisal without more data than what the County has received.

Mr. Rodriguez stated that is his understanding when he was informed by the appraisal.

Commissioner Tobia inquired whose responsibility it is to provide that data.

Mr. Rodriguez responded Florida Recyclers.

Commissioner Tobia inquired when the County asked for this data to be provided.

Mr. Rodriguez stated the data requested was in May and they informed staff it would take probably two or three weeks; and in June, the appraiser requested the information and he was told two to three weeks.

Commissioner Tobia stated so it is his understanding that they are months over their initial estimate; he understands that Mr. Rodriguez has a reason for Florida Recyclers failure on this; and he inquired what excuse was provided.

Mr. Rodriguez stated he understands that they were concerned about the confidentiality of the financial information.

Commissioner Tobia asked the County Attorney if proprietary information given to the appraiser would become public record.

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Eden Bentley, County Attorney, responded it could be protected and the appraisal is protected for a period of time.

Commissioner Tobia noted so it appears their excuse was exactly that, just an excuse; he inquired if they have made additional promises, because it seems to him they have made additional promises; and he inquired if Mr. Rodriguez is confident, after them having failed twice, that they will follow through this third time.

Mr. Rodriguez stated he cannot answer that with any confidence level because it is totally out of his hands.

Commissioner Tobia asked if by signing this permit, the County would lose any options.

Mr. Rodriguez stated it would not.

Commissioner Tobia inquired what the cost would be to move forward and sign this permit currently.

Mr. Rodriguez stated at this point in time the only cost is signing the permit unless the Board tells him to push the other permitting; as far as the other permitting are concerned the FDOT and the FAA permit, the County is looking at probably \$60,000; and the local permitting he has no idea of yet.

Commissioner Tobia inquired for that \$60,000 plus what is the estimated value gained to taxpayers if the Board were to sign that permit, and what is the return on investment for that \$60,000.

Mr. Rodriguez stated if the County sells the property as a landfill, which is what would be permitted and it would be upward of \$12 million additional value.

Commissioner Tobia asked for clarification that if the County were to sign a permit that would cost \$60,000, taxpayers could potentially see a revenue increase of \$12 million.

Mr. Rodriguez responded in the affirmative. He stated that is looking at the County permitting efforts that have been occurring for the last 13 years and the millions of dollars the County has poured into this permitting process, it has a value which is in the millions of dollars; and time is money as well as the actual money that the County have paid consultants to do.

Commissioner Tobia inquired should the Board go forward with signing this permit for \$60,000 and receiving a \$12 million return on investment, would it then require a dump to be placed on that space or just change the potential highest and best use on that space.

Mr. Rodriguez stated it would change the highest and best use, which would be a landfill.

Commissioner Tobia asked if it would not guarantee a landfill would go there and just provide a great return on investment.

Mr. Rodriguez explained that at the end of the day, the Board is the one that controls the zoning on that property; it will have to be rezoned from what it currently is, and it is Governmental Managed Land Industrial so if the County were to sell that property it would have to be rezoned to something else.

Commissioner Tobia asked what the logic would be behind not signing a permit at the cost of \$60,000 if taxpayers were going to receive potential benefits of \$12 million; he stated he is

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trying to find the logic of not signing the permit; and he inquired if he is missing something.

Mr. Rodriguez inquired if that is looking at it from an economic perspective or from a policy perspective.

Commissioner Tobia commented it would be from an economic perspective, as he tackles all issues.

Mr. Rodriguez stated the economic perspective is there is no downside to it as long as there is nothing built on it; the Board has the option of stopping it at any given time; and for example staff can receive instructions not to proceed at all from this point, get the permits and not to build anything, or putting the turning lane in and at that time stop.

Commissioner Tobia stated he thinks the seller is not willing to provide information, they are providing a used car and not providing any maintenance records; and he is pretty skeptical when it come to this; he does not know if there is any mitigation factors, he saw an appraisal where they assumed this was worth \$8 million, but the Board has no way to calculate that; the only calculation the Board is provided with is to move forward with a \$60,000 permit that could see a windfall of \$12 million; the County would not be making money, it would just not be losing the potential of \$12 million; as the Board moves forward he has no problem continuing negotiations with Florida Recyclers, but in reality if the County does not move forward it boxes itself in to one position by saying it is not willing to go in another direction so whatever Florida Recyclers hands the County will take; and he does not think that puts the County in a very strong bargaining position. He continued to say for this \$60,000 it provides the County another option; he noted he has no problem with allowing Florida Recyclers more information, but he believes the County asked for five years and they only wanted to turn over two and a half; their excuses were weak at best; therefore, he will strongly be supporting the signing of the 192 site permit and it is fine to continue negotiations with Florida Recyclers, but to sit here and twiddle thumbs as they do not provide the County with any information is doing a disservice to the taxpayers. He went on to say no one wants an additional dump and no one wants to eminent domain land, this was done 30 years ago, and as the Board knows the County has eminent domained quite a bit of land when it came to the Parkway out there; this is a function of government and even though he does not like how this is done, but to pick and choose seems ridiculous; he cannot come up with a reason for this Board to not move forward at least with the permit so the Board has the ability to move forward; and as has been mentioned there are a few years here for leeway, but if he asked Mr. Rodriguez to start a facility at 192 how many years would it take if the permit were signed today, to get this up and running.

Mr. Rodriguez stated it is around six months for local permitting process; the FDOT permit would be near three months, and the FAA permit would be relatively quick because they have already gotten that permit one time; therefore, all the documents are prepared.

Commissioner Tobia clarified that is before the facility could be used, if it is signed today.

Mr. Rodriguez advised it would be around three years.

Commissioner Tobia stated that the four years estimated as being a potential, if Melbourne gave the County the variance, really is not four years because it would take three years from today to even start using that as a facility; otherwise, the County would have to use a private landfill that would cost taxpayers more money.

Mr. Rodriguez responded in the affirmative. He went on to say that is assuming that the construction goes relatively smoothly.

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Commissioner Tobia stated he would be supporting moving forward with the permitting of the facility as well as give Florida Recyclers the opportunity, but to believe they would come forward with the information they have not done would be foolish.

Chair Isnardi inquired if the Board waited to sign this permit another 30 to 60 days if it would change the potential value of that property, even if permitted as a landfill.

Mr. Rodriguez stated it would not.

Chair Isnardi inquired if going out for RFP, none of that would change if it were 30 or 60 days from now; and if the County did sign the permit later it is not going to change the dynamic of what that property would be worth in the future.

Mr. Rodriguez replied no.

Chair Isnardi asked hypothetically if someone was going to purchase that property and it was zoned landfill, would Mr. Rodriguez believe they would put a landfill out there if they paid three, four, or five times the amount.

Mr. Rodriguez responded affirmatively.

Chair Isnardi asked if he would over spend for a property.

Mr. Rodriguez responded he would not.

Chair Isnardi commented it is pretty much a guarantee if someone is selling a property with a permit to do a landfill, that a landfill is going to go out there, otherwise people would not purchase the property, unless it is Deseret Ranch who previously owned the property; she stated they agreed to a settlement agreement to only do construction waste because they were worried they would lose it and they would be permitting all three out there; and that is probably why they are not in attendance as it would not be beneficial to them. She went on to say there are a lot of pieces and parts and the audience probably does not know unless it has followed the processes as long as she has, long before she was even in office; her thing is nothing will change in 60 days, short of a catastrophic tornado going through the area, if the Board waits until all of the options are available so the Board can actually have a plan.

Mr. Rodriguez explained in order to keep all the options on the table with the best information he can bring to the Board, he would need to talk to the City of Melbourne about the possibility of using the northeast property and the Conditional Use Permit (CUP); and if the Board is going to go that route he would like permission to talk to the City of Melbourne to explore that possibility so he can come back to the Board and let it know if they are not opposing it.

Chair Isnardi stated that is correct because at this point no Commissioner has directed Mr. Rodriguez to negotiate with anyone as far as with American Recyclers or anything like that; and she inquired if that is correct.

Mr. Rodriguez responded affirmatively; and he stated the only thing he has been told is to get an appraisal.

Chair Isnardi apologized for cutting in, but while Mr. Rodriguez was on the subject, she wanted to address it before it got lost in the next speaker.

Mr. Abbate explained there are a variety of factors and he wants the Board to be fully apprised that even if staff gets the appraisal, that is not going to help the Board, from his perspective,

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make an informed decision relative to that property for a variety of reasons; there are a variety of other factors that have to come into play; for example there are issues to the cost of the closure of that property that the appraisal may or may not address, the cost of the liner that issues with mulch removal and what the value of that would be and the costs associated with doing that which Mr. Rodriguez has indicated is a significant issue for the County; there are questions about stormwater improvements and what would have to be done on the FIND area site, in addition to the CUP if the Board wanted to get additional height there; and there are also unknown environmental contaminants which were put in the initial report that went out a couple months ago. He added those are all factors that he thinks the Board would want to have information on; he would be happy to get staff working on any of that if that is what the Board wants, if the Board is looking for a timely response in terms of what it wants to do with what is factored into the appraisal; the remaining factors are things staff would have to get answers to as well for the Board to make the best informative decision about the relative cost of that property and the significant life potential there; but the Board has to look at that compared to what the cost is because the appraisal is only one component of what that potential cost is. He noted if that is what the Board wants he would appreciate direction from it to look at all those factors because he believes that will take an extended period for staff to get all that information together.

Chair Isnardi noted she thought staff was working on that already.

Mr. Abbate advised the only direction staff had was to get the appraisal; he would be happy to do it if that is what the Board wants; from what he is hearing that is a potential option the Board wants to see fully examined; and staff will need to do those other areas.

Commissioner Smith inquired how long staff has been working on the potential landfill for the 192 site.

Mr. Rodriguez stated since the 80's, but the last time the County started the project was in 2006.

Commissioner Smith inquired why it is taking so long and why has the County spent so much time on it.

Mr. Rodriguez noted the permitting process takes around 10 years for a whole new landfill; they are beyond that average and the last thing is the Army Corp of Engineers because when the permit is turned in, they do not have a time limit in which to respond to it; there has been a series of factors and there have also been several things he has been looking at that have steps, such as there is no sense in getting an FAA permit, because they got one and let it expire because it was contingent upon the other stuff; and he has done things in what he thinks is an orderly process even though it took a little more time because the County bought more time into Sarno.

Commissioner Smith commented Florida Recyclers is one possibility to extend the County more time, but as Mr. Abbate has mentioned there are an awful lot of hurdles for the Board to even consider that; one is there is a good chance that there are an awful lot of contaminants in there that the County does not want to be responsible for it bought it; and he inquired if he is correct.

Mr. Rodriguez stated when dealing with a landfill there is always that possibility.

Commissioner Smith asked how much they spent so far on these permits and the property itself.

Mr. Rodriguez advised it was \$25 million.

Commissioner Smith inquired if it is very difficult in Florida to come up with properties that will meet all the requirements to have a future landfill.

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Mr. Rodriguez stated that is correct, it has to be from a certain distance of drinkable water, it has to be from a certain distance of airports, and in the case of Brevard County they went a little farther and tried to get it a certain distance from subdivisions and that kind of stuff; they ended up with two potential properties with 192 being one of them; and this was before Viera was built, because Viera was another.

Commissioner Smith asked in his estimation right now, with Florida Recyclers off the table, what kind of time the County has on current landfills that it can use; and when does he anticipate those being to the point where they need to be shut down.

Mr. Rodriguez stated there is 30 years of life in the Cocoa landfill which has not been built and it is there and available in the expansion area; there is one additional year in Sarno and if the height variance is granted there would be another three years, for a total of four years there without horizontally expanding the Sarno landfill; and for example that would be without taking advantage of the northeast property.

Commissioner Smith inquired if the permits are already in place for Cocoa, that the County would only have to make notice to someone.

Mr. Rodriguez advised the stormwater is in place; the permits are in place for cell one; and the permits for cells two, three, four, and five are relatively easy to get because the facility is already a pre-existing facility.

Commissioner Smith stated so that is an alternative for maybe 30 years out before the County would need this landfill.

Mr. Rodriguez stated they are different types of landfills; Cocoa is garbage and class one; class one can have class one material as well as class three material; class one is a more expensive landfill because of the protection to the environment is more; a single composite liner is used for a class three; and it is a double composite liner for a class one which makes the construction expenses much higher because it is garbage versus construction and demolition which does not rot as easily and contaminate the ground water.

Mr. Abbate stated using the Cocoa landfill which is a class one, if the County could add 20 years of material that is currently going to Sarno, it could take care of that for 20 years by sending it to Cocoa; if that is done it reduces the 30-year life to a 20-year life on a class one; the cost is estimated at \$62 million which is a very significant consideration in terms of that; and that is only one of the pieces of information. He continued like he had stated earlier there are different cost whether it is flood, recycling, and/or the FIND area they are all going to have different costs as would the 192 site; the Board is going to have to make that determination on Policy basis and the cost basis; and whatever the Board thinks is appropriate is what staff will be ready to proceed with and follow through on.

Chair Isnardi inquired how many millions it would cost to get the 192 site up.

Mr. Abbate advised it would be about \$66 million and would last about 60 years; and that is a different life span compared to the other sites.

Chair Isnardi commented if that is the case she does not know why the Board is even looking at alternative energy if people believe landfills will be needed 60 years from now; and to her that is shameful and disgusting.

Commissioner Smith inquired if the County did not go forward with the purchase of this permit and have this in reserve to go to, this is like an insurance policy for the County going forward

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because trash, garbage, and yard waste is a fact of life and the County is growing; what the County has collected in the past is going to increase exponentially as the County grows; and if there is a possibility of a 60-year landfill, by then hopefully technology will move forward and the County may not need it at that point in time. He went on to say given it is so hard to get these permits, it is incumbent upon a Commission, whether it be this one or one 20 years from now, to make a decision on this landfill; his premise is if the County secures this landfill and it is not used for 10, 15, or 20 years there is still an ace in the hole; however, if the County were to sell it now, it is selling out those who would be the Commissioners in the future and they will not have the option of using this as a landfill because an earlier Commission, presumably this one, sold the property. He inquired what if the County sold that property and did not have the fallback; and he asked if there has been a study done of what it would cost the County 20 years from now because it will not have any other option than to truck this garbage out of the County.

Mr. Rodriguez stated that is correct if the County did not have any space to place the garbage it would have to truck it.

Commissioner Smith asked if there have been any estimates of that cost.

Mr. Rodriguez explained it had been estimated at around \$100 million.

Commissioner Smith asked over how long.

Mr. Rodriguez noted over a 25-year period.

Commissioner Smith stated from his perspective if the County does not move forward on this and it does not allow this property to become an ace in the hole, then it would be forcing the County into a position he does not think it would want to be in by being at the mercy of any other County that this County would need to truck this garbage to; and he asked if that would be Osceola County.

Mr. Rodriguez responded based on the price and the distance he believes so.

Commissioner Smith noted with the County having this, it is in control for the next 60 years, and if this is not done then in presumably 20 years the County could be paying over \$100 million in the 25 years beyond that, trucking it elsewhere.

Mr. Rodriguez noted when the County does not have a place to put the debris in that it controls, the Board loses the ability to control price and the taxpayers pay the price.

Commissioner Smith stated in other words, if the County owns it, it controls the future price and it does not have to face paying \$100 million with of travel.

Mr. Rodriguez explained the Board has better control; for example, yard waste mulch that was being shipped out to Polk County was \$8.75 a ton, and they charge \$23 per ton, plus another \$15 so the County was pretty much breaking even; when the landfill was sold in Polk County the new bid came out at \$19.97, so right now he is losing money on every ton of yard waste that comes in; according to the market, and he is not sure if someone took advantage of this, but this County has no control over their price, but need to get rid of the mulch; and it is the same thing with the tires, the price went up to around 40 percent increase.

Commissioner Smith asked how far off 192 is the projected site for the landfill itself.

Mr. Rodriguez stated it is about three-quarters of a mile inside of the property.

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Commissioner Smith asked if 30 or 40 years from now there might be 20-foot hill three-quarters of a mile off 192.

Mr. Rodriguez stated that is possible, it boils down to hurricanes and population explosions.

Commissioner Smith explained the key point is this County is still in control if it owns this property.

Mr. Rodriguez commented he has hope that eventually the technology will be found in which the County can recycle a lot more than what it does and do it at a reasonable cost; every so often staff goes out and checks the market which is something they are currently doing right now; there is a reason why this County is one of the cheapest disposal rates around; this County's rates have been the same since 1991, except for collection; the solid waste assessment is actually \$4 cheaper per residential home, than what it was in 1991; and it is because the Board controls that by controlling the Department.

Commissioner Smith advised it is because the County has its own landfill.

Mr. Rodriguez mentioned it is because the capital investment.

Commissioner Smith stated he does not know why the Board should not move forward with this; he thinks if it should wait another two weeks or two months that it is inevitable that this is the right way to go, at least from his perspective; he knows Chair Isnardi has a lot of heartburn about this, but he does not see it being any different in two months from now; and he noted he would support Commissioner Tobia's desire to move forward on this now.

Commissioner Pritchett inquired if the County has a place permitted in Cocoa right now but not used actively.

Mr. Abbate confirmed it is the current landfill in Cocoa.

Commissioner Pritchett stated the Commissioner of this District is requesting 30 to 60 days and out of respect she thinks the Board should do that because it will not hurt anything; she would be more comfortable with trying to gather more information; something she has heard outside of this appraisal, there is still a plan where seven years could be added on to the Sarno Road landfill with the height, so there is some extra time to figure this out; to her 30 or 60 days will not make much of a difference; she gets all this and she is not up for selling this property as she does agree with Commissioner Smith that the County could end up in a dire situation and she does not want to go through this again; and she noted District 1 has three landfills, District 5 has one, and Districts 2, 3, and 4 have zero. She added the Board has to pay attention to this because it directly affects those two Districts; she thinks for due caution Chair Isnardi has earned the 30 or 60 days she is asking for; she does not believe it will affect the County a whole lot right now; it could come back and have this discussion; and if the County does permit, the County can permit and not spend anything, so she does not think it will be any problem, it just gives Chair Isnardi some time to get some comfort while thinking through the process. She commented she thinks that would be the appropriate thing and she hopes the Board will move to bring this back in 30 to 60 days whereas she would probably be okay with permitting; and she is not going to do that without the County always coming back with anything outside the permitting or past that point because then there should be another discussion.

Commissioner Lober stated this follows his pattern with anything that involves a property matter within someone's District; he tries to give a disproportionate level of leeway to the Commissioner whose District the project falls in; with that being said, this is not something like changing a zoning classification which would truly affect only one area, this affects the entire

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County as a whole; he does agree there is no harm based on everything he has heard based on waiting a couple of months; and he motioned for this item to be tabled until the first meeting in September, whenever that shall be.

Commissioner Tobia stated 45 to 60 days ago the Board sat in these same chairs and made the exact same motion to delay this 30 or 60 days; and he asked if that is correct.

Mr. Rodriguez stated that the Board gave direction in April.

Commissioner Tobia reiterated in April this Board said they would give Florida Recyclers more time and the vote was 4:1 not to move forward with the permit; and he inquired if that is a correct statement.

Mr. Rodriguez stated in January the Board told staff to go for an appraisal with Florida Recyclers; in April staff final got the Army Corp of Engineers permit; and in that point in time the Board told staff to hold off on the signature of the Army Corp of Engineers permit and that is what staff did; however, they are still proceeding with the appraiser.

Commissioner Tobia stated to be clear this motion came to the Board previously to hold off on the permit for 30 to 60 days and now the Board is potentially voting to extend it another 30 to 60 days; and he asked if that is fair.

Mr. Rodriguez advised that is his understanding.

Commissioner Tobia stated he is going to be against this one; he is glad to hear that Commissioner Smith is on board with moving forward for the taxpayers benefit; and he inquired if the Board could go forward with evaluating this looking at the environmental impacts, Florida Recyclers have not been a good partner on this for their lack of turning over data, without going on that property.

Mr. Abbate advised to do the environmental assessment the County would need the cooperation of Florida Recyclers because he thinks that is reportable to FDEP depending on what the results were; therefore they would have to be cooperating with the County in that regard.

Commissioner Tobia inquired since Florida Recyclers have not cooperated in a timely manner and since the Board is not moving forward on this, is there any guarantee that the County will ever get cooperation from Florida Recyclers when it comes to that.

Mr. Abbate stated he would not be in a position to judge what they would or would not do, he is just telling the Board what staff would need to get in order to give it what he believes is the due diligence needed to help the Board make the best decision on whether that property should be purchased; and he believes environmental assessment is a critically important part, so he would hope to be able to move forward on that if that is what the Board wants. He added there are other components that he mentioned to because for the first time the Board is talking about the whole issue with the type of closure that would be required if the County bought the property is different from the type of closure needed if they were doing it themselves, what is in escrow, and a whole bunch of other factors come into consideration; and those would all be things that he would think the Board would want staff to be getting information on.

Commissioner Tobia inquired if Florida Recyclers was a good partner and allowed the County on the property in a timely fashion in order to conduct that type of study which would provide the environmental as well as the closure and all that, how long would that process take, would the Board be back in 60 days, or would staff need more time.

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Mr. Rodriguez stated according to appraiser the Board is looking at the appraisal part coming out probably at the end of the month or the beginning of the following month.

Commissioner Tobia pointed out that the County Manager had said that is not the whole picture.

Mr. Rodriguez stated that is not the entire picture; and he has done this in steps because if the Board is not comfortable with the appraisal or the cost of it, then there is no sense spending money on the environmental study.

Commissioner Tobia mentioned he did not understand that and he thanked Mr. Rodriguez for making that clear; he inquired assuming the Board decided to go forward how long would it take to do that if the appraisal came back in 30 days.

John Denninghoff, Assistant County Manager, stated environmental site assessments in this case would be a pretty extensive phase two and they can be lengthy; it is difficult to say, but he would guess it would not be any less than 60 days from the time the consultants were on board, doing the tests, and then going back because they usually always result in additional tests, so typically there is another round; and ultimately a report has to be produced, but he would not even guess on the cost.

Commissioner Tobia stated in all fairness it would be potentially 30 days for the appraisal and if the Board decided to move forward it would be an additional 60 days on top of that so best case scenario to get a holistic idea of this would be three months; and he asked if that is fair to make an accurate decision on what the impact of repairs would be.

Mr. Rodriguez commented plus looking at the hiring of the consultant; staff would have to see if any of the consultants on board would be able to do that; if one of them could do it that would be quicker; and if not then they would have to go out for an RFP for a consultant firm.

Commissioner Tobia asked with an RFP if it would then be another 30 to 45 days.

Mr. Rodriguez stated it would be about another 45 days, he does not believe it could be done in 30 days.

Commissioner Smith stated in deference to the Chair he agrees that since April nothing has really changed in that 60 days and he does not anticipate anything changing in the next 60 days, therefore, he would still support moving forward with this; nothing is going to happen overnight; if the County gets this permit signed all it does is guarantee these folks in their progeny are not going to be faced with \$100 million in transport fees to get rid of trash in the next 20 years; and he does not see any reason to put it off.

Commissioner Pritchett stated this is not going to be a fast process anyways so she is not sure 30, 60, or 90 days is going to make a big difference; the thing is even if the Board does not go with Florida Recyclers, the County will still get seven years off of the landfill; she thinks there is still time; and not that this would be the right move, but there is a Commissioner asking for some time for comfort. She continued even if the property is valued more, it might be recognized but it is not realized; it is not going to make a difference to the Board whether it is worth a billion dollars or a thousand because this is a government entity and they do not pay taxes on it, so until it is sold it does not mean a hill of garbage; and she does not know why it would hurt just to wait as the Commissioner is asking. She added she thinks it is appropriate.

Chair Isnardi stated a few months is not going to matter given where staff is now; she thinks the best decisions, not just for this Board but for taxpayers, is to make the best decisions with the most amount of information; it does not change anything and the County does not lose a penny

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on the property waiting a few months; and if anything it is gained because property values are going up. She commented unless people are okay with cutting driveways and getting one step closer to that landfill, she thinks the Board is crazy not to do it with the most amount of information; American Recyclers may not be the end all be all, but she wishes she would have known there were hurdles before because maybe she could have been more aggressive with American Recyclers; the Board is kind of bad mouthing them and she has not heard their side of the story; they are not government entities, they are an old Florida family who have owned this business for a while; and she is sure they do not know all the rules and what is public on their financial information, she would be hesitant to dealing with a big government. She mentioned rather than throw them to the wolves and say they have been rotten partners, she would at least like to give them the opportunity to provide the information so the Board is making the best informed decisions; and she believes that is not just the Board's duty as elected officials but also its duty to be good financial stewards.

The Board tabled the discussion of signing the US Army Corp of Engineers Permit for the US 192 Project to the September 17, 2019, Board meeting.

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| RESULT: | ADOPTED [3 TO 2] |
| MOVER: | Bryan Lober, Vice Chair Commissioner District 2 |
| SECONDER: | Rita Pritchett, Commissioner District 1 |
| AYES: | Rita Pritchett, Bryan Lober, Kristine Isnardi |
| NAYS: | John Tobia, Curt Smith |

ITEM J.1., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: TEMPORARY USE AGREEMENTS

Tad Calkins, Planning and Development Director, stated this is a request for legislative intent and permission to advertise amendments to Chapter 62, Article VI, the Zoning Regulations relating to Temporary Use Agreements to allow multiple year timeframes for County managed lagoon restoration projects; the Code allows the Board to consider Temporary Use Agreements regardless of the Zoning Classification of a property where the temporary use results in a direct public benefit; however, it limits them just to one year. He went on to say the County has utilized these Temporary Use Agreements for its Lagoon restoration projects that it has going on; those projects require multiple year timelines; what he hopes to do is to receive the Board's permission to move forward in developing some Code that would streamline that effort and bring it back to the Board for approval; and that would prevent staff from having to come back to the Board multiple times during those projects. He added that with approval tonight all it does is grant staff the ability to move forward to develop that Code; it would come back to the Board after going through a series of stakeholders and public input opportunities for anyone who would be interested.

Commissioner Pritchett inquired if this is giving the Board \$200,000 in annual savings.

Mr. Calkins responded in the affirmative.

The Board granted legislative intent and permission to advertise amendments to Chapter 62, Article VI, and Section 62-2131 entitled Temporary Use Agreements, to allow a multiple-year period for County-managed Lagoon restoration projects.

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

*The Board recessed at 6:58 p.m. and reconvened at 7:14 p.m.

ITEM J.2., CITIZEN REQUEST, REQUEST FOR REDUCTIOJ OF FINE AND RELEASE OF LIENS, DAVID DISSTON

Tad Calkins, Planning and Development Director, stated this is a citizen request for Mr. Disston and Mr. Welsh; what he gathers from their request is they are asking the Board to reduce some fines and release a lien for a new owner; in the background information they mention four Code Enforcement cases associated with a property with an address of 325 Berkeley Street, Satellite Beach; those Code Enforcement cases are 09CE-00304, 11CE-01081, 15CE-02011, and 16CE-00509; the fines have accrued on three of these which have not been imposed as a lien; and the Special Magistrate had reduced those fines from \$50,475 down to \$10,995 in accordance with Section 62-172 to 62-176. He mentioned these Code sections provide the Special Magistrate the authority to establish fines and gives him the ability to reduce the fines; the remaining case 11CE-1081 the fines have been imposed as a lien and pursuant to Section 2-176 only the Board has the ability to reduce the lien amounts, therefore the Special Magistrate has made a recommendation for the Board to reduce the liens from \$5,600 down to \$4,293; and it appears Mr. Disston is here and he would probably like to address the Board as well.

David Disston, Attorney on behalf of Phil Welsh, stated essentially this is a property that was owned by a prior owner, Larry Long; there are four cases and they were heard before the Special Magistrate; the Magistrate did provide a reduction and he was gracious enough to write a reduction and recommendation on several of the fines and liens; what happened at the hearing is the Special Magistrate found this to be a unique set of circumstances and recommended they address the Board to see if it would do a further reduction; and the Board does have jurisdiction over the Report and Recommendation of the Special Magistrate as well as the orders that were entered by the Magistrate because the Board of County Commissioner has concurrent jurisdiction with the Magistrate according to Brevard Code 2-172, the jurisdiction of the Magistrate is not exclusive, the jurisdiction of the Magistrate shall be in addition to and not in lieu of any other procedures or remedies available to the County. He went on to say also according to Code 2-180, the entire Magistrate Section is supplemental in means; in other words, it is the legislative intent of this division to provide an additional or supplemental means of obtaining compliance with County Codes; and nothing contained in this division shall prohibit the County from enforcing this Code by any other means than the County so desires. He reiterated the County does have the ability to review these orders from the Special Magistrate and he encouraged them to bring these before the Board; what ended happening is Mr. Long had a very long history with Code Enforcement; he died and had racked up \$65,000 in fines and liens; the property was essentially a hoarder house; his clients purchased the property, rehabilitated it and brought it back into compliance; he actually demolished the entire lot; it was a garbage dump in the middle of Satellite Beach in a very nice neighborhood; that had to be demolished, the sea wall has to be repaired, and because the property was homestead of Mr. Long when he passed away and he had children from a prior wife from a prior marriage and a current wife, there was an issue regarding the Probate and the Homestead; and as the Board may be aware these homestead issues prohibit the Board from ever foreclosing on any of these liens. He stated what ended up happening was Mr. Welsh and Mr. Smith, an attorney, helped probate the estate because none of the beneficiaries of Mr. Long had the means to pro rata it,

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so it actually sat empty for two years after Mr. Long passed away; it continued to collect garbage, vagrants, essentially it became a drug den and break ins were a regular occurrence there; Mr. Welsh and Mr. Smith got together and the probate was completed and the property was purchased; and what is being asked for is if either an abatement of liens and fines or at least down to the hard costs that the County has incurred. He stated the hard costs the County has occurred is \$6, 877 for all these cases; the Magistrate actually reduced them down to about \$15,000, close to \$16,000; that amount is double the cost of what the County has into this matter; and he is asking the Board to either wipe them away or incentivize this sort of behavior because what would have essentially happened in this case, had these men not taken the incentive to help these people, the property may have sat there forever because Florida Homestead states they cannot be foreclosed on. He explained the owner had a wife so she was entitled to it, and she would have had homestead protection until the day she died; the liens and fines would have continued to accrue and nothing could have ever been done; they could not open the probate because none of them had the means for that; it was an eyesore to the community; and now it is a nice beautiful lot ready to be built on. He noted they would like the Board to incentivize this behavior of private industry helping the community by revitalizing these eyesores.

Commissioner Pritchett inquired what the staff cost is for this.

Mr. Calkins stated what he has for staff cost is \$8,655 for the four cases; he believes there was a payment made on one of the cases; and he advised that may be what they were looking at to get their number, but he is not sure where they came up with that number.

Commissioner Pritchett stated thinks that would be appropriate; they paid what was in market value for the property so they did not receive a bargain on it; and she would like to hear what the rest of the Board thinks, but she is okay with covering the cost of the taxpayers.

Commissioner Tobia stated he does not know where Commissioner Pritchett got all her numbers; he thinks the Board needs to understand what happened here; there are two aspects because Mr. Disston said he wants the Board to incentivize this type of behavior, so her would like to start with that; Mr. Disston stated his firm was a good steward in helping; and he inquired if Mr. Disston's firm represented the estate of the owner.

Mr. Disston responded affirmatively.

Commissioner Tobia inquired if it is true that an associate in the firm purchased this property.

Mr. Disston replied no.

Commissioner Tobia inquired who purchased this property.

Mr. Disston responded Shane Smith, he is not an associate he is the owner of the firm.

Commissioner Tobia stated wow; he inquired if someone in the firm paid market value; and he asked if the firm did any type of evaluation on this.

Mr. Disston advised the market value according to the County.

Commissioner Tobia explained that is an assessed value, not a market value; and he noted those are two completely different things.

Mr. Disston stated he was going to give that as a reference.

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Commissioner Tobia noted that is not a reference; and he inquired if they got a competitive market analysis, put it on MLS, or received appraisal on this at all.

Mr. Disston stated it would have been impossible to get a comparative market analysis because of the property.

Commissioner Tobia commented it is not, if he called any realtor, they would be more than happy to do it for free.

Mr. Disston stated there was a matter of it being less than lot value because they could be a comparative analysis on the lot value but minus the cost to put a sea wall in, minus the cost to demolish the house, and minus removal of all the garbage from the lot; to look at comparative market analysis it would only be lot value, but it is worth less than that because of all the work that needed to be done.

Commissioner Tobia stated he sees what Mr. Disston is saying. He asked if it sold for a profit of 66 percent or \$50,000 two months after purchased for \$75,000.

Mr. Disston stated Mr. Welsh purchased the property for \$125,000.

Commissioner Tobia inquired if the firm purchased it off the estate for \$75,000.

Mr. Disston commented it was not from the estate because it was homestead property, so it is not an estate asset; and he explained it was immediately upon death of Mr. Long it vested in the children and Ms. Long in the amount of 50 percent to his wife, and 12.5 percent to the children.

Commissioner Tobia inquired how much Mr. Shane paid for the property.

Mr. Disston commented it was somewhere between \$68,000 and \$80,000.

Commissioner Tobia noted he said \$75,000, which is between those amounts; Mr. Disston says he is doing a service when someone in the firm made \$50,000 in two months or somewhere near that; and he asked if that is a fair assessment.

Mr. Disston noted if he did not include all the liens and fines that were included in the property.

Commissioner Tobia stated that is different, he will get there in a minute; and he asked again if someone from the firm made a 60 percent in two months off this.

Mr. Disston stated he does not know if that is accurate, he would have to take his word for it; he stated it was sold for \$75,000 and then sold again for \$125,000; however, it was subject many liens and fines.

Commissioner Tobia advised he will get there in a minute; and he inquired given his firm's dealings with the estate and then the subsequent purchaser, he would think there was probably a fiduciary responsibility to the estate; and he would presume that Mr. Disston went to the Florida Bar and asked for an ethical opinion on whether it was okay for this firm to purchase land off of an estate then immediately sell it two months later for a 60 percent profit.

Mr. Disston stated all the beneficiaries signed off on it.

Commissioner Tobia inquired if that is a no.

Mr. Disston reiterated all the beneficiaries signed off on it.

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Commissioner Tobia asked if he treats all his clients this way or just the ones who are nearly destitute.

Mr. Disston stated his understanding is Mr. Smith was new to the people; they came to him and the situation was they needed to probate the estate and he believes it may have been in foreclosure as well, so they were going to lose it to a foreclosure sale with two payments that had not been made and were left on the mortgage; and rather than lose it in a foreclosure sale they were desperate to try to get some value from the property.

Commissioner Tobia noted and in there desperation, the firm that Mr. Disston is a part of, made \$50,000; and he inquired if that is a fair statement.

Mr. Disston replied that would be a question for Mr. Smith.

Commissioner Tobia explained Mr. Disston just told the Board the property was purchased by this firm for \$68,000 to \$80,000; he mentioned Mr. Disston said he wanted the Board to incentivize this behavior; he does not think taking advantage of one's clients is anything that needs to be incentivized; and he noted the Florida Bar may have a word for it.

Mr. Disston stated they were not clients; the whole purpose of this arrangement was to get the property sold; the firm did not approach them and say they would like to probate the estate and then take advantage of them; what happened was they needed somebody to buy the property, but no one could because probate had to be done, it was in foreclosure, and all these liens were attached; therefore, they needed someone to open the probate in order to do this because they could not do it themselves.

Commissioner Tobia reiterated and in that, someone in the firm made \$50,000 on one piece of property in two months.

Shane Smith asked to speak.

Chair Isnardi advised him to let Commissioner Tobia finish and he will have his chance to speak.

Commissioner Tobia stated the larger issue is when he purchased the land if he completed a title search.

Mr. Disston responded he does not know but he believes if it were it was before the sale.

Commissioner Tobia stated the buyer, Mr. Smith, was aware the liens were on the property; and he inquired if that is fair to say.

Mr. Disston responded he does not know if he knew the extent of the liens, but at a certain point everybody knew exactly what the liens were on the property.

Commissioner Tobia responded yet he still purchased the property with the knowledge there was more than \$50,000 worth of liens; and he inquired if that is correct.

Mr. Disston commented yes, after some due diligence inquiring to the Code Enforcement Policies.

Commissioner Tobia advised that is up to the Board, it makes the determination; and he never received a call from anyone from that firm.

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Mr. Disston explained it was through the Code Enforcement Board.

Commissioner Tobia advised the Board makes that determination after the Special Magistrate trying to get it fixed either way; and he inquired once again if a managing partner of the firm purchased the property knowing there was \$50,000 plus worth of liens on it.

Mr. Disston responded in the affirmative.

Commissioner Tobia stated hopefully there was a discounted rate knowing there was \$50,000 in liens, the buyer would not buy a property for full market value knowing they would have to pay \$50,000 worth of liens; and he inquired now knowing there is \$50,000 worth of liens, if they are coming to the Board for that full \$50,000 to be washed away.

Mr. Disston advised they are looking to pay the County's hard cost, after they paid off some of them, he believes it is \$6,877.

Commissioner Tobia asked if they are only asking to remove 85 percent of the fines that the firm was well aware of when he purchased the property.

Mr. Disston responded affirmatively. He stated the problem is when the firm did its due diligence Code enforcement told them it is very typical for a 20 percent reductions in the fines, reducing fines by 80 percent and leaving 20 percent plus the hard cost; the Magistrate found this to be a unique set of circumstances and further reduced from the 20 percent; and he was the one who told them to come before the Board to discuss this.

Commissioner Tobia inquired if that is Policy for anyone in Code Enforcement to make recommendations of what the Special Magistrate may or may not do, and what the Board may or may not do with the Special Magistrate's decision.

Chair Isnardi stated she thinks Mr. Disston is talking about the Code Enforcement Board not the Code Enforcement staff.

Mr. Disston replied yes, Code Enforcement.

Commissioner Tobia asked if anyone in County staff would be making those recommendations of what the Special Magistrate or the Board might do.

Mr. Calkins responded what he understands is when it goes to hearing, staff will make a recommendation to the Special Magistrate along with the attorney's office as to what should be considered for the reduction; and he noted as far as people calling into the office and asking what typically happens, he could not answer whether they give advice one way or another.

Mr. Disston advised what staff told them was that typically the reduction requested amount was 80 percent for fines and the hard cost, which would place it at 20 percent, and the hard costs.

Commissioner Tobia commented he does not mean to give Mr. Disston a hard time, he is just very concerned; and he inquired when the firm decided on a sale price, if the \$50,000 in liens on that property taken into consideration when the property was purchased.

Mr. Disston responded they considered it a loss; he inquired if the full amount of the liens were to be paid; because they would be paying less than that by the Special Magistrate, they anticipated it being less than that; therefore that was what factored into this.

Commissioner Tobia stated so ultimately that factoring in made enough sense where Mr. Smith

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made \$50,000 off a \$75,000 purchase in two months that is a good investment.

Commissioner Pritchett inquired whom it is that owns the property right now.

Mr. Disston replied Mr. Welsh.

Commissioner Pritchett asked how much he paid for the property.

Mr. Disston advised Mr. Welsh paid \$125,000.

Commissioner Pritchett inquired if the Board does not remove these fines, who will be responsible for them.

Mr. Disston advised it is his understanding that with these liens still on the property, Mr. Welsh would have to pay them off before he can sell the property.

Commissioner Pritchett inquired if it is true that he is doing this not for himself but for Mr. Welsh who paid \$125,000 for the property.

Mr. Disston replied affirmatively.

Commissioner Pritchett she mentioned whether Mr. Smith made money or not that is his own business; with this being Mr. Welsh's property after he paid \$125,000, and market value through the property appraiser is about that; even if the Board does this it is only like \$2,000 overall with the massive amount of liens that were on this property; she would not want the taxpayers to have to pick up any of this because he went into it; she does think he did his due diligence to clean up the problem after taking ownership of it; and she is probably okay with picking up staff costs. She continued she understands Commissioner Tobia's point, but this now Mr. Welsh's property so he is the person who is going to be paying the fine, so she thinks it is appropriate.

Commissioner Lober noted he has known Mr. Smith for a number of years so he is going to have to step out of voting for this particular motion, as he is not comfortable having any position on it.

Chair Isnardi stated unless he stands to gain a financial benefit from it, Commissioner Lober is required to vote.

The Board approved the citizen request by David Disston to reduce the fines and to release the lien for the new owner, Phil Welsh at 325 Berkeley Street, Satellite Beach, to the actual staff cost of \$6,877 for Code Enforcement Case Nos. 09CE-00304, 11CE-01081, 15CE-02011, and 16CE-00509.

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

Commissioner Tobia inquired if he could ask a question on this.

Chair Isnardi allowed Commissioner Tobia to continue.

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Commissioner Tobia stated the Board has recommendations and orders; and he inquired if the Board is reducing orders or recommendations because there are a whole bunch of liens and fines on this.

Mr. Calkins advised as he understands it the motion would be to reduce both to the cost.

Commissioner Tobia stated he does not know if the Board has the ability to reduce an order.

Eden Bentley, County Attorney, explained she thinks he wants to know the difference between a lien and a fine, the lien imposed.

Mr. Calkins responded he believes the Special Magistrate has the authority for the fines prior to it being recorded as a lien; that gives him the ability to establish what the fine amount is and the ability to reduce that fine; once it becomes a lien the Code goes on to say only the Board has the ability to reduce the lien; and that is why it is typically brought to the Board as a recommendation. He noted in the past when Special Magistrates made a recommendation to reduce a fine that has been the final authority; and the Magistrate handles that amount at that time because it is not a lien.

Commissioner Tobia inquired if everything is staff costs. He added he is just trying to figure out what the total cost would be.

Mr. Calkins commented the total costs for Code Enforcement would be staff costs.

Chair Isnardi inquired if that was Commissioner Pritchett's intentions.

Commissioner Pritchett answered affirmatively.

ITEM J.3., DISCUSSION, RE: USSSA ROOM NIGHTS

Commissioner Lober asked the Tourist Development Office Director, Peter Crannis, to provide an update as to where the County is at, and what the process is from this point for the auditing of the number of room nights.

Peter Crannis, Tourism Development Office Director, stated USSSA throughout the year from April 1, 2018 through March 30, 2019 contractually has to provide how many room nights they delivered in terms of players and coaches on their property and how many of those people stayed in a hotel or some other accommodation; to date he has received a report of 58,422 rooms; the next step is because that amount is below the 75,000 that is in the contract, they also have to establish how much was spent on maintenance on the property. He mentioned he just saw a report come across this afternoon but he has not had a chance to review it yet, but he is under the impression that amount is in excess of \$500,000, which would then cure any penalties that they would incur for being below the 75,000 room nights; the next step is for RSM, the accounting firm and the auditors, will take a look at the maintenance report and audit it to verify it is in fact above \$500,000; and that should be done by the end of this month.

Commissioner Lober stated if RSM is looking at the maintenance report and the costs expended with respect to that, are they or is there anyone else who is auditing or ensuring that the room nights reported are accurate.

Mr. Crannis stated RSM will be taking a look at the room nights but because they are under 75,000 and it is not a question if they are off by 5,000 or 10,000 because they are significantly below the 75,000, so that is not as big of a concern for them ultimately.

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Commissioner Lober stated his concern is the 58,422 may not be perfectly correct but what if in the off chance there have really only been 30,000 rooms, in which case the amount that was mentioned they would have to spend to cure that issue would skyrocket; and he wants to make sure the County is essentially making sure USSSA is doing what it needs to do to report proper numbers so the County is not in a worse position by letting them off for less than what is required.

Mr. Crannis stated he is going to defer this to the County Attorney because it relates to what the contract actually states.

Eden Bentley, County Attorney, stated what she understands is verification procedures have been underway and they have been checking the room nights; and she mentioned there might be a few questions about some of the room nights, but staff has been verifying the room nights.

Commissioner Lober inquired that it is not RSM but County employees.

Attorney Bentley stated RSM might be assisting as well.

Frank Abbate, County Manager, stated the Tourist Development Council (TDC) staff has been involved in checking the rooms through two different formats, one is Anthony Travel and the other is a spread sheet of information that the contract provides so USSSA can provide with specific information that enables staff to go back and verify the stays when it is not through Anthony Travel; that has been occurring and there has been a staff member working on that for several months; in addition to that RSM is going to be going behind the staff member to verify; and in terms of comments about the 58,422 members, the \$500,000 and what Mr. Crannis mentioned, the contract provision states that they have to spend \$250,000 a year in maintenance and there is another that talks about the County making a deposit and this \$250,000, if USSSA is below by a certain percentage, then they would have to pay 25 percent more than the \$250,000. He added if they dropped to 30,000 the increase in maintenance is far more in excess, therefore they have fulfilled the contract in that regard.

Commissioner Lober inquired what the anticipated time line is for RSM giving the County back the report.

Mr. Crannis advised it would be the end of July.

Commissioner Lober stated perhaps rather than spending too much time on this today, maybe the Board should wait and see how this pans out, then it can go from there with some need to.

Commissioner Pritchett stated she believes this will have some remedy on its own; when she started receiving this information she was curious because every time she is in Viera, USSSA is packed with ball players; she noted she had asked Mr. Crannis, and he advised they actually had an extra consultant do USSSA, who came back with 108,000 nights, so when she asked because of the large discrepancy, he said he was not sure because this was them giving the numbers; and when she asked Mr. Crannis if there were people not accounted for in the 58,000, he said more than likely yes because that is Anthony Travel and only the ones who book through them. She advised that does not include the Airbnb, and the overflow that stayed in Titusville; last year Chair Isnardi stated the County needs a better method of counting these room nights; she thinks she would like to give direction to Mr. Crannis and the County Attorney to get with USSSA to find a better way of verifying these room nights because just that travel agency alone is not going to do it statistically; and Mr. Crannis had said over in Orlando he used a different way, and he thought that might be a little better way; and she noted when there is not enough room nights then USSSA does need to jump in, it was in the contract. She explained USSSA is doing such a great job; this stadium was empty and it was mess; these guys came up

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with this idea and because of it hotels started going up in Viera along with businesses and restaurants, so this is really working; there are three things in this County that draw tourism, the beaches, the launches, and this stadium with all the people playing ball there; and she believes this stadium is a really good thing, and she wants this group of people to know how appreciative she is for them getting this stadium ready and bringing in all these tourist dollars.

Commissioner Lober inquired if Commissioner Pritchett is asking them to provide options or to formalize something.

Commissioner Pritchett stated she would like them to formalize a better method of doing this, because she does not believe this one is accurate enough.

Jim Leisenfelt, Assistant County Manager, stated anything that is brought back needs to go to the Board because schedule one is very specific on how to account for the room nights.

Commissioner Smith stated he likes that idea because he has been going to Key Largo for 20 years and he uses VRBO and HBO; then Airbnb got involved; he had a party at his house last year for relatives to come and there were about 25; he gave them the name and addresses of three motels that were close to his home, but not one used a motel they used Airbnb, Home Away, and VRBO; he is thinking most people do that and do not go to motels; and he inquired how those people will ever be counted, because he does not know if there is any reporting agency that those groups are associated with.

Mr. Abbate stated the contract provides that they need to have the name of the people, the hotel, and some other specific information; that is required for each stay and that is what they were going on; and if the Board is asking staff to come up with an alternative method, that is what will be done.

Chair Isnardi suggested a reasonable alternative where there is assurance of accountability and reason-ability; and it does not account for families and that is hard to calculate as well.

Kendall Moore stated he is certainly appreciative of Commissioner Lober for placing this on the Agenda; he thinks Mr. Crannis, the County Attorney, and staff has done an extremely diligent job in their attempts to count, verify, and the like; he thinks everyone would agree it has been far more complicated and cumbersome than expected; it was his understanding that in addition to those reports, that there have been an almost one by one verification because with Airbnb's and others there is no methodology other than attempting to actually call those people one by one to do that; he thinks there are people who almost every day that they are at work have been about that process; and he is very thankful that the Board is willing to look at another concept. He continued many of the participants, 70 percent or more, are children; in the original contract there is no concept for a way to even count parents that are coming; many people with young children are actually coming here and staying; for USSSA, looking at the methodology for counting is simply trying to identify some that are there; USSSA did invest in its own third party consulting report to take a look and one of the things the consultant brought forward is when looking at the teams that traveled more than 100 miles and stayed for multiple days, they know they are here and that they are playing, but the concern is to ascertain where they are staying; and he thinks even on their side, trying to add more information and other things that would help would probably be beneficial in that regard. He went on to say the one issue he would like to add, where he thinks there has been some confusion, in addition to the counting is the concept of unavailability; unavailability, there is the 75,000 room night requirement as was stated, but there is a provision that says in the event that unavailability can be proven that ultimately there is some relief from that 75,000; it does not say an amount of time, does not say by day, by month, or by particular housing type, it does not give any specificity; and he thinks it would be helpful for USSSA and for the County if there was some clarity brought for the definition of

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unavailability because ultimately it would provide relief, and in the County's defense they have not been able to even address that for USSSA or even consider room nights due to unavailability. He stated it is certainly the County's Policy and motion, but any opportunity for allowing staff and the County Attorney's Office to readdress the definition of unavailability would be helpful in that regard.

Commissioner Lober stated he is not trying to be unreasonable to USSSA by any means, he thinks there are things that could be improved for everyone involved; when there is a contract of this magnitude he thinks anything the County can do to clarify any ambiguous or vague terms or implement a position in the actual contract by amending it or otherwise, will put the County in a position where they will not have this problem in the future, and that benefits everyone; and he mentioned he does not want anyone to mistake this for being any other than an attempt to get both parties in a better place.

Mr. Moore stated he thinks he can verify that staff has been extremely diligent; his point is he knows people are here, but the County Manager has been very clear, what he needs to bring to the Board is what can be proven by the data that is available; he is happy to provide all the information he has and work with them; he is sure RSM will get back with the audited report; and he is fully prepared to participate in whatever RSM or anyone else has from a request perspective.

Commissioner Smith asked if Mr. Moore knows how many teams played during that period.

Mr. Moore responded 2,107 traveling teams during that 12-month reporting period.

Commissioner Smith responded that is a lot of people; he has seen numbers of tourism dollars in 2016, 2017, and prior which have gone up each year; nothing different has been done in the County, the beaches have not gotten better, Kennedy Space Center has not gotten any new rides or anything, so it has to be USSSA bringing in a lot of people; that was the whole point in bringing them in, in the first place; he noted he was very involved in bringing USSSA here and what has struck him recently about that is prior to them that stadium was occupied by the Florida Marlins and then the Nationals came in; he would venture to say that neither one of those teams ever brought in more than 600 room nights; and this is huge when they can bring tens of thousands of room nights. He went on to say why the Board is even asking for this besides the contract stating it; USSSA is bringing so much money into this community by all these teams, kids, and parents who are spending a lot of money being here for five or 10 days; they are in hotels or motels, they are buying, they are in restaurants, and the public puts on extra people when there are teams in town because that is how busy they are; there was never a requirement for those other teams when they used that stadium; to him USSSA have been tremendous partners and have invested \$20 million plus of their own money to improve these fields; the Nationals and Marlins use to grind the County for money because they did not want to spend one dollar of their own; to him it feels almost like this is a punishment to require them to pay extra; and he thinks that may be something for the Board to look at as well.

Chair Isnardi stated that maybe it is a needed requirement because the County made that mistake by not requiring it for the other teams.

Commissioner Lober inquired if Mr. Moore reviews the County's request in the contracted for provision that USSSA is obligated to provide room nights as a punishment of any sort, because he views it as the Board doing its fiduciary duty to ensure that the County gets a return on its investment; he is not looking to play games with the room nights, he just thinks it gives a method to see how successful USSSA is; the more successful the better; he noted until he sees evidence of cause and effect he does not just presume that there is a correlation, that the entirety of that correlation is due to whatever the initial factor is; and for instance, if he has a

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great year and decides to take a vacation to Europe, it is not because USSSA did or did not put up a stadium, they may have done that but the fact that he chooses to spend money when he has a situation totally independent of what USSSA may have done, that is what is driving him to go there. He continued he is not saying that USSSA is not bringing in tremendous numbers for people over here; he thinks USSSA is bringing a lot of people, he just does not know how many and he thinks when there is a good means of counting the room nights, he thinks everyone will be in a better spot and be able to illustrate exactly what the benefit of USSSA is; he thinks viewing it as a punishment or something that is being done to twist someone's arm is the wrong way to go about it; he is doing it so he can in fact see that there is ROI, so he can sing USSSA's praises as well.

Commissioner Pritchett stated USSSA signed the contract so that is fine with her; the tourism tax dollars increased by \$2 million a year after this went in, they had two or three hotels go in just because that stadium went in, and not only is that tourist tax collars but it is business revenue dollars; this substantially increased the traffic into that area; USSSA also picked up the maintenance on the stadium which the County now longer has to do; when they got it the County was still in a downturn; and she thinks they will meet the room night requirements when all the information is brought together. She thanked USSSA for bringing this here; it is a big deal for the Women's team to win the Nationals; and she shared some information from USSSA's calendar on what is coming in the future. She noted being families it is good tourism traffic, it is working, however, USSSA did sign the contract, so they have to come up with the room nights.

Mr. Abbate inquired if the motion includes a specific definition of unavailability.

The Board directed the County Attorney's Office and you to meet with USSSA to formalize a better method of verifying room nights and to provide a definition of "unavailability" as stated in the Contract.

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|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rita Pritchett, Commissioner District 1 |
| SECONDER: | Bryan Lober, Vice Chair Commissioner District 2 |
| AYES: | Pritchett, Lober, Tobia, Smith, Isnardi |

ITEM J.4., RESOLUTION CENTRAL FLORIDA EXPRESSWAY AUTHORITY

Commissioner Smith stated this is a resolution for Central Florida Expressway Authority.

The Board adopted Resolution No. 19-110, supporting the transfer of Florida Department of Transportation (FDOT) portions of SR 417, SR 429, and SR 528 to CFX.

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

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**ITEM J.5., REPEALING BREVARD COUNTY ORDINANCES 58-36 THROUGH 58-43;
INSTITUTING ALTERNATIVE METHODS OF PRESERVATION**

Commissioner Tobia stated given the lateness of the hour and the number of speakers who have been patiently waiting, he would request to table this Item until the next meeting.

Chair Isnardi noted there are three people who came to speak on this.

Commissioner Tobia advised there were 30 people who came to speak last time there was an advisory board and sent home so this is one-tenth of the people here for this.

Chair Isnardi noted it is Commissioner Tobia's Item and he can move to table it.

Commissioner Tobia moved to table this to July 23, 2019.

Motion dies for lack of a second.

Commissioner Tobia stated on May 16 at a scheduled workshop for advisory boards he passed out a spread sheet of some suggestions; of course these spread sheets lacked all context as it was his intention to explain his ideas and make several suggestions at the scheduled workshop; it was not meant to be an all or nothing proposition as much as it was meant to be handled individually; and for example one of documents indicated he was seeking changes to the Environmentally Endangered Lands (EEL's) boards, and rather than attacking his staff members, there had been a discussion at an advertised meeting and EELs board cordially reached out to his office and he intended to meet with interested members of the community about this and discuss their ideas. He went on to say one particular board decided to take things in a different direction; this is what it comes down to, he does not mind as an individual being attacked, as he many times fully deserves it, however when someone on his staff is attacked he takes it very seriously; people that work behind the scenes did not put their names on a ballot and they certainly do not deserve to be treated in a poor fashion; and that is the genesis of this. He continued after learning that it was considering doing away with the Historical Commission to modify the Historical Commission made it clear that their culture is such that it is no longer intended to serve a purpose; they showed their true colors when they wrongfully lashed out at a member of his staff; they are not concerned about history or facts, they are concerned about themselves, their social groups, and their ability to put historical commission on their resume and Linked In pages; it is only after this that it became clear that his office would be able to prove that his staff did not make an error that they had quickly back-tracked; however the damage had already been done and they had blasted a baseless accusation out to everyone; and he is sure the other Board Members received those emails between his staff and the historical commission. He stated any group that would maliciously attack a Commissioner staff member to deflect from their own ineptitude has no business being in an advisory board for the County Commission; some members apparently not realizing they had hit reply all on an email, that included one of his staff members, continued to criticize his staff even after it was obvious that she had done nothing incorrectly; and furthermore this is not an isolated incident as emails between the historical commission members show that this board has gotten grossly political and reckless. He noted comments on public email such as, "I hope this Commissioner does not get re-elected" were exchanged by email; this brings up another issue, sunshine; and he inquired if the Florida Sunshine Law applies to members of the Historical Commission.

Eden Bentley, County Attorney, responded in the affirmative.

Commissioner Tobia inquired what the repercussions are for violating sunshine.

Attorney Bentley replied there could be reprimand, fined, and have all sorts of repercussions.

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Commissioner Tobia inquired if there issues that would have major impacts on an advisory board that would lead to Board discussion or action, would the County Attorney recommend Board Members communicate with each other at length on the subject via email.

Attorney Bentley responded she would not.

Commissioner Tobia asked permission to advertise and issue legislative intent to dissolve the historical commission and institute alternatives that would be in the right of the County Commission.

Commissioner Lober stated he will support with or without cause Commissioner Tobia moving forward with removing his own particular employee, which he truly does not know; he does not know what the political situation is that particular group; he does know since he has been in office he has gone to one or two of their meetings and he did not observe the behavior that Commissioner Tobia is describing; he is not saying any of it is inaccurate, or that it did not take place, but his concern is that commission has done valuable work, it has been around a very long time, and it is doing well; and if there is a problem with respect to the composition of the commission he would urge the Commissioners to look at their appointees and determine if those are the best individuals to represent them. He noted he is satisfied with his; as far as him doing it, and he knows Commissioner Tobia did not accuse his appointee, but as far as him doing it for the possibility of Linked In or resume purposes, he approached his appointee and asked him to do it; and although Commissioner Tobia's arguments may apply to some of them, he is not on board with dissolving it at this point because he has not seen anything so systemic and so unfixable, with potential changes of appointees, that the Board should disband the historical commission.

Ben Brotemarkle stated he is the Executive Director of the Florida Historical Society (FHS) which was established in 1856 making it the oldest existing cultural organization in the State; they are proudly based in Brevard County and the Statewide headquarters are in the old 1939 Post Office in Cocoa Village where the Library of Florida History is located; they are a Statewide organization but they also operate the Brevard Museum of History and Natural Science, and manage the Historic Rossetter House Museum and Gardens in Eau Gallie; and they have deep ties to Brevard County, but he is not here for the FHS this evening. He continued he is here as a volunteer on the Brevard County Historical Commission and he would like to thank the Board and its predecessors for their excellent choices of Commissioners; current and past Commissioners have included historians, archeologists, museum professionals, authors of books and articles on local history and culture, and people who have ties to Brevard County's history; what they all share is a passion for Brevard County history; and they have all been very active in getting historic markers from the State placed all throughout the County, they have maintained an archive, they have published the Indian River Journal, and all sorts of activities to preserve and protect the long history. He mentioned they are all excited about Brevard County history that goes back to the Windover people in Titusville, the burial mounds discovered there show that people were 3,200 years older than King Tut, and more than 2,000 years older than the Great Pyramid in Egypt; the history goes from there all the way up to the anniversary that is being celebrated this week with the upcoming 50 years since Apollo landed on the moon; all of the manned launches from America came from Brevard County; and he added there is so much history in between. He noted the people appointed to protect that history at virtually no cost to taxpayers or the Board; it is a group who is very passionate in the past and currently; and he commended the Board for appointing those people, as it is who controls who is on the Commission. He noted the Board has the right to eliminate the Historic Commission but by Statute the Board would have to come up with other ways of preserving the local history and culture; he believes the old adage of, "if it ain't broke, don't fix it" applies here; he appreciates Commissioner Lober's suggestion that if changes need to be made, the easiest way to do it is to appoint Commissioners who will do a better job; however, he thinks it is an excellent group right

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now and his noted his resume certainly does not need any padding. He added he does this as a passion and he thinks the same goes for his colleagues.

Bob Gross stated he got involved with Brevard County history in 1959 when his neighbor told him she was born in a log cabin on an indian mound in Malabar; he rode his bike down there that week and found his first artifact which was a hand rod hinge that came off a cabin door; it is just one of many treasures that Brevard County has; it has the richest history of any County in the United States; Ponce De Leon first named Cape Canaveral, the first geographically named place in the North American Continent, and people were sent to the moon from here; and the French and Spanish were both here. He mentioned he got involved with the Historical Commission back in 1964 when Ada Parrish organized the first Historical Society; they met at Carpenter's Hall, and he was 14 at the time; they had a Brevard County Historical Society because of the County's length; it was split up into three, north, south, and central Brevard; the National Historic Preservation Act of 1966 mandates that states and communities make efforts to preserve their history; that boils down to the State of Florida which has a Preservation Officer and it requires the counties and municipalities to also do that; there has never been a Preservation Officer in Brevard County it has always been assigned to some planner who has no experience at all; and it is a travesty because of the history here. He continued the Historical Commission is composed of 15 members, and there have been some odd balls on the Commission over, some political opportunist who like to have it on their resume when they run for election, and there have been some other people who were absolutely crazy, but it evolves over time; he does not think the whole Commission should be criticized because of a few individuals; it used to be the County Attorney would advise the members of the sunshine law, so it may not hurt to have another class; he advised he is not on the Commission now, he is a past chairman; but they do a lot of good work. He added they have a huge archive of mostly documents, and have helped the County Attorney just recently on some court cases; and he thinks because of some of the information they provided, the case was dropped.

Attorney Bentley stated the case is proceeding but the information was helpful.

Mr. Gross stated there is just a tremendous amount of stuff; they have photographs of old pioneers who donate their photos to them; they have over a hundred oral histories; and just recently he did one of Jackson Vaughn of Melbourne. He continued he was a city attorney and his father was a city attorney who came in 1926 and described driving into Melbourne and the Melbourne hotel was just being built; and with the stories that have been collected for the history of this County he thinks the Board needs to appoint a Preservation Officer to guide them because they are not professionals, just volunteers. He mentioned Brevard is the County of this size that does not have one, Broward County even has staff archeologists; the library helps them, they a minimal budget, and he thinks to try to get rid of the Historical Commission over a couple odd balls is wrong; and he asked the Board not to give it a second thought.

Daniel Reiter stated he is one of Commissioner Smith's appointees to the Historical Commission, and it is not on his resume and he does not have a Linked In page; apparently this item was to be treated as an urgency procedure and to run independent of the review afforded other advisory boards; oddly enough the reasoning behind the sudden dissolution of the County's historical team is to provide interested citizens of Brevard County added opportunities for local government involvement; he is of the opinion that the Historical Commission forms that exact function and does it exceptionally well; and he mentioned it is an active citizen volunteer organization founded in 1963 by Ada Parrish which works in partnership with the Florida Historical Society, NASA, the UCF Riches Project, the Museum of Natural History and all of the municipalities in the County to preserve and collect historical records. He noted they also coordinate historical markers, produce landmark guides, and among other things, to conduct oral histories; the Historical Commission is a highly interested group of volunteers, archeologists, museum directors, surfers, veterans, authors, and history professors who meet

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once a month in the Cocoa Library, a public facility; and public comment occurs at nearly every meeting. He noted when he brought this agenda item to the attention of Ben Malik, the Mayor of Cocoa Beach, he questioned the reasoning behind eliminating Historical Commissions on the 50 anniversary of the most astounding event in all of human history which was launched right here in this County; and he asked the Board to consider the benefit of a volunteer history core and what it add to the cultural value of a community and to weigh that against any associated costs of administering. He urged the Board to take a look at a book of the history of Brevard County, published by the Historical Commission in 1995; in his mind it should be required reading by Brevard County employees; on page 30 there is a 1763 map of the coast which show the vestiges of a tidal inlet at the very north end of Patrick Air Force Base; and also there is a chapter on County Planning. He advised there are hidden lessons in the past for those who care to look; he would recommend a Commission-wide review of the pertinent emails which are in the public record which may better explain the events that transpired which motivated this proposal; to him it seems the County is more or less a group of people connected by a particular place and time; and while the interest of every person in this County does not always align, it would do well to remember that all of the community is inexorably linked.

Hope Guilford thanked the Board for the job they do; she knows firsthand that it is thankless at times and that the Board works really, really hard, so she appreciates the Board's dedication in doing the highest and most good in the County and for the citizens; she would have spent a little more time however Commissioner Tobia answered what she was going to go through; her mother is a pioneer of this County and she led a home schooling coalition when home school was illegal back in the day; she led the efforts to pass a law to make it legal; and her history lessons were based on what Ada Parrish did for the Historic Commission; and that was how she was taught and educated for Brevard history through their efforts. She noted she understands Commissioner Tobia and Henry have a thing; she finds it very coincidental that as soon as he was not mayor that he went after the CRA that benefited Cocoa Village and resulted in Riverfront Park even though it is not in his District; she advised she takes offense to that because when she was little there were drive-by shootings and dead bodies in the dumpsters; and because of this man's work and 56 years of his mother's work Brevard County is what it is now today from the work of people who care about this County. She went on to say people come to this County for three reasons, the Port, the Space Industry, the cruises, the Indian River Lagoon, and for the history; Cocoa is lucky to have what it has; she has people who come and stay at her bed and breakfast just because of the museums, the Historical Society; she asked Commissioner Tobia to examine his heart and motives in this situation; and she asked the rest of the Board to please maintain and preserve the integrity of this great County.

Commissioner Pritchett stated she believes she is probably in alignment with Commissioner Lober's thoughts tonight; it is a very passionate Board, they are very active, and some of the things they do, if they were not doing it the County would have to hire it out; knowing this Board and the ones who have been in her office she would not enjoy ever trying to do something that would take them out of the passion of what they love to do; and she thinks this is the perfect opportunity to say this, people are going to have different opinions and ideas. She went on to say she read a little bit of the emails and people are going to have to start being kind, people can learn to disagree without having an emotional mess in it; people may think kindness is weakness, but it takes great strength to be kind in hard situations; she has one fellow that wants her to resign every time he shows up and the audience applauds it; something has to get going here where people are kind to the staff; she has some very defensive people in her life that she loves also, but something is going to have to change here soon; she does not know who is going to have to do it, but someone is going to have to start behaving like grownups; otherwise this is not going to end well. She mentioned she is really thankful her children and grandchildren are not watching some of this tonight; and she charged everyone as the meeting moves forward tonight to think about that because a lot more can be done being kind than giving someone a piece of their mind.

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Commissioner Tobia stated before he does not get a second for this, he appreciates the emotion; he did not want to talk about competency but to pull down the seal it has three dates on it, 1513 and 1969 which he knows what both of those dates are; 1854, is the wrong date on the Seal of Brevard County; it did not become Brevard County in 1854, it was 1855; and he knows people are saying okay it is just a year off, but if he taugt Government and said America signed a document in 1777 or something like that he would be laughed off the stage. He advised he will fight tooth and nail when his staff is attacked, by all means people can say whatever they want to him, but what they will get in return is nothing because to look at the email that came from his office, they were kind, cordial, they never said one thing that he would not being read with a hot microphone, and this is gross incompetence that the fact that it was St. Lucie County that enacted the legislature to turn Brevard County into Brevard County in 1855; if anyone does not believe this then Google it; he is right and the seal is incorrect; and the fact that the historical body has an incorrect date when asked about it he never received a comment. He went on to say he is try to save taxpayers \$1,821, he has no ill will to any past elected officials; he has had issues with CRAs from day one in each and every District; the fact is he trying to save the taxpayer money to help with infrastructure and the Lagoon; and he hopes the Board can move forward without the Historic Commission and lend some accuracies to the County Seal moving forward.

Chair Isnardi stated she knows Commissioner Tobia has some genuine concerns and they are valid; she is a little confused on the seal issue; she would have liked to have known about the seal issue beforehand; maybe it is the job of the historical Commission to explain that if it is not an error or whatever; however, if she committed an action or eliminated a board every time someone attacked her staff she would Agenda Items every meeting. She continued she is not saying they were right in doing it, that it was the proper thing to do, and she is not justifying it, but before she makes a decision maybe Commissioner Tobia could provide clearly what had occurred; she does not know if her appointments were involved in that; and she would like to know if there is just cause before removing someone if she was responsible for putting them on that board. She noted she would not want anyone as her representative treating anyone, staff or the public, in anyway shape or form because if they are the appointment she is essentially responsible for their conduct. She mentioned perhaps an education in sunshine needs to happen whether that is the responsibility of the board member, which she believes is the case, because when someone sits on a board that person is committing to follow the sunshine law; she thinks maybe that is something that should looked into or maybe validate that each person has watched the two or three hour League of Cities video on sunshine because that is free; and she thinks should be some discussion or education in that department. She went on to say often times the Board does not like what people have to say about it, however, she does not believe legislative action is the response, because maybe people would fear coming to the Board based on what it would do in retaliation. She noted she thinks that is a fine line.

Commissioner Lober stated if someone is unhappy with his or her appointee, he does not need a reason, if Commissioner Tobia wants to make a motion he will second it, he would only need one more vote and that would resolve that portion of the issue.

Chair Isnardi called for a second on the Motion for legislative intent and permission to advertise dissolution of Brevard County Historical Commission and providing for adequate services to retain historical documents and data.

Motion dies for lack of a second.

The Board acknowledged a request for legislative intent and permission to advertise the dissolution of Brevard County Historical Commission and providing for adequate services to retain historical documents and data, but took no action.

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ITEM J.6., BOARD DISCUSSION: TRAIN SAFETY

Commissioner Tobia stated on June 26 he, as well as the other Commissioners, was copied on an email from Rusty Roberts of Virgin Trains to staff; what was contained in this email was shocking to him; in response to a very straight forward fact-based email from Assistant County Manager John Denninghoff, he stated, "I know you have my number and that of Adrian, the chief engineer, I am confident that a simple phone call would have saved you many keystrokes"; putting aside substantive issues he can only think of one meaning behind the statement, that Virgin Trains is afraid of the sunshine and wanted to avoid the transparency of public record; given these facts his concern is that this situation was not discussed on the record long ago so he would like to do that; he is very concerned about safety as these tracks cross many portions of his District; and he inquired when the County first requested the update on the plans that would improve safety for Virgin.

John Denninghoff, Assistant County Manager, stated the most logical answer is October 2016.

Commissioner Tobia inquired if the plans received in 2016 were adequate to ensure safety.

Mr. Denninghoff responded negatively.

Commissioner Tobia inquired if Virgin indicated themselves that these plans are in fact not adequate.

Mr. Denninghoff responded affirmatively.

Commissioner Tobia asked for the deadline for upgraded plans committed to by Virgin.

Mr. Denninghoff asked Commissioner Tobia to repeat the question.

Commissioner Tobia asked for the deadline for upgraded plans committed to by Virgin.

Mr. Denninghoff replied that in October 2016 they indicated they would provide the completed plans in December 2016.

Commissioner Tobia asked if he received those plans in December 2016.

Mr. Denninghoff responded no.

Commissioner Tobia inquired if he has those plans today.

Mr. Denninghoff again replied no.

Commissioner Tobia inquired if there were comments made about safety; and asked what the upgrades were to the crossings.

Mr. Denninghoff replied he received a set of plans in the latter part of January, early part of February, of this year; he noted it was going to be the completed set of plans, however, he received the same set of plans he received prior; therefore, they did not have the information the County was looking for.

Commissioner Tobia inquired if Mr. Denninghoff is able to make a commitment to the people of Brevard County that the construction on the rail and the operation of the trains conducted in a safe manner for the citizens of Brevard County without the plans they asked for and the County has yet to receive.

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Mr. Denninghoff responded not based on the plans he has as of today.

Commissioner Tobia informed years ago this company made a commitment to the people of Brevard County to take certain steps and make available their plans to try to increase safety, and they have broken their promise and failed to do so; this is serious, not only is this about safety of crossings or high speed rails, but also about isolating neighborhoods, many of which are in his District, during the construction periods; and he inquired what action the Board can take to ensure the safety of the residents of Brevard County.

Mr. Denninghoff stated staff continues to await the plans; Mr. Roberts has indicated that the County is going to receive the plans and he will coordinate with the County, however, he has not provided a date at this point; a part of the coordination will be to review the maintenance of traffic plans which is part of the necessary plans for the County to approve them; that is one part of the project the County has permitting authority over; and he reiterated staff has not been able to review those plans because they have not been provided, however is confident that they receive them, he just does not know when, and until that happens he cannot ensure or report to anyone what is being done or when it will occur. He went on to say, that is what stimulated the original email he sent; he has received a great many phone calls and a few emails and comments from people wanting to know what the plans were, and his lame response is he does not have them.

Commissioner Tobia stated he was unaware of these emails; he wanted to point out that staff is working diligently on this for the safety and wellbeing of Brevard County; and he thanked Mr. Denninghoff for continuing to do his due diligence and asked that he keep the Board in the communication loop so it has a better understanding of when it can rest assured that the citizens of Brevard County will be safe with train crossings.

Commissioner Pritchett asked the County Manager if he knew about this.

Frank Abbate, County Manager, stated he did know about it.

Commissioner Pritchett noted someone told her there was supposed to be a meeting in July or August; and she inquired if something messed up to where staff could not sit down with him or her.

Mr. Abbate advised he had spoken with Kendall Moore and they were supposed to meet right around Memorial Day, but he had gotten sick, so he rescheduled for August 1.

Commissioner Pritchett stated she does not know if this was a little emotional going out, which is fine because it is important, but when he responded he stated he is not going to begin any of this or do anything until the County has a new updated set of plans; and she thinks this email may have done something that it was not intended to do. She reiterated she was taken aback by it, and the response fire back; she mentioned she is with Commissioner Tobia on this with the safety aspect; however she thinks a few things were left out in that conversation which concerned her a little bit.

Rusty Roberts stated he appreciates Commissioner Tobia bringing this issue to the attention of the Board; Mr. Denninghoff is correct in saying he received plans from them in 2016; they accepted comments from his office where he suggested many changes and improvements to crossings; they stated they would incorporate those comments into a final set of plans and give them back, however, they did not. He admitted it was their fault due to an internal issue with one of the engineering firms that was supposed to have incorporated the comments into the plans; they did not discover those comments were not incorporated until that follow up meeting they had with Mr. Denninghoff earlier this year; at that time, they stated they would fix it and come

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back with the proper plans he is looking for, which includes Mr. Denninghoff's comments being incorporated in the plans; in the meantime their company has had additional reviews and have taken additional internal reviews of all the crossing from West Palm Beach all the way to Cocoa; and Florida Department of Transportation (FDOT) has asked them to provide the latest set of plans so they could review them and make comments. He added FDOT is reviewing and making comments at this time, and that is why the delay in the delivery of these plans; when FDOT finishes their comments they will supply those final plans to the County; and he wants to assure the Board and Mr. Denninghoff they will not begin construction until the plans are in place, there has been a sit down with the County, and the plans have been reviewed. He noted right now FDOT is doing its due diligence, which is appropriate, and they are working with FDOT to complete those plans. He went on to say they are looking forward to getting those final plans to the County and getting construction underway; they had a preliminary construction meeting with Mr. Denninghoff with some of the construction management team; they have a full construction management office based in Melbourne with a full team of people who are in charge of the various zones of construction; and he will bring those people to the County Manager to talk about the construction schedule, and how they construct in terms of crossings. He stated they make a point not to do two crossings adjacent to each other because it becomes a real traffic problem at that point; they move around the County to keep traffic from being disrupted; they work with the Police and Fire Departments in that; he advised he would like to have all those people in the room to have that discussion; and at that time those plans will be finalized. He mentioned they have designated a public information officer who will serve as the key contact for the County; this is someone who the Department and the Manager's Office will be able to contact to ask questions or resolve any unforeseen issues; he apologized for the snarky opening line of his email, he thought the email that went out could have been avoided if he had made a phone call; many of the other counties have had the same questions; and he noted they are a different kind of railroad, they want to work with everybody and make sure that everyone is on the same page so they can work in concert with minimal disruption.

Commissioner Lober inquired if Mr. Roberts thinks he has been fair with him thus far.

Mr. Roberts responded in the affirmative.

Commissioner Lober advised Mr. Roberts that he can say so if he disagrees; he does not care if he and County staff communicate by email, phone, or paper, whatever works is fine; given the concerns that have been articulated up to this point, he asked if Mr. Roberts would memorialize any phone conversations he has with Mr. Denninghoff or County staff with a follow up email to whichever staff member he has spoken with so everyone is on the same page; if someone on the Board wants to find out what was said that email could be referenced; if there is a disagreement he would expect staff to have noted that in a return email; and he thinks this would avoid any question about dancing around Florida Statute 119 or people trying to play games, he does not see that being the case, but he understands people are concerned and it is an easy way to nix the concerns.

Mr. Roberts responded he would be happy to do so and he will alert the construction management team as well; and he mentioned when there is a meeting, minutes go out to everyone who was in the room.

Commissioner Tobia thanked Mr. Roberts for making the commitment; he mentioned he does not want to be that 10 percent to be hit by a train; he provided a slide that shows a part of his District; he advised this is the Holley Street crossing and there are not many crossings anywhere in that area; and he asked if it is fair to say the plans have not yet been finalized for Fire Rescue to access these neighborhoods during construction and that it is part of the plans being worked on now.

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Mr. Roberts stated that would be part of the discussion they will be having with County staff when they come in with the final plans and the maintenance of traffic issues and plans.

Commissioner Tobia inquired if Mr. Roberts is saying they will deal with First Rescue and traffic flow.

Mr. Roberts commented they usually hire off-duty police when they do these crossings and have to close a crossing.

Commissioner Tobia stated what he would like, and probably the other Board Members, is when these plans are finalized they can be kept in the loop so they can get with their communities and let them know just exactly what the plans are, how long the crossings will be closed, what the detour route will be, and how public transportation will work.

Mr. Roberts pointed out they have been engaged in meetings with every community, every municipality throughout the County, throughout the corridor just to talk about these individual crossings; they did a meeting with the Barefoot Bay board as well as Melbourne; they would be happy to do more; and if they have missed anyone he asked Commissioner Tobia to let him know.

Commissioner Tobia mentioned he could not tell them anything right now because Mr. Roberts cannot tell him anything right now; the fact that they have the meetings is wonderful but if there is no information provided then he cannot give out information.

Mr. Roberts noted they do provide information that is the purpose of the meeting.

Commissioner Tobia asked how long would that crossing be closed.

Mr. Roberts noted it depends on the size of the crossing, two lanes versus four lanes.

Commissioner Tobia advised this is the one at Holley Street.

Mr. Roberts noted generally some crossings could close up to three days and others take one or two.

Commissioner Tobia asked what the Fire Rescue plan is because he gets that question a lot due to this being an older population and minutes count.

Mr. Roberts advised it would be helpful to him if Commissioner Tobia could provide him with a slide so he could forward it to the construction management team and make sure they know the answer to that particular crossing, because he does not know.

The Board discussed the safety issues involving the construction of the Virgin Trains' project, but took no formal action.

*The Board recessed at 8:59 p.m. and reconvened at 9:21 p.m.

ITEM J.7., CITIZEN REQUEST, MEL MARTIN, RE: PROTECTING THE INTEGRITY OF BREVARD COUNTY GOVERNMENT

Melissa Martin stated she is speaking in her personal capacity as a citizen and Brevard County resident based on her career experience as a military officer and attorney; the Board has already heard plenty this evening and is about hear more probably, but she would like to focus

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on two main points; public officials have a higher duty of care in how they communicate especially to private citizens just like any other profession of public service; she stands by ready to provide a legal opinion or analysis to break it down for the Board or the County Attorney can break it down, but that is just a basic fact to work on; and now that this Board is on actual notice of what has occurred in the last six months, as she provided by attachment to the Agenda Report, she believes there is a clear duty to act accordingly. She continued the issue at bar is whether or not the government, through its officials and agents, may retaliate against private citizens for exercising their free speech rights; constitutionally, morally, legally, and ethically the answer to that would be no; no one should be denigrated or threatened with a law suit or seek clarity about public records law which happens; not one should have their job put in jeopardy for making an online statement critical of a politician, which happens; no one should be dehumanized by an elected official or publicly humiliated or treated like a hostile witness, which happens; this scares people away from participating in their government; and it needs to be clear on what the expectations are of acceptable conduct. She went on to say if she may recommend this as a simple standard, which she draws from professional expectations laid out by the Florida Supreme Court for the Boards consideration and hopefully action; she read, "In order to preserve and protect the integrity of Brevard County Government, public officials, and their agents shall strive to be honest, civil, and respectful in their interactions with others, avoiding disparaging personal remarks, threats, or acrimony in any oral or written communication to include social media. Intentionally engaging in such conduct that proves to chill or violate the first amendment rights of Brevard residents may be regarded as a form of malfeasance"; she stated two final points to reiterate, to continue to take no action or failing to take effective action can be argued to indicate that this Board adopts this policy, that it is fine for public officials or those acting on their behalf, to threaten or retaliate against private citizens exercising their constitutional rights; as many probably know such adoption exposes the Board and the County, therefore taxpayer money to liability under 19.83 Civil Rights actions; if anyone believes their personal liberties outweigh the people's ability to exercise their constitutional rights, no one is preventing anyone from fully enjoying free speech as a private citizen; and this point is an important measure of fitness for official duty. She stated if someone cares more about themselves than how his or her actions affect the rights of others perhaps public service is not his or her calling after all; she stated she has talked with Commissioner Lober back and forth civilly through email the past week; he knows her motives are exactly what she said, they are not personal and there is no partisan agenda whatsoever; she basically hopes that the base expectations of public official conduct can be restored and enforced in the future; and she is ready for any questions the Board may have.

Commissioner Lober stated he has dealt with Ms. Martin since his election; he knows there was someone who came early who indicated he falsely accused her of being dishonest, and he stands by his prior statement, who did state that Ms. Martin was his adversary or opponent; and he asked if he and Ms. Martin were ever adversaries or opponents.

Ms. Martin responded they were not.

Commissioner Lober stated not to his knowledge either; he knows when he first met with Ms. Martin it was midway between his office and her home or work to make it convenient for her; they talked about everything, such as issues with the Tourist Development Commission (TDC) that still gives him some concern; and he inquired if there was any incivility.

Ms. Martin responded not at all. She commented that is why it pains her to have to be there today because she actually enjoys his leadership style as far as being accessible to people and responsive when they have questions or concerns.

Commissioner Lober stated there were other issues; obviously, there was something colorful with respect to the COC and the IRL funds; they went back and forth a number of times by email

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and so forth; he asked if she felt they ended up in a better place than where it started.

Ms. Martin agreed.

Commissioner Lober inquired if Ms. Martin felt any part of that was uncivil in the correspondence.

Ms. Martin stated not at all.

Commissioner Lober noted more recently they had something involving a fertilizer signage ordinance and he knows it involved communication between Ms. Martin, the Natural Resources Director, and himself; and he inquired if any he said was less than civil.

Ms. Martin replied it was not.

Commissioner Lober stated this where they are essentially, and he thinks he has made it already known to Ms. Martin he respects her opinion he just does not agree with it; when he signed up to run for political office, he signed up and he thinks folks voted for him to get things done not to be the most cautious person in the world when it comes to reacting to individuals who are seeking to create problems; he thinks Ms. Martin has raised a lot of good points in what she mentioned in the beginning; however, he does draw issue with there being a lack of context with a lot of them. He mentioned he would be happy to address any of them if she would like to do that; his concern is there is a double standard that is glaringly evident to him, and he is not talking about Ms. Martin specifically but a lot of folks who are upset, that they may think that due to him being an elected official he should be held to a different standard such that his First Amendment rights would be eroded; and he noted he has a different style than most folks because simply he does not like the average politician, and when he became a lawyer he did not like lawyers either. He went on to say he is not doing things with the purpose of trying to be overly diplomatic to the extent that he does not displease anyone, he is trying to things in a way that is effective and gets things done.

Ms. Martin commented she thinks she has already answered his concerns that are being brought up right now, through email; if it is okay she can share it with the other members of the Board for context of what was already talked about; she thinks it is worth further discussion; she thinks there is a community objective concern here that if Commissioner Lober is willing to engage in this discussion, it would be wonderful to talk about where the First Amendment Rights really end, if they do; she and Commissioner Lober disagree on where they end; and both are lawyers, she thinks it is worth the discussion. She asked that Commissioner Lober not only consider some of the feedback but to consider asking staff to look at what she provided as a skeleton proposal of something that could be put into the Brevard County Code because she thinks it will help alleviate the communities concerns; she stated she thinks that may finally put this to bed, so everyone can move on and get back to County business.

Commissioner Lober explained he would be happy to sit down with Ms. Martin and work on some aspirational goals if she thinks that is a benefit, but his concern as someone who is a staunch First Amendment, Second Amendment, Third Amendment, and so forth activist, he does not care what the Constitutional Amendment is, he really genuinely in his heart of hearts believes in them; he has no problem working with Ms. Martin in setting some aspirational goals; there are going to be things Ms. Martin wants that he will not agree with; however, there are probably things she would like to see that would move things in a better direction, that he would likely agree with. He noted he would probably work better with Ms. Martin than many others who have aligned themselves with her on this issue because she does not come at him with a horrible attitude, cursing, and telling him all the nasty stuff, some of which he has forwarded to Ms. Martin from some other individuals; the point is he has tried to be reasonable with everyone

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in giving what he gets; when someone approached him like Ms. Martin with a good attitude and wants to accomplish something, he would be happy to continue working with her; if she has an issue with something he is doing he would like to think she would be comfortable enough to come to him and express it; he would like to think he is accessible and that he has followed up on everything he has talked to her about; and if she is willing to do that he is willing.

Ms. Martin stated her two final points are First Amendment Rights go from the government to the people; it is built on making sure the government does nothing to chill, bridge, or otherwise affect negatively the rights of the people to engage in their government, to speak up, to criticize, to address their grievances, and etcetera; that is how it works; when someone is fully employed with their First Amendment rights of this is how he wants to talk, and in effect it destroys the relationship the government has with the people, that is when she has to step up and say it is wrong; and she hopes he understands that.

Commissioner Lober stated he hopes she understands his position; he does not think it is a reasonable expectation that folks give up their First Amendment rights simply by having been elected to office; it is something where he understands Ms. Martin's position but he does not agree with it; if that is something ethically where she thinks things ought to be, that is different than what is legally required; and the folks Ms. Martin is concerned about in chilling free speech, he thinks there is more free speech with all the things he has said and done, not less. He continued he does not think this many people come on innocuous issues, they come because they find something worthy of speaking about, the folks that are in attendance to chastise him for using his First Amendment rights are essentially trying to chill his free speech; and just as he would respect Ms. Martin's right to be civil and not interrupt, he would hope the same courtesy would be extended to him because whatever standard someone wants to impose, he is not going to support standards that have one requirement for this particular group and another requirement for another particular group.

Ms. Martin explained they just looked at the standards that are pretty much laid out by the Florida Bar or in the Military where Officers cannot say certain things, or when something is said, they must maintain public trust with everything they say and do, much like lawyers for the sake of the judicial system; it is about what the public views as right or wrong; and she noted it is not about the officials.

Commissioner Lober stated it is about everyone's freedoms and their rights.

Ms. Martin responded in the affirmative.

Chair Isnardi noted if the population feels one way, then they decide what is appropriate.

Ms. Martin responded she is not talking about substantive issues.

Chair Isnardi commented maybe this back and forth is more of a conversation Ms. Martin and Commissioner Lober could have together.

Commissioner Tobia thanked Ms. Martin for her service; he stated he disagrees with Commissioner Lober on supporting all of the Amendments; and he advised he stands against the 18th Amendment to ban the sale of alcohol.

Elizabeth Michelman stated she is on the Mel camp; there are a lot of reasons as of late that maybe everyone in the room should be concerned; the national dialogue has drifted so poorly down whatever drain it is going, that people can no longer talk to each other and that has to stop; Mel had brought out some really good points, but she could not help but notice on the back wall is the Pledge of Civility; and people have lost sight of that. She mentioned

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Commissioner Lober gets to stare at that every Commissioner Meeting; if Mr. Lober could get back to where he can have conversations to understand what the other person is saying, when he goes off on the deep end because some of the things he has stated were pretty bad, like vermin, it offended her; when he goes off the track like that, he puts the people in a position where people start pushing back; she personally will not, but she knows how to manage her Facebook account, and her Linked In account; she knows what she can and cannot do it, and she believes any 12-year old can too; if Commissioner Lober says it is free speech, she thinks it is speech gone crazy; and right now the Supreme Court is going to be looking how Facebook is to be described as a legitimate point for free speech because right now there are more lies, more trolls, and more idiots on Facebook than there are common people who care about little dogs. She continued it is really the duty of the elected officials to behave accordingly; it is also her duty as a member of the public to sometimes remind all the Board Members that he or she is guided by specific and ethical codes that maintain due process and civility; she is under the understanding that the Board is to take a yearly ethics course of four hours to deal with situations such as this; and she asked if that is correct. She noted she is angry; some of the Board shows they may understand why she is upset; she just wants to live in her home and do her own thing, but when words start to stir up anger, that is when it becomes a problem; Proverbs 15:11, reminds people that a soft answer turns away wrath, but a harsh word stirs up anger; and she believes that is where the County is right now. She continued in the Game of Thrones an interesting question was asked, "Do you serve the realm or do you serve the throne"; those are questions she thinks the Board Members need to ask themselves; and the assumption is each Board Member was elected by a majority of the votes, while 57 percent of the votes were for Commissioner Lober, it sounds like a landslide, but she would like to know why 35 percent of the voters in District 2 did not select either candidate. She went on to say in reality she is not sure if there is a majority here, and that should be considered when talking to people; Mel can be nice, and even she herself can be nice; everyone knows who Chief Justice Brandeis was; he often spoke about the responsibility of elected officials; and basically what he was saying was crime and civility is contagious and leading from the top will have greater reward to all the constituents than fighting with them.

Sandra Sullivan stated she is neutral, an Independent; what she sees a lot on this issue is a very politically charged society; social media has become what she calls character-assassination, taking things out of context, and hypocrisy at all levels of government; in her opinion it has become almost political warfare to manipulate and destroy reputations, and take things out of context manipulating in the interest of furthering politics on either side; distortion is too often taken as fact where civility is needed; and that seems unlikely in the current political climate. She mentioned freedom of speech is important not to be eroded and perhaps having people with a backbone to stand up is equally needed; she pointed out when Mel, whom she respects very much, started with a comment that she was speaking in a personal capacity and she asked can public officials not also as part of their First Amendment Right; and she mentioned what stands important to her is when there are Commissioners who are doing the right thing. She advised there is a particular problem in her community with a dump being under her home and in the community; she looks very strongly at the Board Member's actions and not his or her words; she feels her own Commissioner has let her down whereas she has had extensive conversations with Commissioner Lober who is not in her District; he has taken the time to understand and even support her quest to try to get the area cleaned up; and she thanked Commissioner Lober for his efforts.

Philip Stasik, speaking on behalf of Space Coast Progressive Alliance (SCPA), stated he stands with Ms. Martin and concurs with her efforts to protect the integrity of Brevard County government because that is really what is being discussed; the SCPA believes that Brevard County is now at a crossroad; and he asked shall the County adopt ethics guidelines which include meaningful oversight or will the County government degenerate into what Commissioner Smith likened as the Jerry Springer Show. He continued it is essential this County take the high

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road because the alternative is chaos, it is dangerous, and counter-productive; this is long overdue; they will work with the Board to take the high road; it has probably become obvious to the Board but for the people it is obvious that a formal ethics oversight structure, office, or board is now necessary to keep the County government above reproach; and he asked the Board to take the high ground and be an example for all of Brevard County.

Linda Huba stated when one reads Commissioner Lober's words, what a "scourge on humanity" Ms. Patel's "litter would likely be" one might wonder what must Ms. Patel has said about Commissioner Lober's children and or future children for it to have come to this; the answer is nothing; the "preceding provocation" which are Commissioner Lober's words, is what he claims gave him justification and license to write what he did, was Ms. Patel's opinion expressed on her Facebook page many, many months ago as a democrat, as a woman, and as a woman married to a person of color, that either the Democratic presidential candidate or the democratic vice-presidential candidate should be a women and/or a person of color, and that is it; it is an opinion of which many democratic voters share; and she does not believe that Commissioner Lober cares that deeply about who the democratic party chooses to run on their ticket who Ms. Patel supports, or who does not, or why. She continued she is sorry but that does not ring true to her; his words are a deeply humanizing attack, words that were described by another Commissioner as sickening because they are; even after Commissioner Lober's words blew up online and in the media, she watched as he went on for hours and days, Facebook posting to the point where he actually referenced Ms. Patel's uterus, typed out, on his keyboard seemingly oblivious to how really inappropriate and disturbing that is; yes, he exercised his freedom of speech the way he chose; now many people are exercising theirs and that is good; and she is exercising her freedom of speech to say the Commissioner should exercise his freedom of speech less abusively, less provocatively, more responsibly, and more productively. She added she hopes the rest of the Commission will enable that by supporting Ms. Martin's proposal for a basic Code of Conduct, as indicated by the Pledge of Civility, which evidently is not quite cutting it. She stated last month the Commission tried to steer it back in a good way, and that did not work; and that is why she is in support of a basic Code of Conduct. She noted it has been a long meeting but she is glad she stuck it out because she wanted to say she thinks this kind of personal attack is regrettable, unnecessary, and she thinks everyone can do better.

Sanjay Patel stated he stands here embarrassed, saddened, and angry by what has been allowed to transpire in and out of this chamber; he is specifically talking about the abhorrent behavior of Vice Chair Lober; he knows the Board has read the comments that he made about his wife that have made national headlines, including a formal rebuke by the Anti-Defamation League of Florida; the only one who has not publicly commented is Chair Isnardi; and he wanted to give props to Commissioner Smith for having the courage to be the only one to speak out plainly about this. He went on to say he is asking the Commission to remove Commissioner Lober from his position as Vice Chair, censure him for his actions, and ask for his resignation; Commissioner Lober has threatened the livelihood of an individual by tagging her employer for comments he found offensive, he violated the public's trust when he decided to serve as an attorney for Chair Isnardi's husband who is facing his own alleged violations of the public trust, and then without provocation he joked about protesters with a snow plow and spewed vitriol in a hate-filled comment against his wife; and he wonders how Commissioner Lober would have felt had his wife had a similar attack by a public official. He added instead of apologizing, Commissioner Lober has deflected, doubled-down, and dismissed the comments as political rivalry in the press. He continued with barely half a year in office, Commissioner Lober has already demonstrated he is wholly unfit to hold his seat; perhaps this is not surprising coming from someone who is impeached from his student senate seat at Brandeis for missing too many diversity committee meetings; sadly Chair Isnardi has not said a word about her Vice Chair's behavior; maybe it is because her Community Affairs Director, Vic Luebker, is speaking on her behalf; in public Facebook groups Mr. Luebker has referred to him and his wife as free-loading, entitlement hacks, street-corner beggars, and called his wife a joke, a circus act, and suggested

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she had no work ethic; interestingly Commissioner Lober's abortion and snow plow comments were both replies to posts made by Mr. Luebker in a forum he administers; and to be clear, Chair Isnardi's Community Affairs Director is echoing the very same insults as the Vice Chair. He stated apparently sometimes this happens even during working hours; he asked if in Chair Isnardi's silence, if Mr. Luebker speaks for her; he asked if taxpayer money is paying for this; and he mentioned that he marched in the Fourth of July Parade last weekend with the Brevard Democrats. He went on to say they marched right behind the Trump 2020 tribe; along the route a gentleman in a Make America Great Again (MAGA) hat saluted them and said, "I still love you" to which they responded, "We love you too"; this is what Brevard County can and should be, but instead there are individuals like Commissioner Lober and Mr. Luebker who cannot see beyond partisan lines and are instead seeking to eradicate them. He stated everyone could actually build a better, stronger Brevard that embraces all people's differences, but it will take some bold actions by the Board to make that possibility real; and the community is counting on the Board to take those first actions tonight.

Oscar Rivera stated as a resident of Brevard County he believes the majority of the residents of this County want what is best for the County regardless of some political ideology, race, gender identity, religion, and ethnicity including everyone's differences; the question becomes, how to go about that and how to make sure the County has economic growth, safe schools, good infrastructure, and a protected environment; the people must sit down, actively listen to each other, compromise and negotiation could be a good way to start; and by doing listening to each, people could learn from each other by sharing different ideas and learn how to work together. He added a divisive tone should not be allowed in the community; leaders in the community should not be allowed to continue with a divisive message inside or outside of these chambers; instead the people should demand from its leaders to be role models with their actions and behaviors; community leaders should be inclusive of the community, they should encourage participation in the political process, and to encourage the community to be part of the helping process; and they should not be discouraging participation by intimidating techniques and name calling. He added this is simply not the way to go about people's differences. He went on to say in recent months the community has seen behaviors in local elected officials that are simply unacceptable; there has been name calling when someone disagrees; the community should demand higher standards from the community leaders, specifically those who are elected officials, elected by the people for the people; elected officials are representatives of the community, not a portion of the community; and yes they are a diverse community. He stated the people expect their elected officials to be inclusive with this diverse community because diversity is the strength in the community; this is not a political issues, it is not one versus another, and it is not a right versus left, it is simply a community issue; and the community should not allow the elected officials to behave in this matter, it should protect the integrity of the County Commission. He noted the question is what is the Board going to do about it, and not only what is it going to do, but when is it going to act and do what is best for the community.

Dr. Margaret Hayes stated she is a retired Psychiatrist and as she sit here she is noting all of this hostility and division; it is hard to see how governing can be conducted in an environment that is so intense; it is the intensity of the hostility, the ill feelings, and the passions that really reflect pain; she thinks what people do not understand or appreciate is that remarks that are made intended to hurt and wound, really do that; wounded animals and wounded people react quite often in a violent or hostile way; and she is not seeing any violence here, but of course one ill word is going to provoke another. She continued she knows Commissioner Lober has said if someone says something bad about him, he is going to come back just as strong; this is not a relationship of peers, Commissioner Lober is the elected representative to whom the people are supposed to be able to go to with any concerns the people may have about government, about County, and about their District, in particular; that means Commissioner Lober has to be able to communicate with all manner of people, as they are a diverse group; some may be more educated, some are more stable, but the Board is a position of having to find a way to build a

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bridge to some people who can be difficult at times, but it comes with the territory and is part of the Board's job; and if the Board is going to represent people, it needs to be able to find a way to talk to them. She noted going tit for tat is not the way to do it; the thing that really disturbed her about Commissioner Lober's comments were when he talked about Stacey Patel's potential motherhood, tearing down her potential offspring, and denigrating and insulting her possible kids; that is a sure fire way to be hurtful to any woman, and everyone knows that; people should not go after a woman as a mother, it is intended to wreak pain and can be difficult for a person to cope with; the other thing she saw in that was a very deep misogyny and that is a special concern because half of Commissioner Lober's constituents are female; and she asked herself the question as she was sitting there as a constituent of Commissioner Lober's, how would she feel going to him with a question or problem she may have with the County, and she knows she would try to find any manner of ways to deal with the problem other than sitting down face to face with him. She mentioned she is not easily intimidated, she would go ahead and do it, but if she put herself in the shoes of a women who has been domestically abused, a rape survivor, someone with a family history of drug abuse, or a person who has been wounded in one way or another, she would not expect that person to be able to go toe to toe with Commissioner Lober; she does not think a woman should have to; and she also thinks Commissioner Lober needs to be able to bend and accommodate that person.

Betsey Bray stated she hopes the Board takes the opportunity to hear what everyone has said tonight; a lot of people were personally hurt and taken aback by Commissioner Lober's comments; she thinks everyone has gone too far in accepting that they can say whatever is on their minds, in whatever way, to whomever they feel they can; and that has to change. She commented it is intimidating to come to the podium and speak; it is scary that the community elected this Board to represent them and speak for all of them; the Democrats are a minority in this area and it is very intimidating to talk to this group; and she thinks people have to be more civil, start now, and start here. She noted it is as good a place to start, as any because it just has to change.

Commissioner Lober stated he gives the Chair credit for trying to silence him and push him to the end, but he has heard a few things he feels compelled to respond.

Chair Isnardi commented she does too.

Commissioner Lober stated he is not going to go back, he just wants to address this speaker; she talks a good talk, but to look at her prior comments and what she has done in the past specifically in relationship to him, even as far back as the time he was campaigning, because it does not mesh; someone can call for civility while they are encouraging others to sue him; and he read a statement by Ms. Bray, "I hope people sue him, he bets they won't since he has more dollars and connections." He noted the side that the Board is hearing now, is not her entire side.

Loki More stated as a politically motivated young person there are no two people whom could have been more fortunate to meet than Sanjay and Stacey Patel; through knocking on doors with them, trying to change hearts and minds, and forming a relationship with them both, they taught him a lot; they taught him how to use his passion in a positive way, they taught him the value of hard work and fighting for what he believes in; and they taught him how to be a better person; he is not in attendance to talk about what they have done and the great qualities that they are, and how wrongly their character has been judged by Commissioner Lober, he is there to talk about how the comments that Commissioner Lober made have no place on the Board of County Commissioners and he hopes the Board will take that into account and do what is right; and he hopes the Board will bring civility back to this County.

Stacey Patel stated she lives in a house across the street from the high school where she

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graduated and where her mom graduated; Brevard County is her home and like all others, she ought to be welcomed in the Board's chambers to share the issues that matter to her, to offer her ideas and abilities to confront the challenges that face the community; public participation is not partisan; she is asking the Board to support Ms. Martin to create policies that protect free speech and the public trust; and she asked the Board to censure Commissioner Lober, to remove him from committee appointments, and the role of Vice Chair. She continued the issues the County faces are the Lagoon, rising seas, opioid addictions that killed her own brother, low wages, and failing infrastructure and it is going to require everyone, but she hears regularly fear from those speaking the truth to the Board's power; one wrote to her saying she was simply trying to understand why Commissioner Lober is allowed to continue as she lives in District 2 and she does not feel confident to even show up at these meetings; just this evening someone in the room came to her saying she did not feel comfortable speaking because she felt someday she may have to ask Commissioner Lober for something and she did not want to earn what she herself had received; free speech is the bedrock of the country; no nation can be truly of, by, or for the people if the people cannot be heard or if they fear retaliation from their government; and this is why she came seeking Board assistance on March 12, May 21, and that is why she is in attendance this evening. She went on to say since her last visit Commissioner Lober said he might look the other way if she had an abortion because he believes her litter would be a scourge on humanity; in separate posts about protesters, Commissioner Lober responded to the comment saying if a person hits one, back up and go again with a so-called joke about a snow plow; his remarks reference a Boston protest where senior citizens were intentionally splashed with ice by a driver who is now on probation for disorderly conduct; essentially Commissioner Lober made a joke about criminal retribution against those exercising their First Amendment rights; and the Anti-Defamation League of Florida has said his remarks could be taken to green light violence and she agrees. He went on to say in May Commissioner Lober and Commissioner Isnardi's Community Affairs Director respectively liked and laughed at a comment that said it would be terrible to post her address as an invitation to everyone less fortunate than her, so they could help themselves to her possessions; these incidents continue an escalating pattern of unacceptable conduct that she has brought to the Board's attention for months, yet it has offered no resolution; and she mentioned how Commissioner Lober had retaliated against an online critic by threatening her employment interests, lambasted a resident who requested public records, blocked people from online discussions, and created an apparent conflict of interest by establishing an attorney-client relationship with the Chair's husband. She stated Commissioner Lober has now further embarrassed Brevard County in the local, State, and national press; she knows he wants to dismiss these criticisms as purely partisan, yet Republican Representative Tyler Sirois called his comments inappropriate; conservative commentator, Bill Mick has called Commissioner Lober a national embarrassment; Republican candidate Tom Gumm called for Commissioner Lober's resignation and so does she; and she asked Commissioner Lober to resign for the sake of the community.

Sandee Dawdy stated this evening when Commissioner Lober was defending his cruel comments about Ms. Patel, she does not believe the audience was trying to stop him or impede his right to speak, but were honestly gasping in horror; she asked if those in Brevard County, Florida, can be better than this; she stated the divisiveness in this country in the past couple years has become overwhelming; bullying is not just for kids anymore; the red party is pitted against the blue party, one side bullies while the other side tries to call it out; friends have stopped speaking to each other and families have been torn apart; and recently at a town hall meeting a young person asked how to deal with a bully, and the mayor's answer included to ask them if they are okay. She noted she thinks people should be asking Commissioner Lober if he is okay; as a constituent of this County, she wants to ask if people can be better than this, if they can be more human, if they can be more civil, if they can stop the crude and cruel bullying of people who speak out, if they can stop the excuses and be more apologetic and regretful, if they can be quicker to use their minds than to open their mouths, if it can hold itself to a higher standard, if it can show more respect to those who are different than themselves, and if the

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answer is no they cannot be better, then they are all stuck in a polarized divisive world; and if the answer is yes, then who among the Board will lead the community and who is actually willing to move the community forward because it requires leadership. She went on to ask who is willing to take the higher ground, and if the course of history can be changed right here in Brevard County.

Catherine Martinez stated someone told her she did not need to be there fighting someone else's battle, but she stated this is not just a personal attack against Stacey, it is a bigger issue when the elected officials hide behind free speech; of course people have a right to free speech but as many people stated, there should be a higher standard for elected officials; and she mentioned she just wanted to read into the record her personal interaction she had with Commissioner Lober. She stated this is the first interaction she ever had with Commissioner Lober and before this interaction, she does not believe he was even aware of her existence. She noted this comment was directed towards someone else and she began to read, "She's not ever smiling at Commission Meetings, she actually has one of the most miserable looks I've ever seen on a human being, outside of perhaps hospice. Self-inflicted misery is the likely culprit." she commented back by saying, "This behavior is despicable, how is your comment relevant or any way appropriate;" and his response back was, "You mean to say that my comment about someone frowning is despicable, but an openly racist, sexist comment in the same thread is okay by you? I commented that she looks miserable, so to attempt to wordsmith that into a sexist comment is truly grasping at straws. Newsflash, people don't dislike you because of your ethnicity, they dislike you because you are mentally unstable. It's too bad you're so indoctrinated that you cannot see through the koolaid you are drinking and the hypocrisy and double standards you are hocking to the wrong crowd." She stated this is appalling to her that an elected official is speaking to his constituents this way; he can say it is free speech but to retaliate against constituents for their free speech, people need to do better; she encouraged the Commission to address the Civility Pledge, as there should be some sort of oversight advisory board; and she will second what Ms. Martin said when she said the basic expectation of a public official includes no dehumanizing language toward private citizens, no retaliatory behavior against private citizens, and no chilling of any speech much less critical political statements by private citizens, as an elected official the Board Members all have a higher duty and greater responsibility to conduct themselves with honor, civility, and decorum.

Carolynn Howell stated she taught high school and college classes for 43 years before retiring; when she was teaching she did not give up her first amendment rights, but she certainly understood the wisdom of modulating her speech both in and out of the classroom; as a professional and a representative of the organizations that hired her, she was obligated to listen to those who disagreed with her, to consider their concerns, to hear them, and to treat everyone with respect even when it was not reciprocated; she was surprised to learn recently that there is no written Code of Conduct for the Commissioners, no express understanding that the Commissioners should listen respectfully to the citizens of the County, no express understanding that one's speech in and out of meetings should be respectful even when it is not reciprocated; and as a former teacher of course, she views this as a learning opportunity and clearly some learning has taken place. She asked the Board to develop a written Code of Conduct that explicitly addresses these issues, and further that citizen participation be encouraged in its development; the County must improve civil discourse for the benefit of both the citizens and their elected officials; and this County can be better, it must be better.

The Board acknowledged citizen request by Mel Martin asking to develop and enforce a policy of basic expectations in the conduct of County Officials and employees, but took no formal action.

ITEM K., PUBLIC COMMENTS

Charles Tovey stated he would like to make a motion to dismiss all the sanctions against him and his property in lieu of what he has already done for the Lagoon; he asked if there was no one to second the motion; he commented Boeing Headquarters moved to Titusville and he wonders if the Economic Development Commission (EDC) had anything to do with luring them to Brevard; he asked if there are cold night shelters, should the County not have hot night shelters for these sweltering evenings as more people die of the heat; and he asked if the County could put a little flashing light on the pedestrian crossings because it would enhance the visibility of pedestrians crossing and acknowledging that they do have the signal, for people to slow down and stop. He went on to say pot holes from the access water from properties that are built up and not accepting so there is a large road problem; there is an \$800,000 grant for a college to study how the saltwater will affect the Lagoon; Commissioner Smith brought up a couple years ago about the installation of Sebastian River, but aside from that, it will change the whole ecology and environmental place of the Lagoon adding more salt water; that is part of the problem now; and he has solutions for the problem and as soon as he has time or can get appointments to do it. He stated what has happened to him is statistically significant, and he does not appreciate it; he does not have anything better to do than come to the Board Meeting and spend his time public speaking because his life, liberty, and pursuit of happiness has been destroyed; all these practices have been carried on and nobody is going to recognize any of it; and he asked where does he stand.

John Niland stated he moved here because he believes in Brevard County; he invested his earnings here because he trust Brevard County; most importantly he brought his family here because they feel safe in Brevard County; he came tonight to express his concerns about social media postings of some members of this governing body; language can encourage violence, it can legitimize violence, and it can be a form of violence itself; his concern is about the vitriolic language used in these postings and also about the lack of public response from this governing body; he is shocked, upset, and unnerved by the social media postings; and he asked if anyone could imagine how the people who were targeted by these postings must feel. He asked what the members of the Commission would do if these attacks were waged against their families, daughters, and grandchildren; he stated if the Board does not put a stop to it now, it will escalate to the next level; he is fulfilling his responsibility as a concerned citizen, see something, say something, and do something; this Board needs to fulfill its responsibilities by speaking out publicly and putting an end to it; if this Commission chooses to respond with indifference to these vulgar social media postings he can ensure the residents of this County will not; the five Commissioners currently sitting on this Board were elected to office to serve and protect all residents of Brevard County; and he noted this Commission brought this evening upon themselves and they did it because they failed to abide by their own Pledge of Civility. He mentioned when this Commission leaves this room tonight, when everyone leaves this room tonight, he asked that everyone read that Pledge of Civility again and ask if this Commission abided by their own Pledge.

Arlene Gorgone stated some of what she is going to say is going to be quite repetitive but she is going to say it anyhow; she is a constituent of District 2 and she is here speaking as a human being, not with any other label attached; she asked if everyone in the room could close their eyes, open their minds, forget their other labels for a few minutes, forget they are a democrat or republican, a white, black, brown, straight or LBGTQ person and listen with their hearts and brain; she asked that they turn off their bias and anger; and she asked how someone would feel if another person contacted their employer in order to try to get them fired because they were criticized on social media; she asked how someone would feel if they were called stupid, rodent, trash, and a little blue ant; and she asked if anyone thinks that joking about running people over under any circumstances is funny or appropriate, it is condoning violence, and the comments made were condoning violence. She went on to ask how would someone feel if someone

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suggested they abort their future children because they would be a scourge to humanity and on the economy; and she pointed out those were Commissioner Lober's words. She noted everyone has screen shots of what he has written; she inquired how that makes Commissioner Pritchett and Chair Isnardi feel as women wither in a public forum or in private; she asked what people would think of a person who would write or say such things; she asked how someone would feel if this was written about their spouse, their child, or their parent; she asked if this is acceptable for a representative of the government, or if it is acceptable for anyone to say or write such things; and she mentioned it is not a matter of the first amendment, it is common decency and being a human being in this very chaotic and negative world that is being lived in right now.

Cynthia Saturday stated she emailed Chair Isnardi on June 17th and 22nd about her assistant Vic Luebker who had her doxed; Karen Colby and Janice Crisp who also spoke about freedom of speech tonight, provided Mr. Luebker her address; Janice was mistaken to think she had an antique store in Eau Gallie, she hopes they did not harass anyone there; she has also spoken with Chair Isnardi and sent emails; if the Board looks through the papers she provided, some guy even posted her junior high school pictures and stated, " Am I doxing, I am only doing what Vic asked me to do"; she asked how Chair Isnardi represents all of the community when she does what she does to them; and she asked what is going to be done about it. She continued if something happens to her kid because of this embellishment of hate, she will come at her and Mr. Luebker, or whoever with fullest intent of criminal or civil law; she did not insult anybody, she made a comment about Ted Nugent and anybody who sings about a 13 year old girl and bedding her because she is clean, in her book is a pedophile; and when she called on Vic that he was being a little double-standard on his insults, then she was banned; She asked did they go to the antique store and harass someone; what if that would have been her antique store; and she added there was another example of them doxing someone else, when they called her employer, that is the third person; and not to mention the lady that was up addressing him. She stated her parents were stationed at Patrick Air Force Base, so she was raised in this County; to tell her she is not American because she did not fight, she had Cancer at 22 so they would not take her at 23; her father served in World War II and was a lifer in the U.S. Air Force; and Mr. Luebker did not ask three nice times to meet him for coffee, he called her an evil clown, crazy, and all kinds of things. She noted then he asked her to sit down with the first Sergeant and him, that is not asking nicely to go for coffee; she emailed Chair Isnardi on the 17th and 22nd and she did nothing, other than have him remove the get Cindy Saturday post, and when he said, step it up, get me everything on her, every thought and transaction; other than that Chair Isnardi has done nothing about him; and she asked what Chair Isnardi is going to do.

Sandra Sullivan stated she wanted to give an update on the dump situation in South Patrick Shores; the Environmental Protection Agency (EPA) is cutting back its testing on the site assessment; they have gone from having about 20 soil and gas samples, soil and water samples, and now they are only doing six and only doing existing wells which means they are not testing for floaters or sinkers which means the petroleum products that float and the sinkers like TCE, which was found by the County when they tested for the drainage channel that is on the EPA EPIC city; the thing she is most concerned about finding in her neighborhood is the oil drums and hydraulic drums that were reportedly buried and in the reports; over the Fourth of July weekend she dug up a piece of an oil barrel along with a spout and she pushed put the oil so the Board could see it; she wrote to Virginia Barker and her Commissioner advising them about this; and she was told to report it to the Department of Environmental Protection (DEP) which she did. She went on to say DEP called her back and told her should could deposit it at the hazardous waste site and that was the end of that; she asked what she needed to do, dig up the barrel; DEP stated they would not advise her to dig up anything; she stated she dug for a little while and found the oil barrel in an upright position in her back yard; she called DEP again and they told her it was her property and her problem, possession is nine-tenths of the law so it is her property, therefore, her problem; and she thinks that is despicable. She continued she

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has seen a lot of pull back by the EPA and the other agencies, she is not getting phone calls back, so she is wondering if the County may be getting saddled with this; she wanted to ask for the Board's help; and she showed the Board a container of grease that was in the hole beside it; there is almost fluorescent green and blue that breaks down to a bluish powder and who knows what that is; there was a fiberglass box beside it; and she advised it is a solid waste dump and the dumps of that era. She commented oil of that day is not just oil, they mix the aircraft solvent in with it and that is what makes it dangerous.

Stel Baily stated she does not have any issues with the people on the Board; she is a little worried that this will be taken too far; with a local municipality it was found that they were printing material and sending it people's houses; they had to place two injunctions; it has been a situation; and hearing some of the stories coming out this evening she is very concerned. She asked how far is too far; in her particular situation, they found that the municipality was printing a disturbing harassment packet and sending it to house with bloody hands; she hopes this does not get taken that far with Commissioner Lober; and when she hears what is being said she feels for them because she has been through it personally. She continued now on to South Patrick Shores, as everyone knows there is a PFOA and PFOS issue; she has been working with State on State and federal levels trying to get that situation taken care of; she knows some other states are taking the initiative and have received awesome numbers taking it down to for the health and safety of their communities; and she noted there was a 12-year old girl who came to the podium this evening and the Board could not even reassure her that it would help look into it. She commented the Board should advocate for these communities that are dying, getting Cancer, and getting sick from contaminants; she is a cancer survivor herself and she is getting frustrated; she deals with these people every single day they call her; she gets new cases; they have been collecting cases and they have the Brevard County Assessment put out; they were told there is a higher incidence of cancer rates; and some of the Board may not believe that and some may think there will never be enough tests because there will not be until people take the safety and well-being of this community seriously.

Frank Golan stated he has been watching all the negative press and it is disturbing; he also wanted to convey that Commissioner Lober has been doing a lot of good work for District 2; his concerns are with water because it affects all aspects of Brevard County, tourism, aerospace, real estate, healthcare, and residents; there is a lot of concern about the infrastructure of the municipal sewer systems and getting them updated, the Lagoon, responsible development, drainage, and muck; those are the things he has kept his finger on and has watched very closely; and he thinks Commissioner Lober has worked very, very hard, relentlessly at trying to go to the sewer sites and talk to the plant managers and site managers to see what they need. He mentioned there is a huge force who want to spend money dredging and think the problems will go away; well the County has dredged, the problems came back, the muck went somewhere, and now there is more muck to be removed; he sees Commissioner Lober asking questions; he is on the Board of Directors for the Indian River Lagoon National Estuary Program (IRLNEP) representing the entire County and reminding them that Brevard County owns 71 percent of that Lagoon; and he noted the remainder is the other four counties combined for DEP, State, and EPA funding. He went on to say these are all great things; he has seen meetings with Emergency Management Services (EMS), and with paramedics about more funding and more attention to them, who the community highly depends on; and personally being a North Merritt Island resident he has a tremendous concern about the flooding, stormwater drainage, development, and what is going to happen; Commissioner Lober is going out there and he is engaged; he has introduced people to Assistant County Manager, John Denninghoff; there has been conversations and he has put his mind at ease about a lot stuff; and he has heard some people he knows in the community and respect that have made some very powerful comments, several recommending the Board to ask for Commissioner Lober's resignation, but he believes that would be a tremendous mistake and believes it would affect him and many others terribly in District 2. He commented Commissioner Lober has his support.

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Latonya Hubbard thanked Commissioner Smith for stating his concerns over Commissioner Lober; the comments Commissioner Lober communicated to her were disrespectful and unprofessional; as an elected official to the Board of County Commissioners, the members are all held to a higher standard; she understands people will comment and give unwarranted opinions concerning all the County Commissioners; when she reviewed the County Code of Ethics and Brevard County Mission and Vision Core Value Statements it holds the County Commissioners to preserve and maintain the integrity of the Office they are holding; and she as a parent of children believes that adults are supposed to be role models for the next generation. She continued as a diverse community everyone should be able to disagree and have different opinions without being impolite and disrespectful to one another; she believes the Brevard County Commissioners should return to its core values which are honesty, openness, leadership, innovation, quality, and accountability; and accountability is an obligation, a willingness to accept responsibility are to account for ones actions.

Michelle Green stated she has friends in both parties and until 2016 the extent of her participation was to vote in every election; since 2016 she has taken a crash course in politics; she has chosen to get more involved in knowing the candidates and voters in her precinct and District; she appreciates community leaders calling out Commissioner Lober for his behavior and she hopes action is taken; if things do not change her next crash course will be in recalling her Commissioner; and she believes that can be done one year after taking his position.

Barbara Ludlow stated she is a retired teacher and she knows the use of Facebook and social media; she was appalled about what was written and said about people maliciously; she did not intend to speak this evening but when Chair Isnardi allowed this women over here say her peace, spending two minutes talking about Stacey and Sanjay Patel in that vicious manner she was appalled; and she does not believe that should have ever occurred to allow someone stand up and attack someone like that.

Chair Isnardi stated she was not expecting that and she got it under control; and she asked her to stop and she did.

Ms. Ludlow advised she got two minutes worth.

Chair Isnardi responded there has been a lot of people say some pretty horrific things about not just Ms. Patel but about the Commissioners as well; sometimes it is difficult being in her position because she does not want to squash anybody's right to free speech; however, with Ms. Martin's item it got so far off of what the item was. She noted it is a fine line to find that balance; she commented she did not mean any disrespect; and she is just trying to be fair to everyone.

Ms. Ludlow commented she spent two minutes defaming the Patel's with things that were not even true.

Chair Isnardi stated it might not be true, but there may be some things said that are not true about many people; and she advised she is honestly just trying to be fair.

Ms. Ludlow stated she wants to defer her last two minutes to the Patel's that Chair Isnardi allowed that women, so they can defend themselves.

Chair Isnardi inquired if that is allowed.

Eden Bentley, County Attorney, stated that it is not allowed.

Chair Isnardi advised that is against Policy.

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Attorney Bentley explained the Board has procedures to follow and that is not included in those procedures.

Chair Isnardi noted Ms. Ludlow could continue if she would like.

Matthew Fleming stated would like to talk about Item F.V., which is in respect to the mid reach shore protection project; he is curious what the Memorandum of Agreement among the Bureau of Ocean Energy Management, the U.S. Army Corp of Engineers, and Brevard County Board of County Commissioner regarding use of outer continental shell sand resources for shore protection restoration actually says; the Board voted on it and approved it; and he then pointed out to everyone in the room that the Board does not know what it is voting on half of the time. He went on to say people are sitting here talking about one Commissioner who definitely crossed the line; take a second and think about what any regular guy's reaction would be in the County if someone said something like that to his wife, and people would see how things like this would eventually lead to calls for violence; it is dangerous; and that is why it needs to stop, it is a distraction. He is in attendance to talk about the material dumped on the beach in Satellite from the Air Force Base, down to Indialantic; there have been three projects they used dirt and not sand; it is called upland sources material in the project description, which means inland; his hope is that in the next couple weeks after moving past this distraction that he could meet with someone, anyone from the Board to discuss removing upland sources as being approved for use to be dumped on the beaches; and he noted everyone loves the beaches and what is happening is wrong.

Commissioner Pritchett made a motion to extend the meeting to 11:15 p.m.

The Board approved extending the meeting until 11:15 p.m.

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

Karen Colby stated she is a little shook up right now and she is going to need someone to escort her to her car safely because there was someone shouting at her who was ironically complaining about people shouting at them; it is correct, it is happening on both sides; as a woman, a mom of six, and a lifetime resident of Brevard County, Commissioner Smith is her man, however any time she has a problem there is another person she can get ahold of and that is Commissioner Lober; she has contacted him about the bad beach sand, about dirt coming over the rocks, and the water situation in South Patrick Shores because it affects her and she has had friends die from diseases and cancers caused by the bad water; and Commissioner Lober is the only one on this panel, because she has sent messages to others but has not heard from them. She continued on that Commissioner Lober is very reachable and respectful; she did not know him, but when she started getting involved because of unfairness in a small municipality and saw some things going on, she started to open her mouth; ever since then it seems to offend; she is a republican and it offends those who are not; when came to say he peace, she was going to talk more about this issue with the dredging and let the Board know it was lied to about the tubes that were going to be placed on the side of the water and that it was not going to come back in; she was going to tell the Board about there being no berms or liner, and that Tortoise Island was going to be covered arsenic materials very soon because it is hurricane season and there is going to be toxic muck on the road; but like Mr. Fleming said, he had to spend time talking about something else; and although she had two chances to talk about that, she has been personally attacked, threatened with death, and threatened with many

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things. She went on to say she was making fun of a snow plow; people are allowed to make jokes; she has had the worst things come across because people think it is fine if the blue party does it, but the red does not; and she thinks everyone should be civil.

Ilene Davis stated there has been a lot of talk about civility and a Code of Conduct; she thinks civility needs to be on both sides; she has been where the Board is at in Titusville on the Titusville City Council where she received death threats and had to wear a bullet proof vest and have Police escorts to City Council meetings until she finally resigned out of fear for her own life; one thing she would like to bring up is on the previous Commission, Commissioner Robin Fisher attacked people far worse in many cases constantly if he did not like what people had to say, and he was a big, big guy; therefore, she would like to see a Code of Conduct that applies to everyone not just the Commissioners. She continued maybe set a requirement in the Code of Conduct that the only things to be discussed at the meetings should be Commission business, things that deal with Brevard County; she wants people to get out of all the personal attacks; she has listened to the phone call Commissioner Lober received at 1:46 a.m. and she had never heard such profanity; the way he handled it was very professional; she has seen the stuff on email with the "F" word being used, but has never heard any profanity from him; she thinks if the community wants to have this done and deal with concerns of Brevard County which are numerous, and if there is going to be a Code of Conduct it cannot be a one way street; it has to be with everyone who is involved and comes before the Board to have some rules; and she understands free speech but when someone is dealing with meetings of the County Commission, in the interest of all taxpayers how about they all stick to County business. She noted there was no one in this room coming forward to complain when Robin Fisher was attacking his constituents right and left, so maybe it is time to be fair to everyone and remember it did not start with Commissioner Lober.

Robert Burns stated like Ms. Martin he is retired from the military; in the military there are a lot of rules and those rules are results of people doing something stupid; if someone did something stupid that was not anticipated, then they needed to create a rule for it; one example would be someone pushing over a port-a-potty while someone is in there, so a rule was created that people could not do that when someone was in there; and something stupid has happened here and he thinks what Ms. Martin was asking for was a rule to be created to prevent the same thing from happening, crap being spilled all over everybody. He noted something he learned about when stationed out in Texas, an in a person's face state, was something called fighting words; he thinks Commissioner Lober has used the First Amendment as protection for a lot of things he has said from the dais and on Facebook; a lot of people do not know there is a thing ruled on by the Supreme Court called "fighting words," defined as intentionally directed toward another person which are so venomous and full of malice as to cause the hearer to suffer emotional distress or insight him or her immediately, retaliate physically; fighting words are not an excuse or defense for retaliatory assault and battery, however, if they are so threatening as to cause apprehension they can form the basis for a lawsuit for assault, even though the words alone did not constitute an assault; the utterance of fighting words is not protected by the free speech protection of the First Amendment of the United States Constitution; and that was ruled by the Supreme Court. He went on to say he thinks the words in the context that Commissioner Lober has used them, would certainly insight violence in most circumstances; Sanjay Patel is one of the most compassionate people that he knows; he talks to him and his wife quite frequently; if it was his wife that he was speaking about with that, it would certainly insight violence upon Commissioner Lober in the context he used them in; and he thinks maybe it should be considered that what Commissioner Lober has said on numerous accounts, is not protected by free speech, although he feels he needs that protection. He explained he just thinks that maybe creating a rule would stop someone from doing something stupid.

Stacey Patel stated when she chairs a meeting and is asking people to engage, she often explains to them what is going on in the forum; she has a question and does not know if it will

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be answered or if she will be ignored; the Board moved from Item J.7 to Item K. and there was no discussion or consideration of the proposal that was made; she would like confirmation if that was the case, and the Board is ignoring everything everyone said; the Board is not discussing it and not addressing it; and she inquired if that is correct.

Mark DeMorenville stated he is not about the whole public speaking thing and then Commissioner Lober mentioned that Stacey Patel was a racist, and he was confused; he went to a liberal arts school before coming to Brevard County; he was on the Democratic party and was all for it, but since has moved to Independent because he does not like politics and where it has gone; with that said, he can see where Commissioner Lober may have been coming from, but Stacey Patel is one of the most compassionate, understanding individuals that he has ever had the pleasure of dealing with; and he honestly could not see her as anything like a prejudice individual in that sense. He noted he has seen kindness with Ms. Patel over the four years he has known her; he was a resident assistant for two years and he had to be silenced in a way, as Commissioner Lober may feel; however, that kind of came with the job.

Chair Isnardi stated she is going to comment because she does not want to be misunderstood, misquoted, or judged based on what she says because she has difficulty expressing her thoughts or opinions; she has been criticized for not responding and the only person who called for a response besides the news was *Florida TODAY* and she personally does not view them as a legitimate news source; and that is no reflection on Dave Berman as she thinks he is a kind, gentle, caring person and she thinks he is a decent human being. She noted there is some history with some of comments that were made; there were some relationships and she finds it interesting that someone says they had contacted her office to complain about her employee is doxing him the same way she is complaining about being doxed; she would like to address each one individually; she thinks Ms. Martin was very civil; she thinks there was a lot of animosity on both sides that does not go anywhere; and some of her closest friends that she and one person she has worked with for over two terms is a Democrat and one of the finest human beings on the globe so she knows it can be done. She mentioned she talked about a landfill very passionately that is going to come to the entrance of Brevard County and there was not one speaker card, instead it was a plethora of attacks, whether justified or not, it became about Commissioner Lober, employees, about her personally, and about everybody; she is not whining about it, she is not a martyr by serving in office, and she understands that she took that on; her family has received threats, she has been followed home in her previous position and threatened, but she is not complaining; and she just wants everyone to know when they ask how she would feel about someone doing these things to her or her family, she knows how it feels. She commented she has been threatened with sexually explicit things being done to her, she been threatened with people saying this is what is going to happen to her family, and she could go on and on, but she is not a victim because this is what she signed up for and it comes with the territory; to say that she or the Board does not understand is not fair; she has an open door policy for anyone who wants to come and see her as long as they have not personally threatened her, her staff, or her family; obviously if someone in her office or in her house has done something then anyone can file an ethics complaint or go to the police if anyone is in fear for their safety; and she advised she would do that herself at this point, if within reason. She went on to say she has worked with plenty of people on the left, in the center, and on the right and she welcomes them all; she is open to meetings and ideas but she does not think there will be any head way as far as taking any action tonight because people's passions are high; she also believes the action needs to come from another Commissioner rather than having another three hour discussion potentially and some hurt feelings; and she noted she is not ignoring anyone's comments.

Commissioner Smith stated he thinks at this point, not to comment on the things that have been said and the comments people are referring to mostly in the name of Commissioner Lober, would be condoning his behavior, which he does not; he has spoken with Commissioner Lober

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a couple times about his comments and his behavior; one thing that he said to him, in the eight months he has worked with him he finds him to be highly intelligent and very discerning, he looks at topics and subjects and tries to find a solution and is very good at it, he obviously has a big heart because he has a passion for dogs and puppies, but another thing that stands out about him is he is short tempered with a very short fuse, and really lets people get under his skin and the problem with that is once people realize that they like to continue to do it because they know it tweaks his ego and that is a way for them to strike back at him; he finished his conversation with him saying that when he steps down from the dais for the very last time, he will leave a legacy behind, so the legacy is of his making; he asked if he wanted that legacy to be he is an intelligent guy that is very discerning and wants to solve problems or does he want that legacy to be that he is a kind hearted person for dogs and puppies, or does he want that legacy to be he is short tempered with a short fuse because it is up to him; like everyone else, people have choices to make and how people conduct themselves is a choice; and that is all he is going to say tonight. He noted he will likely say more at the next meeting and he would like to hear what his fellow Commissioners have to say.

Commissioner Pritchett motioned to extend the meeting five more minutes.

The Board extended the meeting for another five minutes.

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

Commissioner Tobia was googling to see what doxed is which should show people what his familiarity is with the online environment; anyone is welcome to his office; when entering they will be confronted with a friends of John Tobia wall; these are constituents who have emailed him, and people should see the hateful stuff he has; there is one hanging all over the place that states, "One only need look at your miserable face to know you lack a soul, is it because your parents always loved your kinder, more successful brother"; that one got to him more than anything else he has ever received; after he tried to pass a resolution that did not go anywhere, they contacted his boss, the President of the college in which he works, and at least two of the member of trustees asking for him to be dismissed for a resolution he tried to have passed; the Board does face pressure, and that is not an excuse for anything, but a lot happens that people may not be aware of; and he noted County staff works their tails off and they cannot comment back on things because they work for the Board. He went on to say he is not a fan of government and has never been a fan of government or bureaucrats; while the Board may not agree on comments, what should or should not be said, the reason he was so impassioned on the Historical Commission was because someone crossed a line with a staff member, so comments to the Board can continue by all means, but please remember behind this Board is more than 2,000 public servants who work their tails off to keep people safe and provide services across Brevard County; hopefully everyone can come to an agreement on all this civility stuff, maybe not tonight but hopefully in the future; and he asked the public to please keep their thoughts out for all those who make Brevard County such a great place.

Commissioner Pritchett stated it is late and to get the best conversation the Board is probably going to need to digest all this and come back with some thoughts; and she thanked Ms. Martin for bringing this and for her demeanor. She mentioned she is not trying to make any of this light because she knows it is very painful and a lot of things have been very intense, social media is horrible and she does not know how to control all of that; she was doing some research and is shocked at some of the things grownups are saying these days; she was watching over the

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teenagers but she is realizing now that they may need to watch over the adults as well; people know when they say stuff that it is going to provoke because adults are smart enough to know that and it just has to stop; and she recommends to stop doing politics on Facebook. She advised she will not do it and she will not engage in it; if someone does that, they cannot delete people who cuss about their animals; people never win in that arena and it just sets people up to be taken out; it does not serve any purpose; plus there is going to be some violation of Sunshine Law; and she mentioned the Board works on being civil here, she cannot control what everybody is doing out there, if she could she would love to be able to do that; she asked people to watch what they are saying and doing; she knows people's feelings may have been hurt, but everybody is going to have to start picking this up and making some changes; and she mentioned she does not like any of it.

Inaudible comments were made from the audience.

Commissioner Pritchett advised that is part of it too, she is trying to have a conversation and people are yelling civility, but no one is civil.

Inaudible comments were made from the audience.

Commissioner Pritchett stated she is very kind; right now, she is talking and people are interrupting her.

Chair Isnardi explained it has been months and the constant attacks are getting old; and there is no productivity happening when this goes on.

Commissioner Pritchett mentioned this really has to quit if people want this to get somewhere; when ticking someone off, it is going to shut the door and not get anything changed. She stated she is really sorry for some of the stuff that was said, it was really painful; she is really sorry for some of the stuff that was directed at Commissioner Lober; she cannot believe what everyone is doing, it just has to stop; this stuff should not be happening and she is glad her children and grandchildren are not seeing this because it is not what she wants the next generation coming up to see; and she begged people to start making some changes somewhere, someone has to start it and get into some forgiveness so everyone can move forward. She continued if people do not want to read this stuff then they should get off social media or stay out of it; people can shake their heads all they want but this is what she believes; it is what she is moving forward with and she thinks it is a good path to start with; and at the end of the day people can be mad or not mad but there really is a God and hopefully at the end of the day people are really pleasing Him and when that happens it makes people be kind to others.

Commissioner Smith stated Amen.

Chair Isnardi noted that was well said.

Commissioner Lober stated he has never been one to be bullied or mobbed into doing anything or not doing anything; he has had a bunch of people trying to threaten him into apologizing; he is going to offer an apology, but probably not the one that people are looking for; he apologized to the Board, staff, the deputies, and the Clerk's office because this was a waste of time that he does not believe these people should have had to go through this; for the degree that his comments led to reactions to cause this, he apologized for that; however, he is not going to apologize for comments that were made and just taken out of context to make them into more. He went on to say he is sorry that the outcome has been this; and he is genuinely sorry for the folks who have to be there in account of that.

Chair Isnardi asked the County Attorney if it is correct that a censure in this case would not be

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appropriate only because it does not pertain within a meeting of Roberts Rules.

Ms. Bentley responded in the affirmative.

Chair Isnardi commented that is probably why it was not brought up by any Commissioners. She stated over the years she has maybe become wise, or maybe being foolish in some ways because she has seen some pretty horrific things being said about her, her family, and her children, and she does not engage, it is the only way to stay out of it; sometimes someone will have a legitimate question and she will respond, but as far as the attacks go, often times, it will not change people's minds or make them like someone based on some of what is being commented about; she has an official page and sometimes she will receive messages, but sometimes the messages are so awful that she does not respond and she does not think she is obligated to respond when someone is attacking; and she does not think that is productive for anybody. She stated she will control with the best of her ability what goes on at the meetings; she allows attacks on the Board Members but not on others; she tried to keep Commissioner Lober from talking too much because she is trying to do her job as far as what goes on in these meetings; however, she cannot control what goes on outside of this meeting if it does not violate the official business of the County, unless the Board changes the rules somehow and try to enforce that; she does not know how much control and power the Board has over people's First Amendment rights outside of these changes; and all she knows is she will do her best to maintain civility with them. She explained she is not Commissioner Lober's mother; he is a Commissioner and if he conducts himself properly during a meeting there will not be any problems; she is not there to tell him what he can and cannot say whether she condones it or not and that goes the same for her employees; she understands why Mr. Luebker does it because when working with someone for several years who sees the berating and horrific things people say about her online, just because they decide they do not like her, it is almost instinctive for him to react as a protective employee or friend would do; she has talked with him about it, but she cannot tell him not to do it; she can ask him not to, and often times it works; however, she understands why.

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

Frank Abbate, County Manager, thanked Don Walker, Jeff McKnight, and Scott Barrett on a tremendous job updating the carpet and HD equipment in the Boardroom.

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

Eden Bentley, County Attorney, asked for permission to advertise an executive session to be held after the July 23, 2019, BOCC regular meeting to discuss the 11th Circuit decision in Williamson, et al versus Brevard County, which is the prayer case.

The Board approved the cost of advertising for, and the scheduling of, a private session on July 23, 2019, at the conclusion of the Regular meeting of the Board of County Commissioners, pursuant to Section 286.011(8), Florida Statute, in the case of Williamson et al v. Brevard County, 11th Circuit Court of Appeals Case No. 17-15769, DC Case No. 6:15-cv-01098-JA-DCI, for the purpose of discussing the 11th Circuit Court decision.

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

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

Commissioner Lober stated he just found out this morning that Jane Templeton, the president of Field Manor in Merritt Island, has passed away and he wanted to offer condolences to her friends and family; also Judge Clarence Johnson passed away on July 4, and he was a legal icon in Brevard County; and he left this world in a much better place than he found it.

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

Commissioner Lober stated he mentioned before break that he was interested in evaluating some County Charter changes; he spoke with the County Attorney and she indicated it would be minimal staff time in order to bring back a Request for Proposal (RFP) to look at; and he is running that by the Board to see if there are any objections. He continued on March 12 Commissioner Lober brought forth a proposal to limit the authority of some certain CRAs including Palm Bay's Bayfront CRA until an interlocal agreement was entered into; Chair Isnardi stated she was informed they would be shifting toward the business district and the business district would involve the TIF stating it is no County money at all; on June 10 the city sent the County Manager's Office an email questioning why an interlocal agreement was necessary and all if the city did not intend to expire its CRA prior to the sunset of 2024; and given that Chair Isnardi has been communicating with the city on the subject, he did not want to bring forward and proposal before having a discussion. He added it is clear that Palm Bay is not interested in playing ball, therefore, he would like to bring Commissioner Lober's proposal forward at the next meeting.

Commissioner Lober stated his thought on that subject is if they have not negotiated in good faith then he would have to speak with the County Manager about that; he has no problem nuking them; prior to the break he was under the impression the City of Cocoa is doing some pretty decent things in terms of making progress with the County and negotiating an interlocal that would have involved the US 1 CRA being shut down now and slightly extending the Diamond Square CRA and making a lot of concessions in respect to that, and now since he has gotten back, there has been some seesawing on that; and if the County does not get back to a position closer to where they were at prior to the break, he may essentially bring the motion that Commissioner Tobia brought before, to dissolve or defund them depending on what they do or do not do. He noted he is not opposed to shutting down CRAs that are not negotiating in good faith.

Commissioner Tobia stated he does not want to step on toes, but he will put it on.

Commissioner Lober advised Commissioner Tobia to put it on and he will support it.

Frank Abbate, County Manager, stated since the email came from Palm Bay, the County did have some dialogue with them and they have submitted a draft of an interlocal agreement; he met with the County Attorney and it addresses some of the areas that the Board had concern with but it does leave the CRA to continue until normal expiration of its term; he does have the draft; and they were discussing following up with them. He continued they also plan to follow up

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with Cocoa on their two proposals with the revisions they countered; they are looking to go back, speak with the District 2 Commission Office because it impacts them and there were some changes that will specifically involve District 2; and once he gets that information in the next couple weeks he plans to get back with both of them.

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

Chair Isnardi stated in regards to the CRAs, she thinks the deferred was only because she was familiar with the CRA and they had asked her for the extension; she had no idea there was going to be an issue; that was the information she was given from the city; she did what the city asked, and that was to extend it because, if the Board remembers, they were working on a deal and were concerned they were going to lose that whole development if the County tried to push the interlocal; and she inquired if they have to end the CRA early and if the Commissioners can only control the debt.

Eden Bentley, County Attorney, stated that is correct; and she stated she believes they have already pledged those funds in some tri-party agreements so there may be some inability to move to an earlier date.

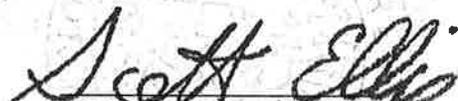
Chair Isnardi stated the Board can move to try to end the CRA sooner, but the Board will not have the authority to do that; and she thinks the whole idea is to try to get an interlocal if it can.

Frank Abbate, County Manager, stated all he was trying to infer is that in the email it indicated they were questioning whether there should be an interlocal; since then their position has changed and they have provided a draft; and in terms of that draft there will be something when it is finalized and he will bring it back to the Board for consideration.

Chair Isnardi stated when she spoke with Mr. Anderson about it, he seemed genuine about that being the path they were going to take; she thinks there may have been some confusion between what the intention was versus what the intention is now; she does not think anyone intentionally misled the Board; and she thinks maybe they have a new ideas or a brilliant change. She continued she spoke with Councilman Santiago about it and he had not heard anything about it; he was supposed to get back with her about it and let her know what was going on; and she commented she hopes everything goes right.

Upon consensus of the Board, the meeting adjourned at 11:35 p.m.

ATTEST:


SCOTT ELLIS, CLERK


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

As approved by Board August 20, 2019