

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

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on March 26, 2019 at 9:00 AM 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 Tobia led the assembly in the Pledge of Allegiance.

MINUTES APPROVAL

The Board approved the February 7, 2019, Zoning minutes.

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

ITEM E.1., RESOLUTION, RE: AGRICULTURE DAY IN BREVARD

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-035, proclaiming March 14, 2019, as Agriculture Day in Brevard County.

Beth Shephard, University of Florida/Extension Services Director, expressed her appreciation for the Resolution.

Tom Shuler stated he appreciates the Board's support of agriculture because a lot of times that community stays in the background working and this gives them the opportunity to come to the forefront and let everybody know the importance of agriculture, not only within the State, but within the local County and community here.

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

ITEM E.2., RESOLUTION, RE: IRISH AMERICAN HERITAGE MONTH

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-036, proclaiming March 2019 as Irish American Heritage Month.

Ed Riley expressed his appreciation for the Resolution. He stated they have spent the last 20 years trying to get out that the Irish had quite a bit of involvement in the founding and maintaining this nation ever since its founding; and they are very proud of that fact. He added he appreciates the recognition of the Irish American in this community on behalf of the community.

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

ITEM E.3., RESOLUTION, RE: CHILD ABUSE PREVENTION MONTH

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-037, declaring April 2019 as Child Abuse Prevention Month in Brevard County.

Stacy Pellegrino, a representative of Brevard Cares and the Child Abuse Prevention Task Force, expressed her appreciation for the Resolution. She stated the Pinwheels for Prevention Campaign reminds them of their ongoing campaign that every child has equal opportunity for healthy environments and a great childhood; when people see the pinwheels planted around the community this April, she would ask that it remind everyone of the healthy and happy children that everyone is striving for in this community; and unfortunately, child abuse and neglect interferes with childhood development and can lead to high risk behaviors and chronic health problems, therefore, preventing child abuse early is less costly to society than fixing things later. She added nothing is more important than preventing child abuse and neglect. She continued the Child Abuse Prevention Task Force members are dedicated to working with these families to strengthen them; she wants everybody to be aware that sometimes families are struggling with drug addiction, domestic violence, or other problems; she noted have them dial 2-1-1 to get help and referrals or give them a captive blue resource card; and she announced the Child Abuse Prevention Task Force of Brevard is hosting a family fun night at Squid Lips in Melbourne on April 6, and they will be donating four percent of the dinner proceeds back to the Child Abuse Prevention Task Force. She asked that everyone come out and join them. She noted everyone has a role in creating a healthy community for children to grow in, so get involved with organizations that support children.

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

ITEM E.4., RESOLUTION, RE: PROCLAIMING APRIL 1, 2019 AS CHILDREN'S HOME SOCIETY OF FLORIDA TRANSFORMATION NETWORK TEAM LAUNCH DAY

Chair Isnardi read aloud, and the Board adopted Resolution No. 19-038, proclaiming April 1, 2019, as Children's Home Society of Florida Transformation Network Team Launch Day.

Ken Parks, a representative of the Children's Home Society of Florida, expressed his appreciation for the Resolution. He stated last year they served about 5,000 children in the local area; since 1902 it has been one million children across the State of Florida; they wanted to mark today because they are moving into the next chapter of the Society's story here locally; they will be reaching out to each of the Board members to provide briefings of what they do and hope to accomplish in the future; and April 1, is the launch date for that endeavor.

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.5., RESOLUTION, RE: ADOPTING THE EAST CENTRAL FLORIDA REGIONAL RESILIENCY ACTION PLAN (ECFRRAP)

Commissioner Lober stated he would like Tara McCue go through her presentation before addressing the resolution.

Tara McCue, Director of Planning from the East Central Florida Regional Planning Council, stated she is there to talk about the East Central Florida Regional Resiliency Action Plan; in 2017, the Department of Environmental Protection awarded East Central Florida Regional Planning Council with funding to create this plan and help answer questions in terms of resilience, where to start, what to do next, what is the Agency's role, and how to move forward; the project goals were to increase capacity across the region, engage stake holders, and obtain support for adoption of the action plan; she noted when she talks about region that includes Volusia County and Brevard County; to make sure it was a very well vetted plan and process they had over 50 different agencies on the steering committee, multiple representatives from Brevard County from various departments, educational institutions, Federal agencies, State agencies, and regional agencies; and to make sure everyone was working off the same definition of resilience, the steering committee came up with a definition of resiliency. She advised it basically talks about how together collaboratively, regardless of what the role is or what agency someone is working for, everybody can work together to plan, sustain, adapt, recover, improve, and grow together regardless of what stressor or shock is experienced. She continued stake holder engagement was a major part of the process; there were six workshops in Brevard and Volusia County; the first workshop was geared towards staff level input from all the jurisdictions in the region as well as agencies; they also had a workshop that was geared towards the economic side of things so they had the Economic Development Committee (EDC), NASA, Patrick Air Force Base; then they had public workshops in which all the elected officials

across the region, city managers and agency heads were all invited; and they worked through a lot of objectives and actions to help fill gaps and create a one to five year action plan for the region. She went on to say combined with this as well as across the nation, they developed the Regional Action Plan; the framework for the Plan was based upon four pillars from the hundred resilient cities; they focus on leadership and strategy, health and well-being, economy and society, and infrastructure and environment; they develop goals for each of these subject areas and then implemented objectives and actions associated with each of the pillars; leadership and strategy are really promoted by the elected officials as well as the private and public sectors to help foster the strategies across disciplines in their areas; economic and society focus on opportunities and strategies that foster economic prosperity and improve social equity and justice; and infrastructure and environment is the longest goal because it encompasses natural resources that build environment as well as infrastructure associated with all of that and making sure it is able to withstand and adapt to various changes and really promotes across disciplinary plans, policies, and strategies so that no plan is in a silo. She stated finally health and well-being focuses on creating resilient communities by facilitating programs, opportunities, and education geared towards sustainability, disaster response, and climate change mitigation strategies. She mentioned they have an action plan, they have actual text, the body of the plan, and an actual matrix; the matrix is sorted into each of those pillars with objectives; that includes tasks associated with each of those, as well as each of the areas of an agency or department that should be leading that task or responsible for completing the task; they also include the year in which they recommend that task be completed; and she showed a slide of another example of the health and well-being section. She explained the slide shows the agency or department responsible for leading it and sometimes it is more than just one; this shows an example of how collaboration should occur to finish some of these projects or actions; as part of the project they wanted to make sure they looked at socio-economic resilience not just disaster resilience and responding to that, so they co-mingled the approach for the CDC and the EDA; this slide shows an example from the report for Brevard County Socio-economic Demographic; when they talk about vulnerable populations they are talking about those below poverty, the elderly, those who do not speak English very well, the unemployed, and those with no vehicles; and they included that information in there as well as other business information. She continued they had a subcommittee based with the steering committee that worked on developing a reasonable sea level rise approach to help people figure out what direction they should go and how they should start the conversation; the slide shows the recommendation to the local government to plan for a sea level rise and there is a whole report in the document about it, how this has come up, and how they came to this approach; and one thing that is really important is that as part of that recommendation they are saying that no one projection rate curve should be used as planning purposes across all projects and programs. She added instead a range of rise should be considered based on the vulnerability, allowable risk, project service life, and forecasted in-service state of the project. She stated since January the Regional Planning Council, the City of Cocoa, and the Space Coast TPO has adopted the action plan; and today she is requesting Brevard County to adopt the action plan with many more in the pipeline.

The Board acknowledged presentation given by Tara McCue, East Central Florida Regional Planning Council (ECFRPC), for the ECFRRAP; and adopted Resolution No. 19-039, agreeing to the ECFRRAP.

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

March 26, 2019

ITEM E.6., RESOLUTION, RE: RECOGNIZING HEMOPHILIA AND BLEEDING DISORDERS AWARENESS MONTH

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-040, proclaiming the month of March as Hemophilia and Bleeding Disorder Awareness Month.

Samantha Lazario, a representative of Bleeding Disorder Community and Hemophilia of Greater Florida, stated they have been intricate to educating her family, offering financial assistance when they did not have to cover the medication; and she expressed her appreciation for the Resolution.

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

ITEM F.1., PERMISSION TO ACCEPT A GRANT FROM THE FLORIDA INLAND NAVIGATION DISTRICT TO SUPPLEMENT COUNTY DERELICT VESSEL REMOVAL FUNDING

The Board authorized the County Manager to execute a Derelict Vessel Removal Grant Agreement between Florida Inland Navigation District (FIND), including legal venue in Palm Beach County, with County Attorney and Risk Management approval; authorized the Vessel Registration Matching Funds; and authorized associated Budget Change Requests.

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

ITEM F.2., ACCEPTANCE, RE: BINDING DEVELOPMENT PLAN - FLAMINGO LAND COMPANY, INC. (18PZ00072)

The Board accepted and executed the Binding Development Plan with Flamingo Land Company, Inc.

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

ITEM F.3., APPROVAL, RE: BCC-56 PUBLIC USE OF MEETING ROOMS AT THE BREVARD COUNTY GOVERNMENT CENTERS

The Board approved and executed revisions to Policy BCC-56, to allow public use of Meeting Rooms at the Brevard County Government Centers.

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

ITEM F.4., RESOLUTION AND RELEASE OF PERFORMANCE BOND, RE: ADELAIDE SUBDIVISION, PHASE 3 - THE VIERA COMPANY

The Board adopted Resolution No. 19-041, releasing the Contract and Surety Performance Bond dated December 20, 2016 for Adelaide Subdivision, Phase 3 - The Viera Company.

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

ITEM F.5., RESOLUTION AND RELEASE OF PERFORMANCE BOND, RE: ADELAIDE SUBDIVISION, PHASE 4 - THE VIERA COMPANY

The Board adopted Resolution No. 19-042, releasing the Contract and Surety Performance Bond dated March 6, 2018 for Adelaide Subdivision, Phase 4 - The Viera Company.

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

ITEM F.6., RESOLUTION AND RELEASE OF PERFORMANCE BOND, RE: TRASONA AT ADDISONVILLAGE, PHASE 7 SUBDIVISION - THE VIERA COMPANY

The Board adopted Resolution No. 19-043, releasing the Contract and Surety Performance Bond dated January 9, 2018 for Trasona at Addison Village, Phase 7 - The Viera Company.

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

ITEM F.7., APPROVAL, RE: ST JOHNS HERITAGE PARKWAY ALTERNATIVE CORRIDOR EVALUATION

The Board authorized solicitation and award for the Request for Qualifications (RFQ) for engineering services for St. Johns Heritage Parkway Alternative Corridor Evaluation (ACE); authorized County Manager to appoint a Selection and Negotiation Committee; authorized the

March 26, 2019

Chair to execute the Professional Services Contract, the forthcoming Florida Department Of Transportation Local Agency Program agreement, and resolution, and all necessary documents related to this project contingent upon review by the County Attorney and Risk Management; and approved any and all Budget Change Requests associated with this action.

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

ITEM F.8., APPOINTMENT, RE: LOCAL HEALTH COUNCIL OF EAST CENTRAL FLORIDA

The Board appointed **Dr. Paulette Howell** and reappointed **Maria Stahl** and **Gerard Visco** to serve on the Local Health Council of East Central Florida, with said terms expiring December 31, 2020.

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

ITEM F.9., APPROVAL OF CONTRACT AMENDMENT WITH ENTERPRISE LEASING, RE: SPACE COAST AREA TRANSIT VANPOOL PROGRAM

The Board executed Amendment No. 5 Vanpool Management Services for Space Coast Area Transit for a 60-day contract extension, until May 30, 2019, with Enterprise Leasing LLC.

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

ITEM F.10., AGREEMENT, RE: TRANSIT SERVICES CITY OF MELBOURNE FOR TRANSPORTATION SERVICES

The Board executed City of Melbourne Agreement for the purpose of providing no fare fixed route transportation to the residents of the City of Melbourne on the current Route 21, Route 24, and Route 29 within the City limits of Melbourne; authorized Chair to execute any follow-up documents, upon County Attorney and Risk Management approval; and authorized the County Manager to execute any necessary Budget Change Requests.

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

ITEM F.11., APPROVAL, RE: FDOT CORRIDOR GRANT AGREEMENT FOR SR 520 AND SR A1A BUS SERVICE

The Board adopted Resolution Nos. 19-044 and 19-045, approved Public Transportation Agreements (PTGA) with the Florida Department of Transportation in the amount of \$419,257, each, for Transit Corridor Grants for SR 520 and SR A1A Fixed Route Bus Service; authorized Chair to execute any follow-up documents, upon County Attorney and Risk Management approval; and authorized the County Manager to execute Budget Change Requests.

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

ITEM F.12., AUTHORIZATION, RE: USE OF CONTINUING CONTRACT AND BUDGET CHANGES FOR NEW EMERGENCY OPERATIONS CENTER (EOC) SITE WORK

The Board recognized the Florida Department of Economic Opportunity Defense Infrastructure Grant funds to perform site work for the new Emergency Operations Center utilizing current Board approved Contract; authorized County Manager or his designee to submit and execute any additional changes, documents or budget actions, in recognition of a Defense Infrastructure Grant agreement between Florida Department of Economic Opportunity and the Economic Development Commission of Florida's Space Coast, subject to approval by the County Attorney and Risk Management.

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

ITEM F.13., AUTHORIZATION, RE: AMEND CONTRACTS TO INCLUDE E-VERIFICATION REQUIREMENTS

The Board delegated authority to the County Manager, or his designee, to execute contract amendments to incorporate E-Verify language into contracts due for renewal.

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

ITEM F.14., AMENDED RESOLUTION OF NECESSITY, RE: SHORE PROTECTION PROJECT MID-REACH SEGMENT

The Board adopted Resolution No. 19-046, for Mid-Reach Segment to the Brevard County Shore Protection Project; directed the County Attorney to proceed with this action in accordance with the statutory requirements set forth in Chapters 73 and 74, Florida Statutes, applicable to "quick-take" proceedings.

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

ITEM F.15., APPOINTMENTS/REAPPOINTMENTS

The Board appointed **Kevin Gholston** to the Citizens Budget Review Committee, with said term expiring December 31, 2019.

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

ITEM G., PUBLIC COMMENT

Robert Burns apologized for the tone of his comments, he feels they are warranted and necessary; he is going to read from his notes to make sure he stays on time here; and he noted these comments are for Commissioner Lober. He stated, over the last few months or the last month, he sent six or seven emails to Commissioner Lober's office about his resolutions; he received zero response or even acknowledgement of them; his emails were polite, neutral, respectful, and simply asked questions about the fundamentals of the resolutions Commissioner Lober is presenting to the Board; and he even sought the counsel of staff of another Commissioner on alternative ways to solicit a response from Commissioner Lober's office, which also failed. He continued he started one of his emails with acknowledgment that he does not live in Commissioner Lober's District in case that was the reason he was not being responded to, however, he was not writing about comments specific to his District; in every case, he wrote about the resolutions he was presenting to this Board for approval; he cannot write his own Commissioner and question him or expect him to answer questions specific to Commissioner Lober's resolutions and their intent when he is prohibited from speaking to him about them by law; and he asked what alternative does he have other than to come to the meeting and speak to Commissioner Lober in public comments or place an Item on the Agenda

March 26, 2019

and try to fit everything in on a three minute timer, which he will probably also ignore or go off on a tangent and attack the presenter as he has a history of doing. He went on to say last month the audience had to sit there while Commissioner Lober went through about 30 minutes or more of his slide show of screen shots of emails and listen to his commentary berating the citizens who sent them; Commissioner Lober took the time to do background checks on these people and joke about putting up mugshots, but was advised not to do so by the County Attorney; and this is the kind of pettiness he has time for on emails according to him that do not matter, but when someone sends him a substantive email about laws for this State he does not find them worthy of a response. He stated he wants to remind Commissioner Lober that although the residents of his District hired him, he works for all of the people in the County; and when he is presenting matters to this Board that affect his family and affect State law he expects a response.

Commissioner Lober responded as Mr. Burns mentioned he is not a constituent of District 2 and he can tell everyone in attendance and everyone watching why he did not receive a response, because there was nothing polite to say; on October 22 of this past year, on at least one occasion during that day, that gentleman questioned his father's service in the public health service, essentially denying that he had left as Lieutenant under good circumstances; he posted quite a bit on Facebook and he has one pulled up now saying, "I would do the research, but it is hard to research something that doesn't exist. I don't have any expectations of you really, but you are very predictable", and with someone questioning his father's service he did not find anything productive in responding to anyone doing anything of that sort, especially when they are not one of his constituents; anyone else would have done the same thing and he believes he is the only individual to have ever done that in his lifetime, and he would have treated them the same; and he noted anyone questioning his father's public health service and having left as Lieutenant Commander having worked on a Coast Guard Base and having treated folks who were absolutely fighting for this Country, they can expect the same treatment, he will not respond to them, they will be cutoff at that point.

Chair Isnardi stated Susan Mehiel was supposed to be on the Agenda and she thinks the messaging got crossed; she wants to allow her enough time because it was requested by the Senator to listen to what she had to present; and she inquired if the presentation was provided to staff.

Susan Mehiel, Florida Alliance for Safe Trains, stated back in December she was approached by some folks including some elected officials in Indian River County who come together to form a new organization to get the message out about All Aboard Florida/Brightline/Virgin Trains; they had growing concerns so a group of them did that; they are representing folks all throughout the region including the Space Coast because as they know everyone will be affected by this; and the goal is that Virgin Trains are made safe without using tax dollars or they do not operate at all in this region. She continued corporate structure has changed since they last spoke to the Board about the train a few years back; Fortress ownership is now Softbank, a Japanese conglomerate and Florida East Coast Rail is now owned by a Mexican company called Grupo Mexico; as everyone knows from their website and their IPO and other financial documents, their goal is to go from Miami to Jacksonville and across the State to Tampa; in their IPO and all their financial documents for bonds, etc. there is never a mention of another stop on the East Coast of Florida; based on their business model and in order to try to sell stock in which they had to withdraw and also to try to sell bonds, they have a model that states they have to get from Miami to the airport in Orlando in three and one-quarter hours; and there is no way they can do that with time or do they have the money to do that. She pointed out if they are successful, Grupo Mexico will have double track for freight to all the major ports in the State; recently, and she is sure the Board is aware of it from Senator Mayfield, Florida Legislature released its study from the Office of Public Policy and Government Accountability done by an outside consulting firm and the results were pretty devastating; passenger rail within

March 26, 2019

this State has the highest rate of severe injuries and fatalities than any other State in the Country, 3.5 times the average of fatalities; people should not be surprised that the fatality rate is growing in Florida as there was a fatality recently in Brevard County; and Florida East Coast Rail is one of the most dangerous railroads in the Country because it has so many crossings on its short distance. She mentioned it has 590 plus crossings on its 370 plus miles of track. She stated there are also gaps in regulations; this is really worrisome for everyone in Brevard County and throughout this train system; there are no regulations right now at Florida Department of Transportation (FDOT) for trains going from 80 - 125 miles per hour; those trains are going to go 110 mph through the Treasure and Space Coasts; and she commented this is really concerning to her and they are doing everything they can to get to the new secretary of FDOT and the Governor to say it is about time the State Statutes are followed because FDOT, not the FRA, is the last provider of regulations for trains in this State. She continued, this slide shows there are situations like this throughout the track system where people for the past 100 years have crossed the tracks, generations, and particularly those less fortunate who do not have cars; she is sure throughout Brevard County there are paths worn where people are crossing the tracks; one of the biggest problems right now in South Florida where these trains are operating is that pedestrians are crossing the tracks and being killed; when a train is going 110 miles per hour this will not be a surprising occurrence; and what she is suggesting is that at 125 mph, trains need to have sealed corridors, but so far, there are no regulations even requiring the simplest thing which would be fencing to deter pedestrians. She went on to say they also found in the study that there is a real need to clarify FDOT's mandate because they are not living up to it at this point; some of the other issues they have with this route, is the route is 19th Century infrastructure being forced to accept 21st Century equipment and this is not a good thing; part of the reason that, she believes, they are going to all of the major ports and double tracking for Grupo Mexico is that Fortress Investment plan to create an infrastructure for the production in transport and export of LNG; the next slide is just one of many documents that shows Fortress Investment and all of its energy groups and the synergy with Softbank and Grupo Mexico make it very clear that the bottom line is freight, as specific as LNG freight; they want to go to all the Ports; and they have the approval to do so and move that LNG by truck or rail. She stated there is a nuclear power plant that is less than a mile and a half from these tracks; her organization has talked to Congressman Mast about this and he is very aware of the sad but possible homeland security impact of having LNG and passengers sharing tracks within two miles of a nuclear power plant and he is not happy about it; homeland security targets are important to Brevard County as Patrick Air Force Base is less than three miles from these tracks; and currently these tracks carry a lot of hazardous materials, and have been approved to carry LNG but so far it is only from their plant in Hialeah to Miami. She added there are many, many issues and there has been no hazard analysis done on any of this. She pointed out the next slide shows some of the areas within a 50 mile impact zone of the nuclear power plant and or if there was a major of LNG; people are very aware of the proximity of these tracks to all of the downtown communities; in fact what is really critical for Brevard County is that at this point they plan to hang a left and go west to the airport at Cocoa, but they plan to go all the way to Jacksonville which means they will be crossing most of this County which has 80 grade crossings which are the most dangerous and particularly when it is going 110 mph; and Volusia County has 70 grade crossings and they run right through Daytona Beach. She noted this organization is also working to alert all the areas where this train is going to impact because this is going to be a disaster; one of the other points is when she said they do not have the money for this project, Seamans did a study and suggested that the best way to get from Orlando to Miami or vice versa would be along the I-95 or Turnpike corridor where there would be less disruption and the trains could go up to 220 mph, and that way, in going that fast they could potentially sell tickets to close to five million people a year; Accela in 2017, which has twice the track miles as All Aboard Florida, has four times the number of stops, and could only attract 3.4 million people operating from Boston to New York to Washington D.C., but Virgin Trains projects that it will get 6.6 million riders in this region; and she does not believe it. She continued there are no regulations, there are massive losses, there is inflated ridership projections, and she

March 26, 2019

predicts they lose \$110 million from last year, when the numbers are announced. She stated sadly 17 people are dead in 20 months on the South Florida section, not including Central Florida East Coast Rail deaths, just All Aboard Florida deaths and they are only going a maximum of 79 mph, that is why this organization really thinks this is a crisis situation for the people who will have to deal with 110 mph; everyone needs to be realistic about what this is going to cost taxpayers; the counties are responsible for retrofitting the roadways and the bases of the roads going into all of these new grade crossings; for those in Indian River County it is going to be major changes because of the widening of the tracks and the change of the grade; and she is asking every County Commission, this is her third, to contact the Governor and FDOT and ask them to develop regulations as soon as possible. She noted at this point no one knows what it is going to cost for this train company to put this in if they do not know what the regulations are going to be; God forbid there are no regulations because she cannot believe this is the position the counties are in, but she has a feeling somebody knew where the sweet spot was; and she noted she was going to ask the Board to consider a resolution supporting Senator Mayfield in her efforts to get the regulations created. She noted the organization does not think it takes legislation at this point, it is Statute and it just needs people to step up, but a resolution supporting her efforts might take too much time so she is asking today if the Board could, at the very least, send a letter to the Governor and FDOT asking that they look into this and develop regulations as quickly as possible. She advised she did not know it would be incumbent on her to help draft that letter but she would be happy to do so; that was done in another county as well; and she noted what they think should happen very rapidly is for the new Secretary of Transportation to be asked to come and see what this area looks like at the very least, and what these counties will be dealing with.

ITEM H.1., PETITION TO VACATE, RE: PUBLIC UTILITY EASEMENTS - BAREFOOT BAY - MARILYN BUHLMANN

Chair Isnardi called for public hearing on a petition to vacate part of a public utility and drainage easement centered along the common line between lots 53 and 54, Block 62 in Barefoot Bay Unit two, Part 10 requested by Marilyn Buhlmann.

John Denninghoff, Assistant County Manager, stated this is a vacating petition for an easement between two lots that are owned by the same people in Barefoot Bay to accommodate the construction of additional residential uses of the property; and they have received no objections or associated concerns for this petition.

There being no further comments or objections, the Board held a public hearing and adopted Resolution No. 19-047, granting the petition to vacate public utility and drainage easement centered along the common line between lots 53 and 54, Block 65, "Barefoot Bay Unit two, Part 10" in Section 10, Township 30 South, Range 38 East.

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

ITEM H.2., PUBLIC HEARING, RE: CODE REVISIONS TO INCREASE THE NUMBER AND LENGTH OF STAY FOR RV'S PERMITTED AT FISH CAMPS (SECOND HEARING)

Chair Isnardi called for public hearing on Code revisions to Chapter 62, Article VI, Division 5,

March 26, 2019

specifically amending Section 62-1835.4.5 and Section 62-1841 to increase the number and length of stay for recreational Vehicles permitted at Fish Camps.

Tad Calkins, Planning and Development Director, stated this is a request for the Board to conduct a second public hearing to approve revisions to Chapter 62, Article VI, Division 5, Section 62-1835.4.5 and Section 62-1841 to better align fish camps and RV parks; essentially what this does is it makes the fish camp Land Use consistent with existing fish camps; and it also extends the stay for temporary vacations for up to 180 days.

There being no further comments or objections, the Board conducted the second public hearing and adopted Ordinance No. 19-06, amending Chapter 62, "Land Development Regulations", Code of Ordinances of Brevard County, Florida; Amending Article VI, Division 5, Subdivision II, "Permitted Uses with Conditions"; specifically amending Section 62-1835.4.5 Fish Camps to add additional Future Land Use designations and to clarify setback criterion for said use and amending Article VI, Division 5, Subdivision II, "Permitted Uses with Conditions"; specifically amending Section 62-1841 Recreation Vehicles, to clarify several criterion and to increase the length of stay at fish camps; providing for conflicting provisions; providing for severability; providing for area encompassed; providing for an effective date; and providing for inclusion in the Code of Ordinances of Brevard County, Florida.

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.3., VESTED RIGHTS APPLICATION, RE: MS. MARY DAUNHEIMER

Chair Isnardi called for public hearing on an application for vested rights requested by Ms. Mary Daunheimer.

Darcie McGee, Natural Resources Management, stated this is a vested rights application by Ms. Mary Daunheimer; they are asking the Board to accept the stipulated final order as determined by the Special Magistrate and agreed to by the County and the applicant; in 1990, the Board approved the rezoning with a Binding Development Plan (BDP) for two single-family residences; the properties subsequently changes hands and it was never developed; the BDP does not meet current ordinances related to wetlands so the applicant went to the Special Magistrate for a vested rights determination; the Special Magistrate agreed; and they are here asking for the Board's approval of acceptance of the Final Order.

There being no further comments or objections, the Board accepted the Stipulated Final Order, as agreed to by Natural Resources Management and Ms. Mary Daunheimer.

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

March 26, 2019

ITEM H.4., AMENDMENT TO THE BREVARD COUNTY CODE OF ORDINANCES, RE: BAN THE RETAIL SALE OF DOGS AND CATS AT PET STORES UNLESS THE PETS ARE OBTAINED FROM SPECIFIED SOURCES

Chair Isnardi called for public hearing to authorize an amendment to the Brevard County Code of Ordinances to ban the retail sale of dogs and cats at pet stores unless the animal is from an animal shelter, animal rescue organization, or a hobby breeder.

Commissioner Lober advised he has a new draft of an ordinance.

Bill Jacobson stated one would hope there should be a compelling reason before the heavy hand of local government takes away the people's right to purchase a pet or breed from a place of their choice or elect to adopt; there should also be a compelling reason to put legitimate regulated and tax paying pet stores out of business; he has sent a number of items, maybe to the point of being annoying, to most of the Commissioners simply to illustrate the fallacy of a pet store ban, particularly a licensed and regulated business bound by the Florida Pet Lemon Law while shelter, rescues, and most backyard breeders are not regulated, nor are they bound by the Florida Pet Lemon Law; and the bottom line is there are many compelling reasons why not to ban legitimate regulated pet stores from selling dogs. He continued out of control breeders, backyard sellers, such as but not limited to websites, which are easy to set up and look legitimate, puppy finders, and Craigslist among others, would welcome a pet store ban; indeed it is clear that unregulated, underground, and black market for dogs will flourish; these unregulated sources would welcome a pet store ban; legitimate shelters will no doubt ultimately be seriously impacted by a pet store ban and a lot of people will be hurt and more dogs will suffer; the negative consequences of a pet store ban are increasing where the bans have been put into effect; and one example is a customer of his who had purchased a Golden Retriever some time ago had a friend who purchased a Golden Retriever in California on Craigslist said to be eight weeks old, and in fact the poor puppy was determined by their veterinarian to be only four to five weeks old, and after \$4,000 in vet bills the puppy had to be euthanized with no recourse against the seller. He went on to say given the volume and content of items on the subject he has sent to the Commissioners, he hopes that the materials provided by him and others to the objective Commissioners will result in this misleading, misguided, feel good, and beyond naive, and counterproductive ordinance will be voted down. He added the Humane Society of the United States (HSUS) has never been a friend of shelters, it has deceived the public for contributions, and unfortunately many politicians, and they are not a friend of shelters and never have been.

Commissioner Lober commented Mr. Jacobson stated certain folks are not friends of shelters and he inquired if shelters are friends of shelters.

Mr. Jacobson commented that is frankly a dumb question and he does not know how to answer that.

Commissioner Lober inquired if there is Brevard County Sheriff's Office (BCSO) running the animal shelter, then does he think they are trying to run the shelter into the ground.

Mr. Jacobson noted he does not understand the Commissioner's point.

Commissioner Lober advised his point is that BCSO is in support of this and they run the shelter.

Mr. Jacobson commented he is not talking about BCSO.

Commissioner Lober pointed out he is talking about BCSO; Mr. Jacobson is talking about who is

March 26, 2019

and who is not a friend of the shelter; and he inquired if he thinks those folks who run shelters want to drive them into the ground.

Chair Isnardi asked to save the questions until the end.

Robert Bauman stated he is a veterinarian and the medical director for Village Animal Hospital in Palm Bay; for the past 14 years he has been the consulting veterinarian for the Human Society of South Brevard, Z Beagle Rescue, Tiny Bug Dog Rescue, and Puppies Plus; the goal of this ban is certainly admirable; he believes the goal is to aid the County shelters as well as to eliminate the importation of puppies from puppy mills; and unfortunately this ban will accomplish neither of these goals. He continued at present, pet stores that sell puppies are under the jurisdiction of the Florida Department of Agriculture as well as the Brevard County Animal Services; these two animal organizations regularly inspect pet stores to ensure that puppies sold by these facilities are provided proper care; by eliminating pet stores that sell puppies, the Board of County Commissioners is creating an underground industry that is not answerable to any form of Government; this phenomenon is evident in the State of California which made businesses that sell puppies illegal; and what California has experienced is an alarming rise of backyard breeders that are not answerable to any form of government or authority. He stated the conditions in which these dogs live and the care they receive is unacceptable. He went on to say he has provided veterinarian consultation for Puppies Plus for the last 14 years; during this time he has found Puppies Plus to be a very ethical, moral, and honest business; he feels very comfortable seeing Puppies Plus sell puppies to Brevard County citizens because the State of Florida and Brevard County already have in place laws to protect the consumer from fraud and abuse; before a puppy is sold a veterinarian authorized by the State of Florida, must examine the puppy and deem it healthy and fit for sale; after purchase another veterinarian must examine the puppy and deem it fit for sale within 14 days of purchase according to the guarantee provided; furthermore, the Florida State Lemon Law protects the consumer from assuming the financial responsibility for any puppies sold with a congenital defect that makes it unfit for sale. He continued with that being said and with all the State and County oversight a puppy might be sold with a defect that was not previously detected; during the 14 years he has worked with Puppies Plus he has never seen this business not fulfill its business obligations both legally and ethically; and by adopting this ban, he feels, the County will harm the wellbeing of puppies sold within the County.

Carol Barrett stated she is a dog lover and she supports the bill that would ban pet stores from getting the dogs from puppy mills and non-reputable breeders; all of her dogs have been rescues; she has never bought a dog from a pet store or a breeder, she chooses to rescue because of the millions of dogs in shelters and the millions of dogs euthanized each year because of puppy mills and non-reputable breeders; all dogs from shelters and rescue groups get veterinarian care and rescue groups socialize the dogs before they get adopted; and for the people who want pure bred there are rescue groups for every breed. She went on to say 90 percent of pet stores get their dogs from puppy mills; puppy mill dogs get no veterinarian care so many are sick when the pet stores receive them; puppy mill owners only care about the money, not the dogs; puppy mills can have hundreds or thousands of dogs and they live in small wire cages their entire lives; when the females can no longer produce they are killed usually by being shot or drowned; and she thinks if people saw the conditions of puppy mills they might have a change of heart. She noted on reputable breeders people can go to their homes and see the parents of the dogs and how the dogs are living; no one checks on the dogs in puppy mills, people say the government and inspectors do, but they still have these horrific conditions; and she mentioned a little puppy mill dog named Harley who lived in a puppy mill the first 10 years of his life. She commented because of the abuse and the neglect Harley had a diseased heart, rotten teeth, and a broken tail; because Harley's cage was power-washed with him in it he had only one eye; the owner of the puppy mill threw Harley away and luckily he was rescued from an employee and he finally found a loving home; and she mentioned this is only

March 26, 2019

one story about an abused dog from a puppy mill, but there are thousands of them just like this and not all of them are as lucky as little Harley was. She stated other counties in Florida and other states have passed this legislation and it is about time Brevard County does it too. She expressed her appreciation to Commissioner Lober for caring about the dogs and bringing this forward.

Brad Lloyd stated he is not paid to speak before the Board today nor does he represent a special interest group, but to testify for Puppies Plus and two breeders in the area and his personal experience; after five years of retirement and months of research he decided to buy a mini Golden Doodle the question was where; they visited Pappy's Doodle ranch in Kissimmee, but did not purchase one of their puppies, but they came away with their son and daughter-in-law purchasing one; they were so impressed with the cleanliness and how they cared for their dogs; his son and daughter-in-law also purchase a Doodle from Space Coast Doodle in Titusville and they were equally impressed with the facilities and the care for the dogs; they had always heard to never buy from a pet store, but they were in for a pleasant surprise; and the puppy they selected at Puppies Plus was beautiful, energetic, and she made the selection process simple. He went on to say Puppies Plus offered an ID chip, full medical shot history, free vet wellness check, the breeder information regarding parenting information, how she was shipped to the store, warranty and guarantees, and 30 days of free health insurance; no shelter or adoption agencies offer their preferred breed or the additional benefits provided by Puppies Plus because he researched it thoroughly over a three month period of time; and it is now apparent that special interest groups with unlimited funding want to regulate breeders and jeopardize the small businesses. He stated government regulation backed by special interest money never works; there are bad breeders and that is where the attention is warranted, not stereotyping all breeders and pet stores; and he asked the Board to please support the local businesses.

Phillip Jacobson stated he is the son of Bill Jacobson; he came six years ago from Chicago to help his father with the store after his mom passed away; and he would like to take a brief moment to discuss what happened in these chambers at the last meeting and the words that were thrown against him. He went on say the reason he brought up HSUS and not the other organization is because they have propaganda issues; last he checked his father never had to pay a donor's pay for fraud or racketeering monies like the HSUS; \$5.6 million in donor money because their insurance does not cover the full \$10 million; as a Vietnam veteran he has never asked for much; he runs a legitimate business, he's been honest, and he has tried to reach out to the Board with honesty while the Board tried to pin him as a dishonest person; and the whole AKC thing, on February 8, they had him sign a new terms of service, and the Board should know what that is about, it is about liability. He added his father was very proud that he was selected back in the day. He continued their motto is one of about having healthy puppies for their customers; they are not filling shelters and they do not discourage people from going to shelters or to adopt because they offer a different service; they are okay with regulations just not over-bearing regulations; and they would like to meet with the Board and discuss proper regulations that would help them move forward and not close them down after 22 years. He commented somebody shared on Facebook about how Commissioner Lober would like to pass this ordinance and if he were to continue to do such a thing, that he would have them arrested; he found that very disheartening to hear someone in the public sector say something like that about his father; and he is a little upset about that.

Commissioner Lober stated he mentioned that he threatened to have someone arrested and asked Mr. Jacobson to clarify his statement, because it is the first he has heard about it.

Mr. Jacobson commented he stated on Facebook, once he passed the ordinance and he asked Commissioner Lober if he remembered the comment, that he would push to put people in jail and he was addressing somebody because of their source.

March 26, 2019

Commissioner Lober inquired if he is talking about people who violate criminal law.

Mr. Jacobson replied in the affirmative.

Briana Brown stated in the previous meeting there were some accusations flying around regarding breeder/pet stores relationships and she would like to address them based on her firsthand knowledge; anyone who says that their breeder would not sell puppies to a pet store is providing false information, and it is purely opinion not a fact; she personally works with many caring dog breeders who are gracious enough to trust her with their puppies; the reason that these responsible breeders do not sell directly to the public is not because they are trying to hide something, it is simply a matter of location; there simply cannot be a breeder in every county that breeds every type of breed desired by the community, it is impossible; and pet stores exist to bring the types of puppies people want in their community but cannot find, to their city or county. She continued it is false hope to believe that local hobby breeders, shelters, and rescue groups will be able to fill the local demand for the types of dogs communities are looking for unless someone is a supporter of retail rescue in which case these people would also be a supporter of the Board's definition of a puppy mill; and she thanked the Board for allowing her to speak her opinion.

Daniella Coffey stated she knows the Board is probably more educated than it expected to be on this topic; she and the group for "My Puppy My Choice, thanked the Board for allowing them to come and inform and provide factual information regarding an industry; My Puppy My Choice started because they witnessed firsthand the gross misinformation of so many supposed facts when they fought against the pet store ban in Hillsborough County; they are not lobbyists or business owners seeking to open stores in Brevard County, they are simply a growing group of individuals, some who have worked in pet stores, some who have purchased a pet from a pet store, and some who just simply understand that an ordinance like this will ultimately do the opposite of what this Board is intending to do; and she noted she believes this ordinance will hurt animals and that is 100 percent the truth. She went on to say she knows for some people in this room, her last sentence seems like a blatant lie, but what she can say is when someone takes away the only current regulatory source, in this case pet stores providing puppies from licensed breeders, it takes away the County's only way of tracking the source of the puppies people are being supplied with; the pet store owner would be responsible for maintaining those records and full versions of inspection reports given by the breeder or a broker he is working with, not the redacted version that are being supplied to animal activists; through this regulation as well as others, this is making the pet store owner responsible for maintaining his or her business; and if not, then it has the capability to impose violations that would allow for fines or the closing of that business. She add then the fate of the business lies in the business owners hands instead of the Commission playing judge, jury, and executioner to a legally operating, taxpaying business that has operated for over 20 years. She asked the Board to vote down this ordinance and work on one that would benefit the animals through regulation and make the business owner responsible for the fate of his or her own business.

Alexandria Julian stated she is here in opposition of Commissioner Lober's proposal; the Board is all aware of her affiliation with the pet industry; she does not come for representation of her family's business or any business; she advocates with My Puppy, My Choice because she has watched over the years an entire group of compassionate, caring, and responsible people be shoved into a category that does not define them; and her only regret now, is that she did not stand up sooner because the group allowed scare tactics and intimidation to silence them. She added her only purpose in being there is to speak for the animals and represent all the animals that are going to be negatively affected if this ordinance is pushed through today. She continued when another ordinance is proposed the group will be there; taking this regulated industry and shoving it underground will be detrimental to all animals; and with so many opinions on such an emotional topic, people do tend to forget that they are all still people who are trying to do what

each person believes is right and in the process may be hurting others; the group has heard many sides of this topic and one key component that has been drastically under-represented is the breeders; and she would like to offer a public apology to all responsible breeders that are wrongfully lumped into a category of substandard breeders often referred to as puppy mills. She mentioned she wants them to know that while some people refuse to understand the care and dedication that these responsible breeders put into their animals every minute of every day, the group sees firsthand the care they provide to their animals and she truly hopes that one day she will see them get the recognition they deserve; she apologized that the picture of these people is being painted as money hungry, greedy, monsters, instead of the good people they truly are; and she noted they are not just responsible breeders, they are mothers, fathers, foster parents, business owners, care givers, church bus drivers, PTA members, football coaches, and her personal favorite animal advocates. She stated she wants these people to know that a majority of people do understand that the responsible breeders are different than the horrible breeders out there that everyone agrees need to be shut down and have their dogs rescued; and she commented this group does stand behind the breeders. She continued apologizing to the breeders for the hypocrisy of all of this.

Angie Friers stated last week this five month old puppy was purchased from Puppies Plus at the Melbourne Square Mall for \$1,500; he was surrendered to the SPCA on Friday for behavioral issues by the purchaser; upon intake it was apparent the behavioral complaint which includes biting, is typical puppy behavior, now the SPCA will have to invest funds to finish vaccines, microchip, and neuter this dog; and while they are happy to help him and find him a loving home, the space he is taking up could have been used by a dog on death row from another shelter. She advised pet stores cater to impulse buyers which is exactly who bought the puppy she is talking about and that is why they position themselves in strip malls and place puppies in the front window; a consumer sees the cute puppy in the window and later purchases it without considering the time, money, and effort that goes into caring for a puppy; it is the business model that perpetuates irresponsible pet ownership; unlike a pet store, responsible breeders and most rescues offer to take the dog back for any reason if the owner cannot continue to care for it; the receipt from Puppies Plus, which she has a copy of and came with this puppy, clearly states no returns, so the puppy ended up on their dime; and enacting this law will still allow people to obtain the pet of their choice, according to the pet store industry only four percent of dogs are obtained from pet stores so it is illogical to think that the stopping of puppy sales in pet stores will impact consumer choice in any significant way. She noted it is obvious a person can get a purebred dog from the SPCA as she is standing there with one today. She went on to say she would also like to address the issue with rescues and shelters supposedly profiting from the adoption of dogs and cats; although she is speaking strictly for the SPCA, she is confident the cost for care numbers they accrue for animals is similar if not less than the cost that smaller rescues incur; every dog that comes into their care has a full vet exam, including updating vaccines, heartworm test, de-wormer, microchip, spay or neuter, plus the cost to board and feed them while they are in their care; the average cost per dog to the SPCA is \$541; their highest adoption fee for any animal is \$100 for puppies, after that age the fees are \$80 down to \$0; even rescues who may charge a couple hundred for their rescues, they are still losing money on each adoption; and she noted that rescue is not about making money, it is about saving lives. She commented she really hopes the Board votes in favor of Commissioner Lober's ordinance as puppies are living and breathing beings, they are not a commodity to be raised in horrible conditions and then sold for thousands of dollars to fill the pockets of the businesses.

Cheryl Lankes stated she is speaking against the ban on dog and cat sales by licensed pet stores; she believes it is really not the position of the Commission to put a small business out of business; mostly everything she wanted to say has been said, but as a dog owner, she has never bought a dog from a pet store, she has come upon dogs that have come from homes, who had either not enough finances to care for them and these dogs come with issues; not everyone can afford to fix those issues, so those who buy a dog on the less expensive side,

March 26, 2019

may not be able to care for all of its needs; she is talking about eye surgery, and weird genetic diseases, ligaments, and tendons, these are things that would be covered by pet store owners not by hobby breeders; and she has two of those dogs. She commented she hopes the Board does not take options away from the residents of Brevard County because she feels like the best interest of the residents should be the Board's job.

Greg Shackles stated he would like to read a letter that was sent to the Commissioners on Monday, March 25, by Dr. Roger Welton, who is a licensed veterinarian. He read, "Dear Commissioner, as a licensed and practicing veterinarian, I fully support the pet store bans as general principle. Both in my years working as a veterinarian in New York and since 2004 an owner attending veterinarian of Maybeck Animal Hospital in Melbourne, I have witnessed firsthand, the horrors of the pet store industry with the sale of puppies. These puppies often come sick and are clearly not the result of the ethical breeding standards, often at some point in their lives presenting with often severe, inherited congenital diseases. My clinic is in West Melbourne so I have an abundance of experience with puppies coming from Puppies Plus and it has not been good. Most tragically puppy retailers purchase from puppy mills that have little or no regard for the welfare of the breeding animals, they commonly live in filth, they never leave their cages, they never receive veterinary care, and they crank out litter after litter without rest until they are no longer useful to the breeders and simple disposed. As I alluded to, there is no ethical breeding in these facilities that is what a place like Puppies Plus in the mall profit from. Interesting his passion outreach to veterinarians in this email blast posted below, he is trying to get us on board with his opposition to the ban. I'm afraid that Mr. Jacobson that in trying to recruit ethical veterinarians to his cause, he is barking up the wrong tree." He noted he does not have much time, his wife was here and explained about their dog; the Lemon Law being talked about is garbage; the 30 days, he is not going to talk about that; in all due respect, Commissioner Pritchett agreed in front of everybody with the original law that was going to go into effect presented by Commissioner Lober; she wants to add these hobby breeders, he thinks the County is better off not doing anything; now they would have Missouri pet breeders send them to a hobby breeder, then they ship them out to a pet store and the paperwork is covered; and he asked who would police that. He went on to say that cannot be laid on the Sheriff, from what he has read in the paper, that should not be placed on him as he is already taking care of the shelter; this is wrong and he is a taxpayer; and he noted there is no reason for this.

Dianne Swapp stated this is a little on backyard breeders, or hobby breeders, puppy mills; they provide millions of animals sold to pet stores every year and also provide millions of animal in rescue organizations and shelters; many decide they are going to breed dogs because they think they are going to sell them; often this means left over animals that end up in shelters because they have too many; some are sold or given away because too many of their original decision to become breeders is overwhelming; and everyone has seen signs out in front of people's homes, on Craigslist, and even at Walmart saying free kittens or puppies. She continued many of these dogs suffer in scorching heat and freezing temperatures, in cages or chicken wire pens; these animals are often unsocialized and unhealthy; and she asked the people to please support the rescue organizations who dedicate their entire lives and funds to helping these animals. She added these exist by time and money to help, rescue organizations are not in it for the money; they adopt and socialize the animals who end up as extras from these hobby breeders; there are rescue organizations of every breed a person can think of, there is no reason to adopt from a shop, even though they claim to have local breeders; a person can get any purebred from a shelter; and as a volunteer of a shelter, they provide spay, neuter, microchip, and shots for \$40. She advised they are not making money on it, they go by donations from many, many people. She commented the poodle rescue that was there before is not in it for the money, and neither are the others.

Michele Lazarow stated she is the president of the Animal Defense Coalition and she is also a City Commissioner in Broward County; as someone who has helped move this ordinance in 50

March 26, 2019

locales in Florida, she cannot express her disappointment in what has transpired here; she sat here and watched negotiation go on between Commissioner Lober and Commissioner Pritchett and an agreement was made; what ended up on this week's Agenda was not what she sat and listened to two weeks ago; and the ordinance currently being presented is written to protect the very businesses that people are trying to stop. She continued this movement was started to stop the sales of puppies in these stores, not to protect them and that is exactly what the ordinance is doing that is on the Agenda; her request is if the Board is going to pass what is currently being proposed, that the Board pass nothing, because nothing is better than this; what it will have is an absolute unenforceable law; and the problem is when a watered down and unenforceable law is passed it makes it harder for the next city and county. She noted she has been at Commission meetings enough to see when the votes are not there and the votes are not here; Commissioner Pritchett spoke about her friend that owns a store whom she wanted to protect; the ordinance that she and Commissioner Lober negotiated did exactly that; if she wants to protect cruel and immoral business practices then this is not a law for any of the Board members; however, this movement is now bigger than Brevard; case in point, Pembroke Pines, Florida, while Brevard has had this conversation and the law that is being passed is not a ban, so this County is going to see an abundance of stores flocking to Brevard; Pembroke Pines stated they did not want the ban so they got one store to six stores; and she does not believe Hillsborough County for one minute. She went on to say Statute 828.29, pet law is a joke, the pet law cannot stop people from ending up in the hospital; of course the veterinarian who works with Puppies Plus would say the puppies are great, follow the money; more puppy mill puppies means more business for him; Jacobson is selling puppies from USDA license with multiple violations, which he himself admitted to; and she asked how is HSUS responsible for that. She noted they might have proved he was buying from these breeders, but he certainly is not responsible for those when he purchased them; and she cannot believe that after listening to Sheriff Ivey speak about this industry in the manner in which he did, how anyone could vote against that, but if that is what this Commission is choosing to do, then so be it.

Commissioner Tobia inquired if she said she was a city councilwoman. He commented that is part of this process, as he is sure she knows; this Board is presented with more information and it takes that into consideration; and to impugn a member of this Board who changed her mind, he does not agree with that; and he inquired if she as an elected official ever changed her mind.

Ms. Lazarow noted she has not after she has negotiated a deal in public on the dais. She stated in her opinion, what has been presented is now substantially different than what was discussed; maybe it should go out for another reading; and she cannot tell the County Attorney what to do, but she certainly does not think it is fair to the people that sat here and testified.

Commissioner Tobia commented welcome to the legislative process, this is how it works; and he asked just to be clear, the threat at the end is that the County may have more businesses paying taxes and may employ more people, is that what could happen.

Ms. Lazarow commented it is obvious that Commissioner Tobia is not in support of this, so do not vote for it; and that is her suggestion.

Commissioner Tobia commented he is not worried, he is not going to change his mind; he is just asking if that was her statement that the County would end up with more businesses.

Ms. Lazarow advised this is correct, selling more commercially bred puppies from puppy mills.

Commissioner Lober commented he was going to allow her to finish her thought on that if she had anything more to say on that topic.

Ms. Lazarow stated she watched the first meeting about this topic and Commissioner Tobia

March 26, 2019

made his position extremely clear; she does not mind being asked questions; and she will just leave it at that.

Carla Wilson mentioned she represents no organization, she is not paid, and she took off of work to be there; Commissioner Pritchett is proposing an entirely different ordinance than Commissioner Lober's ordinance and it is horrible; Commissioner Pritchett's proposed ordinance is a major step backwards from the ordinance she voted to approve two weeks ago; her ordinance is significantly weaker, gives monopoly over existing pet stores allowing them to continue business as usual selling puppy mill puppies, and removes pertinent record keeping requirements; and it is a complete joke of an ordinance, which is offensive after she listened to three hours of testimony from consumers who have purchased sick and pet store puppies, and shelters and rescues who deal first hand with sick and behavioral challenged puppy mill puppies. She pointed out Commissioner Pritchett is choosing to protect business owners and their profit margins over the protections of her constituents and public health; as the grandfather clause allowing the existing puppy selling pet stores, with a business tax receipt to continue business as usual, the penalties are severely weakened, the outdoor sales ban of dogs and cats is removed, pet stores are not required to keep records for hobby breeders; therefore, she is in attendance to ask the Board to vote in favor of Commissioner Lober's ordinance.

Susan Thibodeau stated she represents the Brevard Kennel Club; they are a group of passionate dog breeders, preservation breeders, and exhibitors who have been in existence since 1958, a long time in this County; they expressed a lot of their concerns last time; they asked the Board to consider that in many other areas of the country, retail rescue, not the local rescues, although they admire what they do, but in other areas of the country where they started to put regulations on breeders and stopped the pet shops, there has been a surge in retail rescue; there have been over one million dogs imported from North Korea, Turkey, and other areas; just recently Cornell University discovered a new strain of distemper has been brought into the country; and last year many breeders lost dogs to the canine flu and experienced economic losses as they had to spend thousands of dollars saving their dogs from a disease that had never been seen in this country before. She went on to say the last ordinance that came out had vague language that looked like anybody could promulgate rules whether it was an agency, the Board, or the Sheriff, against hobby breeders. She mentioned that vague language has people very concerned, as seen in the letters she has sent and the phone calls people have made; she reiterated they are preservation breeders and they usually one have a litter or two per year; she has had three litters in the last 10 years and most of her puppies are not sold here because she shows most of her puppies are sold around the country and sometimes the world; sometimes she places puppies as service dogs and does not charge for them; the last one she placed as a service dog she spayed and neutered and spent all the expenses on that dog, she is not in it for the money, she is a passionate dog person; and what she is very concerned about is what she sees in other areas of the country when they start promulgating these rules and they waive their right to warrants for searches by animal people, there are strict rules that try to make people's homes into kennels; and she commented her puppies are born in her bedroom and they slept next to her for the first few weeks. She added she is there every minute and no one gets them that she has not carefully screened. She stated she is not trying to tell the Board how to vote, except for if that language remains in there she would ask the Board to vote against it.

Commissioner Lober advised he has seen some of what she has emailed; he has discussed it with the Sheriff and there are some changes that he thinks she would be happy with that he will be proposing today; and he noted he thinks her concerns will probably be addressed before the end of the day.

Ms. Thibodeau commented she wants the Board to consider the fact that while there are some wonderful rescues in this County, when government starts to clamp down on where people can

March 26, 2019

get there animals, there has been an upsurge; the Greater Atlanta Golden Retriever Rescue brought in over 80 Golden Retrievers from Turkey and the cost of importing was covered by donations; and they were sold for \$800 a piece.

Commissioner Lober stated that is something else that has been addressed in his revised language; and he noted he will address it all at the end when everyone has had their chance to speak.

Pam LaSalle stated what conservatives want their government to be like California, who passed a statewide ban on pet sales much like the one the Board is considering today; this proposed ordinance is a liberal move to diminish people's freedoms and promote animal rights; cats and dogs should not have special legal standing; the description of the USDA during the discussion at the last meeting on this issue was a disservice to the Board and this community; she is sorry to say she feels there were many misleading and erroneous statements made with regard to their regulations; and she noted within the State of Florida there is no State regulatory body for animal welfare and the USDA oversight of animals and their interstate commerce is a valuable service to the public. She went on to say HSUS was cited as sources for the ordinance and for the presentation at the last meeting; as a conservative animal welfare advocate she does not see their influence as beneficial and she does not consider them to be an unbiased source; the HSUS has an established history of animal rights activism, even having to settle a racketeering charge with a \$15 million payment because they were among animal rights groups who paid a plaintiff over \$190,000 over a period of years to be a plaintiff; and yet this is the organization with a dominant presence in this proposed legislation today. She stated the AKC was used to lampoon Mr. Jacobson who currently owns the only pet store in the County that would be affected by this ordinance change; there was no mention at the last meeting that the AKC has consistently opposed such legislations as this one, all across the country; and she quoted, "As the proposals move from community to community, the templates stay largely the same." She went on to say proponents make inflammatory allegations about abuses by the breeders, whom they call puppy mills, and offer a solution that ironically bans the most regulated and vetted sources including breeders and handlers subject to federal licensing while urging the sales or adoptions of animals obtained from sources that have little or no regulatory oversight and that are not subject to federal oversight, State and consumer protection laws, or other guarantees; the USDA licenses commercial breeders and dealers of dogs; there is no such thing as a licensed puppy mill; she commented the USDA inspects every dog breeder at least once a year, so why would this Board vote to completely eliminate any oversight and consumer protections in favor of none; regulators do not just find fault, they help people be better care givers to the animals; and she stated Brevard County does not need this ordinance and asked that the Board vote against it.

John LaSalle stated he has been around animal advocacy usually talking about feral cats, but now he is talking about dogs and puppy mills; he volunteered for over 1,000 hours at the local shelter when the County ran it; he has four shelter dogs; they had one rescued cat for 18 long years; and he wants to do the right thing, which is eliminate the abuse of animals. He added puppy mills are poor and no one in the room wants a puppy mill in the County or the State. He noted what the County is saying is close down a business because people do not like what has been going on; the Board said the Commission and the Sheriff were going to work with him and work out something, but what was done is telling Mr. Jacobson he cannot sell puppies in a retail store because he is not doing a good job; what it also says is that in the future no one else can come in and sell puppies in a store; and to him it does not make sense. He noted there is a problem out of State with abused animals, and the Board wants to close down a small businessman and any future businessman who wants to sell puppies; he is a big supporter of rescue people; when he volunteered at the shelter he did not just walk dogs, he groomed and shampooed them; and the rescue people would come in and pre-pick all the good ones, all the puppies and pure bred dogs, so what was left was the Pit bulls and most of the unwanted dogs;

March 26, 2019

and he mentioned he does not want to go there. He stated he is against the ordinance and he would like to see the Board think about this before putting people out of business.

Natalia Sanabria stated the My Puppy My Choice group is not paid to be in attendance, they are here to advocate for the animals; this group proposed the Hillsborough County Ordinance to this Board; some of the Board members are worried about new stores opening in the County and some are for it; if it is a huge concern the group proposed Hillsborough County because it has grand-fathered some in, people just cannot open new ones in that County; and this Board could always do that. She added the store she works for has no interest in coming to Brevard. She inquired if the little dog's owner asked the pet store about returns, if they ever called to find out if something was noted by the Veterinarian which would make it fall under the Pet Lemon Law; and in Hillsborough County all the microchips are registered to the pet store owner so if any of the dogs got lost or ended up in the shelter, the owner of store must take the puppies back and re-home them. She noted that would take the dogs from the shelter from having to sit there at the County's expense, it would go back to the pet store for re-homing. She asked if it was the Board's intentions to stop the puppy mills and animal welfare before stopping the pet stores; pet stores does not means they hurt animals or that the animals are coming from places from where they are abused; she thinks the priority should be stopping the puppy mills and the animal's welfare first; she does not see where regulations would be an issue because it would actually help the animal's welfare; this will not stop puppy mills it will only promote retail rescue; and as she stated at the last meeting this will cause them to go underground and it will not be good. She stated it was not mentioned at the last meeting about the USDA's regulation on exercise requirements for the dogs; and it is just a minimum of where the dog has to stay, but there are exercise requirements, with each state having its own requirements.

The Board recessed at 10:48 a.m. and reconvened at 10:58 a.m.

Commissioner Lober stated he has some notes on what some of the speakers have mentioned and he would like to go over them as quickly as possible; he would then like to pick up the slide show that he addressed during the last Commission meeting; and he is not going to go through slide by slide, but the items that are relevant as they apply towards the comments that were made. He continued going in the order that folks came to the podium, as to Mr. Jacobson, his arguments are his arguments, but the important thing to note is not just what he is saying, but also what he is not saying; with respect to that he called people's attention to the slide show he presented in a past meeting where this Item was discussed, he addressed the source issue and the failings of the USDA even in their own words in terms of what the issues are; as far as the second individual, Dr. Bauman who is the Veterinarian for Puppies Plus, every other veterinarian without exception who reached out to his office has been in favor of it, and not just the vet who was read into the record here, but every single vet, including his own dog's vet, who certainly could have told him he was misguided on this; he noted he saw him about a week and a half ago; in terms of the statement about Puppies Plus being ethical and honest, the Board heard directly from Mr. Jacobson that there was an issue with a wire cage violation which is in contravention of the Animal Welfare Act and not in compliance with USDA; and he does not know that he would call that ethical, but it may have been something that has been resolved at this point, he does not know. He went on to say he also did not talk, and this is important because it was not mentioned, about the source of the dogs; everything being heard was about how they are stored and how they are treated here, that is not the primary driver of what this ordinance is designed to combat; another Item with respect to the honesty, during that slide show and in the commentary during, preceding, and maybe following it he addressed very specifically misstatements, if someone wants to be favorable, or lies for anyone who does not want to be favorable, by Mr. Jacobson with respect to his promise to provide the list of sources where he gets his dogs from, or the list of breeders where he gets his dogs from, and they were never brought to light; there was an individual who came up afterwards talking about getting many Golden Doodles and he did not address the underlying source issue, and he talked about

government intervention funded by special interest money; he commented he does not know where his special interest money is because he has not received a penny in order to do this; he noted he self-funded his campaign and is not looking for money from anyone in any avenue now or in the foreseeable future, so he does not know where the special interest money comes into play; and after that Mr. Jacobson's son came up and he was talking about HSUS, as others did, and their involvement with this particular proposed ordinance. He pointed out the Items that addressed HSUS, he thinks there were two slides and he will bring them up in a couple minutes, but HSUS did not make any final calls on this particular ordinance, he made the final call on what appeared and did not appear; they were involved in providing him guidance, but so was the SPCA, the Sheriff's Office, and a lot of others; there was no involvement of People for the Ethical Treatment of Animals (PETA); Mr. Jacobson's son stated he tried to pin his father as dishonest, but he feels that if someone is proved to have demonstrably lied, that is an accurate statement, so he agrees with that; and then Briana Brown talked about the kinds of puppies that cannot be found here, but he is personally aware that people can get any type of puppy. He added if people do not agree with him with respect to being able to source any kind of puppy from a rescue or shelter, this ordinance is not limiting hobby breeders from selling anything under the sun, it is not eliminating anyone's ability to be able to sell Poodles, Yorkies, or anything else, there is no prohibition on that. He stated after that Daniela Coffey talked about gross misinformation in Hillsborough County, but did not say that was happening here, because there is none; out of 51 slides that he presented at the last meeting, if there was something inaccurate, someone would have been able to point that out, but nothing was discussed as being inaccurate; there was talk about extremist groups but he is not a member of any extremist group and if he is it is news to him; she also mentioned that the Board or BCSO serving as judge, jury, and executioner, and he advised the Board is not the judge, not the jury, and not the executioner; with this being put in place there would be an actual judge, if a jury were desired there would be a six-person jury; and there is no executioner because there is no death penalty associated with a misdemeanor, it sounds great but it does not bare real well with reality. He mentioned Alexandria Julian talked about looking at all sources of information; he pointed out he has done everything he could to look at every source of information and spent countless hours on this particular Item and the only information he did not get that he would like to have seen was the information Mr. Jacobson promised him with respect to the names of his breeders; he did receive quite a bit of information from BCSO in response to a public records request, that gave him a lot of other information he was hoping to get; there was talk about scare tactics and intimidation from the same speaker, but he does not believe he is scaring or intimidating anyone; Ms. Julian mentioned her only purpose in being there was to speak for the animals and she talked about breeders and not wanting them to be lumped in with hobby mill breeders, and he certainly agrees with that 100 percent; and he advised this ordinance is not doing that, it has always been drafted to carve out an exception for hobby breeders to breed initially 20 dogs per year and now it is up to 48, and that would certainly include anything remotely ethical in the hobby breeding range. He noted there was mention from a hobby breeder that she only had three litters in the past 10 years. He continued next was Angie Friers from the SPCA, talking about the puppy from Puppies Plus costing \$1,500 and something about there being a no return stamp on the invoice despite the Florida Lemon Law, so people can play games if that is what they choose to do; Ms. Lankes came up and he feels her points speak for themselves; Mr. Shackles came up and read the veterinarian's email that his experience with Puppies Plus, has not been good; he does disagree with whether or not BCSO is able to handle enforcement, because he has spoken with Sheriff Wayne Ivey, and he assured him that everything he is able to propose he would be able to enforce; and there are other things that have been proposed that he may not be able to enforce, and they have discussed that at length, but what he has put on the Agenda today and what he is going to be proposing, a slight departure from that, are both absolutely enforceable. He advised then Ms. Swapp talked about there are rescue organizations for every breed and he agrees with that; he believes anyone who is looking, if they spend a few minutes, can find what they are looking for; and he noted even if she is wrong on that, there are still hobby breeders who can breed up to 48 dogs of any variety. He

commented he does agree with something else Ms. Swapp brought up about Coastal Poodle, these people are not looking for money; he will discuss in a moment some Items that had been included to prohibit folks from playing games and trying to game the system by saying they are a rescue and driving around in an expensive car and living in a mansion; it is precluded and he will show it in a moment; with respect to Ms. Lazarow, he is concerned that if nothing is passed that one store to six may become a reality; while he would normally be happy to have more businesses come into Brevard County, if it is absolutely an immoral business concept that the vast majority of individuals would find repugnant, that is not the type of business he would want in this County as he feels it would drive away other legitimate businesses; and he does not feel that would be something that is in the best interest of the public despite the minimal increase in tax value or the tax base. He went on to say Ms. Wilson took time off of work to be here and he feels that is telling; he is not saying this County should value someone from out of County in the same way the Board should value someone from in County, obviously the constituents are constituents, but he thinks it is telling that people feel so strongly about something like this; Ms. Thibodeau's concern about retail rescue he will address in a minute, but he promised her that with what the Board is doing is not in the financial interest of any rescue or shelter organization to bring in dogs from Korea, Turkey, Iran, or anywhere else for that matter; with respect to ambiguity or vagueness in the language he thinks that will be addressed in what he is about to read; and he does understand her concerns with some things that have been incorporated in. He stated Ms. LaSalle came up and he believes she means everything she said as she is a very intelligent individual who makes some good arguments, but he thinks some of the Items that are not brought up are as important as those that are; she mentioned California being a potential analog of the situation this County has here, but what she did not mention is the sister County in the judicial circuit, Seminole County, has an ordinance that is substantially similar to this so this is not a far left extremist action by any means, it is something that is going on in Florida; and he noted immediately adjacent to the County are two municipalities in this County that have gone in this direction, so it is here, it makes sense, and it is spreading for that reason. He stated as far as HSUS, the slides that reference HSUS he believes there are only two slides and one of them he even referenced the Code of Federal Regulations and took the language out of the actual codified law; he noted there was no specific criticism levied by Ms. LaSalle about the actual content that he cited as a source for, just that it came from HSUS; if there is nothing wrong with the content then he does not know that the fact that he derived some of that from HSUS necessarily matters if there is a concern as to the contents accuracy or whether there is a slant with it then that should be addressed, not just because it came from that specific group; he agrees with her in that there is no State regulatory authority and that is what makes this troubling and all the more necessary; HSUS did not make any final calls, they made recommendations, some of which were taken and probably more of which were not taken; and he noted there are probably several animal rights groups that are not pleased with him because he has not included rabbits in the ordinance, he has not lowered the limit in terms of hobby breeders. He advised he has not heard anything from AKC about this, the only input they have had is in describing the inaccuracy of some of the claims that were levied by the pet store owner. He went on to say with respect to Mr. LaSalle, he believes he is a well-intentioned individual and a smart fellow; he appreciates the fact that he has volunteered 1,000 hours with an animal shelter and he has nothing but respect for that; he thinks the important thing to keep in mind is he is not closing down businesses with this ordinance, they are regulating businesses that have proven they are not going to self-regulate where necessary and appropriate; he provided an example, he is a scuba diver and one of the things he has worried about with this is there will be a shop who will do tank refills and they will fill a tank to the extent where something is going to explode and what is going to happen is there will be either federal, State, or local regulations at that point because it will have been proven that the industry does not adequately regulate itself, and the government at that point would have to step in for public safety and welfare; this is a situation in that this industry has been given the opportunity and time to self-regulate and it has proven time and time again that it is not going to do what needs to be done and that is why the Board needs to step in, not because it is over-bearing or trying to micro-

March 26, 2019

manage businesses; and he mentioned that is not his goal at all as someone who is generally opposed to business regulations, he views that in a very cautious light and he tries to keep things as narrowly tailored as possible to get to the end that is trying to be achieved. He pointed out as far as trying to prohibit stores from selling puppies, or the retail sale of puppies, the Board is not doing that; it is allowing, as a result of the negotiation that took place during the last Commission meeting on this, retail sale of dogs by pet stores as long as the dogs are sourced either from rescue organizations, shelters, or hobby breeders, and the way he has defined hobby breeders is broader than any other definition of hobby breeder because it allows up to 48 dogs or cats per year, and that is a lot; he reiterated there was a breeder who came to the podium and announced she has only had three litters in 10 years; assuming she has large litters that is nowhere near in 10 years what she would need to be in one year, in order to have this impact her in any way; this is not a small business ban it is a regulation in terms of prohibiting unethical and quite frankly unscrupulous conduct by businesses that have proven again, and again, that they are not willing to self-regulate; and he asked for the slide to be put on. He went on to say there were claims from Mr. Jacobson that conveniently were not mentioned today about him having been sanctioned by the AKC or recognized by them and he made it very clear; it was heard from an AKC breeder of merit, at the prior meeting, that the AKC does not license breeders and that everything is on the AKC website; he checked with the AKC and they said it is correct that they do not license, endorse, or recommend any breeders, kennels, or pet stores, so as far as dishonesty, it is right there; USDA claims in 2010 the USDA audited itself and the Office of the Inspector General released a report saying the enforcement process was ineffective against problem dealers, inspectors did not cite documented violations properly as needed to support enforcement actions, penalties, and it goes on; another HSUS cited source, as was talked about earlier a USDA licensed facility may legally confine dogs in cages only six inches larger than their body for their entire lives; if someone does not trust the HSUS then the Code of Federal Regulations is very clear that the length of the cage is calculated by measuring from the tip of the nose to the base of the tail, so to have a large animal it is quite likely that if the dogs tail were extended it would not fit in the cage, but it would be perfectly permissible to keep that dog in the cage forever, and to him that is not acceptable and is gross inadequacy of the USDA; and even if they are inspecting and enforcing the requirements, the requirements are essentially a joke. He continued as Mr. Jacobson had mentioned before, he said he only sources from breeders with no violations, and he found out that was not true; he indicated he sourced from this particular breeder who is on the screen and there are a slew of documents indicating some pretty horrific happenings that applied with respect to that breeder that were found either by State inspections or USDA inspections; it was also said about that gentleman being open and honest that he wanted to set up a meeting with him to discuss the ordinance and he was emailed and asked to provide the list of breeders for the 11 dogs that he previously referenced in another email, and he responded he would gladly show him the names at the meeting but would prefer not to send him the names; he pointed out to Mr. Jacobson that he does not have the opportunity once he comes in front of the Board that he does not have any time for due diligence and that truth be told, it is not going to help the breeder to withhold the names until he gets there because the meeting is infinitely more public than public email, because someone would have to think to request the email as opposed to here where it is put on television and kept in digital form on the internet indefinitely; because he would not provide the information, he sent a public records request to BCSO based upon a site visit that he became aware of at Mr. Jacobson's store and they gave him the source that Mr. Jacobson either exclusively or predominantly gets his puppies from, Choice Puppies; and he has a USDA report pertaining to that and it indicated violations, and his source did not have 48 puppies, but 343 puppies, which to him is quite a few. He pointed out looking at where the source obtains them from, again through BCSO not through Mr. Jacobson who is not inclined to show anything despite indicating he would, and the breeders that were found also had quite a documented history of abuse; essentially the bulk of what Mr. Jacobson told the Board, or at least a proportionately large amount, is nonsense and simply not true; people can call it lying, a mistake, or whatever, but it does not mesh with reality; Mr. Jacobson also indicated that the

County Health Inspector apparently cited him or violated him for the manner in which he is storing animals and this was after it came up in the Commission the first time; if someone knows they are being scrutinized and under the microscope to have a documented violation of the Animal Welfare Act it is pretty appalling and would suggest to him, if anything, that it was worse prior to that time; and Brevard County does not have a County Health Inspector that goes and looks at pet stores, nor is there a State Inspector as was mentioned today, so it had to be USDA, and this gentleman does not even know who cited him. He stated Mr. Jacobson did go on in an email he sent addressing the citation or violation, saying in all caps, "we owe no apologies to anyone" and that is pretty bold for someone that was just cited presumably by USDA for violating the Animal Welfare Act; in summary this slide states the AKC acknowledges they do not endorse in any way pet stores; they make no guarantees to quality and health, the USDA inspection is largely meaningless, objectively horrible breeders, as seen at the last meeting, with a history of violations from State authorities and state's where such inspections take place can easily pass USDA inspections; and the industry cannot be trusted to self-regulate, they have proven again and again they do not take humane care of animals and lie and mislead to continue operating in a profit above welfare manner. He stated he wants to talk about, not the Item that was on the Agenda, that was put up some time ago, the ordinance he proposed attached to the Agenda Item, since that time the County Manager's Office circulated a revised version that was edited by Commissioner Pritchett; he could not get back to her on that version as a result of Sunshine, he wishes he could have; what he has done is taken the language that she had proposed and he adjusted that and highlighted any area where there is any significant adjustment for everyone's benefit; he added a little green triangle to the corner so everyone knows what version he is referring to here on out; and the highlighted area should be the only area where there is a change from what Commissioner Pritchett had suggested, so he will go through them for everyone's benefit. He advised on page four in the definitions section at the base of animal rescue organization he changed the bottom text to read as follows, "This does not include any broker or any entity that obtains dogs or cats from any source for payment or compensation. While animal rescue organizations are entitled to seek adoption fees to offset costs incurred in rehabilitating and caring for animals, they are not entitled to otherwise seek profit from the sale of animals." He noted in terms of retail rescue or anything of those lines, that pretty much covers it, with no ambiguity whatsoever; in Animal Shelter he changed the bottom text and the definition of that to indicate, "While animal shelters are entitled to seek adoption fees to offset costs incurred in rehabilitating and caring for animals, they are not entitled to otherwise seek to profit from the sale of animals;" so there is no retail rescue that would be permitted by the ordinance, if passed as suggested, in its current form; he believes the County Attorney may have comments after he is done reading what he has proposed most recently, and he did not want to incorporate her comments until there was Board discussion on the reasons for those comments and what is necessary and what is not, but in defining a hobby breeder which begins on the base of page five and on to the top of page six; the pertinent part that he changed says, "Hobby breeder sales to pet stores are expressly conditioned upon compliance with any and all registration and inspection requirements lawfully enacted by any governmental entity or agency;" and he is not enacting any additional inspection or registration requirements, he is simply saying if they do comply with existing law or whatever law may be put in effect by the State or federal government, or any other governmental agency or entity, then they will not be entitled to sell to retailers, it is not saying that it will not allow them to continue selling as a hobby breeder, but if there is an issue where someone does not comply with the USDA or anything that is promulgated by lawful activity, State, federal, or local level, they will not be allowed to sell retail, it does not do anything to impact hobby breeder sales for private individuals if they have some violations. He continued if there is some prohibition by the USDA then that is separate and apart from this; and he noted it goes on to read, "The Brevard County Sheriff's Office shall be the sole County authorized entity to conduct any and all inspection(s) of hobby breeders. Nothing herein shall serve to prohibit the federal government (e.g., USDA) or the State of Florida from imposing additional registration and/or inspection requirements as may be lawfully enacted." He added this is not doing anything to give them

March 26, 2019

more power, it just simply clarifies that they are not trying to usurp something that may take place at the State or federal level which would potentially cause issues with being able to otherwise enforce the ordinance. He went on to say moving on to page seven addressing intent, sub (1), it originally read rather an adoption based business model shall be mandated or required, now it is going to read 'encouraged' for the retail sale of dogs or cats; that proposed change was taken; moving on to the base of page eight, Prohibition on the Retail Sale in Public Places, he is adding 'or hobby breeder' after animal rescue organization and then at the very base of that he is also adding, "The same rules, regulations, record keeping requirements, and limitations which apply to pet stores shall apply to any individual or entity responsible for running the event irrespective of whether said individual or entity is or should be in possession of a business tax receipt;" it is his hope that this addresses some of the concerns that were raised or suggested by Commissioner Pritchett's draft; he thinks this is about as flexible as he is able to be in terms of not having something that is watered down to the point of being meaningless; and he asked the County Attorney to address the couple concerns she had with respect to the definition or the text following the definition of hobby breeder.

Eden Bentley, County Attorney, stated the concern on page six where Commissioner Lober has referenced BCSO, she had a concern because this language which says the BCSO will be the sole County authorized entity to inspect, and currently the Health Department can, so she would recommend that be changed to say, 'the BCSO shall be entitled to conduct currently authorized inspections,' so that it is as broad as possible.

Commissioner Lober commented he would like relay any concern that hobby breeders may have, in lieu of doing that he thinks maybe something worth considering would be at the end of to make clear that it is only with respect to this ordinance by saying, 'BCSO shall be the sole County authorized or entitled to conduct any and all inspection of hobby breeders with relation to this ordinance.'

Attorney Bentley advised that would work; at the moment, however, she does not think he has any new inspection criteria that are going to be easily enforced; but that can be added.

Commissioner Lober advised he will add the words to what was currently handed out, after any and all inspection(s) of hobby breeders with respect to this ordinance; he noted the reason he wants to do that instead is because there was a concern raised by some hobby breeders that there may be ambiguity with respect to who is entitled to inspect in connection with this ordinance, they were concerned there might be some folks who were not associated or affiliated with the government coming in and insisting they have a rig to do inspections, so he wants to make sure this is totally unambiguous and totally clear, so that is not the case and this is not giving anyone any additional rights to do anything as far as inspections are concerned; and at this point he would move to approve with the one change that is noted subject to discussion.

Commissioner Tobia stated he has a question with the 51-page PowerPoint presentation; he asked Commissioner Lober to explain what authorization, whether it be federal, State, or County, that would allow BCSO to do a site inspection that included this much paperwork for that store; and if they currently have that.

Commissioner Lober stated this is not expanding their inspection rights by virtue of passing this, but it is also not detracting from them, nor would it be able to detract from them by means of an ordinance; essentially the language pertaining to inspections he is putting in place so that if there is some change in the future or other entities in all likelihood that may or may not want to get involved, there is total clarity in the County's position with who is entitled to inspect on behalf of the County for purposes of this ordinance; and he reiterated he is not looking to increase or alter at this point in time any inspection rights that the BCSO may or may not have.

March 26, 2019

Commissioner Tobia inquired what current right BCSO have to do site inspections.

Commissioner Lober noted he would be happy to address it but he thinks it may be better for Deputy Hellebrand to come to the podium; essentially there is an existing entitlement in the law for them to go in and inspect paperwork pertaining to the sourcing of the puppies; this is not something new nor is it unique to Brevard County; if there is a violation that they find they are able to refer it out appropriately, if it is something criminal, to the State Attorney's Office; and he reiterated he is not looking to expand that.

Commissioner Tobia inquired if there was any indication that violations were taking place or if it was a random inspection.

Deputy Hellebrand advised it was a random inspection that would be conducted at any pet store that sells puppies.

Commissioner Tobia asked how many of those does BCSO do where they check on the paperwork, on an annual basis.

Deputy Hellebrand noted there is only one pet store.

Commissioner Tobia inquired when the last time BCSO did an inspection was.

Deputy Hellebrand noted this was the only time.

Commissioner Tobia pointed out that it randomly happened while the Board was doing this ordinance.

Deputy Hellebrand replied in the affirmative.

Commissioner Tobia clarified this has never happened since BCSO has been in charge of Animal Services.

Deputy Hellebrand noted that was correct.

Commissioner Lober inquired how long BCSO had been in charge of Animal Services.

Deputy Hellebrand replied four and a half years.

Commissioner Pritchett stated the Board is trying to get all the information it can to make good decisions; one of the planks she uses when trying to make these decisions is to cause no harm; sometimes people get comfortable on one side and she gets all that; however, it is the Board's job to do the best it can and come up with something that is not going to cause harm, but maybe do what the Board needs it to do moving forward; and she does not apologize for changing her mind because she thinks that makes good government. She quoted, "A man who never changes his mind never changes anything." She went on to say, as the Board is getting an education here, it should be changing to try and figure out what is the best thing to do here; this is a very emotional issue and she loves pets, and she supports that pet stores do not get their dogs from puppy mills; but she thinks somehow people get off track when they are going through all of this information; however, she wants to make it loud and clear, she does not support puppy mill dogs being sold to the public or puppy mills being able to operate anywhere in the United States of America, it is an abomination and it must stop. She continued on that note, there was a lot of information going around on Facebook over the last few days and she thinks that needs to be the ground zero level as this moves forward; to her the goal is to eliminate puppy mills and to aid good shelters; she believes in the local shelters; and she

wanted to establish she hates puppy mills and she believes in the local shelters. She stated with all of the information going around, she is trying to learn; she thinks Commissioner Lober's heart in this is genuine and that says a lot; she needs to get to a place where she can think the Board is doing a good thing here; her goal is to not shut down pet stores; she does not believe pet stores are bad and she does not believe that is what is trying to be done moving forward; if that is what the ordinance was for she would be totally against it because her goal is to stop puppy mills; and she does not want to restrict the public's ability to get their pets. She went on to say since she has been reading over the weekend, she sent out her ordinance because she wanted the Board to know what she wanted to discuss; she struggles with hobby breeders and she believes some people's opinions may be right in saying she may have created a loophole with the hobby breeders; she thinks they have taken something that has some regulations and moved it over to no regulations; she may have gotten off with a bad thought on that so she passed out a new ordinance; she likes what Commissioner Lober put in there with the hobby breeders but is concerned she may be starting a new loophole; and she explained if someone can buy from a hobby breeder, there is no regulation on them, it is 48 dogs but is it per person or if there is two people in the household if that would change to 96 dogs, and she advised she may have created a mess with what she was working towards. She noted she has talked with the Sheriff extensively over the last few days and he told her BCSO could go visit the breeders, but she advised she had taken that out of the ordinance, so she had to rethink that; she is concerned that her mental thinking through this may have taken away every bit of regulation and moved it over where there is no regulation on it; she reiterated the goal is to stop puppy mills or at least throw a wrench in it; and her thinking process went back to leaving the licensed commercial breeders in there and the hobby breeders not selling to the pet stores. She commented she likes Commissioner Lober's definitions; she has a couple things she would like because it is better and it would be regulated this way; she did some research this weekend where they are finding these abused animals and she had two of them come up in the State of Florida, and they were unregulated; they were not in the local area, but they were from someone who was doing a shelter and someone who called themselves a rescue person; and she got an email from lady who is helping to try to get these things through the State with a little more punch in them for the puppy mills. She stated listening to her constituents information over the weekend, she got a concern that she may have formed a loophole with the hobby breeder so she would like to pull back on that one; she was going to do a loophole for those who already have a business set up, but she now she feels existing businesses should fall into this criteria; she sent it to the County Attorney who informed her it would not have to be readvertised; on the very first page after hobby breeder she put in licensed commercial breeder; on page four she added, "in pet stores where the pet store representative does not make annual visits in person to the licensed commercial breeding facility;" she ran it through the Sheriff and it seemed to be something he had comfort in that they are visiting the breeders, and she thinks that is something Commissioner Lober likes as well; on page seven, she is very good with Commissioner Lober's definitions, where it has hobby breeders she added in the word 'local' because she thinks if the hobby breeder is going to be selling to the pet stores then they need to be local since they are not under any regulation; she thinks it is important because she heard the comments and the loophole, she feels, was if they could go out of State, there is no ability to know what they are doing; and she advised she added, "or a licensed commercial breeder who has been visited annually by a pet store representative." She advised she has added 'local' in number two and in (c) 1 below she added in "or a licensed commercial breeder who has been visited annually by a pet store representative;" on page eight she wanted to put in that pet stores must post the following, but the County Attorney advised if that was added it would have to be readvertised, so that is the Board's discretion and she changed it to 'encourage'; she mentioned she would like to get with all the pet store owners if the Board uses this one, where she would like a sign up where every puppy is being held, with the breed, the ID number, the name of the breeder with the city and state where it came from, and the USDA number; she thinks that information is imperative so there is no question where the puppies are coming from and easy to identify that they are coming from a reasonable place; and she reiterated the goal is to get some kind of

March 26, 2019

criteria in place to stop the puppy mills. She commented she thinks what Commissioner Lober did is really good and she likes his definitions; she thinks if those other things could be added she thinks this will be a good product that is ready to move forward.

Commissioner Lober stated as far as wondering if it is per person or per couple, if that is an ambiguity it could be specified per person or per domicile, however, she would like to do it, that is an easy fix, and he did not catch that; as far as oversight, if the Board passes either what he proposed or what Commissioner Pritchett proposed, the Board would still be no worse off than what is out there now, with no oversight; it is not that the hobby breeders or the rescues will have less oversight after the fact; where he feels governmental oversight is more necessary is when there is a profit incentive; he does not have the same concern with people or organizations that are in it to save animals; he thinks with hobby breeders, rescue groups, and shelters there is also the ability to go see where the animals are raised, so it is not that the same degree of oversight is beneficial in the sense that people are not going to go to Oklahoma or Montana and check out where the dog was raised; however, that is not a problem with animals that are sourced from hobby breeders, shelters, or rescue organizations. He went on to say he wants to go through all of his concerns and then the Board can go through them one by one; starting at the first page, or licensed commercial breeder really troubles him because from his slide show, those were all licensed commercial breeders or hobby breeders; it was already discussed at length why the licensure, although it sounds great and sounds like something special, it is really just checking a box and not preventing anything; even those folks who have violations are still licensed, the USDA inspections are just a joke; even if they comply, which a lot of them are not, the standards are so ungodly low that he does not think any of these places are humane; he thinks it has been established that when a dog cannot fit its tail in the cage with it extended that it is not humane, but that is perfectly permissible for a licensed commercial breeder; if USDA goes in and the dog cannot extend its tail and remain fully in the cage, they are okay with that; and it was talked about dogs being able to be subjected to temperature extremes for a period of time and they are still entitled to do that and remain a licensed breeder, so he thinks that is opening up an even bigger loophole than the hobby breeder concerns. He mentioned if it is not a licensed commercial breeder then by definition it is going to be a hobby breeder because it is so all encompassing with that, that it essentially is not changing anything when adding licensed commercial breeder.

Commissioner Smith asked about adding the word compliant, a licensed compliant commercial breeder.

Commissioner Lober noted the more specificity the better; it could say USDA licensed commercial breeder with no documented violations and he would be okay with that.

Commissioner Pritchett commented maybe with adding 'over the past four years' because someone told her they had just bought a breeder place and it was in terrible shape so they immediately started cleaning up.

Commissioner Lober asked how about adding under current ownership, or would that create a loophole where someone could say that it was their spouse.

Commissioner Pritchett stated she is with him on that; but she inquired if it was five years ago and the person was cited for something that was minor; and she asked how to do that.

Commissioner Lober asked if she would like to add 'within the past 48 months.'

Commissioner Pritchett advised Commissioner Lober knows the degrees of things better than she does; and she asked if there are degrees of violations because she knows there are degrees of violations for breaking the laws.

March 26, 2019

Commissioner Lober commented he is not an expert to that degree; however, he could go along with 48 months; and if there has been something within that four years that would be concerning.

Commissioner Pritchett agreed with Commissioner Lober on that.

Commissioner Lober stated he wants to make the changes on what Commissioner Pritchett proposed and then go back to what he proposed and try to mesh it; he noted he may in fact ask for a recess in an attempt to work it out; and he may work with the County Attorney on that.

Commissioner Pritchett commented she likes the word 'compliant' so she thinks that would have a little more punch.

Chair Isnardi noted the Board has to be careful because the word compliant would probably have to be defined, maybe as a lack of violations.

Commissioner Lober noted he will work on it during the recess.

Commissioner Smith stated he thinks that is where the Board is going with this; it is trying to create a solution where there is not a big problem; everybody agrees that puppy mills are a problem, he does not see where what this Board is doing is going to stop puppy mills in Ohio; and he thinks really this needs to be addressed Statewide.

Commissioner Lober advised the State cannot do anything about it; the problem is, just as this Board is unable to impact or interfere with interstate commerce with rare exception, the State can pass anything it wants and it is going to be struck down, so the Board and State are not able to do it; he agrees this is not going to shut down puppy mills, but it is going to take this additional profit incentive from them and reduce their bottom line; and he thinks any time there is a bite of that apple it is a worthwhile endeavor. He added this County's individual piece may be a small piece but when looking at all the municipalities and all that the counties have enacted, or will be enacting, he thinks it will make a big difference; and he believes that would make an impact on the industry.

Chair Isnardi stated it protects the consumer and it protects the public health.

Commissioner Smith noted getting back to what is being talked about here is this County has one puppy store that he knows of and he has been in business for 22 years; he would think the marketplace would determine if he was bad or good because he has been in business that long, and nobody is perfect; in his own business he did over 35,000 cars and he was unable to make everyone happy; in fact, he would tell people he would give their money back, and they still were not happy; and he noted there are going to be people that are going to point a finger because he sells dogs, or another guy because he sells tires, he cannot just be made out to be a bad guy because one, three, or 10 people have been unhappy in 20 years.

Commissioner Lober noted he agrees with Commissioner Smith 100 percent on that; he thinks with the slide show that was discussed in depth at the last meeting, it has been established that he has made multiple statements to this body and individuals here in writing and verbally that are factually inaccurate, and that is the nicest, kindest, possible way he can put it; there are other issues and he is not even addressing the issues that the individuals have had; and for example, he mentioned he had the same dentist since he was a child, when he was in college he went to another dentist who told him he had to get several teeth fixed, which he questioned, and when he went back to his regular dentist he was told one of the many teeth mentioned may need a filling replaced, and double digit years later he still has had no problems with those other

teeth that were mentioned by the other dentist which shows there are businesses that on the surface appear to be legitimate but operating in an unethical way. He added the problem is there are consumers out there who are not educated and will not spend the time to educate themselves on the issues; had he himself not been skeptical and the dentist had told him only three teeth instead of a mouthful of teeth needed worked on, he probably would have let the dentist fix the teeth that did not need to be fixed. He stated most people will walk around, see a puppy in the window, and go in and buy the puppy, not thinking about where the puppy was sourced from; he has talked to people who have bought puppies that in all likelihood came from puppy mills; some people will ask if the puppies have come from a puppy mill, and universally they will always be told no; and even those people who want to educate themselves will be left at the whim of whoever it is that is trying to make a buck selling a dog. He noted he is not saying the people are at fault, he just thinks it is something that they do not know that the industry allows for it; they unfortunately may expect much more from the USDA, hearing it is a licensed and inspected source, thinking that has some value or meaning; and he provided another example where his grandmother had to hire a home health aide and she called the provider asking if a criminal background had been done on the person and she was told yes, which implies that nothing was found, but when he ran the background he found some things and technically the company could employ someone with a criminal background and technically it was not a lie because the background was done, the information just was not provided. He stated there are people who operate businesses that are within the confines of the law that are patently unethical and that is what he is trying to curtail; he is not trying to shut someone's business down; he does not care if people are selling tires or goldfish, but as Chair Isnardi mentioned at the last meeting, there is a difference between dogs and tractor parts; he thinks the Board needs to take a look at what is necessary and what is appropriate; this does not shut down any business, it is going to have the impact of forcing any existing business to make a decision whether they want to push their luck and violate or change how they source their puppies; and there is not a reason in the world that man cannot source puppies from hobby breeders here or elsewhere and he can have the same breeds of dogs with better backgrounds because hearing from someone who breeds them, they do not just place them with anyone. He continued he is not saying there is no hobby breeder that will never sell to a pet store but there is a nontrivial subset of hobby breeders that refuse to do that; the vast majority of the breed associated kennel clubs have clauses prohibiting their members from selling to retail shops; the reason for it is because they do not know where the dogs are going and most of the folks like rescue want to know the animal is going to be in a decent place and not end up being abused or put in a situation where people do not see them for three days at a time; and he noted he is not opposed to making modifications that make sense but there are some items that he feels would kill the ordinance.

Commissioner Smith commented he thinks the story Commissioner Lober gave to everyone regarding the dentist, people could probably agree the dentist is unethical; however, he inquired how Commissioner Lober plans to construct an ordinance that is going to protect the public from a person like that. He noted he does not think that can be done; he feels like that is the weeds the Board is going into; and he is like everyone else about puppy mills, but he does not think this ordinance does that.

Commissioner Lober commented it is not a perfect science and there is a perfect degree of art in it as well but to say it is not going to be perfect so the Board should pass nothing, he feels that would be a mistake; he thinks if it is something that pushes in the right direction then it should be passed; he does not know that it is there yet, and he would like the Board to be solidly in one camp or the other before it throws its hands up; and he advised he would like to continue going through it. He added looking at page four, and soliciting advice from Attorney Bentley, he has some concerns adding the word 'local' because he believes it is vague and ambiguous; he does not know if local means Brevard County or within in a certain radius of Brevard County and more importantly he does not know if that would withstand a constitutional

March 26, 2019

challenge because that would in all likelihood directly impact Interstate Commerce; if Attorney Bentley disagrees with him then he would be happy to word smith 'local' so it has precision, but he does not know that even that would work because of the potential impact on Interstate Commerce.

Attorney Bentley inquired if that is page four.

Commissioner Lober advised it is and it is on Commissioner Pritchett's Item.

Commissioner Pritchett stated she is not sure if its page four.

Commissioner Lober advised it is the top of four, second line, far right.

Commissioner Pritchett explained the reason she threw that in there, hearing the feedback from the community, even though they were grumpy, she listened to them, and they were concerned people would go out of the State and say they were hobby breeders and come back with dogs without any kind of regulation, so she thought if it was made local then it is somebody everyone knows that is in the community; she just thought that might be a good way to protect the situation trying to be protected; and she thinks that was the big loophole she opened up, hobby breeders from out of State.

Commissioner Lober commented were it enforceable he would love it, he just does not know that it is; he does not want to jeopardize the whole thing on account of that; and he would be happy with that too, he just does not know that it is something that would work.

Attorney Bentley stated it comes up again on page seven of this version; in that section it has local hobby breeder or Licensed Commercial Breeder and that may have cured it; visited annually was added and that puts the County in a gray area because she thinks that is going to be a chilling effect on Interstate Commerce, so it could be problematic; and she does not think it has been tested with this kind of broad language, but it definitely puts the County in a less solid area.

Commissioner Lober stated that is one of the other items he was going to hit on next because it concerns him; and he noted he and Attorney Bentley can kind of work on it and see what they come up with after the break.

Chair Isnardi stated she is not saying that is where he is going; and she inquired if he is receptive to the commercial that Commissioner Pritchett wants and the lack of violations for 48 months or four years.

Commissioner Lober advised he thinks that may be addressed to a degree.

Chair Isnardi noted it may address it as far as the annual visitation.

Commissioner Pritchett stated she just loves the annual visitation, because someone is going in to make sure that these are not puppy mills, and she would love that to be in there if there is a way to get it in there.

Commissioner Lober replied he would love to see it too; he questioned whether it is going to be something that is enforceable; and he believes there is a high chance the County will be expending big bucks in legal fees because the possibility is high that it will be challenged.

Commissioner Pritchett commented maybe the County could talk to all of the pet stores and really encourage them to do that and let them know it would give the community great comfort.

March 26, 2019

Commissioner Lober noted he will work with Ms. Bentley on that during the break.

Commissioner Pritchett commented she and Commissioner Lober can trade off.

Commissioner Lober advised he thinks he will be pretty efficient with it.

Commissioner Pritchett commented she thinks he is probably better at the legal stuff.

Commissioner Lober stated moving on to seven, and that was talked about; on page eight he loves what Commissioner Pritchett did, he just wants to make sure that it does not have to be re-advertised to have the following information posted; he believes if it is left to say encourage it, the pet stores may or may not do it, he would be inclined to say they are not going to do it; and if it is mandated then they would do it.

Commissioner Pritchett advised it would have to be re-advertised though; and she noted she thinks that is a really strong punch if Commissioner Lober wants to re-advertise.

Commissioner Lober advised he would rather kick it back another couple weeks, as bad as that sounds for everyone; but he thinks that is a big item.

Commissioner Pritchett agreed.

Commissioner Lober asked for a 10 minute recess so he and Attorney Bentley could work on it.

Chair Isnardi commented if it gets this to the end that would be great.

The Board recessed at 12:05 p.m. and reconvened at 12:27 p.m.

Attorney Bentley noted she and Commissioner Lober worked from the green triangle version handed out this morning; in the title they added, "or USDA Licensed Commercial Breeder" right after hobby breeder; on the second page of this version there were no changes; on the third page, no changes; on the fourth page of this version, in the first paragraph, in complete paragraph two, the third line down hobby breeders, they inserted "or USDA Licensed Commercial Breeder;" on page five, no changes; and on page six, they added Commissioner Pritchett's definitions.

Commissioner Lober advised after hobby breeders in the highlighted section, they amended the sentence to read, "The Brevard County Sheriff's Office shall be the sole County authorized entity entitled to conduct any and all inspection or inspections of hobby breeders with respect to this ordinance."

Attorney Bentley commented that they are going to add a definition of Licensed Commercial Breeder to mean any person or entity that produces more than 48 offspring per 12-month period, to pet stores, brokers, research facilities, or over the internet and are licensed through the USDA and if required, the State in which the licensed commercial breeder is located, the breeder shall have no documented violation in the preceding 48-month period by any governmental agency or entity; and page seven of the green triangle version, remains the same.

Commissioner Pritchett inquired if on the intent of one, two, and three, they need to add in Licensed Commercial Breeder.

Attorney Bentley asked if she is looking at page seven; and she responded in the affirmative. Commissioner Lober added under b, sub one, or little b, sub one, at the end.

March 26, 2019

Commissioner Pritchett added also on b, sub two.

Attorney Bentley commented okay in those locations on page seven, now page eight.

Commissioner Pritchett stated she believes number one is going to need the Licensed Commercial Breeder, too.

Attorney Bentley agreed. She noted that will be at the end of sub paragraph one.

Commissioner Lober added also for three, it needs Licensed Commercial Breeder at the base.

Attorney Bentley agreed.

Commissioner Lober noted when he moves to approve this he is actually going to add allowance of the County Attorney's Office to make any other changes that are consistent with the intent of the Board.

Attorney Bentley continued next is the requirements for posting, and in this section pet stores shall conspicuously post the following information regarding each animal, they would adopt the list from Commissioner Pritchett's ordinance, breed, ID number, name of breeder, city and state, and USDA number.

Commissioner Lober commented he wanted to add, 'regardless of the animals place of origin;' and on little f, after or hobby breeder where it is highlighted, he needs to add that language again.

Attorney Bentley commented the Licensed Commercial Breeder.

Commissioner Pritchett inquired where Commissioner Lober is at.

Commissioner Lober stated just add Licensed Commercial Breeder, on another one where it was missing, on little f for prohibition on the retail sale in public places.

Attorney Bentley stated page nine and 10 there are no changes; she noted this change with the mandatory posting will require re-advertising.

Commissioner Lober commented he is happy to go with that if the Commission is on board; and hopefully next time it can make quick work of addressing this.

Commissioner Pritchett stated she thinks it is a good piece of work.

Commissioner Lober stated he moved to approve what was just discussed, with the only caveat is to allow the County Attorney's Office to amend where necessary or appropriate to effectuate the Board's intent with respect to this ordinance.

The Board granted permission to advertise for an ordinance to adopt and to amend the Brevard County Code of Ordinances, Chapter 14, Animals, banning the retail sale of dogs and cats at pet stores unless the animal is from an animal shelter, animal rescue organization, or hobby breeder.

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

ITEM J.1., WAIVER, RE: SUBDIVISION SIGN HEIGHT AND OVERALL SIZE

Rebecca Ragain stated The Viera Company is requesting approval of a waiver to Section 62-2889(5) of the Code for the purpose of installing a 28 foot high, 15 foot wide monument sign; it is approximately 420 square feet in overall size where 100 square foot sign is allowed; the sign would be placed in a subdivision tract; and it would be located on the east side of I-95 at the Viera intersection. She advised the applicant is here for any questions.

Todd Pokrywa, president of The Viera Company, stated The Viera Company is requesting a Sign Code Waiver to increase the height and overall size of a community sign, that would be adjacent to the I-95 right-of-way, just south of Viera Boulevard, and east of the interchange; there is no specific provision in the Brevard County Code that tells with Master Plan Communities of the size and scale of Viera; Viera is over 20,000 acres in size from stem to stern; the property line on I-95 is about eight miles long; and there are about 11,000 residential units in a variety of subdivisions. He noted the intent is to erect a sufficient size sign of appropriate height to be visible from I-95 to identify the community; this sign would not interfere with motorists line of sight on I-95; it would be constructed on private property along the frontage of the community in a subdivision tract; and it would be constructed in accordance with the building construction standards and Code, as well as the Viera Company's architectural review requirements. He continued the definitions for subdivision or development signs in the Code means any sign which is to identify a subdivision, neighborhood, mobile home park, multiple family project, commercial, or industrial development; the Viera community is a diverse mix of various developments and use; the challenge is unique in a master plan community like Viera that is bisected by I-95 so people do not really know where they are when they are there; there is no other location better than the heart of that eight-mile distance, right in the center of Viera Boulevard to locate community identification signage; he noted in Merritt island on 520 there is a vertical Merritt Island sign that identifies the community; and down in St. Lucie County there is a sign identifying tradition, and there are multiple of those community markers adjacent to I-95. He added in that case the tradition master plan community markers are 74 feet in height, and he is not even proposing something have that in size. He mentioned it aids in branding the identification and awareness of the Viera community; this is not an uncommon request in a master plan community, to place these community signs at key entries and boundary points; and this would be consistent with the colors and materials of other buildings in the Viera community.

Commissioner Tobia stated it specifically asks for the waiver under the subdivision sign provision of County Code; and he asked if that is correct.

Mr. Pokrywa responded in the affirmative.

Commissioner Tobia stated he is not familiar with Viera; and he asked if Mr. Pokrywa could show him the subdivision called Viera.

Mr. Pokrywa responded it is various subdivisions as he stated at the onset of the presentation.

March 26, 2019

Commissioner Tobia advised he was listening and asked again where the subdivision is; he asked if Viera is a Development of Regional Impact (DRI).

Mr. Pokrywa stated that is correct.

Commissioner Tobia advised it is not a subdivision; and he inquired once again where the subdivision is located.

Mr. Pokrywa explained east and west of I-95.

Commissioner Tobia commented that is a DRI and he asked if that is correct.

Mr. Pokrywa advised he was asking for the Sign Code waiver as part of the application because there is no specific provision that addresses master plan communities in the Code, because there are not a lot of them, whether in Brevard County or other states, so this is the appropriate waiver to request for a community sign to identify various subdivisions.

Commissioner Tobia asked if that is the only reason he is asking for the waiver; he was listening to staff and he thinks the provision is for four feet by 25, and that is 100; Mr. Pokrywa is asking for something that is four times that size; and he asked if it is fair to say there is another reason for asking for a waiver other than the fact he is asking for a subdivision sign that is not a subdivision.

Mr. Pokrywa noted he is asking for a waiver for height and size requirements.

Commissioner Tobia interjected for height and size requirements.

Mr. Pokrywa agreed.

Commissioner Tobia stated so there are actually two reasons. He asked if Blaze Pizza wanted to put a sign in a subdivision of 420 feet that has the correct style and built to Code, would he consider that a commercial or subdivision sign; he stated he knows it is a policy decision but he tries to treat everyone pretty equally and fairly; and he inquired if The Viera Company be okay with the 420 foot sign advertising the Blaze Pizza Company.

Mr. Pokrywa responded it would not because it is a commercial sign, off site signage for a commercial establishment and it is not allowed or permitted under the Code.

Commissioner Tobia advised what Mr. Pokrywa is asking for is not permitted under the Code either, that is why he is asking for a waiver; he has already been rejected by staff because it does not meet Code and that is why he is in front of this Board; this is a determination for the Board; he reminded Mr. Pokrywa there has been a number of these requests coming from his organization; and he has a parity issue that what is good for the goose should be good for the gander. He advised there will be a motion to amend Code to allow for the type of sign he wants, however he does not feel it should be limited to subdivisions because Viera is not a subdivision it is a DRI; and he asked Mr. Pokrywa if he would be in favor of amending Code, not just for The Viera Company, but for everyone to have larger signage, or if he wants it specifically for his corporation.

Mr. Pokrywa noted he was seeking the waiver based on unique circumstances of the DRI as a master plan community, 20,000 acres in size.

Commissioner Tobia commented he will get into that; he asked if Mr. Pokrywa would be amenable to have it at the Code size of 100 feet as opposed to the 4.2 times, the 420 feet that

March 26, 2019

he wanted; he said he wanted it because there is a way to identify; there is also an issue of size and if that is truly the only reason and he does not want a sign that is 4.2 times the current Code he will have Commissioner Tobia's full support; and he inquired if Mr. Pokrywa is okay with the subdivision sign that really does not advertise a subdivision, but is 100 feet instead of 400 feet.

Mr. Pokrywa responded he is not because it would not serve the purpose of identifying the community and the collection of subdivisions in Viera.

Commissioner Tobia pointed out Mr. Pokrywa wants both because of the subdivision nature and because of the size, and he does not want businesses that makes this community so great, the same ability to advertise what Mr. Pokrywa wants to advertise himself because the Viera Company is nothing more than Blaze Pizza; it is a business that tries to turn a profit; and he asked if that is a fair statement.

Mr. Pokrywa commented maybe he needs to clear up some confusion that the proposed sign is not advertising The Viera Company, it is advertising the Viera community within which there are a collection of subdivisions and businesses throughout the entire community, east and west of the Interstate.

Commissioner Tobia inquired if Mr. Pokrywa would be amenable to having Blaze Pizza on that sign that is 420 feet, there is probably plenty of room.

Mr. Pokrywa asked if he could show Commissioner Tobia an example of the sign; he wants to show it is not a huge sign; and there is a smaller master plan community in St. Lucie County.

Commissioner Tobia noted this is not St. Lucie County this is Brevard County, and he has no responsibility to St. Lucie County; he looks out and is paid for by the citizens of Brevard County and it has a Code that states 100 square feet; this is a request for something that is very clearly four times the amount; and it is being done under the subdivision provision, which none of them are named Viera. He advised he will be on the other side of this unless he thinks it is appropriate for the businesses, the same as The Viera Corporation, to be provided with the same 420 feet; he was even willing to go 500 feet, he does not care, he just thinks parody and equality for everyone is probably the job of the Board; and when Mr. Pokrywa flouted by four times the amount, he does not think it is fair to the businesses that make that community great.

Mr. Pokrywa clarified the proposed sign is not advertising The Viera Company, the Viera community is being advertised, which is the entire 20,000-acre master plan community; at the onset of his presentation he said there is no specific provision in the Code that deals with master plan communities, this is a unique circumstance; and that is why there is a request being made to the sign waiver. He added staff did not deny anything specifically as indicated, they indicated that a sign waiver request must come to the Board for its consideration.

Commissioner Tobia stated he will bounce this over to staff because he was listening; Mr. Pokrywa said it is merely on the DRI and that there is not provision for it, but he did not mention the size; when he listened to it, staff said there was a size factor that was four times the limit; and he inquired if he misunderstood staff or if Mr. Pokrywa is only providing part of the reason why and not all of it.

Ms. Ragain advised the size is 100 square feet for a subdivision sign; it was of sufficient size that staff felt they could not administratively approve the size; it does not meet the commercial signage section of the Code; the commercial signs are considered on-premise advertising signs such as Blaze Pizza, and they are limited to 20 feet in height, and depending on the road frontage, a maximum of 300 square feet; and the only other place for a larger sign would be in hotel zoning for up to 60 feet high.

March 26, 2019

Commissioner Tobia inquired if it is fair to say it was more than the location of the sign that this is here today, it is due to the size of four times the amount of size under Code.

Ms. Ragain responded affirmatively.

Mr. Pokrywa stated he was just reviewing his notes and he believes he referenced the height and the size of the sign in the waiver request.

Commissioner Smith commented this is his District and he knows there is a difference between a DRI and a subdivision and the purpose of that; and he motioned to approve the waiver request and suggested that the Board change the zoning to include DRIs, because they are an exception.

Commissioner Pritchett commented she saw the sign and it is very beautiful; she is interested that The Viera Company has not incorporated; she is glad they have not so the County gets a little more tax dollars; they have done a beautiful job building a beautiful area; most people call it a city; and she thinks the sign is beautiful. She went on to say Titusville just put a Harley Davidson sign up where they were given 40 - 50 feet from the road; she thinks some things just warrant a different thing; and she joked the only she would ask is for them to change the name on the sign to Titusville, and she would get him a 100 foot sign.

Commissioner Lober asked if Commissioner Smith would consider modifying his motion to address just this motion in which he would be supportive of it,

Commissioner Smith modified his motion.

Chair Isnardi advised she spoke with Mr. Pokrywa; she understands why, it is four times the subdivision, but he was in essence put in that category because there is not one for a DRI; it is not really a commercial sign, so there is not really any other option; she does not even blame the County for having a division of DRI since there are so few of them and that is not something the city or County typically does without a request of a DRI; she likes the idea of the County doing it; she does have questions about the size as well; however this company has invested a lot of money into this community and brought a lot of responsible growth to the community, so she does not see the negative. She added this place would not be what it is without it; she understands people move here and make choices with moving their families here; but the product must be solid for them to buy in, so she has no problem with it. She mentioned she would like, as a separate motion to deal with the DRI issue.

The Board approved granting a waiver of Section 62-2889(5) for installation of a 28 feet high, 15 feet wide monument subdivision sign of approximately 420 overall square feet, where a 4 feet maximum height and 100 square feet overall sign is allowed.

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

Chair Isnardi inquired if the Board would like to address the second item for staff.

Commissioner Smith stated he would like to do that; he thinks it is an anomaly that has to be

March 26, 2019

dealt with; and while the Board is talking about it, he would like to make a motion to make an exception to the sign rule for DRIs.

Chair Isnardi inquired if he would like staff to develop the criteria; and she thinks staff can take the Board's direction from the meeting.

Commissioner Smith stated staff can come up with appropriate size for a DRI.

Tad Calkins,, Planning and Development Director, commented he is hearing that the Board wants them to look at master plan communities, DRI communities, and come up with an appropriate size sign for them and come back to the Board with Legislative Intent on that proposal.

Commissioner Lober inquired if that is something that the Board will vote on prior to advertising down the road because he is supportive of staff looking into it, but not going forward with something he has not seen yet.

Mr. Calkins responded it would have to come back to the Board as part of Legislative Intent; giving some thought to this and hearing Board discussion and different developers, he would anticipate it being hard to come up with what that size is so staff may provide an avenue that allows them to approve a sign package that could be presented, which allows for some consistency throughout the development and gives the Board the ability to look at it.

Commissioner Smith explained what the Board is looking for is some direction so when it comes up in the future, there will be some guidance.

Chair Isnardi commented if someone is going to come before the Board and make an appeal to the Sign Code that it be in the appropriate category.

The Board directed staff to draft an appropriate sign package for Master Plan and Development of Regional Impact (DRI) communities to be brought back to the Board for Legislative Intent.

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

*Commissioner Tobia's absence was noted at this time.

ITEM J.2., RECOMMENDATIONS, RE: EVERGREEN SALARY STUDY

Jerry Visco, Human Resources Director, stated this is the completed pay classification study that was commissioned through Evergreen Solutions with the assistance of County Human Resources; he has provided the Board with details in the Agenda Report and a summary memorandum in advance; and what Human Resources is looking to do is get some direction with regard to the implementation of this plan. He noted at the direction of the Board, Human Resources contracted with Evergreen Consulting to develop a targeted salary study as opposed to traditional pay in classification studies which deal with issues across the board; their issue was to try and focus on difficult to retain and difficult to fill positions; and they gave the additional caveat that whatever recommendations were made, would be made with the consideration of

the County's limited financial resources when it comes to the ability to fund projects like this. He continued what Evergreen Solutions was able to do was come up with a four phase approach that looked at empirical data, salary studies where they collected data from 27 counties and 26 cities in the last year, they matched that up with the County's pay classification study, and they went further and looked at the turnover rates and the length of vacancy issues to provide a couple different data points, and they finally sat down with the Directors, who identified what they believe to be the key critical positions that needed to be addressed in the context of this study; and with all four data points together the consultants ultimately arrived at the conclusion where there were over 160 positions impacting over 600 employees that could be adjusted over a period of three years to begin to address some of the deficiencies in the pay classification study. He added by no means does this close the gaps because there were very significant salary gaps identified, they are just looking to move the ball forward a little bit in those key positions that have made it difficult for the County to recruit and retain talent. He continued what he is asking the Board to do is provide implementation direction; one direction would be to implement it all; he is looking for the ability to implement in this Fiscal Year; he is quite pleased with the results of the survey and the way the positions are broken down, that the County has sufficient General Fund monies in the current budget year to address those General Fund agencies and the positions that were impacted; in addition, the impact on the Enterprise and Special Revenue Funds is within the budgetary ability of the departments today and that would be his recommendation to move forward this Fiscal Year; the second recommendation would be to follow the guidance the consultant had provided to them where they could implement over several years; and he noted the last would be to take the Board's direction.

Frank Abbate, County Manager, stated he wanted to clarify what Mr. Visco meant to say was the County initially told the consultant they would like them to provide an option for three years; they did that at the beginning of the study because they had no idea how much the study could end up costing; it was not that the consultant came back and suggested a three-year plan, it was asked of them in case the numbers were so significantly large that it could not be accomplished in a year; and he mentioned when the Board commissioned this a year ago for the money that was in there, staff also when budgeting for this year, requested, and the Board gave them, the approval for \$350,000 of the General Fund to place into a reserve to cover whatever the potential costs of the study were. He went on to say in fact what happened here is the General Fund portion of this study was significantly below that and that is why they are in the position to say, if the Board so chooses it can do this in a one-year approach which seems to make sense in that regard; it is important to note the purpose of this study was to look at surgical and targeted approach for the compensation issues the County is facing; of the 625 positions that Mr. Visco referred to, 28 percent of them are stem positions, from the blue collar trade, which there is difficulty in recruiting and retaining; 56 percent of those positions are impacted by this study; this study only represents a small step forward in addressing the very complex compensation issues; and if the Board chooses to move forward with a May 5 implementation this year, they will continue to address many of those other issues with career ladders, reclassifications, and adjusting minimums for new hires where possible, and for new and current employees where appropriate. He stated they also intend to commence negotiations with the firefighters that were included in the analysis that they were doing, but it was not in the recommendations in terms of what would be given; and he noted they were identified but the dollars are not part of this cost analysis because they will be negotiating with the firefighters in the near future for future increases.

Commissioner Lober stated there are four different options listed on the Agenda Item, he wants to potentially go with Option 4, implement any other strategies directed by the Board; what he would like to see is a two-year implementation but the part that will be a little tricky will be shifting public safety into the first year, no matter where they otherwise might fall; it is his understanding if they do a two-year implementation, dispatch, and ocean rescue would probably already be in the first year, but the Fire Medics in all likelihood may fall into the second year;

March 26, 2019

and he wants them in the first year as well, so if that means shifting what is near the end of the first year into the second year then so be it. He went on to say he wants to be conservative about implementing this because the Board does not know what direction the economy is going to go; he thinks it is something that will be implemented in full over 24 months; and he noted he will allow for discussion before making the motion.

Commissioner Pritchett stated she could agree with that strategy; she likes that the County is giving increases to the blue collar workers, she thinks that is important; she also agrees with the Fire Medics; and she inquired if \$200,000 will be General Fund and the rest will come out of the departments like Water Resources. She asked if this is inclusive of the FRS matching as well.

Mr. Abbate noted it is inclusive of all the benefit portions and were included in the analysis of the dollars for the 625 employees.

Commissioner Pritchett commented that is excellent.

Commissioner Lober advised he thinks the General Fund is \$161,613 at least that is the number he has.

Commissioner Smith noted he is coming at this from a different perspective; he understands the County already has the funds; he personally does not see a reason to postpone giving the employees the funds right now; he does not see the point in waiting another year as these people have worked hard, have been underpaid compared to other counties, and he thinks if the money is there it should be done now; waiting two years is not going to save the County any money; and it is going to be to a detriment of those people who will not receive their pay increases the first year.

Commissioner Lober stated he does not know that he agrees with the comment that it will not save the County any money because whatever is not implemented on the off-set will be that much less for the period of time; he is not trying to be hyper conservative and make this take longer than is needed, but he does not know what direction the economy is going to go; he does not disagree that the employees are underpaid and that they need raises, but he thinks doing it in a tiered strategy is a bit more conservative and a bit more of a safety measure because even though the money is there now, he does not know what the situation may be in 12 or 24 months; and he commented he fully anticipates that the employees will get their raises but he does not want to obligate the Board from the get-go if it does not know how things are going.

Commissioner Pritchett inquired if this was implemented over two years if the County Manager would do half percent to each one of these, or if he would just pick which ones are more critical for new hires.

Mr. Abbate stated there was a three year approach broken down so he would combine the first and second year and make that the first year and then the people in the third year would be moved to the second year, with the exception that there is a negotiated contract with the firefighters, so there is a time frame in which the County is to commence negotiations because they do have monies coming in the fall of this year already; what he would do is start the process of negotiating in light of the findings in this salary study, earlier than what is mandated in the existing contract; and the Board direction he is taking today is consistent with that so he can do as much as possible within the available resources and address the Fire Medic issue as well as the other two issues that are being taken care of, Ocean Lifeguards and Fire Dispatchers. He inquired if he has it right with what the Board wants, whether it is over a two-year period or a one-year period.

Chair Isnardi thinks the Board is pretty split on this because she thinks it should be implemented

March 26, 2019

the sooner the better since the finances are available; the County loses people often to other municipalities if they like the security of working in government; it is always going to be a competition, but she does not want to be so far behind that the County keeps training people then losing them; that ends up costing not just the valuable experience but then it has to retrain and expend those resources; and that is hard to quantify. She continued the County can say it has lost employees here and there but she inquired what the true cost of re-training someone actually is and the productivity that is lost in the beginning when training someone; she noted they may turn out to be a good employee but if they leave a year later, that time has been lost as well; she would be for implementing right away because Mr. Abbate will be going into negotiations with the Fire units; and that is where she is leaning.

Commissioner Pritchett stated she could probably be swayed either way; there are a couple things to consider; although it is \$161,000 in the General Fund, the overall is \$1 million and that has her hesitating a little bit thinking the two-year approach may be better to make sure the money is all going in the right spots while working on putting these positions in place; since she has been on the Board, it has been providing two to three percent every year, so they have been receiving pay raises; it has been probably seven percent now, since she has been on the Board; and she thinks there are a couple more years of that. She went on to say she is so proud of the County starting to be considerate of the employees and raise their money to the competitive market; but this is actually getting the positions into the market, the ones that are hard to fill; and she inquired if she is correct.

Mr. Visco responded this is an effort to address those key difficult to fill and difficult to retain positions such as engineers, mechanics, heavy equipment operators, etc.

Commissioner Pritchett stated her only hedge is \$1 million.

Commissioner Lober stated he will momentarily be moving to make a motion for a two year implementation wherein Dispatch, Ocean Rescue, and Fire Medics are included in the first year implementation regardless of where they fall in that salary study.

Chair Isnardi advised all of their stuff is negotiated so he can not include them in the automatic.

Commissioner Lober stated to whatever extent possible; and he inquired if there is anything that prohibits the Board if they are giving the increase.

Mr. Abbate stated during negotiations there should be discussions and an executive session with the Board.

Chair Isnardi explained it is all contract stuff.

Commissioner Pritchett inquired if there are ample funds to take care of this pay study without giving any kind of strain on the General Fund.

Mr. Abbate confirmed that there are ample funds.

The Board acknowledged and accepted the Salary Study/Market Analysis submitted by Evergreen Solution; approved Option 1, to implement the recommendations in the report in its entirety, effective May 5, 2019; and directed Human Resources to begin negotiations with the IAFF under the Wage Opener Provisions of the Collective Bargaining Agreement.

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

ITEM J.3., CITIZEN RECOMMENDATIONS, RE: GREATER EFFICIENCY AND EFFECTIVENESS (CEER)

Frank Abbate, County Manager, stated this is the Citizen's Recommendations for Greater Efficiency and Effectiveness under the County Charter that comes back to the Board every year; the Board is required under Board Policy consistent with the Charter, to consider each of the recommendations and look at the staff's recommendations and make one of three determinations on an individual recommendation by recommendation basis; the Board can either reject, modify, or accept the recommendation; and he will go through each of the four recommendations. He continued the first item, 2019-001, deals with recycled plastic for road repairs; each of the people who made these recommendation were provided seven days in advance, the recommendation from staff being provided to the Board; this particular Item does have a staff report that talks about how this type of application is being tested out in California, however, it is in the early stages of being tested and is not consistent with Florida Department of Transportation (FDOT) approved standards; therefore, at this point staff is indicated that Public Works will closely monitor it for how the testing is going and jurisdiction from out-of-State that are trying it, as well as what the FDOT standards are as it moves forward; and at this time staff recommends rejection.

The Board rejected CEER # 2019-001

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

Mr. Abbate stated #2019-002, deals with a recommendation that the County have one law enforcement agency for Brevard; there is a staff report from the County Attorney that dealt with the legal ramifications of that; there would have to be multiple statutory changes to do that, which are not really feasible; it would take eliminating the cities as they exist; and staff would recommend this be rejected.

Commissioner Lober inquired if this is something where there may be a benefit of further discussions.

Mr. Abbate commented using Jacksonville as an example, where there is one jurisdiction, is what would be needed to have one Police Department.

The Board rejected CEER #2019-002.

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

Mr. Abbate stated the third Item deals with enforcement of County Ordinances dealing with Animal Services; there is a response from the Sheriff's Office who is over that Department and they believe from staffing efficiency, that this recommendation will not increase the efficiency and would require additional staffing; and they recommended that it be rejected.

The Board rejected CEER #2019-003.

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

Mr. Abbate stated the fourth Item deals with mandatory recycling in Brevard County; the Board has a staff report from Solid Waste Management dealing with the cost associated with that kind of mandatory recycling; recycling is becoming more and more of an issue from a cost prospective because the opportunities of recycling, even on a voluntary basis are becoming much more problematic and costly for jurisdictions; and staff recommends rejecting it.

Commissioner Pritchett stated Ms. Kane has a marvelous heart with trying to work for these types of projects; and she thinks the County is going to have to somehow up the game on recycling soon because it is running out of places to put its waste.

Commissioner Lober stated his office took a tour of the recycling plant and there is a lot of good being done there; he does not know if he is at the level yet to where he thinks the Board should look into regulating it, but he is getting there to a degree; he talked to them and was told for the average worker there, it is three hours out of their daily shift taking the High Density Polyethylene (HDP) bags out of machinery that end up getting clogged with it; he saw the optical and magnetic sorter and everything under the sun to automate the process, but there are still a lot of those HDP bags slipping through the process and essentially tangling almost all of the equipment to the point that it requires intervention; and he was told that is the biggest issue with respect to what is being put into recycling. He went on to say if someone has an idea that is not totally overbearing on how to encourage people to stop putting those bags in the recycling bin he may be open to discussing that, potentially adjusting ordinances where need be, because it is something that will be reflected in the cost the County is quoted to handle the recycling from here on out.

The Board rejected CEER #2019-004.

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

ITEM J.4., RESOLUTION, RE: SUPPORTING THE PASSAGE OF HB 1235

Commissioner Lober noted he is asking the Board to adopt a resolution supporting the passage of HB 1235; he thinks it largely speaks for itself; the bulk of it is contained in the first portion of it where he addresses the actual costs that people incur, or the government incurs in advertising things; of course any cost the government incurs is certainly passed on, one way or another, to the taxpayers; the Tax Collector just by itself spent \$210,000 just on legal advertising; and the re-advertising of the ordinance today, will be benefiting *Florida TODAY*; and he is looking to get rid of that to make things more efficient and advantageous for everyone from a cost perspective. He noted the County, exclusive of the municipalities and the constitutional offices, spent about \$75,000 last year; he does not think it really informs anyone who is not already informed to the extent that it causes people to show up at the meetings; if it does that would be an astounding rarity, but he has not heard of it coming up thus far and doubts it will in the future; he thinks the Board has a much broader viewer-ship and a much broader audience when they put things on line; and for those who are disinclined to view things online there is also the possibility or allowance in the bill for people to receive notices by first class mail or alternatively by email, therefore, it is not eliminating the option for people who are not tech-savvy to have the legal notice, it is just making it more efficient from the cost perspective. He continued he does not think this is going to hurt anyone in so far as being apprised of what is going on in this body or any other governmental body; and he believes it is something that is basically addressing an antiquated requirement that the County should not be under.

Commissioner Pritchett commented she agrees with everything Commissioner Lober just said; and she advised if he strikes out everything in pink, true to her form, she would support it all the way.

Robert Burns commented Commissioner Lober recently stated he did not want to support something because he did not know what it would look like, but he does not know what this is going to look like either; just as the last resolution that was passed, House Bill 141 has changed significantly through the first committee it went through; he anticipates this will change the same; he does not have a problem with the premise of the Bill, thinking that it should go from a print media to digital, what he has a problem with is the specifics of the Bill and the rhetoric being used to promote the bill; and he noted in the summary it states it would save the taxpayers a tremendous amount of money, but he does not know what is being used to measure that. He continued Commissioner Lober listed the amounts for different services, but left off the Sheriff's Office and all the municipalities; the City of Palm Bay spends \$37,000 per year, which is 150,000 people; he will give the benefit to assign that same amount to every other municipality that should be listed in there to include Palm Shores with a couple hundred people and Melbourne Village; they all get \$37,000 and adding all that up it comes out to about \$900,000 or 0.03 percent of the County's budget; and he does not know by any measure that it equals a tremendous amount of money. He noted Commissioner Lober also stated it was going to save money but he cannot articulate how much it will cost to advertise these things online; as Representative Randy Fine stated, this will give an opportunity for businesses to open their own public notices '.com' etc. so they can publish public notices online; because that is a business they will have to be paid; if he asked Commissioner Lober how much would they be paid, he

March 26, 2019

would not be able to answer that; and he inquired how he could say this is going to save money when he does know how much money is going to be spent in the future. He continued he cannot say he is going to change from Verizon to Sprint and save money if he does not know how much Sprint costs; he also does not know how many people are going to sign up for the first class mail option which is an additional cost for the postage alone, for how much it will cost to print it, the person who has to maintain those data bases; he inquired how many people that would be or if it would be restricted to just Brevard County citizens; and he stated he thinks this increases the liability upon the municipalities in the County because if Robert Burns signs up for the mail service that is now required by law and he does not receive it for whatever reason, now the County has failed to fulfill its obligation of the law. He went on to ask if the County is now liable for that, or if there are any damages for that person not receiving the public notice.

Commissioner Lober stated he would be happy to address any of those concerns if anyone on the Board wants him to, otherwise, he thinks the resolution speaks for itself.

Chair Isnardi inquired if Commissioner Lober is okay with striking those items requested by Commissioner Pritchett.

Commissioner Lober noted he would prefer not to, unless that is the only way to pass it.

Chair Isnardi stated she does not think he will get the votes if he leaves all of those things in it; she thinks it is more important to get this legislation passed; she will support this because things have changed with how people receive their news; she could probably ask how many people read a public notice in a newspaper and would probably not get anyone who has done it; and the amount of money it costs municipalities adds up. She continued she thinks it would actually reach more people if it is put online; the County has a web designer so that would address one of Mr. Burns concerns; she inquired if it would take a lot, she does not think so, especially if it is something that is repetitively done; and if someone did not receive their notice who has signed up for it, it is no different than if that person did not receive their newspaper now. She went on to say who is to blame if someone does not get their public notice now, it is still the government's responsibility to notice the public; it creates an unfair market as well because, without naming the entity, only one private business qualifies based on the legislation that the County is bound by and that is not fair business or free market; times have changed and some people complain about the cost of the paper subscription going up, but depending on the source, she knows people who get the newspaper for the crossword puzzle only; she knows some people will not get the newspaper because they do not like what it writes about; and that is just the reality of it. She went on to say she likes it all being digital and accessible to anyone; if this passes the legislation, she does not believe it will, because the newspaper lobby is huge; nobody wants a politician writing a bad news story and nobody to be seen as a bad friend in the legislative world; and she thinks it is extortion and needs to go away. She noted she will be happy to support it if those items from Commissioner Pritchett go away.

The Board adopted Resolution No. 19-048, supporting the passage of House Bill 1235, should the Bill pass and be signed into law it would eliminate the requirement that the County advertise legal notices with a newspaper and would allow such notices to be placed online, saving taxpayers a tremendous amount of money.

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

ITEM J.5., BOARD DISCUSSION, RE: BAREFOOT BAY RECREATION DISTRICT UTILIZATION OF UNIFORM TAX ASSESSMENTS

Chair Isnardi stated the Board may need to table this as it is Commissioner Tobia's Item.

The Board tabled the discussion of the Barefoot Bay Recreation District Utilization of Uniform Tax Assessments to a future date.

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

ITEM J.6., RESOLUTION, RE: SUPPORTING PASSAGE OF SENATE BILL 1738

Commissioner Lober stated he thinks this one is straightforward and he hopes it gets unanimous support; this is in support of the Senate Bill 1738; and he read the resolution aloud. He went on to say he thinks in reading the Statute that it is already criminalized to deprive an animal of necessary shelter; this simply clarifies any ambiguity whatsoever in terms of what the intent is and whether in the case of an animal being restrained to a tree during a natural or man-made disaster falls under 828.12; and he would hope to get support for this.

The Board adopted Resolution No. 19-049, supporting the passage of Senate Bill 1738.

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

ITEM K., PUBLIC COMMENT

Robert Burns stated he agrees with everything Commissioner Lober stated, his discourse is with the rhetoric and the exaggerations that are going on to promote the Bill; he feels like if it is credible then it should be left to stand on its own merits; he does not think dollar amounts need to be exaggerated; and that is his biggest problem, he wants the Commission to be truthful about the facts of the Bill. He stated Commissioner Lober brought up someone previously during the puppy mill thing to talk about context, so he would like to

March 26, 2019

talk about context in a Facebook post he referenced; it was during the campaign before Commissioner Lober was an elected official and it was in response to him attacking a veteran who actually did serve in combat; his response was not addressing Commissioner Lober's father's public service or whatever office that was; and during the campaign Commissioner Lober repeatedly stated that his father was retired military. He went on to say it is still up on spacecoastdaily.com during several interviews, and he did it again today; and he encouraged Commissioner Lober to go back to the video.

Commissioner Lober advised he corrected himself instantaneously.

Mr. Burns continued he corrected Commissioner Lober when he made the comment on Facebook.

Commissioner Lober interjected never.

Mr. Burns stated he does not know why Commissioner Lober keeps going back and forth with him.

Chair Isnardi advised Commissioner Lober and Mr. Burns not to go back and forth.

Mr. Burns noted he corrected Commissioner Lober's comment on Facebook repeatedly, just like when he made the same mistake today; he commented maybe it is because he has not served in the military that he does not understand the difference, but as a retired military veteran himself, it is his duty to call out someone who is using someone else's service, whether it exists or not, for their own benefit or gain during a campaign; that will not go unchecked; and if that is the way Commissioner Lober decides to govern, to not serve an individual of the community because he carries a grudge against something that was posted on Facebook to correct his own falsehood during his campaign before he was an elected official, is pretty telling. He went on to say Commissioner Lober stated repeatedly that he has not lost his first amendment right coming to the Board, and no one has said that; what he has lost is respect; his own self-respect, the respect of his constituents, he noted when he stepped into the lobby seven people came to him and said they had voted him and would not be voting for him again, because of his behavior and the decorum he has on social media and in this chamber; and he encouraged Commissioner Lober to take a look at himself before deciding who he will and will not serve when he has taken the oath to serve everyone in this community. He noted Commissioner Lober is the Vice Chair and the Commissioner of District 2; he knows he is going to make the argument that he does not live in Commissioner Lober's District, but it is irrelevant because he is the Vice-Chair of this chamber and the community expects him to conduct himself in the manor that is consistent with that.

Commissioner Lober stated first of all Mr. Burns was the only individual in his lifetime that has insulted his father's service; as he stated, the only time he ever said anything about him having served in the military, he corrected himself instantaneously before anyone else had the opportunity to do so; if Mr. Burns has never misspoken then he has every right to criticize him for it; but him saying that in the chambers on video where everyone can see the context and the fact that he did not anticipate Mr. Burns showing up, discussing this, he does not think that is such a bad thing; and he noted he did not try to misrepresent anything, he never has. He went on to say what Mr., Burns may be mistaken about is him stating his grandfather was in the military; he never once prior to having corrected himself this one time, ever said that his dad served in the Army, Navy, Marine Corp, or Coast Guard

March 26, 2019

and Mr. Burns could not produce a single item to show that because it does not exist; and he challenged Mr. Burns to come back next time or before the end of this meeting because he would love to see it. He stated as far as his obligation to Mr. Burns, anyone who attacks his family during a campaign will not receive a response from him; he wants to attack him that is fine but to come after his family, he has no value in him, and it is that simple; he will not receive responses from him unless he feels like responding based on Mr. Burn's actions; and he advised he is not obligated to respond, he will choose to respond when he pleases. He mentioned he is not one of his constituents; he understands he has an entitlement mentality where he thinks everything he requests should be glorified and dignified with his response; he is doing him a service by addressing him now; in terms of exaggerated and truthful commentary in the numbers in this particular resolution, there is nothing exaggerated, they are dollars and cents, those are the facts; he knows it makes for a great talking point when Mr. Burns wants to spin something and play games to make this partisan, he gets that; however, the fact is there is nothing exaggerated and it is very telling when there is no specificity.

Chair Isnardi commented okay this is done.

Commissioner Lober stated one last item in terms of him questioning someone's service, if people read the article he linked, it was Admiral Justice, so he thinks he is entitled to comment on someone's service as well as a Colonel who served; those were the individuals who were addressing someone's service, someone claiming to have served 15 years, when they served two years and change; and he thinks that is something that is appropriate to be commented on.

ITEM L.2., REPORT BY EDEN BENTLEY, COUNTY ATTORNEY, RE: DISPUTE RESOLUTION FOR THE FORMER CHILDREN'S SERVICES COUNCIL

Eden Bentley, County Attorney advised the Board has a printout of the Board Report from March 26, regarding the former Children's Services Council (CSC); at the end of this she will ask for direction regarding the dispute resolution proceedings with the former CSC; the Board should recall it dissolved the CSC in January; in late February a notice was received from the attorney for the former CSC, which requested dispute resolution procedures; that procedure requires the Board to respond within 30 days; there was an extension made to that; and she asked the Board for authorization a couple of weeks ago to proceed to the initial meeting provided the Board would not incur any costs, attorney's fees, etcetera for attending that meeting. She explained the reason that condition was put on the request for authorization, there was a concern of about approximately \$22,000; \$22,000 was held by the CSC prior to dissolution and she could not determine where it had gone at that point when it appeared before the Board previously; at this point it has been confirmed that \$22,000 has been transferred to the Space Coast Health Foundation, Inc., to be held on behalf of the former CSC; and \$10,000 of that money was transferred to the Law Firm of Lewis, Longman & Walker, as a retainer. She stated she contacted the attorney for the former CSC and asked if he would attend the first meeting on a pro bono basis or if he would guarantee that there would be no fees incurred; he responded that he was being paid; it is believed that the source of his payment is the \$22,000, which is called the disputed funds; someone was sent to attend the former CSC meeting last week, they talked about that \$10,000 being spent by their council; it is believed that if the Board decides to proceed to dispute resolution at this time, the Board may be experiencing the expenditure of the disputed funds; and it is not recommended proceeding to dispute resolution at this point. She added under the dispute resolution Statute, the Board may be subject to attorney fees if not attending, unless a finding of significant legal harm is found; given the expenditure of the funds, she recommended the Board consider making a finding of significant

March 26, 2019

legal harm because of the attorney fees situation in this case; the Board could make that finding, that requires a supermajority vote which mean all four Commissioners present, since Commissioner Tobia has left, the Board could decide not to participate at all and direct staff to take no action at all, or it could come up with another approach; however, her recommendation would be to find significant legal harm and to decline to participate.

Commissioner Lober advised he is going to make a rather lengthy motion; a copy has been sent to the Clerk and Attorney Bentley, and the Board should have a copy; and he read the motion, 'The Board of County Commissioners (BOCC) find that (1) on January 22, 2019, the Children's Services Council (CSC) was dissolved as a direct and immediate result of the BOCC having unanimously through a 5:0 vote passed Ordinance No. 19-02; (2) the same day that the BOCC unanimously passed Ordinance No. 19-02, but approximately 10 minutes prior to the Ordinance having been filed with Secretary of State, one or more former members of the CSC transferred \$22,726.40 of assets, that formerly belonged to the CSC, from Bank of America to the Space Coast Health Foundation (SCHF) to be held at a restricted account at the Community Bank of the South; (3) pursuant to Section 189.076, Florida Statute, the County assumed the CSC's debt, liabilities, contracts, obligations, and property, including monetary property at the time the CSC was unanimously dissolved; (4) prior to the BOCC having unanimously dissolved the CSC, Marilyn "Bunny" Finney (FINNEY) served as Vice Chair of the CSC; (5) on February 1, 2019, FINNEY signed a retainer agreement with the law firm of Lewis, Longman & Walker, P.A. of West Palm Beach (LEWIS LONGMAN); (6) on that same date, \$10,000 was transferred from the unanimously dissolved CSC's account at the SCHF to LEWIS LONGMAN; (7) prior to the unanimous dissolution of the CSC by the BOCC, the CSC had not yet entered into contract with LEWIS LONGMAN and it had not yet paid any retainer to LEWIS LONGMAN; (8) the retainer agreement and the transfer of County funds are not merely voidable, but rather void; (9) any unauthorized expenditure of County funds by LEWIS LONGMAN may constitute conversion and/or civil theft; (10) significant legal harm could and likely would occur should the County participate in dispute resolution with what remains of the CSC as the County could be obligated to pay both its own legal fees, as well as those of what remains of the CSC given that what remains of the CSC has paid LEWIS LONGMAN with County funds; accordingly, the County Attorney's Office is directed to decline to participate in dispute resolution; the County Attorney's Office is further directed to timely research whether there exists any obligation to report the conduct of attorney Andrew Baumann of LEWIS LONGMAN to the Florida Bar and, if it is deemed that there is any such requirement the County Attorney's Office is directed to advise the Florida Bar accordingly; and in any such communication, the County Attorney's Office is directed to include Commissioner Lober as a signatory so as to fulfill any obligation he may have, as an attorney, to report misconduct; the County Attorney's Office shall also be authorized to refer any potential criminal conduct to either the Brevard County Sheriff's Office and/or the Florida Department of Law Enforcement for investigation, as deemed appropriate in the sole discretion of the County Attorney until such time as suit is filed by what remains of the CSC, the County Attorney's Office shall begin drafting a complaint against LEWIS LONGMAN, FINNEY, and any and all additional individuals who directly and importantly, or through joint and several liability, could reasonably and lawfully be named as defendants for counts including, but not limited to conversion and/or civil theft; should suit be filed by what remains of the CSC, the County Attorney's Office may use whatever is drafted as the basis of one or more counterclaims; upon receipt of process indicating that suit has been filed by what remains of the CSC, the County Attorney's Office is directed to conduct discovery and implead any and all individuals who directly, or through joint and several liability, could reasonably be named as parties to any lawsuit filed by what remain of the CSC.'

Commissioner Pritchett commented she thinks that is all good; she has learned in her life the more she says, sometimes she gets herself in trouble; and she inquired if everything here is okay to put forward as a motion.

March 26, 2019

Attorney Bentley responded from a legal standpoint she thinks Commissioner Lober is asking her office to prepare to defend, he is not asking them to file; that part is fine; the only urgency here today is the time frame for dispute resolution; the only thing she really has to come away with is some kind of direction as to whether or not to proceed with dispute resolution; and the other issues can be addressed at a later time, if the Board chose to do so.

Commissioner Pritchett asked if this goes as a motion today does it include everything that needs to be done and then some.

Attorney Bentley replied it does include some things that her office has not pursued at this time; as of yesterday the council was talked to for the former CSC, and he indicated at that time that he had not disbursed money from his trust fund at this time.

Commissioner Pritchett asked if it needs to be done in two motions.

Attorney Bentley responded the Board could do it that way or it could defer the portion that is not dispute resolution to another date, if the Board chose to do so; the CSC council has walked around filing at this point; and she can live with it as it is, if that is what Commissioner Pritchett is asking.

Commissioner Pritchett asked Commissioner Lober for this thoughts on that.

Commissioner Lober responded he prefers to go with it as it is; he advised he has not obligated the County Attorney's Office to drop everything and start drafting; he wants to give them authorization to start drafting things because he thinks as they go through the process, it may be more convenient to start now than it will be to start later; so if they want to get their thoughts together and starting putting things down in a complaint, all the better; if the County ends up getting sued, they can use that as the basis for a counterclaim; if the County does not end up getting sued and the Board wants to pursue the \$22,726.40, it will be well-situated to do that; he is not trying to force the County Attorney's hand by any means; and he wants her to be well-situated and authorized to do what needs to be done to get the County postured regardless of how this thing goes.

Chair Isnardi advised for the County Attorney to reach out if there is any concern of direction because the Board can modify and give different direction if need be, because she can imagine it will be evolving probably.

Attorney Bentley stated if the Board wants to have flexibility to change the direction, it may be easier to only act on the significant legal harm issue at this point; and then she can come back for direction on the rest of it, which would be a way to spilt it up.

Commissioner Lober stated how about this, in looking at this, to just strike the last three paragraphs altogether, so it will end with the paragraph that pertains to any Florida Bar misconduct and the obligation report; the reason that he likes that is because there may be an obligation for him to report as an attorney, if he is aware of something that may be misconduct; he thinks that also applies to the attorney and certainly the County Attorney's Office, so for every ones benefit, he prefers to have that included as well; just strike the last three; and he will move to pass it that way.

Commissioner Pritchett inquired if just item 10 could be done first and then have another motion on items one through nine with that other paragraph.

Commissioner Lober replied in the affirmative. He commented he would move to find that significant legal harm; he withdrew his former motion, with a new motion to move to have the

March 26, 2019

BOCC find that significant legal harm could and likely would occur should the County participate in dispute resolution with what remains of the CSC as the County could be obligated to pay both, its own legal fees, as well as what remains of the CSC; given that what remains of the CSC has paid Lewis, Longwood and Walker, P.A. of West Palm Beach with County funds; and accordingly, the County Attorney's Office is directed to decline to participate in the dispute resolution.

The Board determined significant legal harm could and likely would occur should the County participate in dispute resolution with what remains of the CSC as the County could be obligated to pay both its own legal fees, as well as those of what remains of the CSC given that what remains of the CSC has paid Lewis, Longman & Walker, P.A. (LEWIS LONGMAN) with County funds; and accordingly, the County Attorney's Office is directed to decline to participate in dispute resolution.

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

Commissioner Lober stated as a second motion, he is trying to think if he should leave it for redundancy sake, just to leave the remainder of it within and pass it as written, it is not going to hurt anything to have it in there if the item is left as it is.

Attorney Bentley stated it would be a little redundant, it might get pulled depending on how the cases fallout; and she prefers them be separate.

Commissioner Lober advised he will take out 10 and the one sentence in the paragraph immediately following that says 'accordingly, the County Attorney's Office is directed,' and ends in 'dispute resolution'; he will move to fixing the grammar, by taking out 'and' on nine and replacing the semicolon with a period; he would move to approve the remainder of this, so everything through nine, skipping 10 and the one sentence paragraph after 10, and then picking up immediately after that with 'the County Attorney's Office is further directed'; although he would strike the word further because that would be the first direction in this motion, 'the County Attorney's Office is directed to timely research' and then everything else remains unchanged; and the only thing taken out of this is 10, the paragraph following 10, and then those couple grammatical items in striking through further.

The Board determined finding that on January 22, 2019, the CSC was dissolved as a direct and immediate result of the BOCC having unanimously through a 5:0 vote passed Ordinance No. 19-02; the same day that the BOCC unanimously passed Ordinance No. 19-02, but approximately 10 minutes prior to the Ordinance having been filed with Secretary of State, one or more former members of the CSC transferred \$22,726.40 of assets, that formerly belonged to the CSC, from Bank of America to the Space Coast Health Foundation (SCHF) to be held at a restricted account at the Community Bank of the South; pursuant to Section 189.076, Florida Statute, the County assumed the CSC's debts, liabilities, contracts, obligations, and property including monetary property at the time the CSC was unanimously dissolved; prior to the BOCC having unanimously dissolved the CSC, Marilyn "Bunny" Finney (FINNEY) served as Vice Chair of the CSC; on February 1, 2019, FINNEY signed a retainer agreement with the law firm of LEWIS LONGMAN; on that same date, \$10,000 was transferred from the unanimously dissolved CSC's account at the SCHF to LEWIS LONGMAN; prior to the unanimous dissolution of the CSC by the BOCC, the CSC had not yet entered into contract with LEWIS LONGMAN

March 26, 2019

and it had not yet paid any retainer to LEWIS LONGMAN; the retainer agreement and the transfer of County funds are not merely voidable, but rather void; any unauthorized expenditure of County funds by LEWIS LONGMAN may constitute conversion and/or civil theft; directed the County Attorney's Office to include Commissioner Lober as a signatory so as to fulfill any obligation he may have, as an attorney, to report misconduct; authorized the County Attorney's Office to refer any potential criminal conduct to the Brevard County Sheriff's Office and/or the Florida Department of Law Enforcement for investigation, as deemed appropriate in the sole discretion of the County Attorney; until such time as suit is filed by what remains of the CSC, the County Attorney's Office shall begin drafting a complaint against LEWIS LONGMAN, FINNEY, and any and all additional individuals who directly and importantly, or through joint and several liability, could reasonably and lawfully be named as defendants for counts including, but not necessarily limited to conversion and/or civil theft; should suit be filed by what remains of the CSC, the County Attorney's Office may use whatever is drafted as the basis of one or more counterclaims; and upon receipt of service of process indicating that suit has been filed by what remains of the CSC, the County Attorney's Office is directed to conduct discovery and implead any and all individuals who directly, or through joint and several liability, could reasonably be named as parties to any lawsuit filed by what remains of the CSC.

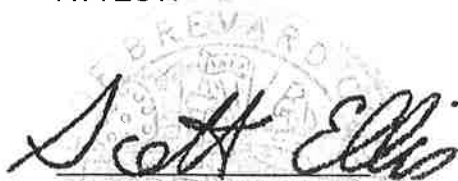
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
ABSENT:	John Tobia

ITEM L.6., CURT SMITH, COMMISSIONER DISTRICT 4, RE: BOARD REPORT

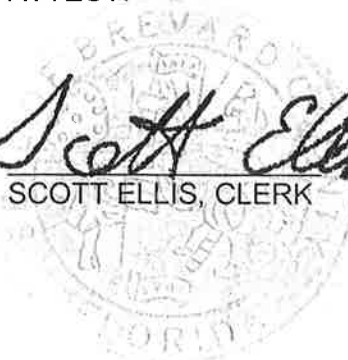
Commissioner Smith stated he would like to give a shout out to the City of Melbourne; they were recognized by *U.S. News and World Report* for having the very best place to live near a beach; he thinks that is tall praise; and kudos to the Board for having the City located in Brevard County. He provided a video by *Fox News*; he stated thought that was good piece for Brevard County; and he thinks Brevard County deserves a pat on the back because it has come a long way in the last seven, eight, or 10 years.

Upon consensus of the Board, the meeting adjourned at 1:52 p.m.

ATTEST:



SCOTT ELLIS, CLERK



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

As approved by Board April 23, 2019.