

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, November 19, 2019

9:00 AM

Organizational Meeting

Commission Chambers

A. CALL TO ORDER 9:00 a.m.

Present: Commissioner District 1 Rita Pritchett, Commissioner District 2 Bryan Lober, Commissioner District 3 John Tobia, Commissioner District 4 Curt Smith, and Commissioner District 5 Kristine Isnardi

B. MOMENT OF SILENCE

Chair Isnardi stated before the meeting gets started, she knows many have heard about former Commissioner Andy Anderson, and she would like to take this Moment of Silence and say a few words. She noted they are written down so she can stay on point and keep her composure; she read:” Andy leaves behind a legacy of service and dedication to Brevard County citizens. During his two terms as District 5 Commissioner, Andy’s impact in the south part of Brevard County can be felt throughout the construction of numerous roads and drainage projects. A surge in economic development and the implementation of various improvements have enriched the quality of life for Brevard County residents. There are too many achievements of Andy’s outstanding eight years as District 5 Commissioner to list here today, but I will be remiss if not mentioning a few things that highlight the type of man that Andy was. His determination to get the St. John’s Heritage Parkway funded and constructed, the hundreds of coats he collected for needy kids in the Coats for Kids drive, his commitment to Veteran causes, his pledge to help restore the health of the Indian River Lagoon, the establishment of the dog beach at Canova, and the holiday gift drive named “Elves for Elders” that we still continue today. His support of Boy Scouts of America, both personally and professionally, and there’s probably hundreds of things I can list, but those are some of the things that most of us would have been exposed to.” She went on to say he is going to be missed by many, and it was really sad to hear; it was very quiet in her house this weekend; and he leaves behind his wife Sabrina, his sons Christian, Hunter, and Daniel, and his brother, Dan. She added during this moment of silence, she asked everyone to keep him and his family in their thoughts.

C. PLEDGE OF ALLEGIANCE

Commissioner Pritchett led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL

The Board approved the August 6, 2019, Regular meeting minutes.

Result: APPROVED

Mover: Curt Smith

Secunder: Bryan Lober

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

SELECTION OF CHAIR

The Board appointed Commissioner Lober as the Chair of the Board for 2019-2020.

Chair Lober stated the Board has secured this permanent gavel for the out-bound Chair, they did make sure it was properly secured so if anyone came and was really aggravating, she would not get the urge, but it is his pleasure to present that to Commissioner Isnardi; and one of the things that has become a trend, one gets hungry when being at the meeting for six to seven hours. He understood the out-bound Chair is a fan of Ginger Chews and is fond of them so he managed to snag a bag for her as well, so she should be in good shape for the time being.

Commissioner Isnardi stated she thinks he just wants her to stop taking them from him when he leaves them on the dais.

Commissioner Pritchett stated Commissioner Isnardi has done a great job as Chair; she was very professional, and she really moved the Board forward with the Items; and she thinks she is a great Chair and a wonderful person.

Commissioner Isnardi expressed her thanks to the Board.

Result: APPROVED

Mover: Rita Pritchett

Secunder: Curt Smith

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

SELECTION OF VICE CHAIR

Commissioner Isnardi expressed her thanks to the Board.

*Chair Lober passed the gavel to Commissioner Pritchett.

*Commissioner Pritchett passed the gavel back to Chair Lober.

The Board appointed Commissioner Pritchett as the Vice Chair of the Board for 2019-2020.

Result: APPROVED

Mover: Bryan Lober

Secunder: Kristine Isnardi

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

E.1. Resolution Proclaiming November 2019 as Alpha-1 Awareness Month

Commissioner Tobia asked for a moment before the resolutions began; he stated due to the repeated gross abuse of Resolutions, Awards, and Presentations Section of the Agenda by fellow Commissioners and the un-due burden placed upon County staff, to citizen's time, he has decided to vote no on all resolutions presented in this Section, except for the resolutions recognizing fallen officers, and members of the United States Air Force; once a presenting Commissioner reached 12 resolutions per calendar year; and as the District 5 Commissioner has produced 13 in 2019, and District 4 Commissioner has introduced 29, he is forced to vote no on the three resolutions on this Agenda. He added this is not a judgment on whether these particular resolutions are worthy.

Commissioner Isnardi read aloud, and the Board adopted Resolution No. 19-224, proclaiming November 2019 as Alpha-1 Awareness Month, to bring awareness, education, and support to those who are affected by Alpha-1 in Brevard County and throughout the world.

Roberto Balderas expressed his thanks for the opportunity; he explained Alpha-1 as they call it for short is a rare genetic disease, but it is not so rare anymore; it affects the liver and lungs of many people; and it is one of the number one causes for liver transplants in pediatric patients. He went on to say it causes about 15 percent of Chronic Obstructive Pulmonary Disease (COPD) cases; his mother-in-law passed away from having Alpha-1 and COPD not too long ago; and his wife of 25 years had a double lung transplant in 2017 as a result of this genetic condition. He noted she is not with him at the meeting today because she was not feeling well, but he is very happy to have this opportunity to raise awareness; he would like to encourage everyone if they know someone that they care about that has bouts of asthma, pneumonia, emphysema, COPD, or unknown liver disease and they cannot pin point what is going on, he encourages them to ask their doctor for the genetic testing to test for Alpha-1; there are

treatments available and many more on the horizon; and hopefully this will not be such a bad thing in the future.

Result: ADOPTED

Mover: Kristine Isnardi

Secunder: Rita Pritchett

Ayes: Pritchett, Lober, Smith, and Isnardi

Nay: Tobia

E.2. Resolution Recognizing Prostate Awareness

Commissioner Smith stated he would like to point out his perspective on these resolutions; he knows at least one or several of his fellow Commissioners do not think that these resolutions have much effect and are largely a waste of time, but he would like to point out from his perspective, he thinks these resolutions are an opportunity for the Board to recognize outstanding people and organizations in the community; the community is diverse, there are almost 600,000 people; and the few minutes the Board takes before each meeting he thinks is well worth it. He added from his perspective the Board is recognizing people that are at the forefront of ideas and efforts to make this a better County; so for as long as he can and as long as he is not over-ruled by his fellow Commissioners, he fully intends to continue with recognizing the people as has been done with the Board for countless years. He read aloud, and the Board adopted Resolution No. 19-225, recognizing Prostate Awareness, and commended Martha Duffy for her efforts to organize free prostate cancer screening events.

Martha Duffy expressed her thanks for the honor; she stated she is truly humbled; her husband would be present today if there had been more awareness for prostate cancer blood screenings; and she informed the Board that a man dies every 17 minutes in the United States. She explained when Dave, her husband, was diagnosed in 2016, it was every 20 minutes; the death rate increases annually; she believes if people could have Prostate-Specific Antigen (PSA) screening as a standard practice with a man's annual physical, an unknown amount of men could be saved; and she is going to work as hard as she can, her goal is to make that standard to be every man's annual bloodwork. She went on to say a second goal is to start a foundation in her husband's name; she works with, not for, the Prostate Cancer Foundation, and they do an amazing job in research, but a lot of men are suffering; it is a fallacy that it is an old man's disease, it is not, it can strike a man in his 30's and 40's; and there are younger men dying every day. She noted they have families, and if she started a foundation, she could not give huge amounts, but maybe annually she could give a family \$1,000 or \$2,000 to get through the holidays; and she needs to work on it, but it is an idea.

Result: ADOPTED

Mover: Curt Smith

Secunder: Rita Pritchett

Ayes: Pritchett, Lober, Smith, and Isnardi

Nay: Tobia

E.3. Resolution Recognizing November 20-27 as Farm-City Week

Commissioner Smith read aloud and the Board adopted Resolution No. 19-226, recognizing November 20-27, 2019, as Farm City Week, and calls upon all citizens to acknowledge and celebrate the achievements of all those working together to produce and supply the community, the nation, and the world with an abundance of agricultural products.

A Representative from the Farm Bureau expressed his thanks for the few minutes of recognition; he stated from the numbers that were read aloud, \$127 billion is a huge economic engine for the State of Florida; he added part of the problem with agriculture is that there are so many issues that affect them that come before the Board; and by having this Farm City Week proclamation every year, they are so busy on their farms and ranches working, that they do not get out into the community, but there are so many issues that affect them every day. He went on to say this gives them a way to put a face to the economic engine of agriculture; he reiterated his thanks; and he noted he looks forward to working with the Board in the future.

Commissioner Smith expressed his thanks to them for all the efforts that the farmers make with farming and ranching, because many people in the community without them coming before the Board, an awful lot of people in the community think that tomatoes, oranges, other produce and agricultural products come from Publix; it is good that the Board makes people aware that there is effort between the farmers and ranchers and Publix; and he pointed out that produce does not come to market without the farmers and ranchers.

Result: ADOPTED

Mover: Curt Smith

Second: Kristine Isnardi

Ayes: Pritchett, Lober, Smith, and Isnardi

Nay: Tobia

E.4. Resolution Recognizing Rocky Randels

Chair Lober stated he does see some people in the audience that are here for Rocky Randels; there is staff from Cape Canaveral, Elected Officials, Mayor Mike Brown from Cape Canaveral, and he is sure he is missing someone; he understands it is tough with a 9:00 a.m. meeting to have everyone present; there is one individual that has come out from Orlando who has put in a Public Comment Card, Hugh Harling, and he is the Executive Director of the East Central Florida Regional Planning Council; and he has had the pleasure of working with him on an ongoing basis on that board.

Hugh Harling expressed his appreciation to the Board for the recognition that it is giving to Rocky Randels this morning; he stated he has worked with him for six years; he is an outstanding individual; one of the things he believes is that if they keep having birthdays, and Mr. Randels keeps serving the citizens, they become a senior statesman; and in his opinion, Mr. Randels is one of the finest senior statesmen that he has ever worked with.

Chair Lober read aloud, and the Board adopted Resolution No. 19-227, recognizing Rocky Randels, and wished him well in his future pursuits.

Rocky Randels expressed his thanks; and he stated as many people know, sometimes they are looked upon as leaders, and not always are they that, but the real truth goes to the people that stand behind them, which is their staff. He added they are what makes it happen every day, the leaders may take the credit, make the speeches, and open the doors and things like that, but the staff that takes care of every day functions, and he can only speak about little Cape Canaveral, because that is what he is familiar with, but their City Manager, Sue Years, has cross-trained everyone to do more in one position, because they are always short on staff, as everyone is. He added just because some business person comes in during the day and asks for a business permit for something, they do not say that person is off today, and to come back tomorrow; that is the reason they have cross trained everyone to have at least one job; he does not know if Todd Morley is in the audience, but he is a State Certified Building Official; he is the Interim City Manager, well qualified, and he has picked up the ball and is running with it; he is

turning his duties over to Mike Brown, which is right behind him; and he will keep the tradition going. He expressed his thanks to the Board for the time and honor.

Commissioner Isnardi expressed her thanks to Mr. Randels; she added she has sat through many meetings throughout the years with him, even when she was on Palm Bay City Council; she appreciates his commitment, no one could ever question how much time and effort he puts into everything he does and addressed; and she loves his quick wit. She went on to say most people, if they do not know Mr. Randels, he is the funniest guy on the globe.

Mr. Randels stated he is old, but he does not know about the funny part.

Commissioner Isnardi stated she thinks the very first day she met him, she said she thinks she told him he reminded her of Ross Perot, and he thought that was pretty funny; and she appreciates him and thanked him for his service over the years.

Mr. Randels stated he is humbled and honored.

Commissioner Smith stated it is his honor to work with him the last five years, he does not know of how many boards they have sat on together, but he is always quick witted, and he always has insightful things to say; he is a very caring person; and he regrets the fact that he is retiring, because now he is probably the oldest person in the County that is in an elected position.

Mr. Randels expressed his thanks.

Result: ADOPTED

Mover: Rita Pritchett

Secunder: Curt Smith

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.1. Adopt Resolution and Release Performance Bond: Stonecrest at Addison Village, Phase 3 Developer: The Viera Company

The Board adopted Resolution No. 19-228, releasing Contract and Surety Performance Bond dated July 9, 2019, for Stonecrest at Addison Village, Phase 3 – The Viera Company.

Result: ADOPTED

Mover: Kristine Isnardi

Secunder: Curt Smith

F.2. Approval of Master Services Agreement with Emerson Process Management Power & Water Solutions for Supervisory Control and Data Acquisition (SCADA) software assistance.

The Board approved and authorized the Chair to execute the Master Services Agreement with Emerson Process Management Power and Water Solutions for Supervisory Control and Data Acquisition software assistance; and authorized the County Manager the ability to execute the two optional one-year extensions.

Result: APPROVED

Mover: Kristine Isnardi

Secunder: Curt Smith

F.3. Approval, Re: Resolution and Lease with the Bit and Spur Club of Central Brevard, Inc.

The Board adopted and authorized the Chair to execute Resolution No. 19-229, and approved and authorized the Chair to execute Lease with Bit and Spur Club of Central Brevard, Inc. for lease of real property located on Friday Road in Cocoa; and authorized the Parks and Recreation Director to execute subsequent renewals upon County Attorney's Office and Risk Management approval.

Result: ADOPTED

Mover: Kristine Isnardi

Secunder: Curt Smith

F.4. Approval of the 2020 Board of County Commissioners' Meeting Schedule.

The Board approved the 2020 Board of County Commissioners meeting schedule.

Result: APPROVED

Mover: Kristine Isnardi

Secunder: Curt Smith

F.5. Advisory Board Resolutions Rescinding Repetitive Language and Amending Resolutions Changing the Term of Advisory Committees/Board Membership Terms from 1 Year to 2 Years

The Board adopted Resolution Nos. 19-230, 19-231, 19-232, 19-233, 19-234, 19-235, and 19-236, relating to specific advisory committees/boards changing the term of the appointees from a one-year to a two-year term, as well as rescinding Resolutions that contain repetitive language.

Result: ADOPTED

Mover: Kristine Isnardi

Secunder: Curt Smith

F.6. Appointment of Laurent Rawlings to Tourism Development Council and Waiver of Conflict Associated with Her Employment with Melbourne Regional Chamber

The Board approved the appointment of Laurent Rawlings to the Tourist Development Council for a term ending December 31, 2022; and waived conflict associated with her employment with the Melbourne Regional Chamber.

Result: APPROVED

Mover: Kristine Isnardi

Secunder: Curt Smith

F.7. Authorize BOCC Chair to send a letter to Space Coast League of Cities respectfully requesting it consider permitting Rocky Randels to continue serving on the East Central Florida Regional Planning Council

Commissioner Pritchett stated she loves Rocky Randels, and would love to see him sit on this board, but her only request would be that they be sent out as individual letters instead of a Commission letter; it is something that has not been done before and she thinks as far as recommendations go, it would be better if they were sent out individually.

Chair Lober stated he is fine with that, and the Board will take no action on that.

Commissioner Tobia stated he is comfortable with former Mayor Randels on this; and he inquired when the Board does this, will it be putting the 18 point font that says this comes from an individual office, as he does not want this to, outside of sunshine, it would be difficult to put this all together. He added if the Board wanted to do a letter on this, and have multiple signatures, he thinks the Board could authorize that, and he will support this, whether it shows the Board in total; and he inquired if there needed to be three different letters, if it will be copied, because Mr. Randels dutifully served the citizens in District 2, is a strong Republican, and is someone he feels comfortable with nominating up there.

Chair Lober stated he gathered from Commissioner Pritchett's motion that it may be best for each Commissioner to do them individually, and that would certainly be the cleanest as far as Sunshine Law is concerned, so that is his inclination at this point in time if that is acceptable.

Commissioner Tobia stated that it is his call.

Chair Lober stated he would like to do it that way.

Commissioner Tobia thanked Chair Lober for bringing that to the Board's attention.

The Board discussed authorizing the Chair to send a letter to Space Coast League of Cities respectfully requesting it consider permitting Rocky Randels to continue serving on the East Central Florida Regional Planning Council, but took no formal action.

G. PUBLIC COMMENTS

Charles Tovey wished the Board a happy and safe Thanksgiving; he stated people ask him what he is running for, what office, and he is running for his life, liberty, and the pursuit of happiness, as well as justice for all; a dog can fetch, a dog can sit, a dog can stay, he trained a pole cat, and they used to come up every morning at 4:30, they were trained to eat at that time, and the raccoons are trained to be out of his house because it is open; and they are trained to stay out of his house. He added he cannot train people to be responsible, and this is where a lot of the problems in society as well as the environment stem from is the lack of education, family quality time, and a foundation of traditions that each person passes through generations, and it is lost in the new America; and he also has on his card the living shorelines. He went on to say the people that are contracted are either ignorant or they do not care and they just go up and destroy everything; he is having his living shorelines destroyed; it takes years to get them to the point that they are; and within a matter of minutes these contractors come in and spray the Roundup on the mangroves and on his Hot and Tot Fig, and the purple Morning Glories that are growing there as well as some other specimens of plants. He noted maybe the County could phase out Roundup use, there are alternatives, seawater, saltwater, and vinegar is a good weed killer and it is safe for the environment; the Brazilian Pepper Trees that they are trying to eradicate will never be eradicated as long as they are being cut and put at the dump, they are trimmed and cut into mulch and the seeds are not sterilized. He stated if the seeds are not sterilized they will keep growing, so the people are actually causing more growth by removing these things; he asked the Board if anyone has inspected the treatment plant in Palm Shores, it looks pretty old and dilapidated; and he has to go and wish everyone a safe holiday.

Chair Lober stated he is happy to check on the treatment plant in the Town of Palm Shores and get back to Mr. Tovey on that even though it is outside his District.

H.1. Permission to Participate in and Accept the 2019 Edward Byrne Memorial Justice Assistance Grants

Chair Lober called for a public hearing on permission to participate in and accept the 2019 Edward Byrne Memorial Justice Assistance Grants. He added one of his goals this year is to try to move the meetings as efficiently as possible; obviously if there is something that is quasi-judicial there has to be a certain amount read into the record so that everyone is on notice as to what is being done, but when it comes to those other items that are not quasi-judicial, if someone on council feels it appropriate to make a motion at any point in time, even before it is introduced, as long as everyone is on board with what is being voted on, he does not have any qualms moving forward if there are no public comment cards and no one has a concern, and it seems like a way for the Board to get through things faster.

There being no further comments or objections, the Board granted permission to participate in and accept the 2019 direct and Countywide Edward Byrne Memorial Justice Assistance Grant; designated the Brevard County Sheriff's Office as the point-of-contact; and authorized the Chair to execute the necessary documents and budget adjustments.

Result: APPROVED

Mover: Rita Pritchett

Secunder: John Tobia

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

I.1. Modification of Delegation of Authority: Bayfront Community Redevelopment Agency

Chair Lober stated there are no cards on Item I.1.

Commissioner Tobia stated he knows there were some pretty harsh words for the City of Palm Bay; he feels that Palm Bay has really come on board, but he would like to take a moment to recognize not only the City Council, but some individual members very briefly; he had a 30-minute meeting with the Mayor of Palm Bay who listened and he greatly appreciates that, whether he agreed or not, he does not know, but providing time certainly was very helpful; and he would like to express particular appreciation for Councilman Kenny Johnson, he was willing to set aside his political differences and work together in the best interest of their respective constituents. He added he believes he is a man of principle, working diligently on behalf of the citizens of Palm Bay, which is far more important than politics, and he thanks him for that effort.

The Board adopted Resolution No. 19-237, modifying the Board's delegation of authority to the City of Palm Bay.

Result: ADOPTED

Mover: Curt Smith

Secunder: Kristine Isnardi

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

I.2. Board Consideration, Re: Implementation of the Workgroup for Innovative Solar Energy Resources (WISER)

Amanda Elmore, Planning and Development Special Projects Coordinator, stated this is for the implementation of the Workgroup for Innovative Solar Energy Resources (WISER); staff received some direction last year for this particular resolution to bring back dome options for implementation; and there is a low end, medium, and high end implementation with cost

differences there based on staff time. She noted staff was present to answer any questions.

Leslie Maloney, Turtle Cove Sierra Club, stated there are over 2,000 members in Brevard and Indian River Counties; she thanked Commissioner Tobia for leading the way on this resolution, it has been a while getting it out; she hopes the Board will support it; as the Board may know, this is very timely as far as clean energy, it is exploding across the country; and the price has fallen by 80 percent, especially with solar. She reiterated this is very, very timely with what the Board is doing this morning; she noted as far as the stakeholder list, they appreciate being included on that list; and she asked that the Board add the Citizens Climate Lobby Group in town, and also the Institute of Food and Agricultural Sciences (IFAS), from the University of Florida, to the stakeholder organizations. She went on to say they could contribute a lot to the task force as well; she added a lot is happening in Brevard County on the topic of sustainability, as the Board is probably aware; there is a Brevard Sustainability Working Group that meets each month; she hopes that the WISER Board can be a part of that; and it is made up of cities, non-profits, the Brevard County School System, Kennedy Space Center representatives sit on it, FIT, and a lot more great organizations. She explained they share ideas and resources in what is happening with clean energy, solar, and everything in the realm of sustainability; she understands sustainability is not a favorite word for some; she shared that the group just put on a solar workshop, and the Board was invited to that, it was about 10 days ago at the Florida Solar Energy Center; and there is a lot of information being put out there; and she added this is a strong step forward for clean energy in Brevard County. She mentioned it will save taxpayer dollars, as well as improve quality of life; she stated the Sierra Club looks forward to participating and working with the County in this effort; and she thanked the Board for its time.

Lisa Ruckman expressed her thanks for considering this resolution; this is a big budget issue as well as a hurricane issue; tax dollars can be saved if facilities can be moved to being incrementally more efficient with heating and cooling, as well as using renewables like solar. She explained solar energy has come down a lot in price; she has heard it is now the cheapest option for electricity in Florida; and she has noticed that cities all over the nation, in small towns and big towns, have really been moving towards this, so it will be a little bit easier at this point because there is so much data from people experimenting and trying different things. She went on to say one of the things that she found interesting was one of the big benefits of doing solar electricity in Florida is to help be prepared after hurricanes; she went to the solar workshop that was mentioned, and the City of Orlando has been doing some electric fleet vehicles, and they had this really cool sounding electric tractor that will remotely be able to help them clean up after hurricanes as well as be able to use some of their electric vehicles as supply for electricity for shelters if the power goes out; and there are all kinds of cool new things out there now. She noted it will save people in a lot of ways and she appreciates the Board going forward with this.

Chair Lober stated in looking at the Staff Report, there are a few different options, and he does not know if anyone would like to weigh in on which of the three options they are inclined to go with or if any of them.

Commissioner Tobia stated he is inclined to go with Option One, he appreciates whomever added the sunset in the resolution; he would like to thank the people on his staff that helped draft this resolution; and one of his issues with this was he was not willing to put another advisory board out there without cutting some, and the Board did take some action. He added it did not cut as many as he hoped, but it was a few; and if this does go, his inclination is Option One.

Chair Lober inquired if he could second as Chair.

Eden Bentley, County Attorney, responded affirmatively.

Chair Lober stated if Commissioner Tobia is willing to make that a motion, he will happily second it.

Commissioner Tobia stated he would like to hear where the other Commissioners are on this Item.

Chair Lober stated there were no more lights, so he does not know that he will get much in the way of commentary; and asked Commissioner Tobia if he would like to make the motion.

Commissioner Tobia replied no.

Chair Lober stated Commissioner Pritchett moved for Option One.

The Board adopted Resolution No. 19-238, establishing WISER for the purpose of developing a cost-benefit analysis and plan for County government operations to transition to clean-energy resources.

Result: ADOPTED

Mover: Rita Pritchett

Secunder: Bryan Lober

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

J.1. Appointment of North Brevard Hospital District Board Members

Frank Abbate, County Manager, stated this the annual appointment of North Brevard Hospital District Board Members; it was advertised; and staff received the two nominees for appointment that are before the Board today.

*Commissioner Tobia's absence was noted at 9:46 a.m.

George Mikitarian, North Brevard County Hospital District, stated per the enabling legislation, the Board is involved in the appointments of certain members of the Board of Directors; there are two members up for reappointment, Dr. Elizabeth Galfo and Jerry Noffel, for the Board's approval to the board; and he is present to answer any questions the Board may have.

Commissioner Pritchett expressed her thanks for all Mr. Mikitarian does; she stated she thinks it is marvelous that there is a not-for-profit hospital that is doing so well, there are not a lot of them left in the country; and the management is wonderful, he has done a great job with the hospital. She added it would be her honor to make the recommendation to accept Dr. Galfo and Mr. Noffel.

The Board acknowledged the reappointment of **Jerry Noffel** and **Dr. Elizabeth Galfo**, to the North Brevard County Hospital District Board.

Result: APPROVED

Mover: Rita Pritchett

Secunder: Kristine Isnardi

Ayes: Pritchett, Lober, Smith, and Isnardi

Absent: Tobia

J.2. Board Direction, Re: Initiation of Interlocal Service Boundary/Joint Planning Agreements with the Cities

*Commissioner Tobia's presence was noted at 9:48 a.m.

Chair Lober stated with respect to this, since this is not quasi-judicial, if someone wants to make a motion at any point in time he is happy to entertain it, otherwise he is happy to have staff introduce it.

The Board directed staff to start the discussions with City staff to draft Interlocal Service Boundary/Joint Planning Agreements with the various municipalities to address off-site impacts.

Result: APPROVED

Mover: Kristine Isnardi

Secunder: Rita Pritchett

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

J.3. Permission to use current Chair's signature plates.

Chair Lober asked what the signature plates were, because he saw this last year, and now he is seeing this a second time, he is just curious, and asked if staff would like to weigh in on that; and he did not know if this is something someone was whittling into a piece of wood, or what they are talking about.

Frank Abbate, County Manager, stated they are the plates that are used to sign the checks.

Chair Lober inquired if it was a piece of metal.

Mr. Abbate stated he believes they are actual plates used for the printing.

Commissioner Pritchett stated for the paychecks and such.

Chair Lober stated that will work, he was just curious, and he appreciated the information.

The Board granted permission to continue to use the current Chair's signature plates for the signing of Payroll and Accounts Payable checks until the new signature plates can be obtained with the new Chair's signature.

Result: APPROVED

Mover: Curt Smith

Secunder: Rita Pritchett

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

L.4. Bryan Lober, Commissioner District 2, Vice Chair

Chair Lober stated he has given a copy of this to the Clerk earlier in the meeting; he passed out the Board assignments as far as committee liaisons, there were two that required the Board to vote; the first one in the Value Adjustment Board, his recommendation is to keep Commissioner Pritchett and Commissioner Tobia on that; and the other one is the Election Canvassing Board, the Board will notice in the bottom and this will be included in the minutes that he is statutorily prohibited from serving on that, Commissioner Isnardi is as well, and Commissioner Pritchett is as well, and if Commissioner Tobia ends up with opposition in his election, he will be statutorily prohibited as well; and at this point the only two people that can be appointed are District 3 and District 4, the only question is in which order to appoint them.

He recommended to appoint Commissioner Smith as the primary simply because he is not in the election being canvassed, understanding that Commissioner Tobia may end up with opposition or may not, but he thinks it would be safer to leave him as the alternate, but on those two, there will need to be a motion. He inquired if it could be a combined motion.

Eden Bentley, County Attorney, responded affirmatively.

Chair Lober stated so either together or separate he needs a motion on those, and the rest of them he believes are Chair's preference; he tried to put them in positions that he thought they would want; and there is a lot of overlap from the past year, but he thinks everyone will have something or several somethings that they are pleased with.

The Board appointed **Commissioner Curt Smith** and **Commissioner John Tobia** (alternate) to serve on the Election Canvassing Board for 2020; and appointed **Commissioner Rita Pritchett** and **Commissioner John Tobia** to the Value Adjustment Board.

Result: APPROVED

Mover: Rita Pritchett

Secunder: Bryan Lober

L.5. John Tobia, Commissioner District 3

Commissioner Tobia stated he has a couple items he would like to discuss; the Board has not done anything like this before, but he would like Board direction on it if it does move forward; he explained a flag pole has been erected in Melbourne Beach for Ponce de Leon Park that is causing much confusion and consternation amongst his residents; the design for this work was done by a previous Board in 2006, before the recession, which is why the flag pole was only now erected; and to be clear, staff's decision approving the expense of the parts are consistent with the Board's intended design, and any flaws in this should not be placed on their shoulders. He added the current design has a Spanish Flag with a Puerto Rican Flag and a flag flying below it; several people have expressed outrage over these choices; making matters worse, research since the Board approved the design, clearly shows that the odds of Ponce de Leon landing in Florida at the Melbourne Beach location, are quote "extremely unlikely"; and as such, it is his request that arrangements be changed. He explained in place of the Spanish Flag, he believes it would be more appropriate to fly the Florida Flag, beneath that a flag of the Brevard County Seal would be more appropriate considering it is a County Park, paid for by County dollars, along with a POW/MIA Flag; he does not know if the Board would like to think about this for the next meeting; he would be more than willing to wait, but he just wanted to point out that this is something that is happening in the District in which he represents; and he thinks it impacts everyone.

He pointed out the great work that staff has done when it comes to initiative that he has been looking at for quite some time, and that would be the head of short-term rentals; he would like to let the Board know he is proposing some amendments to Brevard County Code in the coming months regarding short-term rentals; he added currently the Code is highly convoluted; and after his office did some research, surrounding Air B&B like rentals, he was amazed that even Planning and Development, which is made up of highly competent individuals who take many calls on the issue have trouble figuring out which zoning classifications they are allowed, and under what specific circumstances. He mentioned it took hours and hours of work to keep up with spreadsheets on where Air B&B's would and would not be allowed; this is convoluted and sometimes nonsensical approach is leading to significant loss in Tourist Development Tax (TDT) revenue, as well as unnecessarily restricting individuals property rights; unfortunately, the State has preempted the Board from making a simple edit to the Brevard County Code to fix it; and the County Attorney's Office has concluded that they only way to make these changes to the Code is to create new use, which could be applied to a

myriad of Zoning Classifications. He went on to say this is a complicated issue, and he respectfully requested that other Commissioners speak to Planning and Development and the County Attorney's Office so they can better understand why it is necessary to approach it this way if the Board decides to make said changes; and Planning and Development has done a fabulous job with the various Zoning Classifications on where it is allowed, where it is allowed with conditions, and while the document he passed out is extremely complicated, it is less complicated than before; and he is thinking about potentially bringing this up in January or February, but he had a constituent with a law degree call his office confused as to whether or not he could put an Air B&B one place or another. He explained it took him a while to figure it out, he could not so he had to call staff, and it took staff a while to figure it out; he added when there are competent, intelligent individuals that have trouble deciding where it is allowed, maybe the Board needs to clean up the language a little to put it on one webpage where an average citizen can figure it out, this is a great first start, and one that he hopes the Commissioner's Offices look at so the Board can make an intelligent, thoughtful decision on whether to expand it or clean it up.

Commissioner Smith stated he would like to ask about the flags that are in his District; he inquired what the order of the flags were on the flagpole, if it was the American Flag, Spanish Flag and then the Puerto Rican Flag. Commissioner Tobia responded yes, he meant to put a picture up, but if one watches Channel 13 News, every morning they take the time and weather; the Spanish Flag is at the same height as the American Flag; he said the exact same thing, and so did a number of constituents.

Commissioner Smith inquired if there were two separate flag poles.

Commissioner Tobia replied it is a weird shape; it is supposed to look like a mast, and it is done correctly according to Federal Flag Code, it is done correctly, but just because it is done correctly does not necessarily mean it is aesthetically pleasing; there are a whole bunch of issues out such as, what happens when the American Flag is flown at half mast, what is the policy; he reiterated this was made in 2006, long before any of the current Commissioners were on the Board; and there was some research done by Samuel Turner, PhD, from University of Central Florida (UCF), that points out the very data that was used to determine that Ponce de Leon landed there is inaccurate, and he has highlighted where he specifically said Ponce de Leon did not land at that location. He noted that is a separate issue, there may be a different direction to go in that as the Board moves forward, but he would like Board direction because he does not want to put staff in a tough position as far as giving directive from one Commissioner and not having it from the Board. He noted at the beginning and will say again staff followed directions.

Commissioner Pritchett asked why that was done. Commissioner Tobia replied that it was approved by a previous Board; he and his staff watched the meeting and staff followed Board direction 100 percent in 2006; and this is something he would have greatly disagreed with, but he was not following meetings in 2006. He added he is willing to take opinions, his goal was not to take anything down, and the Board could leave the poles and do it as diminutive of cost as possible, but whatever thoughts the Board has he would like for input for the next meeting.

Commissioner Smith stated he would like to think about this, but he does not know that he has ever seen a display of flags like that.

Chair Lober stated it is peculiar.

Commissioner Smith stated it is different than anything he has ever seen, and he is a flag guy, he loves flags.

Commissioner Isnardi stated her comment was not related to this issue, so she does not know if she should wait.

Commissioner Tobia stated if the Board has other suggestions, he just threw the Brevard County Flag, POW/MIA Flag, etcetera out there, but if the Board has other suggestions, to please bring those forward.

Commissioner Smith stated he has never been there, so this is a good reason for him to go there and take a look for himself.

Commissioner Tobia stated it is a beautiful part of the District he represents, but there is quite a bit of other stuff that probably does not belong there at that park.

Chair Lober stated he is not telling him what to do, he is just making a suggestion, but maybe Commissioner Tobia could put it on the Consent Agenda to see if there is Public Comment or if it gets pulled by one of the Commissioners for the coming meeting.

Commissioner Tobia stated that sounds good, he is more than willing to do that, he would certainly like input from other people and this is mainly to put staff in a position so that they do not hear from other Commissioners that he is doing something that would impact others. He added he does not want to do that; and while he represents that park, part of the funding comes from the General Fund.

Chair Lober stated he thinks that most of the Board shares his values.

Commissioner Pritchett expressed her thanks for Commissioner Tobia bringing this up, she loves the things he brings forward; she thinks the Board needs to be careful about what is put on the Consent Agenda as Commissioners; she added the County Manager has been able to enjoy throwing so much on Consent and having it go through it, but she thinks things that the Board needs to discuss should probably be put as discussion; and she thanked Commissioner Tobia for always bringing things up early, before the Board needs to discuss them, probably because she makes him wait so she can research things, and he has been very good about that. She mentioned she would like to caution the Board as to what is put on the Consent Agenda from the Board.

Commissioner Isnardi stated she would defer, this is another District issue for the Commissioner, and so she is willing to look at options as well. She pointed out her office has been looking into the short-term rentals as well, not because anyone contacted her office, but because of actual complaints from residents, Air B&B's, and neighborhoods they should not be in; a simple search on any Air B&B establishment site can show someone the thousands upon thousands of rentals that are not collecting the tax; she noted regulation is probably a debatable issue; Senator Debbie Mayfield tried to move a bill at one time that did not get a lot of traction, but she has done quite a bit of research on this; and her office provided some really good stuff on this issue if Commissioner Tobia would like to reach out to her to look at some of her ideas or to bounce some things off of her.

Commissioner Tobia stated for transparency and ease of use, he is sure many of these people that are either unaware of whether or not they have to pay into the TDT, but more importantly, knowing whether or not they are legally doing it, not that it is an excuse not to call up, but when the Board can boil it down to one page with 10 columns and 14 lines, etcetera, it is a complicated mess; and if the Board can clean it up a little bit he thinks the Board would find a little bit more compliance.

Commissioner Isnardi stated she believes there was no legal recourse, the Board asks that it be collected, but there is not a whole lot that it can do, and she is glad he is taking the lead on this because she is sure she will have some input as well.

Commissioner Smith stated besides Air B&B, there is VRBO, and Home Away, so those are the three main groups that do these rentals.

L.6. Curt Smith, Commissioner District 4

Commissioner Smith expressed his thanks to staff and his fellow Commissioners for their support in the fight against Breast Cancer last month and raising awareness for Prostate Cancer this month, and a special thanks to those who have donated to those causes, as well as the guys that have taken the time to put up with the aggravation of growing a beard to support this.

L.7. Kristine Isnardi, Commissioner District 5, Chair

Commissioner Isnardi stated she is sure the Board will be agreeable to when Commissioner Anderson's family is ready, she would like to present a resolution to honor him, and if they would prefer, they would just present the resolution; and she would also like to take it a step further if possible and have staff working with her office to look at something they can do in honor of Commissioner Anderson, whether it be renaming a park, and she has had people calling and asking for the Parkway to be renamed Andy Anderson Parkway. She explained he told her if she did anything as far as legacy went was to make sure no one screwed up the Parkway, not meaning staff or anyone in particular, but that was his passion because he wanted people to have access out of the County if, God forbid, there be a massive hurricane; and she knows how passionate he was about that, she knows it is a big one, it is a big deal to do something that extreme. She noted it is sort of sad that they do this after people pass because they do not get the glory, or be able to see their work and see their name and their family sees it after they are gone, but she thinks this would be a great legacy in honor of him and the hard work and many years he put into it. She mentioned he started making this his mission when he was on City Council in Palm Bay those discussions happened, so this probably would not be in existence if it was not for his persistence.

Commissioner Smith stated he agrees; he worked with him for two years on the Board, and roads were his passion, but the Heritage Parkway was the biggest, so when Commissioner Isnardi mentioned that, that is what popped into his head.

Commissioner Isnardi stated she has had a few people suggest it, and she does not know how amicable the Board would be or how much of a logistics thing that is.

Commissioner Smith stated it is certainly something to think about.

Commissioner Pritchett stated she thinks it is a wonderful idea; she thinks there have been specific people that have done great things in this County; and she thinks it is a wonderful way to honor someone. She added she wished the Board would have done it before he passed, but she thinks it is wonderful, and she would totally support that.

Commissioner Smith stated and in keeping with what was mentioned about doing something for people while they are alive, he would like to suggest that the Board contemplate naming the flag poles in DeSoto Park the Tobia flagpoles.

Chair Lober stated he would agree and would second it any day of the week; there should be a

little plaque and a statue.

Commissioner Isnardi stated her office will be doing Elves for Elders, and by the end of the week they will have drop off details and all of that good stuff; and it is where her office essentially adopts elderly wards of the State. She added these people do not have families, or anyone to think of them at the holidays and it is really sad when one thinks about it that these people have lived their whole life and have committed themselves to not have anyone to celebrate the holidays with, let alone receive gifts and things.

Upon consensus of the Board, the meeting adjourned at 10:06 a.m.

ATTEST:

SCOTT ELLIS, CLERK

BRYAN ANDREW LOBER, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA