

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 January 8, 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 4	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

Commissioner Lober advised he has two proposed modifications, he thinks they were just scrivener's errors, from the December 18, 2018, Regular Meeting Minutes; on Item J.1., Board Consideration, Re: Request for Reduction of Fine and Release of Code Enforcement Lien for New Owner, Allegro Property Trading LLC, 661 Altura Dr., Cocoa, FL 32927 (16CE-00058), towards the second half of it where it says, "Commissioner Lober asked if there is any reason Mr. Baylock knows of that Allegro would not be aware of the note," he would like the word 'note' be stricken and replaced with the word 'liens'; and on F.11., Appointments/Reappointments to Citizen Advisory Boards, on the first sentence where it says after the comment, "He had two individuals who were directors to resign", it is missing the word asked, and he would like the word 'asked' to be included in the first sentence.

The Board approved the December 18, 2018, Regular Meeting Minutes, with said modifications.

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

ITEM E.1., RESOLUTION, RE: EAGLE SCOUT JOSHUA BOLLINGER

Commissioner Pritchett read aloud, and the Board adopted Resolution No. 19-01, recognizing Eagle Scout, Joshua Bollinger.

January 8, 2019

Joshua Bollinger expressed his appreciation for the Resolution.

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

ITEM F.1., APPROVAL, RE: SPECIAL WARRANTY DEED FROM EBER COVE, LLC

The Board approved and accepted the Special Warranty Deed from Eber Cove Investments, LLC, for property located on Eber Boulevard in Section 17, Township 28, Range 36.

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

ITEM F.2., APPROVAL, RE: SANITARY SEWER EASEMENT FROM PALMETTO MELBOURNE - WICKHAM ROAD, LLC

The Board approved and accepted the Sanitary Sewer Easement from Palmetto Melbourne-Wickham Road, LLC, for property located at 5400 North Wickham Road in Section 25, Township 26, Range 36.

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

ITEM F.3., APPOINTMENT, RE: COMMUNITY BASED CARE OF BREVARD, INC.

The Board approved the appointment of Ruth Long to the Board of Directors for Community Based Care of Brevard, Inc. d/b/a Brevard Family Partnership.

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

ITEM F.4., APPOINTMENTS/REAPPOINTMENTS TO CITIZEN ADVISORY BOARDS

The Board appointed/reappointed **Sean Anderson, Phil Barnes, Cathy Jarrell, and Ralph Williams** to the Merritt Island/Beaches Advisory Board, with terms expiring December 31, 2020; **Peter Filiberto, Michael Lankes, and Bruce Moia** to the Planning and Zoning Board, with

January 8, 2019

terms expiring December 31, 2019; and **Harry Santiago** and **Andrea Young** to Tourist Development Council, with terms expiring December 31, 2022.

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

ITEM G., PUBLIC COMMENT

Charles Tovey provided the Board some pictures of his work. He stated he waited to try and give everybody else a chance to resolve the Lagoon issue; what he does and what he knows he thinks would have the biggest impact and be the best thing for the Lagoon; on the schematics he provided a couple weeks ago, he forgot to put the legend on it; it is called Lagoon Man, Lagoonman.com; and he noted he has done the work and he has seen the results. He went on to say he provided the Board a schematic of his route; that is only partial of what he does; there are before and after photos of his work; he will be revealing everything as he is composing all the information now; he is half way through with registering all of his business licenses and stuff; and he had a choice of pens, markers, or crayons, so he chose what he thought was best. He continued his work is saltwater, freshwater, and brackish water; he does all kinds of environments, air, land, and sea; he will be straightening out his website, Lagoonman.com, soon; what he is providing the Board with now, other people have it throughout the State, politicians in Florida; and they will be getting a copy of it, but he cannot disclose the name of it. He added it is his suggestions for the Lagoon; and he noted it is pretty evident the way he sees it and it is obvious on the map he has, but he could not get good copies of that for the Board. He stated he will be working diligently to provide all the information as soon as possible. He mentioned while he was saving the Lagoon, one of his aggressors was excavating his property and destroying everything he has or had, there is pretty much nothing left to destroy anymore; they let him do it; and there is nothing he can do about it anymore. He advised he would like the opportunity to show and explain everything, his whole dilemma of his property issues; and he wished everyone a Happy New Year.

ITEM H.1., SECOND PUBLIC HEARING, RE: APPROVAL OF THE FIRST AMENDMENT TO M35 DEVELOPER'S AGREEMENT

Chair Isnardi called for second public hearing for approval of the first amendment to M35 Developer's Agreement.

Tad Calkins, Planning and Development Director, stated this is a request for the Board to consider the first amendment to the Traffic Concurrency and Traffic Impact Fee Credit Developer's Agreement between Brevard County, Benchmark Melbourne 35 Associates Limited Partnership, and the City of West Melbourne; this amendment will allow the developer to increase the number of hotel rooms and increase the amount of commercial square footage; it also maintains the right-of-way they were going to donate, the amount of impact fee credits that they were going to obtain, and the trips they were vested for; and he noted there is no change in those three items.

There being no further comments or objections, the Board conducted the second public hearing and approved the First Amendment to the Traffic Concurrency and Traffic Impact Fee Credit Development Agreement between Brevard County, Benchmark Melbourne 35 Associates Limited Partnership, and the City of West Melbourne; authorized the Chair to execute the

January 8, 2019

Agreement; and authorized the Budget Office to execute any budget change requests necessary to implement the project.

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.2., PUBLIC HEARING, RE: AMENDMENT TO SECTION 102-120, BREVARD COUNTY CODE ESTABLISHING A TERM LIMIT ON MEMBERS OF THE TOURIST DEVELOPMENT COUNCIL (TDC)

Chair Isnardi called for public hearing on an amendment to Section 102-120, Brevard County Code establishing term limits on members of the Tourist Development Council (TDC).

Commissioner Lober stated this is the TDC term limits; it has come back again after the Board went through the process it had to go through; he does not have any real comments beyond what has already been discussed at the prior meeting where this had certainly been hashed-out in detail; and he asked, in the interest of time, to have it approved as written.

Eden Bentley, County Attorney, inquired if there are any comments from the public.

Chair Isnardi advised there are no cards for that Item.

Commissioner Pritchett stated she is struggling with this because her appointees were just really great people; and she will not be voting in favor of this.

There being no further comments or objections, the Board conducted a public hearing and adopted Ordinance No. 19-01, relating to the Tourist Development Council; Amending Chapter 102, Article III, Section 102-120, Brevard County Code of Ordinances, entitled "Tourist Development Council - Established; Composition; Terms; Chairman"; amending Section 102-120 to include a term limit for members of the Tourist Development Council; amending Section 102-120 to establish an appointment ban on the Tourist Development Office's Executive Director, or similar position from serving on the Tourist Development Council within two (2) years of leaving employment in such a position; providing for inclusion in the Code; providing for conflicting provisions; providing for severability; and providing for an effective date.

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

ITEM H.3., PETITION TO VACATE, RE: PUBLIC UTILITY EASEMENTS - INDIALANTIC - LISA L. CRANE AND BRIDGET L. BURLESON

Chair Isnardi called for public hearing on a petition to vacate a public utility easement by Lisa L. Crane and Bridget L. Burleson in Indialantic.

January 8, 2019

Dan Jones, Interim Public Works Director, stated this is a petition to vacate a public utility easement; the owners of lots 71 and 72 would like to vacate the easement, that would be a common line because they both own parts of both lots and they want to vacate that; this is located in the Second Section of Indialantic Heights; and they have not received any objections.

Commissioner Lober noted this is a District 5 Item and he would like to know her thoughts on it.

Chair Isnardi stated she has no issue with it.

There being no further comments or objections, the Board adopted Resolution No. 19-02, vacating the public utility easement in Indialantic Heights requested by Lisa L. Crane and Bridget L. Burleson.

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, RE: PERPETUAL DRAINAGE EASEMENT - MIMS - PRAXAIR, INC.

Chair Isnardi called for public hearing on a request by Praxair, Inc. for a petition to vacate a perpetual drainage easement in Mims.

Dan Jones, Interim Public Works Director, stated this is a petition to vacate a 60-foot drainage easement; the petitioner is Praxair, Inc.; with the vacation of this easement, there will be a granting of a second easement that would cover the location of the ditch; and there have been no objections.

Commissioner Pritchett stated this is a great project and everything is coming together wonderfully.

There being no further comments or objections, the Board adopted Resolution No.19-03, vacating part of a perpetual drainage easement on Tax Parcel 511 in Section 09, Township 21 South, Range 35 East, as requested by Praxair, Inc.

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

ITEM I.1., AWARD OF CONTRACT NRMD EDUCATION/OUTREACH/MARKETING CAMPAIGNS

Virginia Barker, Natural Resources Management Director, stated this is the award of contracts for stormwater and Indian River Lagoon Outreach and Marketing services; four previously approved advertising for these services consistent with the adopted budget for the stormwater utility and the Save Our Indian River Lagoon (SOIRL) trust fund, developing a uniform approach, look, and field to the messaging funded by each separate budget; and the synergy of

January 8, 2019

these two sources of funding should benefit both outreach programs. She continued Brevard has a population of over half a million people who make numerous decisions in their daily lives that can either help or hurt water quality and the health of the Indian River Lagoon; since 2011, staff has worked with nine partnering municipalities and the SOIRL Citizen's Oversight Committee (COC) to identify the types of individual decisions and actions that impact water quality the most or have the greatest potential to help; of the three service contracts in the packet, Services A and B provide the outreach that is mandated by the National Pollutant Discharge Elimination Permits (NPDES) for the County and the partnering cities, continuing to use budgeted city and County stormwater utility funds, and allocates a fraction of funding for engaging marketing expertise to improve the stormwater education outreach and public engagement campaign; and based on current NPDES permit requirements, this annual work includes 128 presentations to school groups, 17 presentations to adult groups, staffing booths to provide information at 37 special weekend events, speaking at six public events, and supervisor student volunteers to market 750 storm drains per year. She added it also includes limited television, SCGTV, radio, newspaper, billboard, Movie Theater, Google ads, movies in the park, as well as website presence, and printed materials, especially utility inserts. She went on to say Service C in the packet will use less than 0.2 percent of the SOIRL trust funds to contract for marketing expertise to develop and launch five campaigns; one that was included in the original SOIRL Project Plan back in 2016; and four that were added in the 2018 update of the Plan that was adopted by the Board. She stated the five campaigns focus on selecting which fertilizers are best to use, how to manage grass clippings, how to properly maintain stormwater ponds and septic systems, and irrigating just enough but not too much; the SOIRL Service C scope of work will aim to maximize effectiveness by including the following steps: researching how each activity can help or hurt the Lagoon, what people are doing now and why, developing a campaign strategy to plan for each, creating pretesting and launching the campaigns using the purchasing power of the marketing firm to buy space, time, and schedules for maximum gain, measuring and reporting both the number of impressions and the public response to them, and then using the measured responses, mostly surveys, to refine the messages and adjust the campaigns annually; and she stated they hear from people all the time how important the Lagoon is to them, many ask what they can do to help, and these contracts will provide professionally developed marketing prompts at the best time and at the best location to help everyone make mindful choices of cleaner ways to live, work, and play that will help the Lagoon recover as soon as possible and stay healthy.

Dr. John Windsor stated he has worked on the Lagoon for more than three decades; he has been working towards protecting the Lagoon, restoring the Lagoon, and he is on the COC for the SOIRLPP; he was appointed by the Committee to serve as the representative on the selection committee for this particular contract award; and therefore he is intimately involved with the entire process. He noted his comments are his own tonight, but he has been in all the COC meetings and he knows what is going on there. He continued education programs have been strongly recommended by the COC; the people have done all these things to the Lagoon and continue to do all these things to the Lagoon; in spite of that fact, there have been some education programs in the past that have been pretty effective at informing the public; and he advised there are new people coming in all the time and it is very important that those people understand how they can help and be part of the process of cleaning up the Lagoon. He went on to say there was a report that went to the Board in 2016 from a group in Palm Bay; this group came to the Board with a survey of a project that was done in South Brevard by Florida Department of Environmental Protection (FDEP) and Brevard County; that project required an education project; the education project required some oversight; as part of the education program there was a survey completed before the education program and two years after the education program to see how the program helped; the program was called Blue Life; it was very popular in the County and they still run advertisements in a number of locations; and it was even on SCGTV. He stated some of the Board is skeptical about the role of education in environmental restoration; he noted it works and based on this study the respondents were

January 8, 2019

obviously more informed after the education, but there were significant improvements in behavioral trades associated with lawn maintenance, lawn clippings, fertilizer applications, pesticide applications, frequency of fertilizing applications, and fertilizer types since 2012; there are some other conclusions from this study that are very important, but he wants the Board to know education programs work but they need to be ongoing forever, they cannot happen just one time; and he commented to the Board to just think about cigarettes and what has been done with cigarettes.

Dr. Leesa Souto, Director of the Marine Resources Council (MRC), stated she knows it is not going to be easy to save the Lagoon but they are proceeding with it anyway; she noted there is a plan in place, it has been well researched, it has been documented, they found examples of where it has been done successfully, they have found the science to demonstrate how the pollution is going to be reduced as a result of implementing the plan, and they are proceeding; whenever a decision is made, people have to do the best they can to come up with information and launch themselves down that path; they are now at that precipice, starting down that path, and they need to stay the course and continue down that path; an important part of that plan is engaging the public in it and they are ready; there is a highly motivated, highly alert, ready to act residency in Brevard County and the Lagoon community, and they are asking for things to do; and she hears it all the time, people asking what they can do to help. She commented some things are harder for some people to do than others; one of the research tools they have and something she has a great deal of experience in, is social marketing research; just to be clear social marketing is not social media like Facebook and websites, it is about using research tools like targeting and segmenting audiences and figuring out why people are doing what they are doing and what it is going to take to get them to change, what the likelihood is that they will change, and what the expected results are; there are lots of examples, just like Blue Life, that Dr. Windsor just mentioned; and she has hundreds of examples in the literature, which is what was successful in reducing tobacco use, an addictive substance. She stated another example is the click it or ticket campaign, when people were younger they never wore a seatbelt and now everyone wears a seatbelt; another example is she and her colleague just published a paper called "Landscape in Urban Planning" which evaluates the effectiveness of Pinellas County's ordinance, not only did they show that Pinellas County residents were significantly more knowledgeable about their fertilizer ordinance than the two adjacent counties but that also resulted in a significant decrease in their pollutant load, so they were able to link accurately and scientifically a public education campaign with a pollution reduction; MRC can do that here, it is ready, they have the capability to do it, they have an outstanding team, and they have examples from the State; and she is hoping the Board will vote for this contract to move forward.

Chris Fynon stated he is a creative director for MTN who was awarded Service B and Service C Outreach campaign; when they received the RFP they were very excited to bid on this as they thought their experience, talents, and passion made them a great match for this outreach and that the outreach itself was very necessary to the health and the sustainability of the Lagoon going forward; MTN has been in business for 32 years; they are considered a full service agency with 10 staff members who are part creative and part marketers; their staff includes marketing, strategy and analysis, campaign development and management, media buying, digital marketing, placement, graphic design, web development, basically the full stop; they believe they can be of assistance to this program; and although they are a local agency, they do have some rather large clients such as Florida's Natural Gas Industry promoting energy conservation as well as environmental and safety concerns, and the US National Laboratory aboard the International Space Station promoting utilization of the Space Station and also its STEM programs in trying to foster its next generation of scientist and engineers. He went on to say no matter what the subject is, the reality is what they do is communicate and they are good at it; they help their customers every day to try to create engaging and effective messages that encourage action; they believe they can do that for this initiative as well; today's individuals have more control over how they consume information than ever before; because of that

January 8, 2019

marketing is not a means of volume and frequency; today's marketing has to be strategic and meaningful to get an effect; and they feel those are things they are good at. He stated they believe that a noticeable impact on the Lagoon is going to be a function of educating the public on what is happening, what can happen, what should happen, and empowering those people to make the choices that are going to be better for the community as a whole moving forward; and they want to put the power in the people's hands to make the right decisions. He continued as far as their approach, they are based more on fundamental marketing methods which is less admin and more science; it is about identifying a problem, the research, hypothesizing, testing, executing, analyzing, reporting, and refining; they start with the research which is conducted through surveys and focus groups; that allows them to understand what they are trying to accomplish, what makes the best impact, and where the audiences are that will be most responsive to what they do; they use that research to formulate the strategy where they develop their objectives and tactics; and he noted they are focused on making the most impact for the dollars spent. He mentioned they want to be good stewards of the County and the taxpayers money and make sure they are getting an effect on what they are doing; measuring success is a function of what they establish in those objectives, those key performance indicators; and there is so much data that can be collected now that goes beyond the impressions on a billboard or a newspaper ad. He added they can do a lot more, there is a lot more to track, there are a lot more conversions and they can actually justify what is being spent and make adjustments to go forward and make effective steps for the impact.

Chair Isnardi inquired if they have done a campaign that deals with large bodies of water, pollutants, and environmental stuff.

Mr. Fynon stated large bodies of water are relatively new to them; they have done outreach campaigns, specifically for communities to understand their knowledge; he provided an example, with their natural gas customers one of the things they are mandated to do is to educate the population on safety protocols, understand what to do, and surveys about what they understood before and how much was understood after the message went out; and they feel any of the marketing they can do can be translated through this initiative.

Gail Meredith stated she is in favor of the contract; she has been involved with the campaign for the sales tax since the beginning, even before that as her family has been in Brevard County since 1970 and they live on the water; she has been to every single COC meeting except two; there has been certain progress made to this point and she believes the future progress depends on the ability to deeply connect with the citizens and engage them in changing their behaviors; the Lagoon has been cleaned before, the muck has been dredged, and it just happened again; a lot of the citizens are cynical because they see that happening; she believes the next step is to really educate and engage them, but so far it is like speaking to the choir, they are not extending their reach into the population with the techniques that have been used thus far; and she would like to encourage the Board to vote for educating the people and being more involved.

M. J. Waters stated she is presently the president of the board of the Brevard Indian River Lagoon Coalition; she has been to 90 percent of the COC meeting over the past two years; almost everyone who has come in a professional capacity to one of the COC meetings has asked for education and behavior change support; everyone knows if the inflow of negative pollution does not stop it does not matter how much the wastewater is improved or how much muck is dredged, that is an essential part of this; what that is going to take is not just pamphlets but behavior change; and she spent 30 years in corporate communications in a Fortune 100 company and it was found that it is the only thing that really works for long term change. She continued on looking at seatbelts and smoking and the changes that have been made in this country over years because of that, it is because of behavioral change efforts that have been involved; it is not marketing and advertising as much as it is strategic communication; there also

January 8, 2019

needs to be resources placed with people who do this for a living because it is not something that can just be whipped up over a cup of coffee; and she believes it is really important. She noted she thinks this is a key part of the overall project; she mentioned she volunteers at the Brevard Zoo one day per week; and she reiterated what some of the other speakers said about people coming through and asking what they can do to help the Lagoon. She added these are people who live in this County and probably voted for the sales tax, but they are still uncertain what kinds of actions they can take or their community can take; and there are also groups out there in the community that do not understand that their personal actions have a negative impact on the Lagoon. She encouraged the Board to support this because she believes it is really critical to the overall success of the project.

Commissioner Smith stated he has spent a lot of time supporting the Lagoon over the past four years; he has served as chairman of the Indian River Lagoon Council and attended all of their meetings up until the last month; and the more the citizens can do physically for this Lagoon, he thinks education is a big key factor in the success of the ongoing project because without education there is only a few people pushing and a lot of people just hanging out. He mentioned if everyone is pushing in the same direction, then there will possibly be long, lasting success; and he quoted Bill Posey, "it is very simplified, they just need to stop putting the bad stuff in, they need to get the bad stuff out, and educate the people to not put any more bad stuff in."

Commissioner Tobia commented the Agenda Report states these funds go beyond prior stormwater programs, it is his understanding that \$420,000 is SOIRL funds, over two years will be used on these programs, and he asked how much of the SOIRL funds are required by State or Federal law to be used on education and marketing.

Ms. Barker stated none of the SOIRL funds are required by the permits, it is the stormwater utility funds that are required.

Commissioner Tobia advised under these agreements the County can be billed up to \$155 per hour for research and he asked if Ms. Barker can tell the Board what it will be receiving with the \$155 and how many hours she expects the County to be billed at that rate.

Ms. Barker stated Leesa and Chris gave some information on the kinds of research that go into creating these sorts of campaigns; she does not have a breakdown of specifically how many hours would be billed at those rates, but she has a suggested breakdown of how much; as an example for the Stormwater Pond Maintenance Campaign for which there is a \$50,000 initial budget in this fiscal year; and 60 to 100 hours would be spent on that research and discovery phase for a total of \$10,000 to \$16,000.

Commissioner Tobia asked if that research is advertising research or if that is environmental research.

Ms. Barker responded it is not environmental research, it is on what the public is doing now, why they are doing what they are doing now, why they are not doing the kinds of things that would be more protective of water quality, and what messages conveyed in what ways may convince, motivate, and empower people to make decisions that would be more helpful to the Lagoon.

Commissioner Tobia asked what basis the Board has to believe that \$610,000 in total funding would not be better spent directly on the Lagoon, rather than advertising; and he stated he has spoken with Dr. Peter Barile who holds a Ph.D. in environmental science and he believes the funds would be far better spent on infrastructure to prevent continued pollution on the Lagoon.

January 8, 2019

Ms. Barker stated in the 2018 adopted plan there is an analysis of each education and outreach campaign and some assumptions made about what percent of the people might be reached; of the percentage of people that might be reached, how many might change the way they are doing things; what the load reduction of the change be; and based on that and the funded allocated in the plan they have estimated that these specific outreach campaigns would result in an average cost of \$49 per pound of nitrogen removed. She continued when that is compared to all the other project types in the plan, upgrades of wastewater treatment plants cost almost 10 times that, almost \$344 per pound, sewer lateral repair and rehabilitation is \$639 per pound, septic system removal by sewer expansion is \$1,050 per pound, septic system upgrades is \$860 per pound, stormwater projects are a good buy at \$117 per pound, muck removal is \$671 per pound, oyster bars are \$100 per pound, and planted shorelines are \$345 per pound; and of all the project options in the plan, outreach is the most cost effective based on the analysis that was done in that 2018 plan.

Commissioner Tobia stated he is not advocating against education; he asked if the Board did not contract out for these services, would Ms. Barker utilize County resources to meet permitting requirements such as the County's Social Media Specialist, and the Public Information Officer.

Ms. Barker advised they have been contracting out these services to the Blue Life Program since 2011; before that they were contracted out through a partnership with the water management district called the Wave Program; these have been contracted out for a very long time; and outreach is mandated, so they would have to shuffle people in order to meet these mandates, but they do not have staff onboard to provide the level of service mandated in the permits.

Commissioner Tobia inquired if during that time, since 2011, would she say the Lagoon has improved or that the condition of the Lagoon has gotten worse.

Ms. Barker stated obviously the condition has gotten much worse; the survey based approach was to try to understand what people were doing in terms of fertilizer use before and after their campaign; they also looked at dog waste and a few other things; at the same time they looked at data collected by the Florida Department of Agriculture and Consumer Sciences on fertilizers sold in Brevard County; during the period of time that campaign was launched fertilizer sales reduced dramatically in this County; and based on the assumption that the people who bought that fertilizer, used that fertilizer, and that 30 percent of fertilizers that are used, soaks down past the roots and a fraction of that makes it to the Lagoon, and to take that small fraction that makes it to the Lagoon and multiple that by tons of fertilizers sold in the County and look at the change from before the campaign and after, that \$150,000 campaign stopped over 45,000 pounds of nitrogen from reaching the Lagoon. She noted that is a very large number compared to what they are trying to do for the rest of the plan.

Commissioner Pritchett the information on the cost per pound is very eye opening; she is going to vote to put this through tonight; she asked that Ms. Barker keep an eye on it to make sure the County is still obtaining a benefit on it as it moves into future advertisement and education; since this started there has been a lot she has learned too from the outreaches; she has enjoyed learning the types of things being done and how it is being done; she would be interested in seeing this get started heavily in the schools, so the children can be taught this is a lifestyle, just like the click it or ticket; and she reiterated she is going to vote this through tonight. She thanked Ms. Barker for her hard work and asked that she keep her eye on it to make sure the County is always doing the best it can with these funds.

Chair Isnardi stated she took issue immediately with the amount; she appreciates the analysis based on the hypotheticals because in reality, fertilizer sales being down at a specific point in time could have more to do with the economy based on the fact that if the economy is not very

January 8, 2019

good, jobs are not well, and people are not paying for landscaping services which does not in turn allow them to buy fertilizer; she does not have a problem with education, she thinks it is key; but based on surveys of people and behaviors, often times people may not always be truthful or forthcoming based on their behaviors; of course they will say they have improved their fertilizing habits or cleared their drains but often times people are not honest when they are polled; she takes less weight on that than she does with the condition of the Lagoon; and she thinks the County needs to concentrate as much money as possible on infrastructure. She added she thinks the amount is excessive in her opinion; she does not think it takes a half-million dollars to educate the public; she thinks the need is to start looking at people's behaviors and how to impact behaviors rather than hoping this campaign is going to work, or hoping this education outreach is going to work, or hoping that this is going to have a certain impact, and hoping that it will change behaviors; and she thinks everyone in the County knows how bad the Lagoon is. She noted most people in the County do not call her office to ask her to come visit their children at school or do a presentation, they call to say stop dumping raw sewage into the Lagoon; she believes people know what they have done or not done to help or hurt the Lagoon; they also know what things are out of their hands; and she thinks half a million dollars is almost a slap in the face to everybody that has been paying this tax. She advised the County can dredge, educate, put nice oyster beds in, but if it does not fix what is causing the problem first then all of it is for nothing and the County will be here in 25 or 30 years, assuming it can get to a point where it is on the upswing of cleaning it up; and she reiterated she will not be supporting it because she thinks it is too much money.

Commissioner Lober inquired what Chair Isnardi thinks is an appropriate amount of money for advertising that she would be comfortable supporting.

Chair Isnardi stated she never really thought it through because she thought this to be an all or nothing based on the fact that it is three separate contracts, two pots of money, and all one Agenda Item; she thinks one of the marketing guys hit on it, it is researching what works more importantly than throwing everything at it in hopes that it gets a good response out of the seven things it is doing; she is one of the biggest proponents of spending money on more research especially when it comes to the Lagoon, but to spend money she thinks it needs to be spent correctly and that it is more targeted; and they may find that they are wasting hundreds of thousands of dollars on efforts that are futile, when it can be more focused in areas that people respond to. She noted she does not know what that number is; she does not like this plan the ways it sits; she thinks it is not detailed enough, it is too much money; and she thinks it needs to be focused.

Commissioner Lober stated he came in planning on supporting it; he thinks he has now been convinced otherwise; he does like the idea of spending something on outreach and something on education; he likes to give staff as much of a heads up and as much information as possible to enable them to put together a proposal that might be more palatable; he does not have an inclination either in terms of an amount; he would like to spend something because he believes there is some value in it; but he has concerns with the amount especially with the hourly rate for some of these; and for the record, he does not want his no vote to be construed as a permanent no or a categorical no because he would like Ms. Barker to come back with something else that is perhaps a little more reasonable in terms of the bottom line. He commented that if it is something the Board is interested in doing, it could be the same exact amount towards the Lagoon but with some infrastructure built into the same proposal; he would support spending this amount or more money on the Lagoon if it were structured a little bit differently and clearly favored infrastructure; and he encouraged staff to bring this back with a lower amount because he would like to support something. He mentioned he is somewhat flexible in terms of the exact amount, it is something he had not given much thought to prior to hearing today's arguments; and he does not want to see this die when it gets voted down this evening.

January 8, 2019

Commissioner Smith asked Ms. Barker if the County is mandated to use some money to educate the public, and asked if there is a formula, and where these numbers and programs come from.

Ms. Barker advised there is not a formula; the permits require specific activities and those levels of activities are negotiated; and the budget that is in there for stormwater utility is based on what Brevard County and the participating municipalities have negotiated in their current NPDES permits.

Commissioner Smith asked if she is talking about a total of how much right now in this proposal.

Ms. Barker responded replied the stormwater base proposal is about \$95,000 per year, the half-cent sales tax funded part of the proposal is larger in the first year than it would be in subsequent years because in the first year they will be doing the research to develop and figure out who the target audience is, what the messages are that will be used, so there is more work upfront; then in the following years those messages are implemented; it is \$275,000 of half-cent sales tax in the first year then \$145,000 after that; and also in the plan, year five, there is a bump up again to refresh the messaging because things change, community character changes, the condition of the Lagoon changes, and they may need a larger refresher at that time.

Commissioner Smith clarified in the first year it is \$265,000.

Ms. Barker corrected him stating \$275,000.

Commissioner Smith stated he meant in total the \$95,000 and the \$275,000; he corrected himself stating \$365,000. He went on to say he thinks most people would agree that education is extremely important; but all people would agree that fixing all of the problems is also extremely important; getting all the muck out, stopping the bad stormwater from going in, stop the fertilizers from running into the Lagoon, and educating people so they would stop excessively fertilizing their lawns; and he inquired if it is \$365,000 in the first year to educate, reiterating it is mandated to spend some money on education, how much money is being spent overall on these other projects in the first year.

Ms. Barker stated there is about \$46 million a year coming in.

Commissioner Smith pointed out staff is doing all those other things Chair Isnardi was talking about by spending \$46 million, so this \$365,000 is just a drop in the bucket and it is very purposeful because it goes to a specific target which is to educate people to help the Lagoon as it is improved year by year, it can be kept up; and he inquired if that is the purpose of the education.

Ms. Barker responded affirmatively.

Commissioner Smith stated he would submit that \$46 million is being spent on fixing the Lagoon and the \$365,000 is not excessive, it is very purposeful, and it is going to educate the public and hopefully the \$46 million will get the Lagoon to a turning point; and the education will help stay the course so it does not backslide again.

Commissioner Pritchett stated on these Items the Board is voting on today, Services A, B, and C, Services A and B are mandated, so they have those; what the vote is really on is Service C; last year it was \$275,000 and this year it is \$145,000, so that is already a drop of \$135,000; this plan was in place when the voters voted it through and it was fairly specific, but there is a little bit about it that is fluid; she wants to be real careful, not that the Board cannot change it

January 8, 2019

because it can change it all it wants to, but she wants to keep this with voter intent; and her goal is to get this thing going in the right direction and get rid of the tax because that is a lot of tax coming out on the citizens. She commented she would like to get the Lagoon to a point where it is making enough headway so they do not have to tax the community with that half-cent sales tax; and that might not sound like a lot but obviously \$46 million a year is quite a bit. She continued just a side note she has talked to all the County representatives about doing septic tank inspections; this has to be done because they are leaking; every one of them are on board with that so she hopes something will come out of the State of Florida this year so there can be a mandated inspection, and the County can figure out how to do that so it is equitable to the entire community; she noted if they keep leaking, the people will be paying for them; the County has to stop the bad stuff going in and find a way to get the bad stuff out; and another thing the Board is going to have to deal with is this sales tax was for new projects. She added there is leaking infrastructure in all the municipalities and the County; the Board is going to have to look at maybe doing a rate hike and start fixing these problems; and she believes the people should be paying for their own waste. She went on if the County is not charging enough money in rates to stop the people on the sewer systems from causing these leaks, then the Board has to raise rates, and maybe make that a priority, with the enterprise funds fixing this system; it is just something that is going to have to be talked about and done; and she noted this is the right thing to do. She stated that is what she thinks needs to be looked at, raising the sewer rate, fixing those problems, not sidetracking these funds into things they were not voted to do, so the County can eventually get rid of this tax; she thinks the Board needs to have a conversation about Service C; and she pointed out Services A and B are mandated, Service C is the one that has a little negotiation. She noted this is the plan that was voted for by the voters and it was laid out in the program; and if the Board wants to discuss that with those funds for Service C, that would probably be what the Board wants to set up.

Commissioner Tobia made a motion to reject all proposals and direct staff to come back to prepare a new RFP to meet minimum permitting requirements if necessary and request the COC do further review to determine if it is the most effective use of resources as part of their 2019 update.

Chair Isnardi passed the gavel and seconded this motion.

Commissioner Smith commented he is not going to support that at all; he thinks this is equitable, feasible, and a bargain to do it because education is extremely important; and he does not think this is an excessive amount of money to educate the public and to help improve this Lagoon going forward.

Chair Isnardi stated rather than tit for tat on everything, the only mandate is on stormwater education based on the permits, it is not based on the collection of the tax; as far as raising user rates, she does not have a problem with evaluating where the County is with user rates, but the Board cannot now expect people to have excessive increased sewer rates to fix a problem when maybe Commissions of past should have been raising them at a reasonable level when they needed to; the County collected \$22 million more than it had planned, and if the County cannot start using some of that money to address those issue like I & I to start addressing those issues of getting people off of septic, to address issues that have to do with infrastructure, then she will never support anything that comes before this Commission that has to do with the tax because she does not know how the County can justify pulling muck out of a river while dumping garbage into it, and then raise user rates for everybody because the rate payers can pay; the bottom line is nobody raised the rates; and she would easily point to the County Government and ask why it did not maintain its infrastructure. She noted if there was an unwilling elected body that charged appropriate rates maybe that is why they did not fix it; she is sure Utilities worked with what they had; the fact of the matter is if the Board does not address the failing infrastructure this County is going to be right back where it is now; it can do all the

January 8, 2019

dredging and the half-million in education and trying to justify it by saying it is a drop in the bucket compared to the \$46 million, but a half-million dollars is a lot of money to some people; and it is a lot of money to her.

Commissioner Smith stated it is a lot of money, but the Board has to keep things in perspective; and this \$365,000 is going to help to educate the public.

Chair Isnardi pointed out it is okay that Commissioner Smith is comfortable with educating the public and that he is comfortable with this proposal, but she is just not comfortable with it. She advised she thinks it is too much money.

Commissioner Pritchett stated she agrees as far as fixing infrastructure; Chair Isnardi is only talking about unincorporated areas; she lives in the City of Titusville, there is the City of Cocoa water, and the City of Melbourne water; she advised the City of Titusville's water rates have increased significantly because it is dealing with the failing infrastructure; it has raised the rates and there is an upswing in the rates for the next 15 years; the City of Titusville is going to heavily increase these rates to fix it; and that is not being done in the unincorporated level. She went on to explain it is the unincorporated levels that are failing and this Board has jurisdiction over it; she thinks the Board needs to increase the rates and fix the failing infrastructure just like the municipalities are doing; the County needs to stay on the municipalities to make sure they are doing it at an adequate amount to fix theirs as well; but if the Board starts taking the Lagoon funds and there are people who live in the incorporated areas and they are paying these taxes and paying all the unincorporated people's problems with the fee based structures, it is just not fair; and she commented she would not have personally voted for that tax.

Commissioner Lober inquired with respect to another option, would it be feasible to pass services A and B at this point and revisit Service C in a couple of weeks at the next meeting.

Ms. Barker explained that would be very helpful to get that part moving; if the Board wants to revert to what was in the 2016 plan, that was published for review before the people voted for the half-cent sales tax, that was \$125,000 per year specifically for fertilizer issues; and instead of addressing the five campaigns it can drop back to a single campaign at \$125,000 and do the pre and post comparisons and try to collect the data to see the extent of whether this is working or not.

Commissioner Lober stated his thought at this point is he will not be in support of Commissioner Tobia's motion, but if someone chooses to make a motion to approve Services A and B, while tabling C or leave it off at this point and address it on January 22, he would support that.

Vice Chair Lober called for a vote on the motion to reject all proposals and direct staff to come back to prepare a new RFP to meet minimum permitting requirements if necessary and request the COC do further review to determine if it is the most effective use of resources as part of their 2019 update.

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

January 8, 2019

Commissioner Smith motioned to accept Services A and B and that Service C be brought back at a later date.

Commissioner Tobia inquired if the Board was to go ahead with Service A and Service B while that does not come out of SOIRL if that is mandated directly or above the minimum requirement for either the federal law or State grant minimums.

Ms. Barker advised A and B is what it has taken since 2011 to meet the permit requirements of the County and participating cities; those MPDS permits are renegotiated on a five-year cycle; she is not sure what the cities cycles are, or how that might change; however, as of right now A and B are the level of service that is required in the current permits.

Vice Chair Lober passed the gavel back to Chair Isnardi.

The Board approved General Stormwater Pollution Prevention Outreach Professional Services Agreement (Service A) with Marine Resources Council (MRC), Stormwater Marketing Campaign Services Agreement (Service B) with Marine Resources Council (MRC), and Stormwater Marketing Campaign Services Agreement (Service B) with MTN Advertising (MTN).

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

Chair Isnardi asked if the Commission desires to give any direction as to Item C.

Commissioner Lober stated his suggestion would be if there were a couple of different options that could be provided with a lower amount than what was initially proposed at tonight's meeting; he stated he would certainly appreciate having more than one option; he does not know if there is any reason not to have one option that is the minimum to see what that would entail; and then an option that is somewhere between that lowest amount and what was proposed this evening.

Commissioner Tobia inquired if this would require a completely new RFP and if so, can staff provide the Board with the process for that, or if it would be best to go with the send part of his motion to ask that this be brought back up in the 2019 update, which is pending.

Frank Abbate, County Manager, stated he believes this is the case, he would like the County Attorney to confirm it, but he believes the Board has the option and the discretion, if it chooses, to ask staff to go back and negotiate with the current vendors that are under consideration, to change the scope and the amount of the services provided; what he heard the Board saying is it is not comfortable with the amount of services being provided at that cost; he knows that can be done in other areas when dealing with group health insurance, and other areas; and he wanted to confirm if the Board chooses it can do that here to.

Eden Bentley, County Attorney, responded affirmatively.

Commissioner Pritchett asked, as far as giving direction, if Ms. Barker could highlight what it is that will be targeted with the Lagoon funds and the amounts like Commissioner Lober is suggesting, so the Board can get an idea of what that is.

January 8, 2019

Commissioner Tobia commented he would rather the Board take a little time with this; he thinks if the Board were to give staff direction, he would like the COC to review their proposals given these guidelines and bring something back to the Board instead of just going directly from staff; he certainly does not want to undercut the COC; and he motioned that at least the COC be given the direction presented and have the opportunity to weigh in under this new scope.

Chair Isnardi commented she does not know how clear that direction is, if the direction is to reduce the number or just do better.

Commissioner Tobia noted he thinks they have worked very diligently and he appreciates their time and concern but he believes the Board has said \$420,000 of SOIRL funds is too much; and there are minimums that the County is mandated to do per federal and state law which have been met.

Ms. Barker explained none of the SOIRL funds would go towards meeting the minimums; and everything from the trust fund is discretionary.

Commissioner Tobia commented now the Board can make the determination whether or not any of these are spent on infrastructure since the County has met the minimum requirements of the fees. He noted it sounds like less than \$420,000 is the Boards direction on this.

Commissioner Tobia motioned to request that the COC do further review to determine a lower amount of resources as part of the 2019 update.

Commissioner Lober inquired how long is the turnaround without interfering with other work to get an answer from the COC.

Ms. Barker advised they will be discussing the proposed 2019 plan update at their meeting next Friday so she will lace this in the Agenda packet for them this week and they will discuss it then; and she will have something for the Board in February.

The Board directed staff to send proposals regarding the SOIRL Funded Public Education and Outreach Marketing Campaign Services Agreement (Service C) to the Citizen's Oversight Committee (COC) to consider at its January meeting to determine a lower amount of resources as part of the 2019 update.

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

ITEM J.5., LEGISLATIVE INTENT TO AUTHORIZE ADVERTISEMENT, RE: AMENDMENT TO THE BREVARD COUNTY CODE OF OORDINANCES TO BAN THE RETAIL SALE OF DOGS AND CATS AT PET STORES

Commissioner Lober stated obviously he thinks the actual content of the ordinance and the cover sheet that was appended with it does speak for itself; he does want to raise a few points that are not contained in there; this particular text was developed in consultation with the Sheriff and the Director of Animal Services, Joe Hellebrand; it has gone to the County Attorney; and it has had quite a bit of revision and gone back and forth to ensure it is as narrowly tailored as possible while still accomplishing the goals he is setting forth and remaining enforceable. He

continued there are a lot of different municipalities and a lot of different counties both in Florida and elsewhere that have ordinances that address this particular topic; some are more over reaching and some are much more broad; the purpose with respect to this is to reflect what community standards have evolved to be in this area and elsewhere; just as a brothel would be considered morally repugnant to the vast majority of individuals, mills, puppy mills, and kitten factories are to the vast majority of individuals morally repugnant; that is not to say another municipality or another County is not free to have a different opinion with respect to this, the actual text of the resolution as it is proposed allows for the municipalities within Brevard County to adopt their own ordinances if they do not agree with what the County has done or some portion of it, to basically supersede that portion that is not compatible with respect to this resolution; therefore, if there are any individuals within the other municipalities in Brevard who feel strongly that there is something either too lenient or too stringent in regards to this ordinance, he would encourage them to bring it to their respective city councils or city commissions to determine what the community sentiment is there; and he noted his biggest concern in this area is where animals are sourced from. He added he does not believe the vast majority or potentially any of the pet stores are currently abusing animals once they reach this County; his concern relates back to where those animals are sourced from; and just as he would buy something online he cannot control how that item may have been created or treated. He mentioned it is impossible for anyone to have any form of real oversight as to how the animals are being treated when they are bred with the commercial purpose of being sold in mind; one of the items suggested, and he has had a number of people call discussing this with him, is instead of having a definition of hobby breeder capped at 20 kittens or puppies, he was asked what about potentially having two litters and the problem with that is it harkens back to enforceability; there is no way, shy of genetically testing a slew of animals to figure that out; a lot of the actual text in there may seem arbitrary or odd in that it has specified an exact number but it was necessary to ensure it could be enforced; and it is not just something that could be seen on paper and made for people to feel good about only to find that it is wasting Brevard County Sheriff's Office (BCSO) resources in seeing them attempt to enforce it and having it overturned because there is some ambiguity or some additional burden that is unnecessarily placed on them to achieve the aims. He went on to say with respect to the folks who support this, he knows that a number of animal groups have reached out in favor of this; it is up to the Board to determine the limits, assuming the Commission is to pass this, and if the Board does not believe 20 is an appropriate limit number then there is an excellent opportunity to decide if that number should be adjusted up or down; he would caution that a lot of the language in this proposed amendment is a result of a lot of back and forth between his office, BCSO, and the County Attorney's Office; the actual ordinance itself is an amalgamation of Seminole County's Ordinance, which was passed in 2018, there is some inspiration from Jacksonville's Ordinance, and he believes West Melbourne's Ordinance was used, which passed in 2015, to form portions of this that he then adapted to fit within County Code, while remaining the least restrictive that it possibly could be; and he will eventually move for this to go to vote but he is going to ask for one amendment, on page 4, in the definition of hobby breeder; he would ask to strike the words 'or studding' because that is something he believes will not be logistically possible to enforce and it imposes another restriction.

Sheriff Wayne Ivey, Brevard County Sheriff's Office, stated he has Joe Hellebrand, Animal Services Manager, with him; and Commissioner Lober has put his heart and passion into this ordinance. He continued his job is to make sure the health and well-being of the pets in this community is righteous and doing the right thing and that is what this ordinance does; there is no question, and he doubts anyone in the room that would argue that these puppy mills operate at such a level that they are putting the animals at risk, they are often sick and not well cared for; this ordinance is designed to stop the puppy mills from operating, and that Brevard County have the best and most healthy well-being aspect of pets in the community; the great thing about this ordinance is that it encourages businesses to adopt a model that they can still get the

January 8, 2019

citizens any pet that they would like, but it also allows for the pets to be healthy and well cared for.

Chair Isnardi inquired if this is a big problem in the County.

Sheriff Ivey commented this is a big problem across the country; obviously, BCSO can only restrict what is right here in this area, but when looking at the aspect of these puppy mills, they are unhealthy, they put the animals at risk, the continuous breeding that takes place in these puppy mills puts the pets at risk across the board; and his goal is that not only the pets in Brevard County, but that this spans out across the State and across the country. He went on to say West Melbourne has already adopted a similar ordinance as well as Seminole County; he can only focus on Brevard County, but it is a problem for this County and others.

Chair Isnardi inquired if BCSO can handle the oversight without difficulty.

Joe Hellebrand stated basically it is hard to measure the direct impact on this County but they do have people in this County who are selling pets in this community that they know are getting them from puppy mills across the country; it is impacting Brevard County; the ordinance does a few very significant things; one, it forces the pet stores and retailers to change to an adoption based business model, meaning they will have to get their animals from shelters or animal rescue organizations that save animals every day; they are not interested in making the money so that will relieve some of the pressure from the shelters and animal rescue organizations; secondly, what it will do with the puppy mills, because it is all about supply and demand, if this eliminates some of that demand in Brevard County for some of the puppy mill puppies, hopefully it will make an impact on them and possibly shut them down at some point in time, or at least reduce how many animals are coming into Brevard County; the more of those animals that enter Brevard County reduces the health and wellbeing of the animals in this County because many of these animals are sick, have long term problems that do not arrive until years down the road, and it puts a great burden on the people who adopt these animals thinking they have pure bred, healthy animals; and he feels the ordinance would be a great asset to Animal Services.

Commissioner Lober expressed his appreciation to Sheriff Ivey and Deputy Hellebrand for their help in putting this together; he stated he does not know if it would have made it to this point absent their support; and to address the point of how big of a problem it is in Brevard, what he is looking at is how much of a problem it will become in Brevard if something is not done about it. He added looking at the trend, he provided a document earlier showing a list of all the municipalities and local governments that have adopted comparable or in some way similar regulations; the reason that impacts Brevard County is because as there are more counties that preclude or prescribe this conduct it forces those people to go to different areas to operate; the concern he has is that as South Florida and West Florida adopt ordinances like this, it tends to push those businesses that are making use of business models that are prescribed by this into that vacuum where the handful of counties, that hopefully will become smaller and smaller as time goes on, that do not have something like this, are really the only fertile ground for those businesses to operate in; therefore, he is concerned with not just how it is impacting the County now but the potential of how it could in the future. He went on to say quite frankly, this being passed in Brevard County would probably encourage them, where individuals would be prescribed by this, to look at other areas, so it really is something where every county and every municipality that moves on this is forcing these folks to smaller and smaller areas; his concern is for his constituents above and beyond any other individuals; that is not to say it is not a problem in other counties, because he thinks it will be a problem wherever it is, but for Brevard County and the people who live and work here, he thinks it is important to take a step in the right direction; and obviously anything that involves regulation there will be people on both sides of the fence, as he has never been a person who is fond of regulation, he would never do anything to compromise anyone's right to own free speech, however, he thinks there are reasons that

January 8, 2019

certain regulations exist. He noted he is not going to say every regulation is good or that every regulation is bad; the Sheriff knows better than he does, criminal law is all regulations; all a regulation is, even though it sounds like a nasty term, is a governmental body or legislative body stepping in and putting in place some prohibition on certain conduct; the reason those laws are in place and the reason he is looking to have this law in place is because society now recognizes certain behavior is morally repugnant; there are other counties and municipalities that may not agree, just as brothels are legal outside of Las Vegas, but not within Las Vegas; they are free to have the laws that they want, but in this community he believes the citizens, by and large, support this sort of legislation; and he does not know what sort of calls anyone else has received, but the bulk of negative calls he has received have been from those who are from out of County and they are either tied to the sales or the breeder industry. He noted it is not by and large the constituents of the County who are upset from this; it is those who stand to lose something.

Sheriff Ivey added the calls he has received have all been very supportive of this measure; he thinks to summarize it, this is the right thing to do; it is such a righteous thing to do that it is happening across the country and the State; and he thinks Brevard County needs to be ahead of that curve so this County does not have this flooding into this area and continuing the problem. He noted the ultimate goal is to heave the health and wellbeing of the pets.

Diana Haines stated since 2013 she has been requesting, along with rescue groups, for Commissioners to put this in place; back in 2013 she went into a local pet store in the mall to see filth and animals walking around on wire cages, and that still stand on wire cages, that everyone seems to think is acceptable because nothing has been done since 2013; she is hoping the Commission will add to these or consider the next step to be banning chained dogs because that is another issue in this County; and it is horrendous to see a dog chained more than eight hours a day and that goes on frequently here. She went on to say nothing has been done for a long time, after reading reviews she has taken exception to the saying animals are not abused or in horrible conditions in this County, but on Yelp and other sites, there are reviews that have occurred as short as 11 hours ago at Pets Around the World and Puppies Plus; there were some local reviews about a month ago, and this is public record, they talk about filth and conditions of the animals; this is abuse; and she is curious to know if there have been any inspections of these particular stores at any point in time. She continued if the Board does not pass this, it should at least enact vigorous inspections and ban wire cages for animals because to her that is cruel and unusual punishment for animals to have to stand hours upon hours; they are in their bowls trying to get over the wire cages; passing this law will save lives of the voiceless; and if it affects people's pocket books she is sorry, but torturing and abusing animals is not acceptable on any level to anyone.

Bill Jacobson stated he encourages the Board or any staff to come visit his store and talk to them; the shelters are not filling up with pet store dogs, they are filling up with backyard breeders and puppy mill dogs, so why not address that; it flies in the face of logic to shut down licensed, legitimate, inspected pet stores; control them by licensing or regulation; he invites anyone at any time to come in and visit his store, he encourages it; and there are a few organizations that he thinks deserves some credibility, the Humane Society of the United States, he cannot compete with the money they raise because they show pitiful puppy mill stories on television to raise millions of dollars, while their executives are paid well, their pension fund is well-funded, and they have money in the Cayman Islands. He added what people do not realize is what their real objective is; they give less than one percent of the money they raise to shelters or in support of shelters. He noted People for Ethical Treatment of Animals (PETA) is another jewel, but it did come up with a shelter in California and the kill rate was 98 percent; they are so rabid, anti-pet ownership and vegan that people should not have pets, is their answer. He noted he just found out about this yesterday; he has vets that are willing to meet or that can be called for more information; he asked the Board to please do more education, do

January 8, 2019

some more research; he stated no one in their right mind is for puppy mills but it flies in the face of logical to take licensed, legitimate, regulated, and inspected pet stores off the market; he asked what would be left; and these are not online items, the County is not going to regulate the backyard breeders and the puppy mills. He mentioned in his store every puppy comes from a licensed, legitimate, line-health history-tracked breeder that meets a very strict protocol; his store is approved by the American Kennel Club (AKC) and sanctioned by the AKC to offer the AKC bundle; he asked the Board not to rush into this; he noted of course, it wants puppy mills shut down, everyone does, but this is not the way to do it; and by regulation, he means license them and take away licenses. He asked how hard is it to license, regulate, and shut down those who fail. He asked that the Board not end up promoting puppy mills with this ordinance as it stands.

Commissioner Smith asked what store Mr. Jacobson owns.

Mr. Jacobson replied it is in the Melbourne Square Mall. He stated there used to be a place down the street; the bad stores usually go out of business; what he would like to see is a realistic ordinance that helps bad stores go out of business sooner; the store he mentioned has cute little pens and padded hospital beds painted pink; finally after a lot of puppies died, they were shut down; his puppies are kept away from the public for sanitary reasons; and people do not touch his puppies without sanitizing their hands. He added he takes extraordinary measures to keep his puppies healthy and safe. He went on to say he can show the Board where he gets his puppies and how he gets them; there is strict protocol; there is an eight week veterinarian exam with four and a half days of observation; another quick exam; they come in specially designed trucks to minimize risk; it cost \$100,000 just to equip the trailer; after they get here, they have a consulting clinic; and even if they are pre sold they are held for observation until they are ready. He asked the Board again to please come visit, observe, do some research, to educate itself, and not just do a knee-jerk reaction; he stated of course the Board wants to shut down puppy mills, everyone wants that, but this is not the way to do it; in fact, it will incite more backyard breeders, bring more puppy mills, not less; and he challenges the Board to look at population in shelters, those dogs overwhelmingly do not come from pet stores, they come from backyard breeders.

Commissioner Lober stated he would like to address a few of the items that Mr. Jacobson has brought up; as for PETA , the Humane Society, and Society for the Prevention of Cruelty of Animals (SPCA) whether one or more has a Cayman Islands bank account, he does not have one; with those groups none of them have contacted or encouraged him to put this together, he did it on his own; since he put it out there and it became news worthy he has been contacted by some of them; interestingly not by PETA; he does not agree with everything PETA does, and he does agree there are some concerns that exist with them, but the only reference he is aware of in this entire set of documents that pertains to PETA is an explanation or description as to what constitutes a puppy mill. He commented he would hope Mr. Jacobson would agree that is an adequate or reasonable definition of a puppy mill.

Mr. Jacobson advised he loathes the concept of puppy mills.

Commissioner Lober asked if he agrees the only reference to PETA is the description of what a puppy mill looks like is accurate.

Mr. Jacobsen stated what he is saying, as a small businessman, is that he cannot go out and pay for the propaganda that the so-called animal rights group do.

Commissioner Lober advised that is not addressing his question; and he drew reference to him having mentioned PETA and with his respect to PETA, there was only one reference to it.

January 8, 2019

Mr. Jacobson commented he was not referencing Commissioner Lober's opinion in general.

Commissioner Lober stated he has his own concerns with PETA; he is an animal lover; and he has never been a member of PETA nor would he ever become one.

Mr. Jacobson commented when considering the millions and millions of dollars organizations like the so-called Humane Society spends and the public's perception it creates, these people do not have a clue.

Commissioner Lober noted he wants to be fair; if he wanted to sneak one by he would have waited until Mr. Jacobson sat down before he commented, not providing him the opportunity to respond, but he is not doing that; he is one who is for considering all information that is available.

Mr. Jacobson asked if Commissioner Lober or his staff would be willing to come to visit.

Commissioner Lober commented he would if there was a benefit to doing it, he believes Mr. Jacobson has misunderstood what the concern is; and he said he does not have a huge concern on how the pets are being dealt with once they are in Brevard County, his concern is there is no ability to oversee or regulate those sources of pets that the pet stores use.

Mr. Jacobson stated he does.

Commissioner Lober inquired in what way.

Mr. Jacobson responded they come from licensed, regulated, visited veterinarians; and the AKC does not sanction him as an AKC pet store for getting the puppies from Bubba and Earl.

Commissioner Lober commented he said he gets them from licensed, regulated, and visited veterinarians, and he is unaware of that.

Mr. Jacobson corrected himself by saying he meant breeders.

Commissioner Lober asked how is it that the AKC sanctions his particular store and what he means by sanctioned.

Mr. Jacobson stated they recognize and are trying to support legitimate pet industry while others are trying to destroy it; after all these years they went and inspected different stores and based on their history, their knowledge, and the knowledge of the breeders they deal with, they decide who to support; when people buy a dog from him they offer the AKC pet protection bundle, microchip, 24-7 trainer, training dvd, AKC health insurance, and they go above and beyond on the lemon laws.

Commissioner Lober commented he does not mean to be nit-picky, but he believes it is important to get all the information; he asked what the specific criteria is that AKC verifies and who from AKC, if anyone actually shows up to verify those criteria.

Mr. Jacobson stated an AKC representative has inspected.

Commissioner Lober asked if it is an employee of the AKC.

Mr. Jacobson responded affirmatively.

Commissioner Lober inquired what they are specifically looking for.

January 8, 2019

Mr. Jacobson responded they are looking for cleanliness, a credible relationship with a veterinarian clinic; and he noted his pet store is visited every week without fail.

Commissioner Lober inquired if that is by AKC.

Mr. Jacobson responded by a licensed veterinarian.

Commissioner Lober inquired what the context of the visit is, and if it is required by law.

Mr. Jacobson explained first of all they receive puppies every week so they check the puppies that come in; secondly if the store has any suspicion of anything, they check it out; he noted years ago he sold an Italian Greyhound to a couple and they came back three months later with an injured dog; he took the dog back and returned their money; that was almost 17 years ago; and he has spent thousands taking care of his animals. He added he could not give that dog away and he still has the dog 17 years later.

Commissioner Lober stated Mr. Jacobson has spoken about where he sources his dogs from and that they are regulated and licensed; and he inquired where they are located.

Mr. Jacobson stated most of them are out of state.

Commissioner Lober commented that is the concern he has.

Mr. Jacobson stated many people think they are breeders; and he just wants to know that he cannot source his puppies any better or any safer.

Commissioner Lober asked how many breeders Mr. Jacobson buys from.

Mr. Jacobson stated it varies.

Commissioner Lober asked if it is single digits or double digits.

Mr. Jacobson noted he gets individual dogs from individual breeders all the time, he does not buy litters.

Commissioner Lober inquired in an average year how many sources of puppies or kittens he has.

Mr. Jacobson stated it he cannot provide a number.

Commissioner Lober inquired if it was 10 or 100.

Mr. Jacobson responded it is more than that, for example this week they got in 14 puppies.

Commissioner Lober stated that goes back to his concern; he does not doubt that Mr. Jacobson has every positive intention, but when talking about sourcing from almost an uncountable or hard to quantify number of sources, it just causes him to question it.

Mr. Jacobson noted it is legitimate sources, not just sources.

Commissioner Lober inquired legitimate meaning what.

Mr. Jacobson commented that they are recognized, regulated, and licensed breeders.

January 8, 2019

Commissioner Lober inquired if that is every single one of them.

Mr. Jacobson responded affirmatively.

Commissioner Lober inquired out of this vast number if Mr. Jacobson does site visits to each and every one of those breeders.

Mr. Jacobson replied he does not. He stated German Shepard's are known to have dysplasia, he has sold hundreds of them and none of them have had Dysplasia.

Commissioner Lober commented that is extraordinary.

Mr. Jacobson noted it is; he has had one Lab and he paid for it; and he takes care of his puppies and backs up the warranty which goes beyond the Florida Lemon Law.

Commissioner Tobia stated he understands Mr. Jacobson's displeasure of this legislation; and he inquired how this will impact his business.

Mr. Jacobson stated he is not going to source puppies from unknown breeders; he explained he had a young couple come in looking for a puppy.

Commissioner Tobia stated he just wants to know how this will impact his business.

Mr. Jacobson explained it will put him out of business.

Commissioner Tobia inquired how many employees he has.

Mr. Jacobson noted he has at least six.

Commissioner Smith mentioned he bought a dog from this gentleman in 1992; as he recalls he received a free visit from a veterinarian, and a discounted certificate for having that pup spayed; he had that dog for 17 years without any issues; the concern he has is if this is going to put guys like Mr. Jacobson out of business, that go to great lengths to give his clientele good, quality puppies; he is really not sure that is fair; and he does not want to see this painting everybody as bad because this guy provides a service. He noted he loved that dog.

Mr. Jacobson commented he is all for people adopting, but there are not too many people who want a Pitbull or a Pitbull mix; he had a young couple who came in about a Pekinese but it cost too much money, he ran into them three months later where they had bought a rescue dog and were out \$1,200 in vet bills; and that is the scenario he is trying to avoid.

Commissioner Lober stated his concern is not with this particular business, he may not be representative of everyone; the impression he gets from the Sheriff's Office is that he is not; he does not thinks those folks who are more easily saleable in their business practices would even be inclined to show up here; and his concern is, even those this gentleman is well-intentioned, to have a number of sources where he has difficulty counting or quantifying them from which he is receiving puppies is impossible, a part from anecdotal evidence.

Mr. Jacobson stated it is documentation.

Commissioner Lober inquired documentation of what, and asked for an example.

Mr. Jacobson advised their breeders, the numbers, and registration numbers.

January 8, 2019

Commissioner Lober inquired if he paid to get on a registry what would prevent him from receiving a number.

Mr. Jacobson commented people cannot walk in and ask for a breeder number, there is a process.

Commissioner Lober asked him what makes it more complex.

Mr. Jacobson stated he does not know.

Commissioner Smith commented he has the same concern; he has seen puppy mills and the pictures of the poor female puppy who is bred over and over again; he does not know how to prevent that but he does not want to put guys like Mr. Jacobson out of business because he goes the extra mile to provide good, healthy pets; and he asked how the Board is going to get there.

Mr. Jacobson inquired if it is that hard to license.

Commissioner Lober commented it is.

Mr. Jacobson advised what he is talking about here, if he is not up to the standards, then to shut him down.

Commissioner Lober responded he is in a position where he can be regulated, but the Board cannot regulate the bulk of his sources which are out of state; the State of Florida even has limited to no ability to control that; that is the concern he has; he mentioned this is not about Mr. Jacobson who has the care and custody of the animals in Brevard; and the problem is the law and how it is written now, there is no true idea in terms of how many origins or sources there are.

Mr. Jacobson stated at least when there is a pet store people know where to go to.

Commissioner Lober inquired what he means by that.

Mr. Jacobson stated he just does not understand the point that the puppies are coming and they cannot be controlled, so shut down established businesses.

Commissioner Lober stated no, it restricts where people can source their puppies.

Commissioner Smith inquired how this would make Mr. Jacobson better.

Commissioner Lober stated by precluding him from obtaining puppies, the interesting thing he mentioned is he will obtain one of the puppies but not an entire litter.

Mr. Jacobson stated he never obtains an entire litter; he buys what he believes people are looking for; it is not going to be found, a tiny Maltese, Morkie, or some of the so-called mixed breeds, in the shelters; and he noted the shelters are usually older dogs.

Commissioner Lober stated he is not going to have a debate with Mr. Jacobson.

Commissioner Smith commented, just to give a little background on his dog, he had a dog he got while in college and when that dog died after 16 years his wife told him he could have another dog, but it was not going to be another big dog or a short-haired shedding dog, so he went to animal services and there were six or seven little puppies there, so he picked one out

January 8, 2019

and brought it home; it was a great dog but unfortunately it got bone cancer and after about five years it had to be put down; then he had to go through the same process where again he went to the animal shelter and the Humane Society to find a dog but there were no puppies, so he ended up going to Mr. Jacobson's store and fell in love with one of his puppies; and he had her for 17 years. He noted if this puts him out of business, what will happen to people like him.

Mr. Jacobson stated he can be controlled and regulated just like other pet stores, but if these pet stores are shut down who will control where the puppies come from; puppies are going to come to the County, they will be ordered on-line; and it just does not make any sense.

Commissioner Smith stated he has seen that too, where people have ordered designer dogs on-line and it is a nightmare.

Chair Isnardi commented she has seen advertisements for those.

Commissioner Lober stated he does not have any issue having a debate if it is not getting circular, but his commentary with this interaction is becoming circular.

Chair Isnardi stated this could go on forever, so he she will defer to Commissioner Pritchett because she has had her light on for a while.

Commissioner Pritchett stated she did not think it would get this far along with the conversation, there have been enough points coming out, so she is going to throw a couple ideas out; she hates abuse with people, children, or animals and it has to be stopped; she is hearing probably the best way to regulate this is to get something going at the State level as far as puppy mills are concerned; she is trying to decide what the problem is, female dogs being abused by producing litters, people are not caring for their animals, and they are being taken to shelters; and she started doing some research to determine what is causing the problems. She continued she looked up some criteria that they have on the American Kennel Association; they only allow the dogs to have four litters in their lifetime and they cannot have them until after year one; there is a lot of criteria out there; then she tried to figure out what defines this as far as hobby breeders and commercial breeders and there is a licensing in the State to be a licensed commercial breeder; it includes four litters after the year of one age; so there are some things in place; therefore, the problem is things are not being adhered to as they should be; the Board needs to make sure the County does not have puppy and cat mills; and she advised she would like to do this at the State level so there is more pressure on it. She went on to say even with Mr. Jacobson's concern if they were to put in the licensed commercial breeder in the hobby breeders, she thinks it might take care of a lot of this heartburn; she has a concern that there would be a loss of pedigree pets; she thinks the shelter pets need to be taken care of; but she looked up the rescue people and they are starting to breed now and sell to the pet stores, which starts a whole other monopoly; and that could end up being a large situation, so the Board needs to do what is equitably fair to the people and protect these animals. She asked Commissioner Lober to look at that because she believes if it included licensed commercial breeders, these are breeders that are under stipulation and inspected by the State or they lose their licenses, and make it so pet stores have to buy from licensed commercial breeders, she thinks it would take care of his concern; she is nowhere near an expert, but this is what she has dug up over the last few days; and she called the Sheriff to ask some questions. She asked that this be tabled one more time so everyone can work on it a little more because she feels a merger of minds might help this out and get it to where the Board wants it to go, and that is stopping animal abuse.

Commissioner Lober stated having this regulated by the State of Florida based on what Mr. Jacobson stated, the majority of the animals is from out of State; the problem is he does not believe the State of Florida can lawfully regulate entities that are out of state; he believes there

January 8, 2019

is a huge interstate commerce with that; and he believes realistically if that ever does happen, it will be challenged in Federal Court and thrown out instantaneously.

Commissioner Pritchett advised that is going to be with puppy mills; but the Board can do this to make sure they have to buy from licensed breeders.

Commissioner Lober stated if that is something she is inclined to do he would encourage her to be very specific in the type and nature of the inspection because if that is not included he can see this subject ramp the abuse; he also has concerns on how that could be verified; if there is some State documentation that exist it makes it a little easier, but a licensed commercial breeder if there were a State inspection it could be mandated that they are in compliance with the stated inspection, and that there are not any violations currently alleged or that have been found with merit in a certain number of years; but he has a lot of concerns leaving it all ambiguous or open-ended, nothing, where it needs to be tabled at the end of this meeting. He advised he will not oppose that but he would be exceedingly specific in whatever proposal Commissioner Pritchett may have because he is very concerned that it will be abused; if that is something where this needs to fall back to, he would rather have that than nothing; he does like it as it is, but he understands her concerns; and he thinks if what she is suggesting, if it has gotten adequate specificity, it ought to address those concerns.

Chair Isnardi advised this is just for legislative intent; if the Board decides there is certain things it can agree on, take out, or remove then tabling to the next meeting, like advertising with those changes, may work as well.

Thomas Frey stated he purchased two dogs from Mr. Jacobson in the last 11 or 12 years; they are great, beautiful, and healthy dogs; he has also adopted a dog from the Brevard Animal Shelter, Aloha Pet Clinic, it was one of the greatest dogs he ever had; he explained as he was going out the door with the dog, it had a bump, it was cancer; the doctor removed the cancer but it reappeared; and he only had the dog for another two years. Mr. Jacobson who owns Puppy Plus is extremely reputable and has been in business for 20 plus years; he stands behind the dogs he sells; now the Board wants to take Mr. Jacobson's livelihood away; and he does not think it is fair or Commissioner Lober's right to tell him or anyone who they can or cannot buy their dogs from. He stated he does not like puppy mills or sick dogs and he does not want to support someone who abuses puppies. He stated he understands where the Sheriff is coming from with the people who abuse dogs and give them up; most of them are Pitbull breeds and the one he adopted was part Pitbull; and he should not be hurt because people do the wrong thing. He reiterated this guy is an honest hard working man who sells good dogs.

Daniela Coffey stated she is in support of pet stores, their right to operate, and a consumers right to choose; she is also there to discuss a commonly used, although inaccurate, justification for passing overreaching ordinances; over population has been suggested as one of the underlying reasons for these types of bans; unfortunately for opposition, it does not add up; according to the ASPCA's data along with the current demand for puppies and dogs, there is a shortage of approximately 7.3 million dogs per year; and she asked with a shortage that substantial how could there be a pet overpopulation crisis. She continued if there is an overpopulation issue it is pertaining to the breeds such as Pitbull's or Pitbull mixes, neither which are sold in pet stores for that specific reason; more importantly, if the entities that are possibly contributing to the overpopulation hoax are subjected to be banned, why are the rescues not on the chopping block as well considering the alarming rates they are purchasing dogs from Missouri, dog auctions, and importing unvetted dogs from other cities, states, and even other countries; and if the goal is to reduce the taxpayers cost for sheltering the local pets in their homes, the importation of out of area dogs should be discontinued by any local shelters or rescues. She went on if Brevard County is facing a pet overpopulation problem the culprit would be entities producing the breeds already listed not the pet stores; by the census her

January 8, 2019

group did on the current dogs available in the local shelters, they found the breeds most prevalent were not those sold by pet stores, but the product of unregulated and irresponsible breeding; and limiting the citizens to breeds like this may promote more of an issue as far as long term ownership goes. She stated future pet owners go to pet stores to ensure they are getting a breed they can handle; and limiting the community to such a small diversity may force their hands to adopt a pet that is not appropriate for their lifestyle resulting in the pet being returned and not to a pet store that will find an appropriate home eventually, but to the shelter where it is at risk again for euthanasia. She added overpopulation is an argument developed by special interest groups who have manipulated numbers to help push their current agenda; she urged the Board to take a closer look as there is no proof that these types of bans benefit adoption rates anyway. She stated general pet overpopulation does not exist and if this community does have an issue along these lines this ordinance is not addressing the right sources to get the results it is attempting to achieve; and she does not support this ordinance as it is written.

Commissioner Lober inquired how the group with the blue shirts knows one another.

Alexandria Julian noted they are either friends or work together; she is in the pet industry; and they lead a campaign called "My Puppy, My Choice" which promotes consumer awareness to these types of ordinances as well as giving the consumers a voice to be heard; obviously the pet stores are represented, the rescue groups, the animal rights groups, and now the consumers; they also like to bring information to people who may not have otherwise had; and she feels this is information that the Board would not have had.

Commissioner Lober inquired how they found out about tonight's meeting.

Ms. Julian responded the internet.

Cristal Gutierrez stated the people in the blue shirts are there to represent consumers of Florida; they come with a petition containing over 6,000 signatures and more that have not been previously added to this due to short notice; consumers have five choices as to where to purchase a fur baby that fits their individual needs, as this is not a situation where one size fits all; the first being animal shelters where dogs and puppies can be purchased for a minimal fee and most are surrendered by their owners or confiscated from animal hoarders or not reputable breeders; most are an unspecified breed that can have behavioral issues due to lack of training and not being there long enough to be assessed; the second, animal rescues where animals are usually received from shelter overflow problems with the same issues; the third is unregulated internet where consumers are scammed out of their hard earned money where they either do not receive the puppy they chose or they pay for a puppy they never receive; and the another is private breeders which are an excellent source for puppies unfortunately there are not enough to supply for the demand of purebred puppies of specific breeds. She added the consumer may be required to drive a long way and visit several breeders to find what they are looking for and most do not have the time or means to exercise this option; and lastly, the neighborhood pet stores that are commonly owned by private law abiding individuals who will never be millionaires due to the unexpected expenses of handling live animals. She went on to say these pet stores are highly regulated by the State of Florida; the Florida law requires the pet stores to guarantee their puppies health and compensate consumers for certain health issues; and the final decision should be up to the consumer, she does not believe it should be decided by politicians or activists.

Commissioner Lober asked what the address is on Del Mabry.

Ms. Julian answered it is All About Puppies.

January 8, 2019

Commissioner Lober inquired if the entire group is from Tampa.

Ms. Julian responded they are. She stated she is not from this community but the one thing she wanted to do and be she that got across today is she has information that she believes is important for the Board prior to voting; she does not know if the Board is aware but in Hillsborough County in 2016 they actually proposed a pet store ban; over a course of a year this group worked to defend their business and that County ended up coming up with a regulation based model; and what it did for them was made it so they could stay in business but it regulated the sourcing of their animals, they have to inspect them annually, and they maintain all the United States Department of Agriculture (USDA) reports, which she believes is one thing Commissioner Lober asked about. She continued when Commissioner Lober asked how people know where the dogs are coming from, there are ways to know that; she thinks that is where these types of ordinances take a leap in the right direction because they go from where a pet store owner may not have all that information; there are USDA reports, the types of breeders can be regulated for whom a pet store owner can purchase from; and she noted her store does not deal with any inbreeders who have any direct or indirect violations, this information is crucial because a direct violation would harm the dogs quality of life, and it would include something like lack of veterinary care on the breeders part. She went on to say if a breeder is not adhering to certain expectations or something that is going to harm a dogs quality of life, their family store cannot buy from them; in the event that there are more than four indirect violations, they cannot buy from them, like if a puppy is missing a collar; there is a way the County can regulate; she understands that these sources are out of state, but that is actually a good thing, as other states have higher regulation than Florida on any breeders; and she noted her family cannot buy a dog from a breeder unless they have all the documentation and have done a visit. She provided the Board with the Hillsborough County Ordinance and the Pet Lemon Law of Florida, which explains what the retailer has to live up to in terms of if they sell a dog and it has something wrong with it.

Commissioner Pritchett inquired how they would know if a breeder has a violation on them.

Ms. Julian explained if a breeder wants to work with a certain pet store they can request a USDA report; she mentioned people complain that the USDA Reports are not online but that is for the security of the breeders that were being harassed and sometimes in dangerous scenarios; therefore they pulled those off line. She continued on to say they keep the USDA reports in the store so when their local shelter comes in to inspect them; they have all of that available.

Commissioner Pritchett asked if the breeder has to bring those reports.

Ms. Julian explained they have to either send it or bring it with the puppy.

Commissioner Pritchett stated there is a way to obtain the report to make sure the breeder does not have any violations.

Commissioner Lober stated she mentioned she could not buy from a breeder unless there is a visit.

Ms. Julian responded in the affirmative. She stated it has to be within the calendar year, which means if she buys a dog this year she has to inspect them by the end of the year.

Commissioner Lober inquired what they are specifically looking for.

Ms. Julian stated they are looking for the USDA and State requirements for that particular breeder.

January 8, 2019

Commissioner Lober commented so they look for the USDA and he asked what the other thing was.

Ms. Julian advised it also includes state regulations; she is not a professional in inspecting kennels, but that was something the Hillsborough County Board of County Commissioners felt was needed that way people know how the animals are being treated and they saw the kennels; and from her experience it has been nothing but incredible.

Commissioner Lober inquired to her knowledge why it is important to see the kennels and the way the animals are treated.

Ms. Julian commented that way it can be seen firsthand; and she believes that is important in any business obviously. She noted she thinks the longevity of specific breeders also speaks to that; if she is with a breeder for 10 years and has never had any problems; and she can understand that it is a breeder who follows a certain moral code who is not over breeder or bringing bad quality dogs.

Commissioner Lober asked if she would agree there is a valid reason for her to have to inspect the breeders on an annual basis.

Ms. Julian responded in the affirmative; she stated as required by the Hillsborough County ordinance; and as far as her breeders, she likes her breeders and she likes to know as much as she can.

Commissioner Lober inquired if for some reason that was not a requirement would she feel it is irresponsible if a pet store were not to do those annual inspections with the breeders.

Ms. Julian stated yes if it is something they are able to do.

Commissioner Lober asked her to clarify if she thinks they should visit every source where the dogs come from.

Ms. Julian responded yes, it is doable.

Commissioner Tobia inquired if she had an extra minute what would she say in that extra minute.

Ms. Julian in her personal business with reputable USDA licensed breeders, the dogs touch grass, they are not shoved in these stacked wire cages, they know how to sit and play, they know their names; she mentioned there are groups of people who are being targeted by people saying that they are puppy mills and that is not true; and she just wants the Board to know there have been eyes on these kennels. She went on to say she knows puppy mills are an awful thing to witness, but there is a way to know if a regulated and reputable breeder is not a puppy mill; she knows that for a fact with the breeders her store works with; she can only speak for her own pet store; she knows there is a way it is possible to get there; and she would not want to discourage or put out of business any pet store that is willing to be regulated.

Angie Friers stated she is the Executive Director of the SPCA in Brevard; she mentioned she is from Ohio and if anyone knows anything about puppy mills that is where they are, they are in Amish land Ohio; her family owns a home in Ohio and within a mile radius there are probably 20 puppy mills; she has 50 pictures on her phone right now, that were taken literally within walking distance of where she grew up; and her and her sister have been kicked out of a lot of these puppy mills trying to get photos. She continued someone brought up USDA licensing, inspections, and breeders, all of those are licensed and regulated, but the State of Ohio cannot

January 8, 2019

keep up with regulating them; there are too many, there are underground breeders, and there are dogs that are dying; her father owns 18 dogs that came from Amish puppy mills that were dumped when they were no longer able to be bred; she has a very close attachment to this because of where she comes from; and she noted animals that come from the animal shelter are not any sicker than one someone would get from a breeder. She commented she has seven pure bred Boxers that all came from a rescue; she had one that died at seven and she has one that is 13; the 13-year old came from Miami-Dade and a back yard breeder who had 50 million puppies; she stated just to put into perspective, if someone has the ability to go out and inspect where the puppies are coming from that is awesome; she would totally support anybody who want to go see where their puppies are coming from; she would be more than happy to take anyone who wants to go to Amish country because they would be disgusted with what they see; and she asked if a lot of these puppies that Mr. Jacobson is not looking at, how would he know where they are coming from, and how can he say they are coming from reputable, registered breeders. She went on to say it is frustrating that Florida is so far from Ohio and that these people are so far removed from that unless people were to go there and see literally within a mile 20 breeders; they are in the back of semi-truck trailers in the heat in the summer and in the cold in the winter; these puppies are out in the elements with their mothers and it is not a good thing to see; and if anyone would like to see pictures she has a whole bunch of them.

Commissioner Lober noted his in-laws had for 18 years a purebred Bichon Frise that they got from Seminole County Animal Services; in his experience and his in-laws experience he thinks it is absolutely possible and frequent to find purebred dogs at animal shelters; and he believes there is a lot of misinformation surrounding that.

Ms. Friers stated there are several purebreds; they have a Poodle, Chihuahuas, Jack Russell's, Australian Shepherds, and they have Pitbull's; they get Boxers which is her breed; her Personal Relations person has a purebred Schnauzer she got there so they are out there; however, she does not know if putting pet stores out of business is going to make a huge dent. She advised if someone wants a purebred dog and is willing to look for it, they will find it; she got a seven or eight week old Boxer puppy from a puppy mill in Missouri that was going to be euthanized because he was deaf; the ladies at the vet refused to do it and placed him in an underground rescue where he ended up at her house; and there is that aspect too, if the puppies get too old at the puppy mills and they cannot be sold to puppy stores they are euthanized. She added these are healthy animals that are being euthanized, and it is a very sad thing. She went on to say people have to know what is going on in the puppy mill industry and if these people cannot go themselves to see it, and she asked how they can but from that; she would never ever buy a dog from someplace she did not know where it was coming from.

Commissioner Lober stated Ms. Julian was in agreement that there is value in having a site visit as to the place where she sources puppies; and he asked her to comment on that.

Ms. Friers commented she loves that she said that and that is what their store does; she really thinks if people went and saw these places in Ohio that people would be nuts to buy puppies from them; when someone states that these breeders are licensed, it does not mean anything; those puppy mills by her house in Ohio are licensed but they are disgusting, it is disgusting how these animals are living; breeders can be licensed and inspected; Holmes County, Ohio has the largest number of puppy mills in that county; and there are 50 million that do not inspected.

Chair Isnardi inquired why the State of Ohio is not doing anything about it.

Ms. Friers commented they are trying but it is such a hard thing to regulate. She added there are a lot that fly under the radar; the one that she has pictures of with the puppies in the truck, they have all the records and no one has been out there to see them.

January 8, 2019

Chair Isnardi commented it sounds like failure of the State.

Ms. Friers responded it is terrible, absolutely horrible; that is a huge failure of the State; they are making changes with new regulations that just passed in 2018 of what they need to do to be legit breeders; and she asked if someone where to put a different floor in if that makes these people any better. She noted the mothers and fathers are the ones suffering; they may make it to Florida and be completely healthy puppies, but she asked what about those ones that do not and the parents that are suffering; that is kind of the whole point of this, to get rid of the puppy mills, the ones that are still suffering; and her dog who is deaf would have been a statistic of a puppy mill because he was out of the age to send to a puppy store and he was deaf, so they would not have taken him.

Natalia Sanabria stated she has gotten two puppies from All About Puppies; she has gotten a puppy from the shelter, Pitbull-Terrier mix and she was an amazing dog; she has had Dachshund before that she got from a friend, a Great Dane Rottweiler from Craigslist and a Walrus which is a Sharpei and Bassett Hound mix she got from a store; all of them are amazing dogs and healthy; the biggest reason she is here today is because she likes to talk about pet stores; and not all pet stores are bad. She added the pet store has the most recent two years of USDA Reports; and the biggest thing is when they are upfront about the puppies. She noted breeders have the capability to get their licenses every year and make sure they are being inspected and passing them; she does not think the pet store ban will do any good because that is where she received her pets and they have been amazing. She has seen firsthand where people are sourcing from online and they do not get the puppy they paid for and that is promoting backyard breeding, as much as people do not want to see that; it does not take away puppy mills it just promotes it because that is when people start going underground for everything. She advised she thinks it would be better to regulate.

Commissioner Lober asked in terms of putting regulations on the pet stores, what can the Board do; he stated he tries to be flexible, but his goal is his goal; and he is trying to be least restrictive. He asked what specific regulations she believes this Board has the powers to put in place that would address the concerns of where these animals are sourced.

Ms. Sanabria stated she knows they keep bringing up Hillsborough County, but that can be followed; she encouraged the Board to use what it can and make its own ordinance that fits its needs best; for Hillsborough it is the two-year USDA Report and inspections; and she mentioned the pet stores also get inspections by Animal Services. She noted the pet stores have packets for the puppies where Animal Services look to make sure that packet matches the puppy, microchip, and breeder information; she has the breeders name and number, the USDA number, where the puppy is from, and pictures of the puppy's parents so she would be able to contact them if she decided to get another. She advised it is up to the Board what way it wishes to go; they have the USDA Report but it is how the Board wants to follow it; for example does the Board believe for this County that the breeder could not have more than two in-directs violations, or no direct violations; she mentioned not only can they require USDA Reports but they could require that there are not certain things on that report.

Commissioner Lober commented he is trying to make a much use of the information she has. He inquired in the terms of what the practical impact is on the pet stores out there, has she found the majority of puppies and kittens are sourced locally because of having to conduct these site visits or are the stores still willing to go to further geographical lengths to get their animals.

Ms. Sanabria noted Florida does not really have many breeders nor USDA licensed breeders, therefore, they do go to other places for their animals; she noted certain states require more on

January 8, 2019

top of the USDA regulations; and Florida probably should move to have more restrictions, but the start is going to states that do have those restrictions.

Theresa Clifton thanked Commissioner Lober for bringing this up. She stated she has a video that sums up what the real issue is; she is the Executive Director of the Central Brevard Humane Society; they do get animals that have been purchased at pet stores and did not work out because of behavioral issues; she noted it happens; but the deeper issue is to cut off, supply and demand, so to her it is being able to regulate it; and she showed a video that was put together by the Humane Society of the United States that shows what happens when it is not regulated. She went on to say if people knew where the puppies were coming from it would not be a problem; after 15 years of running the Humane Society it is really sad to see animals continue to be treated like a commodity; they are a life and they deserve to have a good life; and people can talk about all the different animals that have been adopted from all different places.

Harriet Prine stated she is very passionate about the welfare of all animals; she does support the responsible breeding of all animals; she does not want people to think that because she is affiliated with a rescue group that they are against all breeders; Coastal Poodle Rescue has been in existence now for 15 years and they are a non-profit, all volunteer 501(c)3 organization; and she is in support of the ordinance Commissioner Lober has brought forth. She continued she is sure all of the audience is aware of the horrible conditions these dogs and cats from the mills live in; it is also common knowledge to sell offspring's of the dogs and cats living in these conditions through pet stores throughout the nation; and as an organization, they would like to know what happens to the dogs and cats that go to these pet stores and are never purchased. She noted her organization has been involved with the intake of many dogs from puppy mills and backyard breeders; she has seen the situation shown on the video and it is deplorable; the condition is terrible and the dogs they get from there are always ill, with no vaccines, no dental, and they are never socialized; and she added some of them have genetic defects that are carried over into the puppies. She went on to say her heart goes out to the adult dogs that are in these puppy mills; they are bred over and over again until they are no longer of use to the owners; they are a cash crop to produce a couple litters a year; and then the puppies are shipped out to pet stores throughout the country.

Commissioner Lober inquired if there was any critical point Ms. Prine needed to make before moving on.

Ms. Prine stated if the County can limit the sources pet sources where puppy mills can sell their stock in large numbers then it can make a dent in where puppy mills exists; she prays the Board will consider this ordinance; and she hopes in doing so it will enlighten the public about this obvious need and about the rescue dogs that are in need of proper homes.

*The Board adjourned at 7:43 p.m. and reconvened at 7:56 p.m.

Cindy Morales stated she and those in the blue shirts are there to represent the Florida consumers who are affected by this ordinance; they have obtained over 6,000 signatures for the My Puppy My Choice Campaign; these customers want the choice to purchase the puppy of their choice from a place of their choice; and she read a statement from a journalist, " No matter how you feel about government regulations, a better solution to this issue is for cities and counties to adopt local policies setting minimum standards for pet stores and breeders. This preserves the customers' ability to choose the animal they want while ensuring the puppies are not mistreated. The State should preserve consumer choice while local governments should listen to the constituents and establish standards for pet stores. Heavy handed government over regulation whether from the State or local government serve no one." She stated while she understands this is a discussion to decide if drafting an ordinance is in the best interest of this

January 8, 2019

community and the animals, the next step should be meeting with the pet store owners in the community discussing how they operate and what obligations they already have under current laws; this will get the Board closer to achieving what this proposal is intended to do; this campaign supports it government and wants to believe this Commission will not move forward with the proposition to ban the sale of cats and dogs at pet stores; and they hope instead that the Board will either table the discussion until the State addresses it or it will consider a breeder regulation based model that several cities, counties, and states are now opting for.

Briana Braun stated she does not support any ordinance that bans the sale of dogs and cats at pet stores; it is her understanding that the intent is to promote pet adoptions and eliminate puppy mills; a pet store ban will not accomplish this; and she would like to discuss why regulation is a better animal welfare practice than an outright ban on breeders at pet stores. She continued currently places that citizens get domestic pets from include shelters, rescues, online sources, pet stores, etcetera; the flow charts she has provided outline the regulated and unregulated entities where they source their animals from; there obligations under Florida Statutes 828.29, Rescues, shelters, online, and home breeders are not regulated by any state or federal legislation; she stated the most consumer animal protections in place today is for pets obtained from pet stores; and the County has the option to further regulate pet stores by implementing sourcing, transparency, breeder standards, and animal inspections rather than deterring small business owners from enriching the city. She added this County can set the standard that does not eliminate consumer choice but further protects it. She noted they have provided a packet to the Board that includes Florida Statute 828.29 as well as the Hillsborough County Ordinance currently in place; the primary purpose is to ensure consumer protection and of course animal welfare; it has been said this ban would be promoting adoption and to save animals lives and would reduce the cost of the public for sheltering and euthanizing animals; and the folder contains news reports and photos of Florida news based rescues that in the last year have been shut down or have had their dogs confiscated due to neglect. She advised the most recent case, four days ago in Highland County, just two hours away, a rescuer is facing 72 counts of animal cruelty where over 70 animals found, of which 23 were dead, were kept stacked up in high wire cages; these people are providing dogs to the public that were exposed to vast numbers of illnesses and yet approving the adoption of these rescue dogs; she asked if this does not negate the Boards animal welfare concerns; and she commented this ordinance does not address any of the entities that are operating under these terms and she would like to know why. She stated the ordinance while well intended is unrealistic; she asked how will banning the only regulated entity help consumers or the animals; this is not going to take away the consumers desire for puppies as intended by this ordinance, however, the Board can regulate entities that are providing them by offering a highly regulated outlet consumers can responsibly get their desired pets; and this will bring the County closer to accomplishing what the ordinance is set out to do. She mentioned adopting an ordinance like the one be considered will not save or benefit a single consumer or animal because it does not address the right sources to do that; and with a regulation-based model, the Board would be able to engineer a bill that addresses all of the Board's concerns benefiting the citizens and the pets in the community not just appeasing the animal rights groups.

Commissioner Lober stated based on what he saw while glancing at the documents provided, the animal rescue volunteer who allegedly had done those things, from his understanding, they are already facing dozens and dozens of criminal charges, so the reason he would not do something in this proposed ordinance is because there is already a law in the books being actively enforced; and it appears to be working through the system, and if it were not in existence already, he would have addressed that in a heartbeat with this Board.

Ms. Braun noted in her experience no rescues or shelters are held to a federal or legislative inspection at all, therefore, pet stores are the only ones.

January 8, 2019

Commissioner Lober stated there are enough folks who may pick up the mantle where others may have greater expertise.

Tiffany Lovell stated she was here in support of the ordinance and was not intending to speak but after listening she felt it was necessary to speak up as a certified professional dog trainer who sees in-home and online clients regularly; one thing that has not been discussed much is behavioral issues; health and welfare, physical welfare of animals is extremely important, but also the behavioral, the psychological, and the mental stability; these puppies that come from puppy mills are not mentally stable or well; she sees tons of dogs with aggressive issues, reactivity on a leash, biting, and fearful to leave their homes, also those with separation anxiety; she has a unique perspective because not only has she been a professional dog trainer for over 12 years but prior to that she worked as veterinarian assistant where she saw the unhealthy dogs coming from these situations; and her very first job at the age of 16 happened to be in a mall pet store when she did not know anything, only that she loved animals and wanted to work closely with them. She noted having worked in that setting, she saw the conditions in which the animals were coming in, and they had to do certain things behind the scenes to help those dogs and cats to be more healthy looking to be more adoptable looking to get the most amount of money possible; she was doing things she does not think a 15 year old should have been doing to ensure the owners profited; and that was not at all what she intended when she wanted to work with animals, so she thinks this is a problem that has been going on for a very long time. She stated she loves the fact that this is being brought to the forefront; she fully supports it; and she asked the Board to support it as well.

Michelle Chapman stated she lives in Winter Garden, but she is in attendance because this is a local issue, it is a State issue, and it is a federal issue; puppy mill sourcing is a problem everywhere; to provide some background she is the proud owner of six rescue dogs; and she is a volunteer for Harley's Dream. She explained Harley's Dream was founded in 2016 in memory of Harley; Harley was a small six pound Chihuahua that spent an estimated 10 years of his life living in a puppy mill in the mid-west; Harley's home for 10 years consisted of a wire cage with a wire floor; he was denied affection, socialization, and even the most basic of medical care; as a result of the horrendous neglect Harley's condition suffered greatly; he had a heart murmur, a fused spine, deformed toes, arthritis, a mouth of rotten teeth, and a missing eye; and as many may know puppy mill puppies often lose one or both eyes because they are kept in the cages when cleaned typically with pressure washers. She continued when Harley went into heart failure at the puppy mill, he was thrown into a bucket and left to die; sadly Harley's story is not unique; as the owner of a puppy mill rescue dog she can personally attest to the psychological and emotional abuse that these animals endure; in even the most loving homes, it can take years for these animals to feel safe and trust their owners; many of the female breeders have tumors that are never treated and suffer from the trauma of having C-sections without anesthesia; and no dog deserves this life. She went on to say by banning the retail sale of dogs and cats Brevard County is taking an important step in breaking the cycle of pet overpopulation; establishing a pet store ban will not only help the homeless pets in the communities, it will also impact the supply and demand which allows the cruel commercial breeding industry to exist; this is a much needed precedent for Florida; and she hopes other communities will soon follow it. She advised as for Harley, he was rescued and he thrived for five years; the family who adopted him took his case on a national level and spoke before Capitol Hill about him and the evils of the puppy mill industry; and on behalf of Harley and the thousands of dogs just like him, she thanked the Board for its compassion and consideration for this important legislation.

Corrine Williams stated she has been a dog enthusiast for over 20 years; hearing some of what she has heard tonight she really had to go into a little more detail; the pet store owner sounds like he has a nice store, but everything he said was not right; she is an AKC breeder of merit; AKC does not license breeders and she does not have a license from AKC; everything she is

saying is on the AKC website so the Board can check it out; she has competed with her dogs for 20 years; she has taught obedience for over 12 years as a local; and she is new to the area. She continued she just moved here in October as she was gasped at the number of stores that sell puppies; as an AKC breeder of merit, it does not mean much, only that she registers her puppies with AKC; she does health testing on all the parents; she places titles on her dogs and they really do not care much except for the show titles; however the performance titles prove that the dog can do what it was supposed to do or was bred to do. She went on to say as far as regulating her, there is peer pressure; her parent club which is the club of her breed, they all know each other; people should put more effort into buying a puppy; people can walk into a pet store, give money, and walk out with a puppy with no thought of how they will take care of that puppy for the next 15 years; and that is why all these people do rescue. She stated she is a responsible breeder; she has never ever sold a puppy nor would she ever to a pet store or even anybody she has never met; people come to her house; they have to meet her and she meet them and then they wait, she has had people wait two years for one of her dogs; and when they finally get that puppy, they appreciate that puppy and give it a great home; they do not just dump it; and if something does not work out they call her and she will take the dog back for any reason. She noted she has had to take back a couple in over 20 years. She stated she never did more than one or two litters per year; she has not had a litter since 2010; and she is still an AKC breeder of merit because of the titles that she puts on her dogs.

Daniel Willemin stated he has had his dog Buford for 10 years from the pet store in the mall; about two years in he started getting sick; he got Pancreatitis several times in his life; he has recently been diagnosed with Kidney Disease; his esophagus swells in his throat; and they did research. He went on to say when they went to get Buford, he was told it is not a puppy mill place, they puppies do not come from a puppy mill, and they know that for a fact; he and his family did research as to where Buford came from in approximately 2010; and a lady named Tina Carr out of Missouri has a business called Simply Puppies, which has 18 pages of USDA violations. He expressed his appreciation to Commissioner Lober for bringing this issue to the table; he stated he would like to see something in place where they could prevent this from happening; when people are selling puppies, the conditions need to be known, the breeding lineage, and the history; as he is told, this is all stuff that can happen from inbreeding; and to the gentleman from the puppy store at the mall, to his credit he does give a good after purchase warranty, health care, and stuff like that, but he did not check this place out. He noted when people are buying puppies from these places that those puppies are not from puppy mills; he loves his dog dearly, and he would never give him up no matter how many health issues he has; but he has had a hard life because of this, and he does not want that to happen again.

Nicole Capobianco stated she is from Vero Beach; she was not planning on coming to the meeting and speaking but she had to do it, because she has been trying to get an ordinance passed in Indian River County; she has dealt with this same scenario back in October with this whole group of people who are present today; and some of them are children of pet store owners, they kind of all congregate together to question a person's judgment as to if a person is doing the right thing or not. She went on to say the Board does not want to put a man out of business, she understands that, she is a small business woman, and she grew up in a small business family. She stated she bought a dog from Gregory Doherty who owns Pets Around the World; her dog was very sick and almost died; she has spent year to date about \$10,000 on her; and she would sent every last dime she had before she ever brought that dog back to them or to a pound. She stated she made the mistake of going in there, she did not know like a lot of people; she had Great Danes in her life before, and she was ready for another one; and it has been horrible. She pointed out her dog is almost a year and one-half now, and it has been issues since the second day she had her; she had pneumonia and was hospitalized; she spent \$5,800 in the first 12 days of having her; she came into her first heat in July, and never came out of it; and they had to do an emergency spay on the dog. She noted the dog had ovaries that had cists on them, her uterus was extremely enlarged, and if she ever wanted to breed her, she

January 8, 2019

would never have the chance now; her papers were completely botched; she came from an Amish puppy mill in Odon, Indiana; and she knows firsthand these people are not what the Board thinks they are. She stated there may be a couple of good people out there; she is not against breeding and is not an animal rights activist; and these animals are not taken care of, it is absolutely horrible. She stated there is so much corruption in this organization, and she witnessed it at her meeting, because Mr. Doherty actually brought his veterinarian, the same veterinarian that said the dogs were in perfect health; but mysteriously within two days, her dog was fighting for her life.

Pam LaSalle stated she wishes she could agree with this ordinance proposal; she thinks it is prohibition, not regulation; what they really need is regulation; she looked into this several years ago; she contacted her State Representatives, State Senator, and the Agriculture Commissioner; and like most officials when they do not want to deal with a person's problem, she got crickets. She stated it is a USDA issue through the feds, but in all honestly, she suspects the USDA may protect the industry more than the animals sometimes; from her personal experience, she thinks prohibiting a business from doing something will send that activity in other directions; and it is difficult to legislate morality, which is really the heart of what they are trying to do here. She noted from a personal perspective, they have all rescued dogs; she wanted a purebred dog, she could not get a purebred dog here; they ended up driving to Virginia to get the purebred dog; but as far as health issues, their rescue dogs are not cheap; two of those they have had have been incredibly expensive, gone to vet schools for care, and they have spent thousands of dollars; and she does not think showing a rescue dog next to a pet store dog for health costs because a person does not always know. She stated one of the dogs they think the pet food caused the problems; she got liver damage from it. She closed by saying she thinks the Board is going about this all wrong, it should be looking at it as a regulation issue, and to work with the proper authorities; they do not have regulation in this State that looks at the shelters, groomers, or businesses that deal with animals; and she thinks that is what is needed. She noted she thinks it will probably kill Mr. Jacobson's business; those dogs will go elsewhere; the Board would be limiting supply not demand, because not everyone wants a rescue dog, they want a specific breed; and there are not that many purebred dogs in the shelters.

Sara Ann Conkling stated she is a foster parent for the SPCA, she fosters a dog from there, and she loves it dearly; their family adopted a Fox Terrier many years ago from a pet store in Titusville; this dog was so incredibly sad, it spent the first six months of its life in a wire cage in the pet store; her sister felt so sorry for it that even though she was in there looking for another kind of dog, she finally said she had to get this dog out of this cage; this dog came into their family with many behavioral issues; and it took over a year for it to become a nice dog and that is with everyone loving on it 24/7. She advised she thinks there is regulatory failure in this industry; as someone who has taught public administration, if there are regulations, they are only as good as the implementation, the execution, and enforcement of those regulations; and there is wide-spread failure there. She went on by saying given that, that problem cannot be solved here; she applauds Commissioner Lober for doing the one thing he can do, which is to stop the local contribution to this problem; they cannot stop everyone from buying every puppy from every puppy mill, but they can stop it in Brevard County; and they can say at least where they live, they are not supporting this particular brand of cruelty to animals. She talked to the Board about her adoptive dog Sissy which is a Boxer; she stated she never intended on having a bigger dog or especially not a boxer, but it broke her heart to see this dog; she had obviously been bred in very bad conditions, abused, confined, and she is crippled; and she shows the signs of having a hard and horrible life. She asked the Board to do what it can do, it cannot regulate all of the breeders or stop every pet store, but it can in Brevard County; and maybe it will encourage the next county to do the right thing. She expressed her support for this ordinance.

January 8, 2019

Commissioner Lober stated his concern, he wants to full circle back to where he began, is where these animals are sourced; he is absolutely in favor of the least restrictive measures possible that would ensure the County does not have animals sourced to puppy mills; if the Board had the ability to regulate either locally or even at the State level, what happens with these out of state breeders that the Board has heard are a lot of the origin for these puppies, he does not think it has been disputed, it would be great; but the problem is the Board does not have the ability, and it cannot punt it to Tallahassee based on it being something the Board is not entitled to regulate; and it is simply not enforceable to relate interstate commerce, and he can tell the Board in a heartbeat, that is what they would start crying. He went on to state it would not survive; if the County Attorney disagrees, he would certainly invite her to jump in and say he is wrong if she feels that way; but she does not seem to. He pointed out it is a situation that is intolerable; obviously, he does not think the gentleman who is sitting in the front is doing to the puppies in his shop like what the Board saw in the video, but the problem is, he does not think even if he has the best intentions, which he may well, that he really has enough knowledge as to the breeders; the Board heard for one of the individuals who commented, that there is not much involved in having an AKC certification, and that they do not license breeders; he does not know if that is correct or incorrect; but what he does know is there are puppy mills, they are frequently the source for these dogs. He added the Board has heard from the Humane Society, from folks with the SPCA, the Sheriff's Office, and from Animal Control; these are not fringe groups being dealt with; there were concerns brought up about PETA; he did not invite PETA, and he did not contact PETA with respect to this; and quite frankly, he does not plan to talk with PETA unless they call him between now and when this addressed next. He stated if the mood of the Board, so to speak, is one where it would rather see this amended to include some specific restrictions upon where pet stores can source their animals and what requirements ought to be placed upon them, he is happy to draft something upon those lines; obviously, as much as a bite as the Board can take out of this problem is his goal; as it is written, the ordinance would have a tremendous chilling impact with respect to the sources of those puppies; he is not saying every single one of those puppy or kitten sources is a puppy mill; but the Board knows to a good degree of certainty that is where a lot of puppies and kittens come from. He mentioned there are a very small number of individuals from the industry in Brevard County; he does not know if that is because there is one individual who is operating by and large above board, or entirely above board, and the others are concerned they may have such blatant failings in how they are conducting business that it is not worth them subjecting themselves to scrutiny or cross-examination up here; but as he mentioned at the beginning, and he appreciates the folks coming out here and he does think the shirts are cute, the bulk of the criticism he has received is coming from folks who are not constituents, they are out of County; it does not mean their opinions are invalid; but it does go back to reinforce the point made in the beginning that the bulk of the constituents are in favor of a measure that would restrict this industry in a way that would prevent or dissuade puppy mills from existing. He stated if it is something the Board will support as written, he is happy to move that way; if that is not the general feeling, he does not want to waste the effort on it; and he would rather table and amend it to include some restrictive measures so there are more obligations placed on individual pet stores. He stated the only individual, and again respectfully, that did not think it was logistically possible, if he is misspeaking he apologizes, to visit all of the sources of puppies, is an individual who owns the pet store; the Board has heard from other individuals who oppose the ordinance he is supporting that there are reasons to have sight visits at pet stores; he apologizes if that is an increased burden; but he does not believe if that is the direction the Board is inclined to go instead of supporting it as is and as written, he does not think it is an unreasonable burden and it is something that certainly sends the right message better than doing nothing and just allowing the status quo, which is, quite frankly, intolerable.

Commissioner Smith stated he appreciates and applauds Commissioner Lober's passion; he agrees with him 100 percent; he thinks anyone with an ounce of compassion would not support a puppy mill; but at the same time, he does not think the Board can throw the baby out with the

January 8, 2019

bath water. He went on to say the County licenses restaurants; if a person has dinner at a restaurant and he or she gets ptomaine, the County does not want to close all of the restaurants down because one restaurant gets ptomaine; they are licensed and there are inspections; and he inquired why the same thing could not be done at pet stores. He stated the Board could ask staff to put together some kind of licensing regulation with restrictions, and the Board can talk about and debate them; he thinks that will help the Board get it where it needs to be without causing a legitimate business to go out of business; and the Board can decide if a person needs to do more research or inspections. He stated shutting down Mr. Jacobson and 10 other puppy stores, and if nine of them get dogs from puppy mills, it will still not stop puppy mills. He advised that will be a reasonable alternative to license these things and come up with restrictions.

Chair Isnardi stated she has a couple of questions for the Sheriff; she knows she asked this already, the Board could go the route of where it started sticking a bunch of regulations to make sure people are not purchasing from puppy mills; she does not know how a person who owns a puppy mill could get with his neighbor who happens to have a license, and he or she can sell the dogs; and she does not know how to fix that problem. She asked if the Board puts new rules in place, does the Sheriff have the resources, manpower, and ability to manage that.

Sheriff Ivey replied Mr. Abbate will make sure he receives extra funds in his budget to do that.

Chair Isnardi advised Mr. Abbate does not approve his budget, the Board does.

Sheriff Ivey stated they would make sure they could do that; the problem is if he could speak to a little bit of both questions from Commissioner Smith and Chair Isnardi, the problem is they can only control what they have in Brevard County; they could go in and inspect that business, make sure they are complying with everything this Board sets forth, but it would not give them the ability to do anything with regard to the conditions of the puppy mills in Ohio or wherever they are; one of the things that has not been talked about is there are two groups of people here tonight; and everyone here cares about animals. He went on to say there is a separate group that cares about their money as well; when looking at hobby breeders, which has come up several times tonight, most pet stores cannot afford to buy from hobby breeders, they are buying the dogs at a much cheaper rate, which means they are being tended to in a much less efficient manner, not as healthy and cared for as a hobby breeder takes care of their pets; and that is why there is a cost difference. He pointed out what they are talking about is what he said at the very beginning, and that is the health and well-being of pets. He stated to Commissioner Smith's point, this is the tip, but the tip of the iceberg is what sunk the Titanic; and they need to ensure they are being the tip of the spear that is going to protect these animals across-the-board, and hopefully others will follow and do what Brevard County is doing, because it is the right thing to do.

Chair Isnardi inquired if Sheriff Ivey has any suggestions of how to broach the bigger issue with the State of Florida as far as regulation of the puppy mills.

Sheriff Ivey responded once a model is in place that is effective and that works, the Board takes that model to the next level; the State of Florida is thirsty for it; and there will be other things coming in this legislative year and the coming years that are going to work towards a lot of different goals about the health and well-being of pets. He noted the County can start with kind of keeping the health and well-being recorded in this area and using that as a model to branch out.

Commissioner Pritchett stated her recommendation is to just sort of rest on this right now and spend some time with the Sheriff and tweak this a little bit to find out what is needed to start

January 8, 2019

putting a hindrance on the puppy mills without not necessarily shutting down appropriate businesses.

Sheriff Ivey stated tonight it is about the legislative intent; if it is the Board's desire to move forward with that legislative intent, he will commit the Sheriff's resources of himself, Mr. Hellebrand, and the team to help work on language if Commissioner Lober is open to that to come up with something that everyone wants; they all want businesses in the community and want healthy pets in the community; but at the end-of-the-day, sometimes one has to be put before the other to make sure the right thing is being done; and they will be eager to come up with some language that everyone will agree to.

Chair Isnardi stated if the Sheriff finds during this process there are two items that say there is a pretty divisive item, to give the Board a couple of options; she does not mean a completely different type of ordinance; and maybe if one route is taken what it means.

Sheriff Ivey responded affirmatively; he stated one of the things they would do post haste is look at other existing models that are out there.

Chair Isnardi pointed out she thinks Hillsborough County gave the Board a copy of theirs.

Sheriff Ivey advised they would look at those, and come up with something that everybody is agreeable to and has the most impact with the least effect.

Chair Isnardi stated what she thinks the Board has here are the two extremes, the pet store owner who is buying from so many different breeders he does not know who he is buying from, and he does not stop by and visit, which to her is disturbing; she is not saying he sells bad animals; but she reiterated it is very disturbing to her. She went on to state then there is the massive political action committee that comes out and owns multiple stores and has a vested interest, but they are doing all of the right things probably; but they have the means and resources to do it, so again she thinks there is somewhere in the middle; she wants to do enough to have an impact and not just sit up here and posture and to pass something that says the Board wants to do something about puppies but it does not have any teeth and does not stop the puppy mills; and then it is pointless and silly for the Board to act.

Sheriff Ivey stated he commends Commissioner Lober for bringing forth the idea; he knows he is passionate about animals; but he would love to see Brevard County become the model that everyone else adopts.

Commissioner Lober asked if this is approved as written right now with the one exception he mentioned, the striking of the two words, would the Board be able to between now and this coming back to the Board alter the phrasing in that draft ordinance such that it can take into account these concerns.

Eden Bentley, County Attorney, replied the Board can take into account some concerns, but it would have much more flexibility if it waited and developed the direction it wants to go; if the Board wants to go in the direction of regulation and licensing, it would want to advertise that in the title of the ordinance; and that is not what it has right now.

Commissioner Lober stated his thought at this point, he does not know where other folks are, but perhaps the best thing to do is to table it for a couple of meetings; the Board can set it out at some point in February to allow folks ample time; obviously, Sunshine restricts him to a large degree in what he can discuss with his colleagues up here; and he will continue to work with Sheriff Ivey and Deputy Hellebrand to ensure that whatever is proposed in February, however this is modified, it is something that is enforceable and it is limited in scope as much as it

January 8, 2019

possibly can be while still accomplishing the goals. He went on to state again, with Sunshine, if he does not talk to the Board now about it, the discussion and he guesses as to what might be palatable to the Board; he would like to know if the Board is amenable to some sort of a restriction obligating those folks that are in retail pet sales to physically visit, on an annual basis, each and every source that they purchase puppies and kittens from, and also to ensure that those sources do not have any substantiated violations; he does not know what a reasonable amount of time is; and he inquired if anyone knows if that is measured as far as violations annually or if it is a five-year period. He stated they can say within the past three or four years.

Commissioner Pritchett stated she likes that, she thinks the Board needs to figure out what the framework would be that would be appropriate to ensure the Board is going where it wants to go with it; and she is still a little bit of a baby on this.

Commissioner Lober stated he is not trying to put anyone on concrete so he or she cannot move from that position, he just really wants to have an idea so he does not waste time between meetings in working on something that has no chance of passing; he wants to make sure that folks would be okay at least in concept with something along those lines; and if not, he would rather know now.

Commissioner Smith stated he would support regulations and licensing; if a legitimate business owner wants to do the legitimate thing, he or she should be allowed to do that; he does not think the Board should create such a broad brush that it is putting people out of business; and it has been pointed out if the Board were to do something like that, it is proliferating puppy mills, because people want their dogs and be able to order a puppy that will be a particular mix or breed. He noted people will not be able to get that at an animal shelter or the SPCA; licensing and regulation would be in his mind like the County does with restaurants and many other businesses; and that would send a message.

Sheriff Ivey stated what he is saying is if a puppy mill is in Ohio, he has no way to regulate that, and the Board has no way to regulate that; they could be the worst conditions in the world; no offense to the store owner here, but he is the one going to inspect it, and he is also the one who has the vested interest of money in it; and by doing that the Board is not really creating any mechanism that is going to take care of the animals.

Commissioner Smith stated that is why he is suggesting licensing and regulations, because the Board can put that into whatever regulation it comes up with.

Sheriff Ivey pointed out if he is understanding the recommendation, the only recommendation that would be put in is that the pet store owner has to visit the puppy mill; nothing against the pet store owner, but the next owner may not go and may not even care what the puppy mill looks like.

Commissioner Smith asked what the answer is.

Sheriff Ivey replied the answer is embedded in the current ordinance before the Board with a little bit of tweaking that he thinks could be arrived at in a very short period of time.

Commissioner Smith advised he is very sensitive to the fact the Board is talking about puppy mills that everyone hates, but it is also talking about legitimate business owners; he wants to be able to separate the two, because he knows there are some very questionable pet stores in the County; and the Board does not want to enable them to continue in business because they are doing the wrong thing.

January 8, 2019

Sheriff Ivey noted they have to look deeper at the next business that wants to open, not just the ones that are already in the County; again, the ultimate goal is not to harm their business; and the goal is to put the puppy mills out of business.

Commissioner Smith stated and the person who wants to buy a healthy animal.

Sheriff Ivey stated if the Board is going to move forward with this legislative intent, the Sheriff's team jumps on it immediately and comes up with an alternative language that everybody can agree to; and he would have no problem sitting down with the business owners to try to get input from them. He went on to add some of the greatest partners and minds partners when it comes to saving the lives of animals are sitting in the Board room right now because they care about animals; they are not here because of money; most of them own 3,000 pets; and they are here because they love animals. He noted he wants to engage some of the partners in that conversation.

Chair Isnardi stated she appreciated the Sheriff doing that with the animal ordinance changes; he sat down with the vets, groups, and individuals; and she got the okay from Theresa Clifton, so she knows it was good.

Commissioner Lober advised that Commissioner Tobia has been quiet; and he asked where he at is with things.

Commissioner Tobia stated the Sheriff gave the analogy about the iceberg sinking the Titanic; that is true, but Maritime did not decide they were not going to sail ships on the water anymore; they looked to come up with a better design; and he thinks that is probably a better way. He went on to say he is going to stick with principals; he thinks it is fine to force Mr. Jacobson to visit every place he gets puppies, as long as the Board forces every gas station to travel overseas where they buy their oil, every clothing retailer to fly to China to see where their clothing is made, and every restaurant to go to the farm where the butter is produced; he is not for additional licensing; and the brilliant solution is what Commissioner Pritchett said, to take advantage of a licensing structure that is already in place so the Board does not have to create an even larger bureaucracy. He stated as much as he appreciates Commissioner Lober's passion with this, there is no way in heck he will ever get anywhere near touching something that is going to go against the very principals of free enterprise and is going to take legal business owners, whether they are big or small, and tell them what they have been doing for years they can no longer do; he is inflexible on that one; if the Board is going to move this forward, he is willing to do that; but he is willing to do that with Commissioner Pritchett's idea. He stated he thinks the structure is in place; he would want to speak with Mr. Jacobson and more small business owners to see if that meets their needs; but no on this one, he under no condition, unless the Board regulates each and every business that way, would ever vote for anything that will kill free enterprise.

Sheriff Ivey stated he loves Commissioner Tobia's analogy, and he will give him one back; they did not stop vessels from sailing across the ocean after they violated all of the Maritime laws and killed hundreds of people; but they did come back and provide regulation that protected future passengers; and he thinks that is what is being discussed right here. He noted they are not trying to run Mr. Jacobson out of business; everyone is trying to put in some laws that will make sure no pets become a victim of a disaster.

Commissioner Smith stated as the Board has already heard, people get these dogs that are sick and unhealthy; they are not going to give them back because they love the dogs; they are just going to spend the \$10,000 as the Board heard in one case, and the \$2,800 in another case; and it would be protecting the owners as well.

January 8, 2019

Commissioner Lober asked in what sense; and he stated he is just trying to understand because the Board heard on both sides' folks who have adopted dogs who have been sick and they cost a fortune, and those who have bought dogs who have been sick and cost a fortune.

Commissioner Smith replied the Board would be protecting those people from buying defective dogs.

Commissioner Lober noted he wants to ensure they are on the same page.

Commissioner Pritchett stated the Board should get a hold of its legislative delegation because they are getting ready to go into session and maybe they can get something stronger with this; she took what Commissioner Lober provided to the Board and just added a few things; if Commissioner Tobia is good, the Board can use her copy and start tweaking off of this; it is just that with a couple of other things thrown in; and then the Board can maybe move forward with legislative intent trying to figure something out. She advised she kind of likes the one she put together.

Commissioner Lober pointed out he is happy spear heading this with Sheriff Ivey, or he is happy to pass the mantle and let Commissioner Pritchett spear head it.

Commissioner Pritchett stated she thinks all Board Members need to.

Commissioner Lober explained the problem is the Sunshine issue; he would love to work with Commissioner Pritchett and the Sheriff; but he thinks they are going to have to have one of the Commissioners to more or less lead the charge; he is happy to do it; and if Commissioner Pritchett wants to do it, he is happy to let her do it. He went on to add there has to be some sort of consensus in terms of whether it is him moving forward with the Sheriff.

Commissioner Pritchett stated what the Board can do is to give the ideas to the County Attorney, let her work on some things, and to send them out to the Board.

Commissioner Lober agreed that is a good idea.

Sheriff Ivey stated one of the first things the Sheriff's Office will do if the Board is asking them to be involved, and it sounds like it is, is they would want to get with their partners, business owners, and talk about what are some things they all believe can come together, be part of this ordinance, and fix the problem; the Board heard the people stand up there and say they despise the puppy mills as much as anyone else, they want the best for the pets; and they would take that initiative to get them together, whomever the Board decides, and bring that knowledge.

Commissioner Lober stated he thinks at this point, unless there is further discussion, he will just table it and it can be re-addressed, in all likelihood sometime in February; and realistically this will never happen at a meeting in January, so maybe the end of February in all likelihood.

Commissioner Smith asked the Sheriff if that is enough time for him to do that.

Sheriff Ivey replied Mr. Hellebrand will be the one to do it, so if he cannot get it done he will fire him; and he can assure the Board if it gives him a timeline, they will meet that timeline.

The Board tabled consideration of request for legislative intent and permission to advertise for an ordinance amending Chapter 14 of the Brevard County Code of Ordinances to ban the retail sale of dogs and cats as pet stores to the end of February, allowing the Board to provide suggestions to the County Attorney to compile, and for Commissioner Lober to continue

January 8, 2019

spearheading with the Sheriff, who will in turn work with business owners and the various partners, to figure out the framework that would be appropriate.

Commissioner Lober inquired if the end of February sounds good to the Sheriff.

Sheriff Ivey responded affirmatively.

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

ITEM J.1., STAFF DIRECTION, RE: COLLECTION FRANCHISE AGREEMENTS WITH WASTE MANAGEMENT OF FLORIDA

Eurpides Rodriguez, Solid Waste Management Director, stated in 2013 staff went out for a Request for Proposals (RFP); the contract for collection exclusive franchise agreement was awarded to Waste Management; it was a seven-year contract, a three-year renewal, under certain conditions; Waste Management recently came back and said they did not wish to pursue the three-year renewal option; and that gives the Board a contract into the year 2020. He went on to say Waste Management said several things were affecting their model; one, the population has grown bigger than what they had projected or expected; they are expecting they have to buy additional equipment, the contract is not long enough to depreciate this equipment in the two years that are left in the contract; and unlimited yard waste was another issue they brought up. He stated this mainly affects certain areas of the County; other than that, traditionally they have had unlimited yard waste. He advised they now have to go out for an RFP; staff is requesting permission to do so; staff has several ideas in which to continue the current level of service, or whatever level of service the Board wishes to direct them to do; what they do have is the idea that traditionally the County has been divided into two business areas; and they are wanting to put the option out there that any person that wanted to bid in the contract could go for either the north, south, or all. He pointed out they want to build as much flexibility as possible into this; they are also requesting the committee to be formed of John Denninghoff, Assistant County Manager, Matthew Wallace, Public Safety Director, and himself; and they would be bringing the results back to the Board for it to make the final determination as to who the contract would be awarded to. He added they also need a consultant; this consultant would help staff during the process; the last time they did this in 2013, the consultant cost around \$38,000 to \$40,000; and he is estimating \$50,000. He noted staff would need permission to do whatever budget changes that are needed for this; and staff is requesting any other ideas the Board wants to do as far as tweaking the level of service.

Commissioner Pritchett stated she realizes the Board is going to have to go out for this process, which is probably very good; she would just request that if they did this the Board would consider that they do twice a week pickup now, and that it goes to once a week; she thinks the Board would save a little bit of cost; the County will save on getting roads torn up; and it will cut the complaints in half of people's garbage being missed. She went on to state they do it in the north end in a lot of areas, and it is adequate; that should be one change the Board should look to change; it is easier on the environment; and overall it would be a better thing to do moving forward. She noted she knows there is special pickup on yard debris; maybe that can be limited to a couple of times a year, and anything over that they would pay for it; and that way everyone in the County will not be paying extra that does not utilize the service as much.

January 8, 2019

Mr. Rodriguez asked if Commissioner Pritchett wants a once a week pickup as an option or does she want it to be presented as it is what the Board wants.

Commissioner Pritchett replied maybe something where the Board can just kick around ideas when it is looking for bids so it can be compared.

Commissioner Lober stated the composition of the committee being proposed is great, Mr. Rodriguez has the folks he would want to have on there if he were to put a committee like that together; he does want to say, and it touches on what Commissioner Pritchett just mentioned, he does not make use by and large of the yard waste pickup, however, he does have a lot of constituents that view that as something that is very important to them; if there is not a tremendous difference in cost, his strong inclination would be to include it; he is not going to make much use of it himself; but he reiterated there are some folks who feel very strongly and have expressed that concern to his office.

Mr. Rodriguez advised there are some areas in Florida which restrict the yard waste to two cubic yards or four cubic yards, there is always some discussion of what that entails; ten cubic yards, there would be no discussion whatsoever; and it is basically relegated to certain areas of the County. He added that would be a decision the Board would want to make; if it wants him to put another option in there about restricting it to two cubic yards and twice a year, a free bulk pickup for yard waste, he can do that.

Commissioner Lober noted with respect to that, the concern that comes to mind at this point is how the average individual is putting out their waste is going to know exactly what two versus four cubic yards is; and he asked if that is something that is a legitimate concern, or does Mr. Rodriguez think his concern is a little bit unfounded or misplaced.

Mr. Rodriguez responded staff ran into that concern during the hurricanes; they were having Waste Management pickup one cubic yard or less, and there were always arguments about what one cubic yard was; he knows what one cubic yard is; but the average citizen does not.

Commissioner Lober stated he sees that as being a source of a lot of complaints and concerns if there is any ambiguity all on the consumer side.

Chair Isnardi asked if Commissioner Lober is interested in once a week or twice a week pickup.

Commissioner Lober replied it would have to be a profound cost savings for him to consider once a week; if there is a substantial cost savings, he would consider it; but even individually he values the twice a week pickup; it is not necessary if it can save a lot of money for the County, he would forgo that individually; and he reiterated it would have to be a substantial difference in cost.

Mr. Rodriguez stated the way he understands what Commissioner Pritchett was saving is that if staff presents it as an option, a person can see both.

Commissioner Lober advised he is absolutely happy with that, more information is never worse.

Commissioner Tobia stated he has a question about the \$50,000 consulting fee; he asked if that is for the RFP or is it for the RFP as well as looking at the actual products that come out of that RFP.

Mr. Rodriguez responded that would be for the development of the RFP as well as the evaluation of the answers coming back.

January 8, 2019

Commissioner Tobia asked Mr. Rodriguez if he can help him get to that \$50,000; how different the RFP would be than the one that was put out five or six years ago; and is there really a need. He explained he is concerned the Board may not get back but one, and the Board has spent all of this money on a consultant; he understands this is potentially a \$90 million project; but he is just trying to wrap his head around what the significant changes are to the trash pickup in the last couple of years.

Mr. Rodriguez advised the answer to that is how many options the Board wants him to put on there; in other words, the more options he has the more complicated it will get; on the other hand, what happened the last time the County went out for bid, it had never gone out; he is estimating \$50,000, it might be \$20,000 because they already have a framework of what was done before; to help contain those costs, if the Board wants to go that route, staff has the framework and went out for RFP before, and the verbiage would have to be tweaked; and at the end-of-the-day it would be the Board's choice.

Commissioner Tobia stated it was talked about being once a week or twice a week pickup.

Mr. Rodriguez stated that is just one more column, it is not a big deal.

Commissioner Tobia stated he is still trying to get to that \$50,000; he thinks he needs to go into trash consulting if that is the case.

Mr. Rodriguez noted the \$50,000 does not mean that the contract is going to be put out for \$50,000; he is just going by what happened in the past and trying to bring it to the future; he does not spend two pennies of the budget unless he has to; and if he can get away with a \$10,000 contract versus a \$50,000, he will go with the cheapest contract he can find as long as it accomplishes what is needed, which is the help and the evaluation of the proposals when they come in.

Commissioner Tobia advised his concern is if only one bid is received, then the Board would have spent a lot of resources creating an RFP, yet now it would have a consultant it has to pay tens of thousands of dollars to review one contract.

Mr. Rodriguez explained he is 90 percent confident that the Board will receive at least four to six responses.

Commissioner Tobia pointed out the Board heard the exact same thing when a consultant talked about county managers, and it received three; and thankfully the Board did not go with what the consultant had. He stated these are fees that are paid by consumers; and he just has more confidence in Mr. Rodriguez to write the RFP than potentially what a consultant would.

Mr. Rodriguez noted if the Board has the confidence in him and his staff, he will just take out the whip and make staff work longer hours.

Commissioner Smith stated they were talking about two to four cubic yards; and he inquired if that is per week or per year.

Mr. Rodriguez replied per week.

Commissioner Smith stated the issue now is, and he has spoken Waste Management, their concern is they bid this contract with the idea that they were going to have a rough number of pickups.

January 8, 2019

Mr. Rodriguez stated one of the issues they brought up was landscaping contractors come in and talk to homeowners; some of them are very reputable and they will tell them it will cost he or she \$200 to haul the waste away, Waste Management is not responsible for collecting it; some of them will tell the homeowner they will cut it down and Waste Management will pick it up; others will give the homeowner a two tier price and tell them it will cost \$250 for him to take it away and \$150 for Waste Management to pick it up, and all a person would have to do is call Waste Management and they will pick it up; but the problem is the homeowner is responsible for it and not the contractor, so that would have to be a change in the Code that the Board would authorize him to bring back to it. He went on to say the homeowners really rely on the contractor to tell them what is right or wrong; if the contractor is giving bad information, the homeowner is going to come up with a bad decision, and be left with a pile that someone has taken a picture of, and passes it on to Code Enforcement; and then the homeowner is responsible for the pile. He noted those are generally large piles that have to be picked up by clam trucks.

Commissioner Smith asked if the Board needs to address that as well.

Mr. Rodriguez advised yes, if the Board wants to tighten that up; that would be a separate thing staff can do at the same time.

Commissioner Smith stated that would be advisable; right now the onus is on the homeowner that really does not know; and if presented with two options, pay \$250 or \$150, most homeowners will unknowingly break the law and go with \$150.

Mr. Rodriguez stated he would like to talk to Planning and Zoning to make sure staff takes the proper path, and then to bring legislative intent to the Board regarding that issue.

Commissioner Smith advised he is with Commissioner Tobia, he does not know if he wants to spend \$50,000 for a consultant if the County already has the 2013 a blueprint; and he asked if the staff can just go with that blueprint.

Mr. Rodriguez replied they can as long as the Board does not give him a bunch of options; it looks like from the conversation that has occurred today, the options are going to be small; and if that is the case a consultant may not be needed at all.

Commissioner Smith stated regarding one pickup versus two; he asked Waste Management about that several years ago; and he does not remember the exact number, but it was not much difference a week between the two.

Mr. Rodriguez stated there are some savings; it will not hurt to ask, so the Board can have all of the information in front of it.

Chair Isnardi pointed out she has no trouble with asking; she thinks that the City of Palm Bay going to once a week pickup was the greatest thing ever; however, the blow back was far and above what was expected because people who were okay with the once a week service did not call and complain, but the people who did not like going to once a week service took real issue with that. She went on to say she knows they are going into negotiations, and their contract comes up in 2022, and that is one of the things the residents want is the twice a week service; but she credits Waste Management for this because she hassled them about the cost, the expansion of the landfill, the cost of fuel; and the difference was only a few dollars, but they went to single stream recycling. She stated ultimately it ends up saving the taxpayer, but it is a hard sell when someone has two days a week pickup and a day is taken away; she has never lived anywhere except for Florida where there was two days a week pickup; that was new to her when moving here; she thinks trash is a big deal for a lot of people, and the Board should be

January 8, 2019

Careful; and she is more than okay and supports the idea of looking at both. She stated there were people complaining their cans were too big for the older folks; but she told them, and people do not know this about Waste Management, they offer a curb service for someone who has a hard time or cannot take the trash out.

Mr. Rodriguez stated he thinks humans are set in their ways, and any change is resisted.

Chair Isnardi stated for information service the City of Palm Bay did an impartial third party survey after the fact to get to the bottom of what the core issue was because it was the same dozen or so people who were the most vocal with it; 70 percent of people wanted them to stay with the once a week pickup because the dollar difference was \$2 or \$3 more a month; and people did not want to pay more because they said they did not use the service. She added the City wanted to do the peoples will, but they discovered quickly that the majority of the people were fine with the once a week pickup.

Mr. Rodriguez stated to ensure he understands, the Board wants to bring the option of twice a week versus once a week in the RFP so the Board can see the results of it; and staff does the RFP in-house.

Chair Isnardi asked if Mr. Rodriguez was okay with that.

Mr. Rodriguez replied if not the Board will see him back.

Frank Abbate, County Manager, stated there is one issue he wants to be clear on as well and that relates to the yard waste; there are jurisdictions that have limitations; in Brevard all municipalities have unlimited yard waste, or at least a majority; and he asked if the Board wants to look at that as an option as well and bring it back. He went on by saying staff will also be looking at a Countywide and also offer an option for North Brevard or South Brevard only; whatever is developed will be a single-blended rate Countywide ultimately; and that is how they will evaluate things.

Mr. Rodriguez noted the County's is blended because it is an average of highly concentrated urbanized areas and rural areas; but when Grant/Valkaria went on their own, their costs sky rocketed; and he thinks their cost was one of the highest ones at \$247, but they have unlimited yard waste. He stated their area is highly rural so they have a lot of yard waste; and when Grant/Valkaria went on their own, his yard waste complaints went way down.

Chair Isnardi stated they get a lot of complaints regarding yard waste in her office; she would like to have addressed the issue Commissioner Smith brought up about landscapers and people doing massive land clearings and leaving the waste, because most homeowners would not understand they are not responsible for that; and she does not want to see the homeowners get punished for it.

Mr. Rodriguez asked what the Board wants to do about the limitation of yard waste.

Mr. Abbate advised staff is coming back with options.

Mr. Rodriguez stated staff will put two options in the RFP.

Chair Isnardi stated she can guarantee the County will receive multiple bids on the waste, because it is a big contract.

Mr. Rodriguez noted the last time he thinks they received five bids.

January 8, 2019

Chair Isnardi stated there are the major players; and the Board knows who can do the work.

Mr. Rodriguez pointed out there are small, medium, and international companies.

Mr. Abbate requested with the variety of options the Board is now looking at, which could be a split of north and south County, there could be a split in several of those options because of yard waste one way or the other, whether it is one or two, that the Board at least give him the authority to use a limited amount, maybe \$20,000 at most, to evaluate those in an appropriate matrix someone outside to help staff with that; he thinks that could get rather complicated; and with the Board's indulgence, as part of the motion, if that could be included, he would appreciate it.

Commissioner Tobia stated he believes Mr. Rodriguez but he trusts Mr. Abbate's frugality, and he thinks considering that, he will support the \$20,000 expenditure.

The Board directed the Solid Waste Management Director to solicit a Request for Proposals (RFP) for the franchise areas that will include three (3) options: 1) submit Countywide Proposal, 2) submit a proposal for the north area, and 3) submit a proposal for the south area, in which the vendors would be entitled to submit a proposal for any option or for all three options; to present options for once a week trash pickup versus twice a week; approved legislative intent regarding tightening up the Code of homeowners being responsible for yard waste that was cut down by contractors, and to bring it back to the Board for its consideration; to give two options regarding limitation of yard waste; granted the County Manager the authority to use up to \$20,000 to evaluate all of those options in an appropriate matrix, and the ability to bring someone from outside to help staff with that as it could be complicated; authorized a selection committee comprised of Solid Waste Management Director, John Denninghoff, Assistant County Manager, and Matthew Wallace, Public Safety Director; and authorized any budget changes to the collection fund to pay for the above.

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

ITEM J.2., BUDGET CHANGE REQUEST, RE: 2018 CDF CLOSURE

Euripides Rodriguez, Solid Waste Management Director, stated this Item staff is requesting permission for a budget change; the budget is in the escrow; the escrow is relating to the closure of the Cocoa Landfill; and during the last budget development staff received an estimate of \$8.5 million to do a partial closure. He went on to say the budget process finished, staff updated, and they got another updated engineering about \$9.7 million; the problem is staff went out to bid; and the lowest bid came in around \$11.2 million. He stated he analyzed it; the analysis came out that the difference was in the dirt; the contract right now is divided into two parts, one is a fixed cost, and the other a variable cost; there is a certain layer of dirt that has to be put in, a certain type of dirt that has to be put in; and the engineer estimate was around 140,000 cubic yards, and the contractor estimated around 200,000 cubic yards, which is \$2 million difference. He pointed out the real figure will not be known until the contractor peels the dirt and sod away and to expose the garbage to know how much dirt there is that can be recovered. He stated at that time Change Order No. 1 will come along, and they expect it to decrease the contracted amount by about \$1 million; but what they are asking is to do the budget changes in order to process the contract for its original price, and to do whatever field

January 8, 2019

adjustments that are needed at that time. He stated monies are for escrow; they are in an escrow reserve; it cannot be used except for closure; and that is the purpose for the money that was put away. He stated as a landfill is consumed, money has to be put away as part of the permit requirements, the State Statute; and when he does closures, they regulate how the closure is done. He noted they are taking closure money from the escrow and using it for its intended purpose.

Commissioner Lober stated he wants to confirm, based on their prior conversation, his understanding that this is, to Mr. Rodriguez's knowledge, the least expensive means of accomplishing the goal on this Item.

Mr. Rodriguez responded affirmatively; and he stated it is going to be expensive no matter what the Board decides to do.

The Board granted permission for a Budget Change Request transferring \$2,696,874 from escrow reserves to escrow operating expenditures to complete the funding for the partial closure project for the Central Disposal Facility.

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.3., BOARD DIRECTION, RE: APPOINTMENT OF EEL SELECTION AND MANAGEMENT COMMITTEE MEMBERS

Mary Ellen Donner, Park and Recreation Director, stated this Item is for direction regarding EELS Selection and Committee Members; there are seven members whose terms expired December 31, 2018; there are three options for consideration; one is to reappoint all seven current existing members whose terms expired; the second option is to reappoint a limited number of members and advertise for the additional members who are not reappointed; and a third option is to not reappoint any of the members and ask for appointment replacements for which each would apply. She continued if the Board chooses option two or three, please note it would take up to two or three months and the members who are currently on the Board could stay in those positions until reappointment occurs.

Commissioner Lober thanked staff for placing the original appointment date on there; he stated he does understand with respect to the two individuals from August of 1990, a better part of 30 years ago, one has served continuously since that date and the other had some period of hiatus between the original appointment date until now; with respect to the one who has served uninterrupted for three decades is a concern to him regardless of what committee and who the individual is; his personal thought with respect to this is he could see reappointing the folks who have been appointed in the past so many years whether it is five or 10 years; but when going beyond a decade it seems to be a situation in which ideas become stagnated at that point; and the infusion of fresh individuals with some fresh minds would be a benefit to this or any other committee. He went on to say his personal preference is to have only those folks who have been originally appointed in the past 10 years be reappointed and to advertise for the remaining positions; his other questions is maybe because this is one of the committees that may be a little more difficult to fill the spots, one of the criteria is having a graduate academic degree in biological or environmental science, he believes that may be a bit too much; he understands this is a committee that would derive a benefit from those with specialized knowledge but he thinks

January 8, 2019

given the stagnation on that Board, maybe it is appropriate to reduce that from a graduate degree to even a bachelor's degree would be sufficient; and he noted he just has grave concerns when seeing someone on that Board for a better part of three decades on the same committee.

Ms. Donner stated there was one member who had a three year hiatus; therefore instead of 29 years of service it was 26.

Commissioner Tobia stated he does not want anyone serving past eight years; he looked at those who served six years or less; the only folks would be Oli Johnson and Tammy Foster; he motioned to reject the rest of the Board on the sole basis of their tenure. He commented he agrees with Commissioner Lober when it comes to the requirements, however the requirements are set up in a manual so the Board would have to have two motions to do away with that; those motions, if the Board gets a third would be to temporarily waive the amendment and updating procedures contained in the EEL Land Acquisition Manual; and if the Board did that there would be need for another motion to amend the EEL program land acquisition manual Selection and Management Committee minimum requirements by deleting selection three beginning with the phrase, "Have an graduate academic degree". He stated everything else would be left in place but take away the graduate degree; that is exactly what Commissioner Lober said other than putting it in the proper motion form.

Commissioner Pritchett stated she does not mind lowering it to a bachelor's degree, it might open it up; she thinks the Board needs to work on option two for advertisement; her guess is they will not be knocking down the door again to serve on a Board that is out of money; right now all they are doing is managing existing assets; they are all pretty good at this; and it takes a different type of person, someone who really enjoys this. She went on to say she is actually impressed that someone has volunteered to serve this board for 30 years; she thinks option two is good to see what kind of people come in so the Board can make a decision to see how to rearrange this. She noted there is no money left in this unless it goes back on the ballot, and if that happens, this Board better know it has the right type of people to manage these funds, just like the Lagoon fund.

Commissioner Lober stated if they get into making those sort of adjustments with respect to degree requirement he thinks something else the Board may wish to consider is whether it looks at the actual description in terms of the work encompassed or contemplated within this committee because his understanding based on conversations with staff about this, is that a lot of it deals with procurement of lands; and his understanding at present is that the County should not be procuring more lands and he thinks the Board's majority probably shares that sentiment. He continued if the Board has to go through a process of addressing it for the degree requirement, then it may want to address that at the same time; if that is the sentiment of the Board and it is going through the motions then it might as well all be done at once.

Commissioner Tobia stated the motions were an expedient thing; this can be done through resolution, so if the Board wants to take the last two motions, and he agrees with the sentiment of Commissioner Lober, what he would be willing to do is create a resolution for the next meeting that would encompass lowering that to a Bachelor's degree or remove the requirement altogether, as well as the description; and that would take care of the last two motions. He commented it just would not allow the Board to advertise prior to passing that resolution; he thinks it is probably cleaner to do it all at once; and he thinks the County Attorney's Office would tell the Board it cleaner to do it all in resolution.

Frank Abbate inquired if they are going to six years or 10 years.

January 8, 2019

Commissioner Tobia stated he thought the Board was looking at eight years, so he chose anyone who had served six or less consecutive years; once he did that, it knocked out the five folks who were left besides Oli Johnson and Tammy Foster; his resolution would be to reject the five and accept the other two.

Mr. Abbate inquired if that is the motion because he is not sure everyone understood that. He inquired if that is a motion.

Commissioner Tobia stated he would need a second.

Commissioner Lober inquired about Elizabeth Becker who appears to be appointed on August 2018.

Jim Liesenfelt, Assistant County Manager, explained that is a seat that represents the EDC.

Commissioner Pritchett stated she thinks there needs to be a motion right now for option two to see if there are names coming in who want to be on the Board, then the Board can decide the longevity by the names coming through that will fit so there is representation of a board right now; and she noted if no one signs up then there will be an empty board.

Commissioner Tobia explained his was sort of option two, there are two members that meet the qualifications; he stated he does not know why the Board would not accept them right now; and he would certainly like to re-advertise for the other five positions.

Chair Isnardi explained what the Board is doing is reappointing the two people.

Commissioner Lober stated referring to them by name, Oli Johnson and Tammy Foster are reappointed.

Commissioner Tobia requested Commissioner Lober bring back the resolution.

The Board approved Option 2, re-appointing Oli Johnson and Tammy Foster for two-year terms, expiring December 2020; authorized staff to initiate procedures to appoint replacement members to the EEL Program SMC; and directed Commissioner Lober to bring back a resolution regarding the requirements for an academic degree in Biological or Environmental Sciences.

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

ITEM J.4., BOARD DISCUSSION, RE: ECONOMIC DEVELOPMENT BUDGETARY OPTION FOR FY 19-20

Commissioner Tobia stated the current Contract with the Economic Development Commission (EDC) is annual, but it renews automatically until 2024 if the Board includes funding in its annual budget; there are no review requirements for renewal; and if the Board continues to blindly include funding in its budget it will have paid out more than \$14 million in General Fund over ten years without ever doing a review of whether this is the most cost effective way to promote economic development in Brevard County. He went on to state he will quickly go over what this

January 8, 2019

does and more importantly what this does not do; this is just giving the Board a fiscal analysis, it will provide it with options, it will give the County Manager's Office time to prepare for any potential changes, and it will allow the Board to carry out its responsibilities while not breaching the Grant Agreement with the EDC; and it does not end the Agreement with the EDC, limit the Board's options in any way, cost anything more than staff time, reduce economic competitiveness, expose confidential information, or pull the rug from under the EDC. He stated after discussion he would like to make a motion to direct the County Manager to develop an optional budget during the budget development process, which does not include funding for the current EDC; this includes estimating costs for the County to directly assume full responsibility for economic development initiatives.

Commissioner Lober stated Commissioner Tobia did a great job in terms of the does and does not, that is an excellent breakdown, so whoever sees the minute's down-the-road is likely to be happy with that. He went on by saying he read this to make sure he understands exactly what was being requested; Commissioner Tobia has done a stellar job in summarizing that; in fact, he spoke with Lynda Weatherman, EDC Director, and Dana Kilborn, Economic Development Commission of the Space Coast board member, at the office yesterday; and he told them pointblank that he was going to support this, this evening. He added the reason that he stated he was going to support this yesterday is the same reason he is going to support it today, it gives the Board more options; the only concern he had at the outset with respect to this, and he has already discussed it with Frank Abbate, County Manager, is whether this would be such an onerous task that it would cause him problems in his office; and as he understands it, he does not view it to be an overly onerous task. He noted as a result, his one and sole concern with respect to supporting this is a non-issue at this point, so he is going to support it; and as Commissioner Tobia intends to move forward, he intends to second it.

Commissioner Pritchett advised she fully likes the observation Commissioner Tobia brought that the Board is reviewing this every year, it should not be automatically just put through, so on that, she agrees; she would like the County Manager to review it every year, she thinks that would be an advantage; she is probably not going to vote in agreement to pulling it out of the budget, because she believes they are going to come to some consensus with the EDC, she thinks the Board needs them; just the few trips she has taken alone to the Pentagon, she understands the return on investment, and what they are doing for the economy; she used to hate the EDC for a while; and then she started watching the economic drivers they were bringing in, the costs for the amount of dollars they are spending, and they get a lot more money than what the County is giving them. She stated she supports the EDC, she really does, she has paid attention to them; she also feels good that Chair Isnardi is now serving on the executive board, so she thinks she would like for Chair Isnardi, and she knows she will because she is good at this, to keep an eye on what is going on and to bring back recommendations and ideas as well; and she reiterated she is very supportive of the County Manager looking over this contract, but she is not in support of it coming out of the budget. She advised she thinks it is a harsh word going out, it is something she thinks the Board is going to end up supporting, so she does not want to make that statement.

Commissioner Smith stated he supports the EDC; when he ran in 2014 he was asked this many times about the EDC; and he recognizes and appreciates what they do. He noted he thinks they bring a lot of benefit to the County. He went on to say if a person makes the biggest widget in the world, and he or she is not promoting that fact or advertising it, they will not sell many widgets; he does not care what it is called, the County needs someone promoting what it does and has, because he thinks bringing jobs and businesses here creates stability and wealth; and when the County stops doing that, it starts going backwards. He stated all a person has to do is look at Sears; they cornered the market; but they got lazy and felt like advertising was not that important because they were at the top of their food chain; and once the advertising and promoting is stopped, the County would start going backwards, and it is competing with 66 other

January 8, 2019

counties in the State of Florida. He pointed out if a person goes to the Symposium in Colorado Springs, the Pentagon in Washington, DC, he or she would know there is an awful lot of people in this State and in this world who want what Brevard County has, so it has to be pushing constantly to keep that competitive edge it has. He stated the \$1.4 million given to the EDC is a real bargain; he took an advertising course in college; and that professor told them pointblank that advertising was the hardest thing that any business spends money on, because a person cannot see a direct correlation between what is spent and what is gotten back. He stated having been in business, that is true, because a person sees thousands of dollars going out a week, and he or she wonders if it is really worth it because they cannot directly come up with a correlation with how much is brought in and if it would have come in anyway; and having done it for 40-plus years, there is no substitute for promotion. He advised he is 100 percent in favor of the EDC and what it does.

Commissioner Tobia stated he appreciates economic development and he appreciates the work the EDC does on the County's behalf; he thinks advertising is very important for Brevard County; he is sure a bulk of the other 66 counties are advertising what they have; however, all this does is give the Board an analysis if County staff is to handle the features EDC handles in house; and if the County can get the same return for less than the \$1.4 million, it may be something it needs to look at. He went on by saying this could come out that it would require the County Manager to hire such a large staff that it would be \$2 million; then the Board would go back and say goodness gracious, it is getting a good return; and he has no idea what the response is, but this will at least give the Board an indication of what it would cost in house. He added whether it comes back at \$2 million or at \$500,000 that would then be presented to the Board; and it could make the determination from there on which way to go. He pointed out this does not, again, end any of the Board's contractual relationship with the EDC, it just give it a little bit more information, so when it moves forward, it can make more informed decisions.

Commissioner Lober stated he thinks some of what was just touched on, he touched on at the EDC yesterday when he spoke with Ms. Weatherman and Ms. Kilborn; specifically, he does not know what is going to come from Mr. Abbate's report with respect to this; he does not know whether or not it is going to be something the Board can logistically accommodate if it wanted to at the same cost level; and he thinks having that information may be beneficial for the EDC or may be detrimental to the EDC, he does not know, but he would like to know. He noted he thinks the Board has a fiduciary duty to its constituents to ensure it is doing everything reasonable it can to spend the money effectively; it may be spending the money effectively; but putting himself in the position where he does not want to consider a potential alternative, it does not leave him feeling warm and fuzzy inside; and again, the Board may come across a situation where instead of having an apples to apples, well it is \$1.4 somewhat billion with EDC, and it is 'x' amount in house. He stated for all he knows the Board can hear back from Mr. Abbate that there are issues that are precluding him from accomplishing what he set out in terms of giving an apples to apples where it is just not possible to quantify these particular factors; in terms of the EDC's concerns, he said to them yesterday if the Board does not have that apples to apples, it is not something he anticipates that is going to result in the death now of the EDC; if it does have an apples to apples, it is either going to be good for the EDC or bad for the EDC; and quite frankly, he has not the foggiest idea, and if someone asked him to bet he would not have any preference whatsoever or any inclination whatsoever at this point as to which way it is going to pan out. He went on to say he does not know if this is going to be a bad thing for them; quite frankly if the Board does the research, which again he does not believe based on his conversations with Mr. Abbate, that it is going to cause him significant trouble in the office or being an overly burdensome process; he does not know that it is not potentially going to benefit them in the end; and he is just curious in finding out what the options are, and depending on what transpires and what the Board is presented with, either leaving the status quo as is if that appears to be the most beneficial, or potentially considering some alternative.

January 8, 2019

Commissioner Pritchett stated as a compromise she is totally in favor of not just doing an automatic renewal but letting the County Manager look it over yearly and deciding on the contract; she is not in favor of pulling it out of the budget, she thinks that speaks something very strong, she is not willing to do it; if Mr. Abbate comes back and says he can get it done for \$50, she will listen to that and make the changes; but that is something the Board needs to pull later if it does not like what the contract is looking like or if the County Manager comes with something different. She pointed out she has watched this board in action, she has been on trips when they went to the Pentagon; she was blown away, because she went with a group of people; it was a lot of work; they walked right in to the Secretary of the Air Force office, they walked into all of the brigadier generals and all of the generals, and they were speaking to Ms. Weatherman like they were best friends; and she could not believe this asset Brevard County has there. She noted they were giving Ms. Weatherman direction, and every one of them said because she was there they would pay attention and work on getting the County military spending. She reiterated it blew her away, and sold her more than a person knows.

Commissioner Lober asked if they were body doubles.

Commissioner Pritchett replied no. She stated the Secretary of the Air Force sat down with them and said their new mission statement is 'Space is a War Fighting Domain' and they picked Brevard County's cost, and these are the things to do to start getting ready for people to be able to move there with their families. She stated they are getting an incredible bargain; Ms. Weatherman is unbelievably gifted at what she does; the asset the Board has in her is phenomenal; and she has seen it. She noted it is good government that the Board has the contract reviewed every year and it is not an automatic renewal; but she reiterated she is not going to agree to pulling it out of the budget; it speaks a very hard word going forward; and she does support them and she does not want that word going out from her.

Commissioner Lober stated with respect to that, does Commissioner Pritchett have an alternate proposal or motion she would like to put forth, because he would like to have the option.

Commissioner Pritchett stated she thinks there is a motion and second on the Board, so she cannot do it yet; but she would make a motion that the contract be reviewed by the County Manager before it is just automatically renewed, and that Chair Isnardi is going to be on this board; and it is not something that is just automatically just signed every year, and that the Board is able to have alternatives if something comes up.

Commissioner Lober inquired would that motion Commissioner Pritchett intends to make would that direct staff to come up with those alternatives starting now.

Commissioner Pritchett advised Mr. Abbate looks so sleepy.

Mr. Abbate stated he is just trying to listen to make sure he knows what he needs to do.

Commissioner Pritchett stated she would have to know that staff was capable of doing that; the County has an asset right now who really knows what she is doing; and another asset will need to be found who can do that type of work. She noted she thinks the County is getting an incredible return on the pennies being invested; she does not know if there is anything else out there; everyone wants what Brevard County has as far as a local EDC and as far as Statewide; and she is smoking what she is selling, she has seen it in action, and has been really impressed with the professionalism and the response by the local EDC. She reiterated she did not like them in the beginning, and it took her a while to really pay attention and to like what they are doing; and she is not going to give them a rubber stamp on everything, and she will pay attention all of the time while moving forward.

January 8, 2019

Chair Isnardi stated she is conflicted on this; she sees what Commissioner Tobia is doing, he is trying to save the County money; she knows Commissioner Tobia and his staff, and she knows he would come with a packet of raw data, and the Board does not have that here; she is not saying his intentions are not pure; what she is saying is she does not know how to compare a private entity with a governmental one; and she does not know how growing a government department and having a bunch of government employees trying to manage economic development will help. She pointed out most businesses will not talk to the government when trying to cut a deal; it is unfortunate, but that is the case; and she has visited a few areas, and economic development government employees are not always the most motivated, because what is the motivation, they have a job, they are getting a high salary, and they will only be accountable to the manager they work for. She stated she knows Mr. Abbate works his people pretty hard, but she does not consider him to be an expert on economic development; she does not believe government should function in that private sector; she would be the first to say if it can be done cheaper, smarter, and better, then fine; but she does not know how to compare a governmental employee and function as opposed to the private sector. She stated she is onboard every time when talking about saving money, but she does not know how to compare the two; she is sure Mr. Abbate could create a nice spreadsheet and to give the Board a cost on employees; and he would have to create another department from one of his existing Assistant County Managers to have to take over and manage. She noted she is opposed to growing government and to taking something out of the private sector and bringing it in house if it is not necessary; if the Board dislikes the job of the EDC, she begs Commissioner Tobia to make his case and to go with someone else; and as it stands right now, she is not prepared to do it. She went on to add she is okay with voting on the contracts every year, it is too big of a contract not to as far as the budget goes; the Board can review it and decide right then and there; the EDC got the County over one-half of a million dollars for the Emergency Operations Center (EOC), and that is something; she had a representative call about the CPT funding that they have been up there begging for on the County's behalf because it has a need in the workforce that high-tech manufacturers cannot even fill, they are begging for employees; and she knows they do a little more. She noted she has had her bumps, bruises, and yelling matches with the EDC, and she has skinned them up here in the past; however, she does not think the Board needs to bring something in house, unless someone can show her a fair, honest, and true comparison.

Commissioner Lober stated his thoughts are he has not dealt with Mr. Abbate for as long as anyone else sitting on the Board has, but in the dealings he has had with him he is confident he will either accomplish the task or if he comes across some issue that is precluding him from doing that, he will come back and let the Board know what the problems are that is preventing him from making an apples to apples comparison; this is not where the Board has sent the County Manager out with a task and he has to accomplish it under pain and death; he is confident either he will accomplish it or he will not; and if he will not, he will come back to the Board and explain that he attempted to do it, this is what he tried to do, these were the roadblocks or these were the hurdles he came across that were either unsurmountable, or that were logistically impractical to get beyond, and it is something he would defer to Mr. Abbate because he does not know how to compare apples to apples from a government to a private entity that has some government funding. He went on to say he does not know how one would go about doing that; it is perplexing to him; he would not want to have the job were he Mr. Abbate; but he spoke to him, and it does not seem to be something at least at the outset, based on that conversation, something that strikes someone as so logistically impossible for him to accomplish that it is not worth trying.

Commissioner Tobia stated he understands Chair Isnardi's approach; he stated the question is whether to take the approach and look at the flaws one way or the other that the County Manager comes up with, or it blindly does not compare it to anything, nothing; next year it is \$1.6 million and \$2 million the year after that; at some point, there has got to be some break where the Board says all it wants to do is a basic cost comparison, that is all this is, can it be

done in house; and the head of economic development right now is at the end of this dais, that is Mr. Abbate's job in the County Charter right now. He went on to say the Board has a leader already up here, he just wants to see whether or not the Board can do that at a lower cost; and the Board may find out it may be \$3 million to do it in house, and it needs to stick with the current contract. He stated as far as growing government, if it can be done in house for one-third of the cost and get the same results for an outside contract, he does not see that as growing government, he sees that as shrinking government by total expenditures. He pointed out this is all conjecture, and will be conjecture, unless the Board gets a fair and accurate comparison, and all this is asking is for the County Manager to provide the Board with that information; what the Board does with that information will be a decision of the Board come budget time; and he is just asking for more information is all.

Chair Isnardi stated she knows the County Manager can do a cost comparison as far as what it would take for him to bring economic development in house; but she inquired does he think he could do a fair cost analysis on what the County can provide versus what the private sector could, or like the value of their contract. She stated maybe the issue is the contract cost is not correct, or maybe that needs to be adjusted; she does not know how that would be done; she has looked it over 12 different ways and at other large municipalities, areas, and counties, and they do not have it in house; they will throw their name in the title to make it almost appear to be; but a lot of EDC is not in house for a variety of reasons.

Mr. Abbate stated he understands, he knows what the Ordinance is, and he thinks he works well with the EDC staff when they bring him any items they are working on; currently outside of what he does directly with EDC staff when they contact him on a variety of things they are working on, they utilize Mr. Denninghoff who currently works with Merritt Island Redevelopment Agency (MIRA) and North Brevard Economic Development Zone (NBEDZ), and he has the oversight of those two areas to deal with redevelopment and also economic development in the north end of the County; outside of that he uses a Special Projects Coordinator who works in a variety of other areas to help with very limited aspects of monitoring agreements that the EDC works to put before the Board that it considers, that staff then monitors the contract to ensure they get the reports the County is supposed to receive; but outside of that, their expertise currently, which is something that is reflected in there, something they would have to look at, is rather limited in terms of what they have either himself or current staff and their ability. He noted however the Board decides to do this going forward, staff will do the best they can with it; but it is not an area they have current resources in; and quite honestly, one of the first tasks they will have when they have the smaller, internal staff meetings is going to be how to go about carrying out the directive if the Board chooses to approve this Agenda Item. He advised senior staff and he will try to figure out how to give the Board the best information they are capable of giving it; and that is really the only commitment he can make, he cannot make one to say what EDC does on a day-to-day basis, all the contacts they have, etcetera, they do not have similar internal resources to be able to do that. He pointed out staff would be starting from scratch, but they will bring the best information back to the Board that they can; what they could do is look at what is happening in other areas and what they have done previously organizationally; it will be up to the Board to decide what path it wants to move forward; he sees this strictly that this is a budget option and this is how to try to staff it; the Board talked about public/private partnerships; and one of staff's issues, such as salaries and expertise, what they are able to bring in within the current competitive pay scale and what the County currently has in the organization, compared what the EDC or whatever public/private entity was performing this work under contract. He stated he does not know what the outcome would be, all he can promise, if the Board decides to ask staff to move forward in this area, they would do the best they could with the Board's understanding that staff's internal expertise in this area is rather limited, so that would have to be built upon.

January 8, 2019

Commissioner Pritchett stated she thinks the Board is taking the few things that is working well, and messing with it; she thinks he is a great guy, but she does not see Mr. Denninghoff bringing in jobs and companies; the County has groups that do it, they have the personalities to do it; and if the County did not have the EDC in place, it would not have Blue Origin, One Web, Embraer, and if the EDC starts sitting on their tush and stop bringing things in and not see return on the investment, to do something big with it then; and right now it is working. She asked the Chair to call the motion; and she stated she is not going to vote to tear apart things that are working now that the County has, and this is not a whole lot of money for the return on investment from this entity.

Motion by Commissioner Tobia, seconded by Commissioner Lober, to direct the County Manager to develop an optional budget during the budget development process, which does not include funding the current EDC contract, including estimating costs for the County to directly assume full responsibility for economic development initiatives.

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

Commissioner Pritchett stated she wants to make a motion to have the County Manager review the Contract and that it would not just be an automatically renewal, so that he would do a review on it, and come back with recommendations.

Commissioner Tobia asked while the County Manager is doing that review, could part of that review look at what the potential costs could be to do it another way.

Commissioner Pritchett replied yes, she does not mind, she does not want to pull this out of the budget.

Commissioner Tobia advised his motion did not take it out of the budget.

Commissioner Pritchett pointed out she thinks it did; if the County Manager comes up with a eureka idea, but she is not in favor of him necessarily assigning the Assistant County Manager to do it in house, unless they have something hidden she does not know about; any time the Board gets another idea it thinks will work better than the one it has, she is okay; but she is not in favor of tearing down something that is working.

Commissioner Tobia stated this will give the County Manager the ability to do a cost analysis on other alternatives.

Commissioner Pritchett stated she hopes he is doing that all of the time.

Commissioner Tobia stated he is sure that he is, but this Contract automatically renews each and every year.

Commissioner Pritchett stated she is glad Commissioner Tobia brought that up; the Contract should not be automatically renewed.

January 8, 2019

Commissioner Tobia advised he brought it up last year, he absolutely did, and it went down with a thud.

Commissioner Pritchett stated Commissioner Tobia has put through so much every year, so he is really good at bringing it up; but she is looking forward to seeing the EDC budget and seeing the return on investments like she always looks forward to seeing; and anytime the County Manager can find something better and different, she is always open to hearing it.

Commissioner Tobia expressed his appreciation to Commissioner Pritchett for clarifying the motion.

The Board directed the County Manager to review the Economic Development Corporation's Contract yearly, and not to automatically renew the Contract.

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

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

Commissioner Lober stated he wants to run by the Board his intention, to ensure no one has objection to it, it is not anything that requires a formal motion by any means, there is as the Board is aware, a search for a director of the Tourist Development Council to replace the departed director; currently Frank Abbate, County Manager, is heading the interview committee, he is the one who will make the recommendation to the Board with respect with who to appoint or who to select to fill that spot; there are two other individuals on that particular selection committee, they will not be making the actual recommendation to the Board; however, one of those individuals was a TDC member and is no longer a TDC member; as the Board's liaison to TDC, and as to someone who is also sitting on the Board, he would like to sit in on those interviews just to be able to be better apprised as to what is going on; before it would have been an impossibility based on Sunshine with the other individual having been a member of TDC at the time; but at this point, since he is no longer a member of TDC, he intends, and he would like to sit in on those proceedings providing that no one has an objection that he or she would like to articulate at this point.

Frank Abbate, County Manager, stated what happened when staff started this process, and just one point of clarification as well, is that he had gone to the former chair of the TDC and asked for their participation in the screening process, not as a formal voting committee, or anything of that nature, but just to provide some input from the TDC's perspective; the TDC made a recommendation for the two individuals to participate along with himself and Jim Liesenfelt, Assistant County Manager, who is over the TDC and Tourism; and so the four of them will be involved in interviews next week with the candidates. He went on to say Commissioner Lober has taken over as the TDC as Commissioner Liaison, and he made the inquiry could he participate as an observer; and that is why this discussion is coming to the Board. He pointed out Commissioner Lober, he does not think, will be actively participating in the interviews, or he would be if the Board is good with that, but he thought it was something important that it be brought in front of the Board, because this is not a public Sunshine meeting, this is an interview; and it is the responsibility of the County Manager. He added Monday and Tuesday they have having individual interviews with five people; he will take the input from the people who are

January 8, 2019

involved in those interviews, and he will make a decision with the recruiting agency for the three candidates; on the 23rd, staff will be inviting all of the Commissioners to meet with whoever those finalists are, as well as members of the TDC; the Board may remember, a few years ago that is what staff did when selecting the former TDC director; and that is the process staff is moving forward on.

Commissioner Lober stated it is a little odd because there are two individuals who are involved in TDC, neither of whom are still, to his understanding, involved in any respect with TDC, at least not directly or as committee appointees; he does not intend to ask anything; he would appreciate the latitude to ask a question if there is something burning that comes to him during the process of observing the interview; but he really does not have any prepared lists of questions or any question in mind he plans on asking those folks. He noted he really just wants to be there to better apprise himself, and by extension to be able to relay back to the Board and also the TDC what it is he observed; he trusts Mr. Abbate to handle the interviews probably better than he would handle them, so he really does not intend to be involved any more than perhaps asking a question or two if there is something that is really pressing in mind.

Commissioner Pritchett stated if this was Sunshine she would be a little bit better, because she would almost not mind going and sitting in on it herself to hear; so then, she actually asked Mr. Abbate about it herself, and he looked at her funny last week; and that is usually him letting her know to knock it off. She stated the thought on that is since it is not Sunshine, Commissioner Lober just said that, and Mr. Abbate will be doing this interview; and she asked if the Commissioners will be getting in his way while he is trying to do this, and is there a reason why the entire Board cannot just show up and listen. She asked why it is like that, and how that work does if the Board Members want to sit in on that interview; and why it is so it is not open to Sunshine when they are interviewing.

Eden Bentley, County Attorney, replied because it is not a public meeting, but the Item is then coming to the Board; if the Board remained absolutely silent and there was no interaction between the Board Members, he or she can do it; but the odds of the Commissioners not having a question and not having interaction would put the Board Members in a dangerous spot.

Commissioner Pritchett asked so if the Board Members did not talk or say anything.

Attorney Bentley replied technically yes.

Commissioner Lober stated he is happy to do that, but his reason for not having sought to address this earlier is because the Board did have someone who was currently sitting on the TDC, and having been appointed to the TDC, he did not want to chance exactly that happening where it would certainly have the potential appearance of impropriety having two Commissioners in the same room, especially in the context it is not public in nature; he is willing to do whatever he has to do; and he would prefer to have the ability to ask something.

Commissioner Pritchett stated she is almost concerned that the Commissioners would ask questions while interviews were being held without it having the ability to jump in at that time, because they are going to narrow down the candidates, so that makes it a little tough as well. She stated the Board has never had this before.

Commissioner Lober asked what Mr. Abbate would he like.

Mr. Abbate advised they do have the public meetings the following week, and the intent was that so that those candidates can meet all the Board Members and he or she can all provide him input before he comes back and makes a recommendation between what the Board's impressions are with those final couple of candidates are; if the Board asks him what would

January 8, 2019

ultimately be the easiest route, obviously if the Board has enough confidence in him moving forward with interviewing with the original panel, and then bringing a recommendation forward; it was intentional, because if it was a committee and was voting, everyone who is sitting there that was invited is participating just to provide their input and insight; if he did it differently and it was being voted on, it is degrading the County Manager's authority for hiring a director, and that is why they are not doing it; but that is why it is not a Sunshine meeting, because he retained all of the responsibility for whoever he brings back to the Board in terms of who those final two or three candidates might be. He pointed out he will be listening to the input.

Commissioner Lober stated the only lingering concern he has is not as a Commission Member but as someone on the TDC, if there were originally a couple of folks who were on the TDC, and the TDC back in the day decided they wanted TDC input on it, and they put two individuals, who as he understands it were both on the TDC on to this even if they do not have an ability to vote on the eventual selection, even if it is not him he would rather have someone from the TDC; he would propose Tim Deratany, someone who is currently sitting on the TDC, on that; if it is more appropriate not to have it be him, that is fine, but he would like to see TDC represented in a form of someone who is actively on TDC, whether it is him or whether it is someone else.

Commissioner Pritchett asked what the benefit of that is other than them doing the selection committee like that.

Commissioner Lober replied he trusts Mr. Abbate; the reason the selection committee is what the selection committee is, is because two of those three individuals were that involved in TDC; it is almost something that has become absolute in so far as the other members are concerned; quite frankly, if Mr. Abbate wants to handle it solo, he would be more comfortable with that than having two individuals who were appointed on the basis of their involvement with the TDC neither of whom are still involved with TDC; and if the Board is more comfortable with that, he would be more than happy saying if Mr. Abbate wants to handle it completely solo, then he trusts his abilities and he has no concerns whatsoever in him doing that. He asked if that is amenable to the Board.

Mr. Abbate advised the reason he got himself into this pickle so to speak is because he was trying to give deference to what is a very important decision for this Board, for him as the County Manager, for the TDC, and ultimately the community; it worked before, that is how they did it; they invited people when the former County Manager was the County Manager; and it was himself, the County Manager, and two representatives the TDC had chosen. He went on to say one of the members of the two individuals currently was a former, as Commissioner Lober indicated, of the TDC until the end of December, so he was on the TDC when the initial screening was done; the second person the TDC recommended and asked be on the panel was a former TDC member, he was not a TDC member at the time; otherwise, that would have become a Sunshine issue if the two of them were there.

Chair Isnardi stated she thinks the Board is really getting into the weeds on this one; she does not have a problem with it; and she would say if a Commissioner is not a selection member, she would just not ask questions.

Commissioner Tobia pointed out the Charter is pretty clear, this is a decision of the County Manager; he never says anything bad about Mr. Abbate, but he is going to; this is a bozo decision to allow anyone else in there, whether they currently are sitting on the TDC, formerly sat on the TDC, this is his decision; and if he decides to have input from other people, it is not a decision he would make, but he understands this is completely, solely the County Manager's decision. He stated he would hope the other people in the room understand that, because as one of the folks who have to approve the County Manager's decision, he understands this is his decision; and he certainly does not, as a Board Member, break Charter and try to cause any

January 8, 2019

concerns as Mr. Abbate makes such an important decision. He stated he thinks Mr. Abbate went a little too far giving other people more say than what they deserve, but again, it is his decision, and he supports him on that.

Commissioner Lober asked if Mr. Abbate would be comfortable handling it completely solo if that is what the Board wants him to do.

Mr. Abbate replied that is his decision, he will continue to do that with Mr. Liesenfelt.

Commissioner Lober inquired if that is acceptable to the rest of the Board, because to him it seems like a good way to do it. He stated if that is the consensus of the Board, he would ask that it be gone about that way, so it really is just the County Manager and other members of the staff as he deems appropriate.

Mr. Abbate advised he will handle it.

Chair Isnardi pointed out ultimately, they are going to meet the Board Members anyway.

Commissioner Lober stated rather than having folks who used to be on TDC being there, the very presence which may cause there to be perhaps some alteration in how things go or really what people are thinking in terms of who they really have to appeal to; he thinks it is cleaner just to have Mr. Abbate there.

Mr. Abbate expressed his appreciation for the input.

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

Commissioner Isnardi stated this is an issue she was going to bring to the Board at the last meeting; actually she and the County Attorney have been working on her initiative; not that it has been a lot of work, but Eden Bentley, County Attorney, has been working on this item and looking up some of the legality of it since October or November; and in the interest of the holidays, a new Commissioner, and Commissioner Lober had items on the Agenda, she just did not want to waste any more time with this. She went on to say the Board dealt with an issue that could have gone to ballot, the Children's Services Council; it voted down the option; Commissioner Lober was not here; but she had the opportunity to speak with Commissioner Lober when he was elected; and that was a smart move on her part so he would at least have some background on this, because she knew she was going to bring this to the Board. She stated she wants to repeal the Ordinance, because this board has been in place since 1990; what it has become is a political animal; she has no problem saying no, political fallout or not, because she fundamentally disagrees with the concept of this ad valorem tax that is not managed by an elected body, that it goes on forever, at least 12 years according to the Statute, which can also be waived in the referendum language for it to go on into perpetuity for a maximum millage rate that an elected body that an independent special district selects. She noted she has seen these boards get insanely grown in size, employees, and rental space; the management of money, it can be scrutinized but what ends up happening is the elected body that put this board in place has no oversight in how they spend their money; what she would like to do is to take the politics out of it because she fundamentally and philosophically disagrees with this indirect taxation without representation; and she thinks it hurts homeowners, it unfairly burdens people on fixed incomes, and it unfairly burdens single families by putting it on the tax bills. She advised she wants to repeal this Ordinance; she did not know if she needed legislative intent; she found out later she needed legislative intent to ask to repeal it; and she did not think she did because it was just repeal of an existing Ordinance. She reiterated she is not afraid of the political fallout, she had no problems saying no to them when they were all in the

January 8, 2019

room here; the threats to her office about whether she runs for office again or not, it does not bother her either way; she thinks this is fundamentally not the job of government; it is scary on its face; and it is \$8 million of tax dollars the Board has no say over, that people paying the money probably will not even benefit from where it is distributed. She noted that is the short explanation; however, she knows the Board is familiar with the issue. She stated she is not asking the Board to vote to repeal it now, because that would be silly, but she did not want to throw anything last minute on the Agenda to ask for legislative intent; the Board is up on this issue; Commissioner Pritchett sat on the board for a year; they talked about it at length; she spoke with Commissioner Lober in July or August to fill him in, because she knew that once it failed for a second to go to referendum here, she would be bringing this issue up, because a board in place since 1990 that has done nothing; and she said some of the slots were not even filled and people were just sitting on there with no official re-appointment. She stated they actually ran a poll and changed the language because they did not like the numbers of the first poll, so how can they manipulate the electorate with the second round of language and pay \$17,000 to poll 400 people and do a joke of an analysis; that is what she does not want to happen; if people want to donate to charity, he or she will do it on their own; and she does not think they should be forced into that, especially without oversight. She asked the Board for a waiver of Policy to waive legislative intent so she can put this on the January 22, 2019, meeting; it would probably be fine to send it to the Board even now.

Eden Bentley, County Attorney, stated if the Board directs them to advertise it, staff can get it on.

Commissioner Tobia asked what the problem is with going through the proper procedure; if they do not have the ability to institute any type of tax, he thinks the Board is taking away the folks opportunity to contact the Board and give them their three minutes.

Chair Isnardi replied they cannot collect signatures for this as stated in the Charter, so that takes that option for them off of the table; the only way they can bring this issue forward is to trick the electorate with the second ballot language that gave them the favorable numbers and to get a weak Board.

Commissioner Tobia stated he is not arguing against the merits of where she is going.

Chair Isnardi stated the meeting will still be advertised and notices will go out, it will be part of the packet, and it is not late, it is just the legislative intent factor.

Commissioner Tobia inquired what the reason is to forgo Policy if they cannot get this on the ballot in two weeks.

Chair Isnardi advised she does not want them to spend any more debt.

Commissioner Tobia asked how much debt they have.

Chair Isnardi noted the only debt she has been able to find is in September 2017 they had \$22,000 in the bank because they have private money coming in to push the agenda; they spent \$17,000 and \$2,000 for a consultant out of Tallahassee; and the only contract she is aware of that they have, and she was on that board for a little bit, they used to have United Way as an administrative body that services the board and handles the minutes, they went to the Space Coast Health Foundation for \$100 a month and the contract goes through 2020; and they have a two-year \$2,400 obligation she is aware of.

Commissioner Tobia inquired if there is a way to handle both things by limiting their ability to spend any future funds or to obligate themselves to any more debt.

January 8, 2019

Chair Isnardi pointed out the Board has no control over that advisory board, they are an independent district.

Attorney Bentley stated they are an independent district, and there is an Ordinance that created them pursuant to the Statute; it follows the Statute, and just off the cuff, she does not think so; and it does provide for the appeal in the Statute.

Chair Isnardi stated the Board knows how she feels about people putting things on the Agenda at the last minute; this was not to bamboozle anybody, this is going to come before the Board; nothing is done in the dark; everyone knows how she feels about it; and since she has been working on this with Attorney Bentley, she is sure word has gotten out. She stated she knew the work on this repeal was not going to be intensive, she kept telling Attorney Bentley to make sure they are reading the Charter correctly and worded everything correctly; that is the primary reason why legislative intent is in the Board's Policy; she asked that question why does the Board have to bring legislative intent for everything if a complete package is going to the Board; there is public notice and advertising; and years ago, there were crazy Board Members who would put stuff through the ringer and have them prepare these crazy things that would never have passed.

The Board waived the Policy requiring legislative intent and granted permission to advertise for an ordinance repealing Ordinance No. 90-41, which created the Children's Services Council.

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

Upon consensus of the Board, the meeting adjourned at 10:32 p.m.

ATTEST:



SCOTT ELLIS, CLERK



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

As approved by Board 2/12/19