

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, March 10, 2020**

**5:00 PM**

**Regular**

**Commission Chambers**

**A. CALL TO ORDER 5:00 PM**

Rollcall

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

**B. MOMENT OF SILENCE**

Chair Lober called for a moment of silence.

**C. PLEDGE OF ALLEGIANCE: Rita Pritchett, Commissioner District 1**

Commissioner Pritchett led the assembly in the Pledge of Allegiance.

**D. MINUTES FOR APPROVAL: November 12, 2019 Regular**

The Board approved the minutes from the November 12, 2019, Board of County Commissioner meeting.

**Result:** APPROVED

**Mover:** Kristine Isnardi

**Secunder:** Bryan Lober

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

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

**E.1. Resolution acknowledging Irish - American Heritage Month, District 4**

Commissioner Smith read aloud, and the Board adopted Resolution No. 20-021, proclaiming March 2020 as Irish-American Heritage Month.

A representative for Todd McDonald, stated hopefully the parade will go on as planned this coming Saturday; the City of Melbourne requested that the route be changed so they will be starting at Route 1 and ending at Mustard's Last Stand; and she noted according to Mr. McDonald if any of the Commissioners wanted to join in the parade they are certainly welcome to. She stated next Tuesday, being Election Day, Meg O'Malleys will have some sort of celebration; unfortunately she will be working the polls; and she mentioned they will be having their 100th National Convention in Orlando in July and she would love to promote Brevard County.

**Result:** ADOPTED

**Mover:** Curt Smith

**Secunder:** Bryan Lober

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

**Emergency Management Update**

Kimberly Prosser, Emergency Management Director, advised the Emergency Management Department is working closely with the Florida Department of Health (DOH) in Brevard County and at the State level, Florida Division of Emergency Management, Brevard Public Schools, and other governmental agencies and adjoining counties; they are meeting with the County Manager, County Attorney, Assistant County Managers, as well as various Department Directors actively engaged in planning and benchmarking discussions; she reminded everyone it is important to be prepared and to operate cohesively with accurate and up-to-date information as this is a rapidly evolving situation which changes quickly; and with that in mind

she asked that everyone follow Emergency Management, DOH, and Center for Disease Control (CDC) websites and social media as they are kept up-to-date. She noted, as of 5:00 P.M. today there is actually a Covid-19 page on the Emergency Management website for the County.

**J.1. Legislative Intent and Permission to Advertise Amendments to Chapter 62, Article XIII, Division 2, entitled Landscaping, Land Clearing and Tree Protection**

Meeting went into Recess

**Meeting Reconvened**

Chair Lober advised there is a number of comment cards pertaining to Item J.1., so he is moving this Item ahead to get the bulk of people taken care of since that seems to be the biggest Item of interest this evening.

Lee Ann McCullough-Wham, Program Manager for Environmental Resources Management, stated on January 21, 2020, the Board requested that Natural Resources Management begin to compile information regarding preservation of trees; a concern was brought forth by a Brevard County citizen who requested an amendment to the portion of the Code exempting single-family residents 1.25 acres or less from tree preservation requirements; and Natural Resources Management staff is requesting legislative intent and permission to advertise amendments to Chapter 62, Article XIII, Division 2, entitled Landscaping, Land Clearing, and Tree Protection. She continued by saying there are 11 Comprehensive Plan Policies that address urban heat island effect, erosion, and flooding; tree preservation can help mitigate these effects; to give some background, 1985 saw an emergency ordinance adopted by the Board for land clearing; there have been several amendments to this Ordinance and two task forces to overhaul the Ordinance completely which occurred in 2005 and 2008; the resulting and current ordinance is more flexible for development with considerably reduced preservation, landscaping, and tree protection replacement requirements; and since these modifications, Brevard County has experienced an increase in population and a rise in building permits. She went on to say between 2010 and 2019 over 6,400 single-family residents building permits were issued in unincorporated Brevard County; in unincorporated Brevard County approximately 110,075 single-family lots are 1.25 acres or less and are currently exempt from preservation which is 88 percent of the lots; specimen trees or those trees with a diameter of 24 inches or greater are not protected on these lots; this size also exempts protected trees, those trees 10 inches or greater for hardwoods and canopy tree requirements are also exempt; and Natural Resources Management is asking the Board for legislative intent in regards to lowering the threshold. She stated in preliminary analysis staff reviewed first size thresholds and then development thresholds; in regards to the size there has been a citizen suggestion to lower the exemption from 1.25 to .25 acres on building permit requests; these are those lots seeking active development orders and they are generally vacant lots to begin with; a quarter-acre threshold may not be practical because it does not allow for the development of lots when taking into consideration the house, the driveway, the septic, the drain field, any easements, and other utilities; the free area actually left to plant trees is a negative eight percent; and Natural Resources Management staff found that 0.75 acres to be a more reasonable size to accommodate improvements and still allow for trees to be planted and to thrive and not just survive. She noted this threshold would yield free area of 32 percent of that particular lot and would be open space for recreation for the family that lives there; if the threshold were to be lowered then Natural Resources Management recommend the 0.75 acres, however a table has been provided in the Agenda Report so the Board may consider other options and direct staff; and that is the one that is green and white highlighted. She went on to say in regards to development these are single-family lots with homes that have received the Certificate of Occupancy (CO); the citizen request was to also lower the threshold to 0.25

acres; these lots have been developed and all improvements have been established and this request, and homes with CO above 0.25 acres would be required to preserve specimen trees, protected trees as defined by Code, and meet canopy requirements; another option would be that no lots are exempt after CO; the landscape, land clearing, and tree protection Ordinance provides homeowners with exemptions, there are numerous options including exemptions and development orders; and there was a matrix provided in the Agenda Report and it summarizes the current Ordinance and compares those to the options that are currently being discussed. She added Natural Resources Management is also seeking legislative intent to provide an exemption that is consistent with State Law such as the recent legislation on the removal of dangerous trees.

Pam Dirschka stated this ordinance to protect more trees and as many as possible down to 0.25 acres she would think is really a benefit for all; other speakers may talk about the value of the trees; she thinks the Board knows how important they are as far as providing oxygen, for filtering the water, and lowering the temperature in people's neighborhoods; she saw a post on Face Book recently that showed the number of degrees that makes a difference if someone has shade in their area; she thinks everyone at some point has walked to their car in a parking lot and the temperature on the gauge shows over 100 whereas if someone were to go to a shaded area and it is much more pleasant; and people need all the shade they can get here in Florida. She noted the comments that she would make would expose her as a tree hugger and she decided she would go ahead and take that name with pride; she stood in front of a bulldozer when she was about eight months pregnant where someone had moved in and they were going to remove the easement area that came to her driveway and they were not present to say either yes or no, she just knew once that bulldozer went through there would be no putting it back; she no longer lives there and she just drove through that area and it is still preserved; she mentioned she also worked hard at an elementary school where she volunteers and her kids were students; they were going to pave an area and instead she and some others were able to save about one-third of really beautiful live oaks and those are the shaded areas that everyone who parks in that area wants to be; and she stated she would like to ask the Board to be as protective of the trees as it possibly can. She went on to say people need it more in all areas of Brevard County; in Titusville there is a whole tree team working on it and trying to make the rules stronger there so areas are not clear cut; and she hopes the Board will vote in favor of the recommendations and to actually make them as strong as possible.

Terry LaPlante, Trees for Life Brevard, stated the last time she was in attendance she gave a three minutes speech on the benefits that trees provide for people and she is a bit reluctant to repeat that this evening; basically Trees for Life Brevard are a working group with a mission to preserve, protect, and plant native trees in Brevard through direct action and education to create an awareness of trees as a vital environmental resource to the community and for quality of life; the group supports the request to advertise the intent to amend Codes and Ordinances related to the development and tree protection; initially the primary focus of the group was to plant hundreds or thousands of trees to increase the tree canopy of Brevard to at least 40 percent; they realized the difficulty of achieving that goal given the clear cutting that they have witnessed throughout the County; and thus they are directing their time and attention to work on Codes and Ordinances pertaining to development and the protection of trees. She went on to ask the Board to approve the request to do so.

Mary Sphar stated she is very concerned about the loss of tree canopy in Brevard County which seems to be rapidly accelerating near her, both within the unincorporated County and within the City of Cocoa; bird habitat seems to be disappearing right and left being replaced by car dealerships, Dollar Stores, and new subdivisions; it is to the point where she looks at a wooded area now and thinks when will that be gone and how long will those trees be here; and

with that in mind she would encourage the Board to give permission to staff to come back with amendments to the Landscaping, Land Clearing, and Tree Protection Ordinance that would address single-family residential loophole. She asked the Board to give staff some latitude in deciding what exact language to bring back to the board to vote on. She went on to say addressing the single-family lot loophole will solve only a small portion of the problem; and she thinks this County needs a tree canopy baseline study showing what the County's percentage of tree canopy is and it is needed as soon as possible with breakdown by local governments jurisdiction if at all possible. She continued by saying Option 6 of the Agenda Item Report allows the Board to provide other directions, so along with giving staff the go ahead on the single-family residential situation the Board can ask for a canopy baseline study; she knows some of the Board members really believe it is important to get the best available data to form important decisions; and she explained in the future a tree canopy baseline can help evaluate the need for improvements to the tree protection Code. She stated the study could also help the Board decide if an urban forestry program is needed; in conclusion, she asked that staff move forward and address the single-family residential lot loophole, and more importantly, to please authorize a tree canopy baseline study now with breakdown by municipalities and areas of the unincorporated County; she advised it is so needed because it is not good to look at beautiful wooded lands and immediately realize its vulnerability.

Bruce Moia stated he is representing kind of the development community, but specifically the home builders and contractors as he is the Chairman of the Government Affairs Committee and on the Board of Directors of the Home Builders and Contractors; it is the groups opinion that the Code is fine the way it is; it is the most restrictive Code in the County of all the municipalities within the County; it is extremely hard to administer and for them as engineers, they have been doing this for a long time and they always hire landscape architects to handle the landscaping because it is just that difficult; there are tree canopy preservation requirements in this Code that does not exist in other Codes; tree preservation requirements, the landscape planning requirements that do not exist in some of the other cities and municipalities within the County; and for that reason they think it is fine. He continued by saying as a matter fact in 2008 when they did the landscape task force which he was a member of, so was Mary Sphar, it was about half the development community and half the environmental community, and they came up with Ordinance and that is the Ordinance the County has; he does not see why it would need to be any stricter; they believe that this is really a private property rights issue, is the County going to try to dictate to someone who buys a lot and is going to build their home what trees they have to save and what trees they do not, what if it is all pine trees and they do not like them or do not want pine trees, will they be forced to keep pine trees; and he noted he thinks this is a little over-reached; and especially on smaller lots, if the Board makes this go to any smaller lots with the septic requirements, if it is forced to go to septic the requirements to bring that lot up to grade would make those lots basically unbuildable. He quoted, "with the current drainage requirements and health department regulations on septic it would be difficult at best to preserve existing trees on smaller lots due to the increased requirements to the rise of elevation" and he mentioned he probably should not say this, but he finds it interesting that Ms. Sphar was here to talk about tree and how close it is coming to her; it is very close it is actually in her yard; when they built her house on that side of the street they did not save a single tree and there are only two trees existing on that lot so they only planted two trees and took out who knows how many trees; and so it is very close to her it is actually in her yard.

Mark Shantzis stated he is representing himself and the Barrier Island Preservation of Protection Association whose volunteers for many years have been working towards the balance of population growth and natural wildlife and habitat on the barrier islands from the Sebastian Inlet bridge all the way to Titusville Beach, Playalinda; the Item he is going to talk about is clearly Chapter 62 which shows on the slide some of the benefits that County staff has

been put together; it is clear that between air quality and reduction of noise and crime and pride to the community, and it goes on and on in addition to the cooling effect all the way down to the bottom of energy savings and in addition to a whole other list which is in the comprehensive plan that he will show; the purpose and intent of the Ordinance is clear, Conservation Native Vegetation, Protection of Heritage or Specimen trees; and to Mr. Moia's point they are not talking about pine trees, they are talking about heritage trees that may have been there a long time, specimen trees, trees that are old, protection, a water conservation aquifer, and control soil. He added he differs with Mr. Moia's opinion on the cities, the cities have actually moved ahead to pass even stronger Ordinances, Melbourne Beach has a stronger Ordinance and Titusville is in the process of a much stronger Ordinance. He went on to say the comprehensive plan that has been filed with the State requires reduction of urban heat, erosion, and flooding by preservation of landscaping and trees, retention of mature tree canopy, and retention of the root system in eight different Policies stating 22 different items; looking at some that are important, they are all important, air quality, oxygen, water usage, shade, flooding, rooting, soil radiation, impervious surfaces, emissions, migrating birds, and natural habitat, the whole bit; 28 pages or writing from staff over the years, it nearly exempts everybody; and this nearly all of Brevard County not just the unincorporated which is nearly 110,000 parcels, but it is still around 90 percent; and he mentioned this exemption is nearly a loophole, it bypasses; and about 90 percent are exempt. He added this group is asking for approximately 84 percent and with unincorporated it is 76 percent.

Sarah Rhodes-Ondi, representing the Sea Turtle Conservancy, stated Brevard County's Archie Carr National Wildlife Refuge hosts the single most important sea turtle nesting beach in the United States; the Refuge is a nesting ground for more threatened Loggerhead Turtles than virtually any place else on Earth, as well as for Green and Leatherback Sea Turtles; decades of tireless work and millions of dollars spent by government agencies, non-profit organizations such as the Sea Turtle Conservancy, and foundations, successfully created and protected the Refuge as a safe haven for sea turtles; this past year was an excellent sea turtle nesting year on the Refuge with nearly over 30,000 nests; and the species of sea turtles that nest in the Refuge are just starting to show signs of recovery. She added approximately half of the lands on the Refuge are owned by private citizens and the other half are conservation lands. She noted there are roughly 700 acres of conservation lands from the northern most boundary of the Refuge to the Sebastian Inlet; all of this land is in unincorporated Brevard County; the homeowners who live in the stretch of the barrier island are stewards of critical sea turtle nesting habitat; though perhaps not immediately apparent, sea turtle survival is linked to the protection of the adjacent upland habitats; and both are adjacent to the beach and along the shores of the Indian River Lagoon. She advised Green Turtles are known to scale the beach dune and nest within established vegetation; established trees on coastal dunes also stabilize the dune as their roots hold the dune sand in place during storm surge and high winds, protecting both sea turtle nesting habitat and homeowner's properties; established trees also filter out pollutants of storm water runoff that drain into the Indian River Lagoon (IRL); fibropapillomatosis, a virus which presents itself as internal and external tumors mostly in Green Turtles, is a debilitating disease associated with turtles living in polluted waterways; half of the Green Turtles living in the Indian River Lagoon exhibit fibropapillomas; and double the incidents that appear in the overall Statewide population. She explained the tumors can inhibit vision, feeding, and the ability to swim and escape predators; the persistence of these tumors in sea turtle populations has been linked to poor water quality in the IRL; the current Landscaping, Land Clearing, and Tree Protection Ordinance exempts all properties under 1.25 acres, from the tree canopy and tree preservation requirements; the sea turtle conservancy supports the efforts to amend the Ordinance to decrease the number of properties that are exempt from the Ordinance by lowering the lot size required to comply with the Ordinance; this amendment is especially significant for homeowners living in unincorporated Brevard County,

living in the Archie Carr National Wildlife Refuge, an area of the County that is not subject to any further tree protections established by local towns and cities; and she advised this amendment will protect critical sea turtle habitat benefiting the survival of the species.

Brian Hennessee stated he would like to go through some of the slides that Mr. Shantzis showed; he explained this picture is the south beaches and the soil erosion is one of major concern; it is a very large restoration program going on right now where they are bringing in truckloads and restoring the beaches; the southern part of the island is very narrow, there is 300 feet between the ocean and the IRL; the only thing holding that together is trees; what happens, as seen in the pictures of new construction, the contractors are just leveling everything and not leaving a single tree or shrub; then when the homeowner decides to put some trees in it is usually something that is aesthetically pleasing with no thought on what that is going to do for soil erosion; and that makes it just the luck of the draw if they manage to do anything to protect the soil. He added that just becomes the strategy of hope, hoping the contractor does not clear the land, hope that the homeowners plant the right trees, and then hope that they are willing to do it, it is not an effective strategy with 90 percent of the properties that are exempt.

Leslie Maloney stated it has pretty much all been said up to this point; she agrees with everyone except Mr. Moia; the County needs strong protection codes; she encouraged staff and the Board to go examine communities that have strong tree protection codes; this is so necessary; and she inquired if Brevard is going to turn into South Florida, paving everything. She continued by saying this is an important moment in Brevard County and she asked what direction is it going in; there is beautiful nature in Brevard County and that is why people move here, why they leave South Florida, and the trees are a huge part of that; people have talked about the benefits of trees with property values, etcetera; she wants to put emphasis on Brevard County needing a tree canopy study; the County needs to know its baseline and what it is starting with so hopefully when it develops urban forestry programs and things like that staff will know what the baseline was and how the County has moved forward from that; and it is only going to make the quality of life better as everyone knows this about trees. She went on to say the County is spending a lot of money on the IRL and there is a huge advantage to the trees as far as cleaning the Lagoon. She stated the last point she wants to make in reference to Mr. Moia, this is not anti-development, but it requires builders and land owners to consider how their individual actions affect everyone in the community; therefore, the County needs to close the loophole and it needs to develop strong tree protection codes. She stated she hopes the Board will consider that; she knows she has had many conversations with people randomly about everything being cut down and that there is clear cutting everywhere around Brevard; and she would guess the Board is having those conversations as well.

Vince Lamb stated he is going to be brief but is going to approach from a little different angle; from the Lagoon, with the IRL half-cent sales tax, they are spending close to \$50 million a year and this is the fourth year of doing that; basically the County is spending that money to offset or remove the pollution that people have been freely allowed to put into the Lagoon; he is not sure the County is keeping up, it remains to be seen if the County is getting ahead of it; the goal of course, was at \$50 million per year, the County would be getting ahead on the pollutants that are going into the Lagoon; and he does not believe the County can operate purely by having the taxpayers clean up after the messes that occur when people are allowed to do anything they want to do. He continued by saying that he recognizes this is going beyond the strong fertilizer Ordinances which are voluntary; basically the County is paying all this money to clean up, but not much that requires people to do things that are protecting the environment; and he thinks planting a tree is probably the most important single step that a person can do to protect the environment and clean the waters. He noted he would encourage the Board, he does not

think it is an unreasonable imposition to lower the size requirement for this tree Ordinance and he would encourage the Board to do so.

Sandra Sullivan stated she has a home in South Florida as well as here in Brevard County; on occasion she compares the two, last time it was about the garbage, but this time it is going to be about the trees; in her neighborhood there are vast canopies of trees in East Fort Lauderdale; recently one of her neighbors recently put in a pool and he had to go around to the neighbors and ask if they would put in replacement trees; they would have to have a permit in Broward County to cut down a tree and that is how different the areas are in terms of being proactive; she read from Broward County's Municode, Article XIV, Tree Preservation and Abuse Ordinance, "In order to protect and preserve the quality of air, water, soil, wildlife, habitats, and other natural resources of Broward County as well as the health, safety, and welfare of the citizens, the Board declares that the preservation of trees is integral to the prevention of air and water pollution, and must be regulated. The Board recognizes that tree leaf surfaces trap and filter out ash, dust, and pollution that tree root systems hold and consolidate soil and other loosened earthen materials thereby helping to prevent erosion reducing non-point source pollution and maintaining the continued vitality of natural habitats for the propagation and protection of wildlife, birds, game, fish, and other aquatic life; in addition, the Board recognizes that the trees provide canopy and shade which has a cooling effect reducing the consumption of electricity, the Board finds that the improper tree management and destruction has accumulative impact that results in or contributes to severe and environmental degradation, air and water pollution, land blight, and nuisance conditions." She commented another point is they charge \$40 for a permit so it could be considered another income source for the County perhaps, and it could also discourage the cutting down of the trees; she supports the other comments that have been made pertaining to the preservation of the tree canopies and their impact for the environment; and she hopes the Board will consider what everyone has said.

Carol Hebert stated she is the president of the Native Plant Society in Brevard County called the Conradina Chapter and they really promote native plants; everyone is talking about trees but it is really the native ones that hold on to the soil that prosper and help birds come in; they are on to their 10th annual garden tour that attracts a lot of people to see how native plants can be in their yards and how there is less irrigation and no fertilizer; they are fortunately getting a good drive of people who really want to use native plants, shrubs, and wild flowers; and this is a fact that the Board really needs to protect this Ordinance and not have everybody cutting. She went on to say she knows there a seven trees the County has to remove, remove those Brazilian Peppers, remove the Melaleuca trees, those are the trees the County does not need; encourage only replacing with native plants because they are very valuable to the wildlife; she asked if any of the Board members have been to the Space Coast Birding and Wildlife Festival in Titusville, it has been going on for 20-plus years; and she mentioned it is the biggest eco-tourism of the whole State. She added that is the most people who come to Brevard County; they stay in hotel rooms, they go to restaurants, and they are out in the wild looking at birds and plants; all of these things are very important to Brevard County's future; and she asked the Board to never forget Brevard County was the first to do the whole Environmentally Endangered Lands (EELs) program where it started preserving these areas with native habitats and it is important to remember that. She stated a lot of the houses are on less than 1.25; she lives in Palm Bay and they are all 0.25 acre except for Lockmar which is 0.50 acre; when people go by houses they are not native plants and they are not attracting the right things; and she believes the County needs to enforce having more plants in yards, in more areas, and they have to be native plants.

Carl Winebarger stated he just wanted to emphasize what Ms. Hebert said about the trees; he



has converted his lawn 10 years ago to an all native lawn; he does have an irrigation system and might use it half a dozen times per year; he has noticed a great improvement in his yard as far as attracting wildlife, birds, squirrels, and hawks; the whole area he sees the increase in building going on again; Lockmar area they just take a lot and completely clear it with nothing left; and luckily Palm Bay requires he thinks, that they put back at least two trees. He added they are usually very small and take many years to get to the point where they are part of the environment that makes a substantial contribution as far as controlling rainwater and improving air quality; and he noted he would urge the Board to consider voting for this amendment as he thinks the County is in another growth phase. He mentioned he thinks it is very important to preserve what the County has as best it can and emphasize people's use of native plants and trees.

Charles Tovey stated he is a horticulturalist, arborist, as well as other things; even though people are against Pepper Trees, they do provide food, protection, weeds, eradications, and erosion management for things; and people do not have use for Pepper Trees because of this and that; he noted what he filled out his card for was to speak about his 18-foot Cambium on his Oak Tree; the County is doing fees or permits for things; no, his neighbor has come onto his property and cut down most of his trees; the biggest tree he has now is 18 foot around and his neighbor undermined that while he is filling his property, he undermined his property and the tree fell over; then the mayor calls Code Enforcement so he received a \$600 fine for the tree that his neighbor did not have a permit; then the Sheriff's Department wants to threaten him if he does anything or steps on their property; and they allowed the man to come back on his property and it is still happening today. He mentioned everybody is aware of it, everybody knows it, and no one does anything; the importance of trees; out of five places including the Philippines, that was his choice, the property he bought, and the big part of it was the biggest Oak Tree that he had seen; he reiterated it was 18-foot around and provides all kinds of things; he has other trees that are falling; and he mentioned there are other people who want to talk and that was all he wanted to say.

David Montgomery stated he always monitors these meetings and he was looking at what was being proposed for Agenda Item J.1; he noted is was essentially a request from the Department of Natural Resources to consider advertising a change from the Code to less than 1.25 acre when houses are being permitted in respect to whether they retain the trees or not; he would propose that this be moved forward so that the County can advertise it and then discuss it further; there is an Agenda Item tonight for this Atlantic Avenue property, the Doci property, and interestingly there was a large Specimen Oak on the property when they cleared the 0.18 acre lot that they could have kept on the north side; these size lots are not considered for retaining trees when they are permitted; 1.25 acre is a pretty large lot and there are a lot of trees being cut down on new development lots and even existing lots; and he advised over by Commissioner Tobia's office there were 12 oaks that were cut down this weekend at Palm Bay Road and Connect Road on existing properties. He commented he thinks that is all that was being asked for tonight is that the Board allow for further consideration of reducing the lot size considered when permits are issued for single-family homes, it is not to decide on whether the Code gets changed tonight or not; he thinks there are a lot of people passionate about trees, and he is too; however, he does not believe tonight requires any action other than allowing for further consideration by advertising reduction in the lot size when building permits are issued.

#### Legislative Intent and Permission to Advertise Amendments to Chapter 62, Article XIII, Division 2, entitled Landscaping, Land Clearing and Tree Protection

Chair Lober inquired if the proposal exempts Pine Trees because there is suggestion that they might be.

Ms. McCullough-Wham explained if it is 1.25 acres all trees are exempt, regardless of species.

Chair Lober inquired if otherwise it is not species-specific Policy.

Ms. McCullough-Wham responded affirmatively.

Chair Lober stated he just wanted to make sure; he does not recall what individual; but he thought there was someone who said they were not talking about Pine Trees, but if it applies equally then it kind of is talking about Pine Trees.

Ms. McCullough-Wham replied it applies equally.

Chair Lober thanked staff in Natural Resources Management for their hard work. He mentioned he built in District 2 not too terribly long ago and other than the trees that were directly threatening the structure itself and Brazilian Pepper Trees he left everything in place; the trees being there were part of the reason he bought where he bought; his neighbors having trees certainly contributed to the character of the neighborhood; his property is often muddy when walking in certain areas of it because he left so much Oak for so much shade, that the land cannot dry; and he is fine with that because he likes the Oak. He noted every weekend this time of year he spends at least a couple hours raking and leaf blowing because of all the Oak that drops; a neighbor of his had a tree that was older than this Country, which is what the arborist said who came out to look at it; if two or three people from this audience were to bear hug it they would not be able to touch hands; he would say it was the largest tree within a mile or two of that area; that tree was removed real recently and it changed the character of the community and obviously of that lot; and as much as he disagrees with the decision to remove that particular tree it is her property and he does not know that his beliefs and his preferences are appropriate to mandate other people to follow. He commented he does not know if it is fair in other instances for him to devalue property that land owners purchased in reasonable reliance of the existing regulations at the time; assuming Mr. Moia is right with this, if the County already has the most stringent Policy out of any area in the County including the 16 municipalities he does not know that it is really appropriate for the Board to start changing it on folks that purchased having in mind the existing Policy; he would be happy to do anything; and if the proposal for the Board is to encourage or incentivize best practices whether it is financial or otherwise, he would be happy to look at those, or push forward if reasonable, he just cannot mandate what he considers to be a best practice something that he would be inclined to do, that he has done himself, and that he would encourage others to do.

Commissioner Tobia stated he does not know where this one came from but Commissioner Smith had said many times that he is strong proponent of property rights and Chair Lober just advocated for property rights, and he is there as well; he had a constituent in his office that talked about the Ordinance in conjunction with the Comprehensive Plan and he wanted to make sure he had an opinion that the 1.25 acres did not match with the Comprehensive Plan; not only did it line up with the Comprehensive Plan, it allowed the Board without going further with a Comprehensive Plan amendment to raise it from 1.25 to 2.5 acres; there are some other things that have not been brought up here; the County has an Ordinance in place right now, 62-3668, that precludes, if someone is on a larger lot, trees to be taken down next to Class 2 waterways, within 50 feet; there has to be a buffer zone and there is even a buffer zone at 25 for other water bodies that lead into that; therefore, there has been plenty of safeguards put in place. He mentioned he saw the same thing as the constituents did; there are 80 percent that are exempt, but he feels bad for the 20 percent that arbitrarily do not have the same protection that the other 80 does; without having to go through everything for a Comprehensive Plan amendment, he thinks those who fall between 1.26 and 2.5 should have the same property

rights as those that are 1.25 acres or smaller; and if he can get any support, he would certainly like to make a motion to extend that and provide more property rights to the rest of Brevard County that would fall in that area.

Commissioner Smith commented as Commissioner Tobia stated, he has spoken many times and is a big property rights guy but there are times when there cannot be any absolutes and this is one of those for him; he is particularly interested in preserving the wild manner of Brevard County which is quickly disappearing; he has been here for 30-plus years and it is much different now; and people have heard him say many times, that he does not want this County to become Broward County. He noted he is happy to hear that Broward County now has a Tree Ordinance but having relatives that live in Broward County they did not have tree ordinances back when Broward looked like Brevard County and they were in the process of evolving in the past 30 years; it is easier to get in front of a problem than it is to try to catch up; and he thinks that is what Broward County is trying to do now with the tree ordinances. He went on to say Brevard has the opportunity to get in front of the problem and he is pretty sure that it is not going to hinder anybody from building the type of house he or she may want except that the County does have ordinances that limit the size of a house on a lot and it is determined by how big the house is and whether they require septic or not so there are already some restrictions on properties; he does not see this as an onerous restriction and he thinks it is for the good of the entire County; and he does not think it hinders the property owner. He mentioned he believes this is the Board's opportunity to get ahead of the problem and he likes Option 2(a).

Commissioner Tobia asked Commissioner Smith to read Option 2(a) as the audience members are probably not looking at that.

Commissioner Smith advised Option 2(a) is consistent with the citizen request to reduce the tree preservation exemption threshold for single lots with a Certificate of Occupancy (CO) from 1.25 to .25 acres.

Commissioner Isnardi advised there is no way she would support that at all; while she believes the Board should be responsible for the environment, the Lagoon, and otherwise, the County does have a strict Landscape Code; this is only complaint she has heard in the several years she has been there is; the last modification for this ordinance was in 2008, so for 12 years no one has talked about this until now when a citizen brought it forward at least to this degree; and she stated she will be darned if she is going to infringe on somebody's property rights, this is just way too far. She advised she will not support 0.25 acres and she will not support 0.75 acres.

Commissioner Smith inquired what would be a number that she would support.

Commissioner Isnardi commented this was put together by a Landscape Task Force; this was not a really contentious issue, they worked through it all and they actually came up with an agreement; now all of the sudden the push is to go totally the opposite to where the Task Force went; she thinks it goes against the whole spirit of having the Task Force to begin with; and she reiterated she had not received one email until this Item came up on the Agenda, until this citizen came to her office about this. She added the only complaints she gets are from developers talking about how strict the Landscape Code is, therefore, she will not be supporting this in any way, shape, or form; and she noted she would at least be open to considering Commissioner Tobia's proposal.

Commissioner Pritchett stated on the current Code the County has right now, say someone has

1.5 acres, she asked typically what types of trees does the Code make people leave on the property, there must be certain species.

Ms. McCullough-Wham explained at 1.5 acres people are required to keep specimen trees, those are tree over 24 inches in size; they would have to be native and it is not specific as to which particular species; it is just native and 24 inches or greater, to the greatest extent feasible; and she noted sometimes it cannot be avoided and then they ask for mitigation.

Commissioner Pritchett asked on the smaller lot sizes, although the County does not put a legal parameter on them, do they typically take down all the trees on the property and not replace them, or is it just once in a while, because if she drives around she sees houses with trees; and she questioned what it is that the County is really trying to isolate because she hears about the old Oak trees, so she is kind of leaning towards Chair Lober's idea of giving some type of incentive that if they have some trees that are specific to the area as far as being native, maybe the Board can come out with something that would encourage the homeowners to do that. She went on to say listening to a couple of the speakers, and she does agree with the property rights, but she does think that it is just terrible to take up trees without consideration; she thinks maybe going the incentive route, although the Board is going to have to be very clever to come up with something that can be done along that path, because it would break her heart to see old trees getting ripped out; when it was talked about how this Ordinance came together with environmentalist and the builders coming together and coming to a conclusion, it is hard to overlook that right now; she does not mind continuing the discussion; however, right now she is probably leaning towards Chair Lober's suggestion of figuring out incentives.

Commissioner Smith opined he likes the idea of incentives and he thinks it would be a novel approach.

Chair Lober stated he hopes staff in Natural Resources Management gets creative.

Commissioner Tobia stated he did a dangerous thing and actually read the Legislative text provided by staff which he would suggest that everyone read; he read, "during the building permit process reducing the threshold for preservation to 0.25 acres may not be practical due to adverse site conditions such as," he mentioned and it goes on and on; he thinks what the County would run across here would be Bert Harris and he thinks it would be a lot of Bert Harris and that is just off the top of his head; property rights are not something that the Board can pick and choose, either someone is a firm believer in property rights or he or she is not; and the reality of the situation is everyone is talking about turtles, shade, and birds but what they are not talking about is the right of the land owner. He continued by saying anyone has the ability to purchase this land and preserve those trees as Chair Lober had said; he made a decision to leave the trees there; when he purchased one-and-a-third acre he only took down the trees of the area which he put down the footprint of the house, that was the decision he made; and 0.25 is ridiculous but do not take his word for it, take it from the Legislative text that was provided to the Board in the Agenda Packet. He mentioned he would increase this to past the 2.5 but he does not want to go through a Comprehensive Plan; he does not know how in the world staff would incentivize this; he does not know where the money would come from; he thinks it certainly brings up a lot of issues to define what size of tree, the location of the tree; he thinks it just becomes quite problematic, therefore, he cannot support anything that would lower it and he does not know how he would even support something that would stay at the 1.25 acre; and incentivizing a decision that certain members would make intrinsically he does not think is the business the Board needs to be in, therefore, he does not know how he could vote in favor of that.

Commissioner Pritchett stated she thinks all the Board Members read the Agenda Reports when they come through; she knows she does, she does not have much of a life outside of what the Board is doing; she thinks the incentive idea would be a good one; this was done with people doing solar or waving their permitting fees; she thinks there are ways to do that and she does not have a problem with doing that; and if the Board goes that route she will support it.

Commissioner Smith stated he agrees the Board could get creative with incentives like Commissioner Pritchett mentioned; there are different things you could give people like discounts on their permits to build, there could be a discount on their taxes for the first five years that they live there, there are a lot of different ways that could be done; what it is trying to do is encourage them and there would still be people who have the freedom to choose whether to clear the land, he knows that would break the hearts of a lot of people, but according to Commissioner Tobia it is their property, they paid the money, and it is their choice; and he thinks perhaps that is a way to look at it as an incentive program.

Chair Lober stated he thinks if achieved that is an admirable goal, but that remains to be seen; and hopefully staff can come back to the Board with something.

Commissioner Smith noted he would like to ask staff to do that, put their heads together and see if they can come up with some other ideas on how to incentivize the landowners, then it is their choice.

Commissioner Tobia stated he has a quick question on how that would work; and he asked if the Board is holding it over the CO, he builds a house, elects not to tear down trees, he gets the CO, and two days after receiving the incentive what would the County have, the stick in the background if the carrot has already been provided.

Chair Lober stated that is a very good question and he hopes staff would address that when they look into this.

Commissioner Tobia asked if there are going to be tree police.

Chair Lober promised there would not be.

Commissioner Isnardi inquired what is going to stop anyone from coming in and leaving trees and 30 days later taking them down.

Commissioner Smith advised he thinks that is something staff would have to consider with their incentives, there could be Code enforcement with follow up in a year or five years.

Commissioner Isnardi stated not only then it is giving people either a cash incentive or a break in the price, now the County is staffing more people to make sure the developers are keeping the trees up six months after.

Commissioner Smith noted staff is out on the road anyway.

Commissioner Isnardi stated she does not know if Commissioner Smith has Code issues in his District but there probably are not enough of them.

Commissioner Smith agreed with Commissioner Isnardi. He mentioned she raised a good point but he thinks it is worth looking at.

Commissioner Isnardi said she does not have a problem with that.

Commissioner Pritchett stated it might be able to do some type of tax abatement, but if someone is going to go to all that trouble to building and leaving the tree in until they do the final inspection, she cannot see them going in right after and ripping the Oak out; she thinks at least it is an incentive for them to try and put forth a little more effort of maybe keeping some of those native trees in place; and if they do not, she agrees it is their property, but it might be something to encourage some people not to just mow it all down.

Commissioner Smith stated he would guess that probably some neighbors that saw a big tree come down after people moved in might have some comments to somebody, therefore, it may be self-policed.

Chair Lober stated there will also be people who try to gain from the system regardless of what is put in place whether it is punitive or incentive-based; the goal is to protect as many as can be protected without infringing on someone's property rights; all the Board can do is the best it can do; if it is not 100 percent then it is not 100 percent; however, any step forward is better than where it is at.

Commissioner Tobia repeated his motion to amend ordinance from the exemption of 1.25 to the full 2.50 acres to be in compliance with the Comprehensive Plan.

Commissioner Isnardi seconded.

Motion fails with a 2:3 vote. Commissioners Smith, Pritchett, and Lober voting Nay and Commissioners Tobia and Isnardi in the affirmative.

The Board of County Commissioners, in regular session on March 10, 2020, discussed legislative intent and permission to advertise amendments to Chapter 62, Article XIII, Division 2, Entitled Landscaping, Land Clearing, and Tree Protection, but took no formal action.

**Result:** DENIED

**Mover:** John Tobia

**Secunder:** Kristine Isnardi

**Ayes:** Tobia, and Isnardi

**Nay:** Pritchett, Lober, and Smith

The Board 6:10 p.m. and reconvened at 6:20 p.m.

Consent

Chair Lober asked if anyone wanted to pull from the Consent Agenda.

Commissioner Tobia stated he would like to pull Item F.12., Supervisor of Elections match funding request.

**F.1. Florida Department of Environmental Protection (FDEP) 319 Grant Agreement for Brevard County Micco Sewer Line Extension - Contract No. NF070**

The Board authorized the Chair to execute Grant Contract No. NF070 with FDEP for Micco sewer line extension; authorized the County Manager to execute future contract amendments, subject to the approval of the County Attorney's Office and Risk Management; and approved

associated budget change requests.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Bryan Lober

**F.2. Final Plat and Contract Approval, Re: Reeling Park South Phase 1 (17SD00012) (District 4)**

**Developer: The Viera Company**

The Board granted final plat approval; and authorized the Chair to execute the final plat and Contract with The Viera Company for Reeling Park South Phase 1, subject to minor engineering changes, as applicable, and project does not relieve the developer from obtaining all other necessary jurisdictional permits.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Bryan Lober

**F.3. Committee Appointment RE: Public School Facility Planning and Concurrency Interlocal Agreement (ILA)..**

The Board appointed Amanda Elmore as the Board's representative, and Jeffrey Ball, Planning and Zoning Manager, as alternate to the COC per the Public Schools Facility Planning and Concurrency Interlocal Agreement (ILA).

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Bryan Lober

**F.4. Approval Re: Donation of Warranty Deeds (4) and a Public Utility and Drainage Easement Needed for the Sunset Avenue Road Improvement Project Phase I- District 1...**

The Board approved donation of Warranty Deeds and a Public Utility and Drainage Easement needed for the Sunset Avenue Road Improvement Project Phase I.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Bryan Lober

**F.5. Approval of Payment of Emergency Invoice to Atlantic Development for Sewer Line Repair**

The Board approved the payment of invoices on an Emergency Purchase Order for Atlantic Development of Cocoa, Inc., in the amount of \$467,762.99, for sewer repairs in Suntree along with any budgetary changes.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Bryan Lober

**F.6. Approval, Re: Contract with the School Board of Brevard County for the Summer Food Service Program (All Districts)**

The Board authorized the Chair to execute Contract with the School Board of Brevard County to provide a summer food service program at 12 summer camp sites in accordance with the sponsor contract between Brevard County and Florida Department of Agriculture and

Consumer Services Division of Food, Nutrition and Wellness.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Secunder:** Bryan Lober

**F.7. Approval, Re: Construction Manager Contract with Core Construction Services of Florida, LLC for Gymnasium Floor Replacement at Kiwanis Island Park (District 2)**

The Board authorized the Chair to execute Construction Manager Contract with Core Construction Services of Florida, LLC, and to execute all related contracts, regarding gymnasium floor replacement at Kiwanis Island Park; and approved any necessary Budget Change Requests.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Secunder:** Bryan Lober

**F.8. Request Permission to Advertise a Request for Proposal to obtain consultant services to perform a Fire Assessment Study.**

The Board authorized the Purchase Services Department to develop and release for advertise a Request for Proposal (RFP) from established companies to conduct an Unincorporated County Wide Fire Assessment Study; approved a Selection Committee consisting of Housing and Human Services Director, Utility Services Director, and Brevard County Fire Rescue Fire Chief, or their designee; approved a Negotiation Committee consisting of Public Safety Director, Budget Office Director, and Central Services Director, or their designee; and authorized the County Manager, or his designee, to execute all resulting contracts, contract related documents, and any necessary budget change requests, upon review and approval by the County Attorney's Office and Risk Management.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Secunder:** Bryan Lober

**F.9. Asset Management Use of GovDeals for Online Auctioneering Services of County Owned Surplus Inventory.**

The Board approved the piggyback of the Pinellas County Board of County Commissioners Request for Proposal (RFP) No. 156-0227-R (RG) for use of GovDeals Auction Services to sell County Owned Surplus Inventory; authorized the Chair to execute Contracts that have been reviewed and approved by the County Attorney's Office and Risk Management; and authorized the County Manager, or his designee, to execute all future contract related documents, upon review and approval by the County Attorney's Office and Risk Management.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Secunder:** Bryan Lober

**F.10. Zamira and Gezim Doci (Andi Doci) change of zoning classification from RU-1-7 to RU-2-12. (19PZ00124) (Tax Account 2716189) (District 5).**

The Board adopted Resolution No. 20-022, setting forth the Findings of Fact and conclusions of the Board of County Commissioners pertaining to the denial of request for RU-2-12 Residential Zoning on property owned by Zamira and Gezim Doci.

**Result:** ADOPTED



**Mover:** Rita Pritchett  
**Second:** Bryan Lober

**F.11. Central Florida Crimeline Serving Brevard County**

The Board authorized the Chair to sign a Letter of Agreement to the Honorable Ashley Moody, Attorney General of Florida, requesting the authorization of Brevard County Commission to act as the County's agent for the purpose of applying, receiving, and disbursing Crime Stopper Trust dollars for approved Crime Stoppers initiatives in Brevard County as provided for in Florida Statute 938.06, as directed in Florida Statute subsection 16.555(5)(b).

**Result:** APPROVED  
**Mover:** Rita Pritchett  
**Second:** Bryan Lober

**F.13. Appointment(s) / Reappointment(s)**

The Board appointed/reappointed Billy DeBusk, Jr. to the Workgroup for Innovative Solar Energy Resources, with said term to expire December 31, 2020; and Kevin Gholston to the Citizens Budget Review Committee, with said term to expire December 31, 2020.

**Result:** APPROVED  
**Mover:** Rita Pritchett  
**Second:** Bryan Lober

**F.12. Supervisor of Elections match funding request; Federal Election Cybersecurity Initiatives - Re: Matching Funds**

Commissioner Tobia stated this is a request from a Constitutional Office in the amount of \$2,730 which would come from the County's General Fund and would also lead to an additional \$18,200 in State tax revenue; in a recent Florida Today Article on February 28, the Supervisor of Elections said she is confident in paper ballot system in Brevard and goes on to say, "the important thing for voters to remember is you cannot hack paper;" Commissioner Pritchett mentioned at Thursday's meeting that it is important to remember that while the Sheriff requested a critical need declaration, other constitutional officers have asked for even more revenue; she pointed out last year that the Supervisor of Elections saw an increase of \$1.5 million in her budget; he also listened to Chair Lober point out that he would support any request for Constitutional Officers for a line item budget during a town hall with the Clerk of the Court, Scott Ellis, about five weeks ago; while he is willing to support the request such as this from a Constitutional Officer he will do so for those who are willing to commit through a Memorandum of Understanding (MOU) that they will provide the budget to the County detailed in the sub-object level before it is required for the Board to vote on; and he noted this would be less information that is available to the Board from the Budget Office and Department Directors from the ones the Board supervises; and he motioned to request staff to develop an MOU which would obligate the Supervisor of Elections provide a line item budget to the County and approve this once the MOU was ratified.

Chair Lober advised he would second it

Commissioner Pritchett stated it might be wise to put a dollar amount on it, maybe a threshold amount.

Commissioner Tobia noted the Supervisor of Elections has asked for \$2,730 so there is a dollar amount on it.

Commissioner Pritchett inquired if Commissioner Tobia wants to do this in the future moving forward with all the Constitutional Offices, she thought he had just said that.

Commissioner Tobia stated he is certainly more than willing to do it.

Commissioner Pritchett asked if it was only for one time.

Commissioner Tobia opined he only needs one budget that is this way; this was only triggered because there was a request from the Supervisor of Elections for the \$2,730; if the Board wants to request this for all Constitutional Officers that is fine; Commissioner Pritchett had mentioned the Board had provided \$1.5 million more to this office with \$175,000 being returned; but that is a net of \$1.3 million more than the previous year, so the ask for an additional \$2,730 which he believes is fair to provide should the Board receive a sub-object level budget. He added an MOU would obligate that.

Commissioner Pritchett stated she does not mind it, it is just a change in the current year budget so there has to be an adjustment; she noted the Supervisor of Elections did ask for an increase in the budget but they were required to do bilingual ballots and they were mandated to security so it almost something she did not have a lot of control over; she does not mind doing that it is a little more paperwork for the Supervisor of Elections, but she is sure she will not mind; and she is fine with that.

Commissioner Smith stated he has mixed feelings and he kind of thinks this is being sprung on to a Constitutional Officer; the Board has never done that before; he does not have a problem finding out exactly what it is for; and he asked if the Board could hear from the Supervisor of Elections.

Lori Scott, Supervisor of Elections, stated when her office receives grant money it is required that the County matches it or she cannot receive it; the State tells her what the Federal grant money match is; that is how it works and that is why she asked for it; as far as a line item budget, if it is something to do with cyber security she can say that is what it is for; however, she cannot provide details of what particular piece of equipment it is going to buy or what it is being used for because that is part of the protection of cyber security over it. She went on to say she heard Commissioner Tobia mention about the increase and the budget this year of \$1 million; obviously more elections cost more money and this is the only year that there are three elections in one year and it is a little over \$1 million per election County-wide; this is the 10th largest County in the third largest State in the nation; it happens every four years that it is up \$1 million; and it is not because her office is spending more money or taking on more costs, it is because she has another election to conduct.

Chair Lober inquired if the Supervisor of Election would have any opposition in meeting with the Commissioners one on one with respect to items that she might otherwise might have cyber security concerns releasing.

Ms. Scott noted that would be absolutely fine.

Commissioner Tobia stated he probably did a poor job asking; it was not on the \$2,730 or even where the \$18,200 was going; this was a full sub-object level of the entire budget; and Commissioner Pritchett had pointed it out when the Sheriff asked for money his increase was a smaller percentage than the overall budget once the General Fund was portioned in; it was \$1.5 million budget to be clear, there is quite a bit of difference between \$1 million and \$1.5 million although she did return a little over \$175,000 which makes it about a \$1.3 million net

increase; and he is sure she is spending it wisely and efficiently and that is why he does not know why she would have any trouble providing the Board as well as the public with a sub-object level, the same level of scrutiny that all the members of the Board and its Departments provide to the Board so it can make those decisions. He reiterated it is not on the \$2,730, this would be a full sub-object level on the full budget, which would be less actual scrutiny than what the Budget Office provides the Board.

Ms. Scott stated as far as scrutiny she is not concerned about that; up until a couple years ago her entire budget was run as the Board knows, and she was the only Constitutional Officer, she believes her entire budget was run through the County; every bill was paid through the County and her office has been very transparent since day one; as far as cost associated, she just provided an estimate to the County Attorney for what a potential Special Election would cost if the Board decided to move forward with one; she has a very good dollar amount of what a County-wide election would cost in this County; and when costs go up associated with elections as Commissioner Tobia knows being in the Legislature, when things are mandated down from the State and Federal government regarding elections; and there have been a lot of mandates since 2000. She commented they will continue to see those increases, unlike the Sheriff's budget, her budget is cyclical it goes down and it goes up depending on how many elections she has and what the mandates are from the State and the Federal Government.

Commissioner Tobia stated he thinks they are on the same page; he does not think she is hiding anything; all he was asking for is one that is a little more on par with the one that the County's Budget Office provides to the level of scrutiny; and he is sure she would have no trouble.

Ms. Scott advised she would be glad to do it if everybody does it.

Commissioner Tobia stated Chair Lober brought it up; he thinks it is a good idea; he is not picking her out, he just saw this come up for the grant match at \$2,730; and he thought what a wonderful way to start it out.

Ms. Scott stated she wants to mention without those grant matches she cannot pull down those Federal dollars and Brevard County will lose out on them.

Commissioner Pritchett asked if Ms. Scott does not get the grant dollars would that mean she will need more out of the General Fund come election season.

Ms. Scott replied affirmatively.

Commissioner Pritchett stated she has talked with the Budget Office Director, Jill Hayes about this in the past; she asked as far as the Constitutional Offices, the County does not really go through their budgets because they have another criteria they go through, the Board just does the approval on the amounts they put through; and she inquired if the Board is mandated to fund their budgets.

Jill Hayes, Budget Office Director, explained the Constitutional Officers provide their budgets in accordance with Florida Statutes and each one has a different Florida Statute that they follow; what her office receives from the Constitutional Officers in terms of their budgets, it is grouped or summarized so she knows their compensation and benefits amount, operating, capital, and then transfers and things like that; and that is why what they receive from them is really summarized.

Commissioner Pritchett commented she then the Board does not typically speak to their budgets and tell them where they need to spend money and where they do not because they are their own entity under another guideline of legalities of how they have to bring forth their budget; Ms. Scott made a statement a few minutes ago that if the others do then she would too and she is not going to single Ms. Scott out; until the State of Florida makes changes with that, and she does not know that Ms. Scott should be under the Board, she does not think the Board should micro-manage the Constitutional Officers that are elected; and she is not going to support this but she will support putting through Ms. Scott's request because it is going to come out of the General Fund later. She reiterates she is not going to single her out when she is getting \$18,200 from the State.

Chair Lober asked with respect to the grant if there is a particular deadline coming up because if there is he is happy to just approve the funding so that she does not have the issue.

Ms. Scott advised she does not have it right in front of her she would have to grab it to see what the deadline is to get it back to the Board and she could run across the hall and get that.

Chair Lober stated he is not going to make her do that, he is going to approve the money; his thought is more for looking forward; he is not expecting any Constitutional Offices to tell him which brand of paper they buy or if it is 24 bond, he does not care; he is not going to manage anyone to that level; if someone wants a roller ball instead of a ballpoint that is his or her choice; if there is a legitimate request whether it is from Commissioner Tobia or some member of the public to get additional detail he is supportive of folks having any access to anything that would be reasonable to make use of; that does not include Ms. Scott's cyber security initiatives, he gets that; he has had discussions with IT for the County and he understands very well why that should not be discussed in manner that broadcasts it beyond what is necessary; and with that said, ideally if the world were perfect, and it certainly is not, everyone would be on the same accounting system and he does not think that is going to happen realistically.

Ms. Scott advised her office was for the first nine or 10 years that she was elected so the County has not seen huge increases in the budget of the Supervisor of Elections Office other than when they have an extra election to conduct; historically, the Board and everybody who has done accounts payable has seen all of her invoices and what her costs are; she is very proud of how low she has kept the costs for anything that is certainly under her control; there are things that are not under her control; and while she happens to be standing there, there is the potential impact, and she knows the Board knows this from its perspective, but it is coming fast and furious, and that is the potential impact of the corona virus on election costs. She mentioned the Governor released an Executive Order last night waiving Statutes, Rules, and any Orders that would prevent conducting elections or anything in an emergency fashion that her office would have to do; they are very closely monitoring any kind of shortage of poll workers who decide not to work so not to be exposed; they have 437,000 voters that get put through in a very short amount of time; it is a lot of hands touching a lot of paper; and if the County sees a budget increase for her office right now it is in Purell and hand sanitizer because they touch a lot of stuff that comes from the public. She noted she would like to say all ballots come through pristine but for anyone who has ever served on the Canvassing Board which Commissioner Smith is doing right now, they also say whatever comes back on them is coffee, but the Board probably does not want to know how some of those come back; in case her office gets into a situation where the Governor should order a mail ballot, a full mail ballot election, or change Statute so they have to do it, they are in a very fluid situation as the entire Country is right now, and she is monitoring that with an election a week away from today; one of the things that she was contacted about today was currently two of the 109 polling locations are in assisted living facilities and they are looking at removing them from those locations

because they are of the high risk populations and they may not want external public coming in; and she is hoping she can reach out and maybe use Space Coast Television if they are in that situation to alert the voters of a last minute change.

Chair Lober stated with respect to Commissioner Tobia's motion, even though he seconded it, he is not planning on supporting it at this point; he will not withdraw the second, he thinks if he would like to have a vote he is entitled to that; with that said he would like to sit down with Ms. Scott when this calms down a little bit, probably not this week; but if he can achieve what Commissioner Tobia wants without placing her in a bad spot where the Board will have more information readily accessible to the Board and other members of the public, he thinks it is a good goal; however, with everything going on and with the uncertainty of what the deadline is with the grant funding, he is not going to put her in a position like that at this point.

Ms. Scott thanked Chair Lober.

Commissioner Tobia stated he will pull his motion but he wants to be very clear, Constitutional Offices do not dictate to the Board; the Board is the body that collects the resources and when a Constitutional Officer says, and he thinks it is a very fair request that if one does it then they will do it, he does not want to be dictated and he does not think the Board should be dictated to that way; he has no problem going across the Board in that direction; he is going to pull his motion but he is also not going to vote for it because he honestly believes if transparency is the best way to go and providing a sub-object level is probably the highest level of transparency, not only to the Board but he believes everyone deserves the exact same level of detail that the Board has; and he appreciates the Supervisor of Elections coming here, the work her office does, and the fluid nature of all this stuff, but he does not think that should come at the expense of transparency.

Chair Lober stated he appreciates that; he would generally echo those sentiments with the one exception being that if publicizing something that there exist specific statutory exemptions for because the publication of those items would increase the vulnerability and highlight some vulnerability; he does not know that is something to disseminate widely; she mentioned she is happy to do some one on one with the Board Members if there is some concern about whether the money is appropriately spent so that Commissioner Tobia can be apprised as to what the extent may be; but just like he does not need to know the nuclear launch codes, he does not need to know certain pieces of information that really could present a security risk; and with that said and Commissioner Tobia withdrawing his motion, he will move to approve this with the understanding that he will have a conversation with the Supervisor of Elections once the current round of elections is through to hopefully get Commissioner Tobia more of what he is looking for.

Commissioner Isnardi stated this Item, and although Commissioner Tobia talked about modifying it, it is specific to the grant anyway; she thinks aside from Ms. Scott explaining, it was pretty cut and dry on what the grant required which was for her to request it from the Board; and as far as what the Board wants and should see the line item budget, perhaps that is something to discuss as a separate issue altogether.

Chair Lober stated he would put it out there so there is no ambiguity, he would be in favor of increasing transparency across the Board with all the Constitutional Offices; that does not mean increasing it to the point that it is prohibitively expensive and burdensome for them to produce such as asking which brand of pen or what color; he does not want to do that to them because he does not feel like interfering with their operations to that extent; and quite frankly, he does not think any of the Board Members would have enough time, even if they were to do

nothing else but go through Constitutional budgets, to literally go through every purchase and every transaction that they conduct.

Commissioner Pritchett stated she does not think the Board has the authority; she thinks if the Board spent some time with Ms. Hayes to find out what the Board's role is with this; she thinks if the public wants they can petition them for public records requests; she knows there has been some heartburn with it before; she thinks what the Board does is look at it and if someone sees something out-of-whack and they challenge it with the State; and the Board could win or lose that suit as far as whether the County supplies their budget. She reiterated she thinks the Board needs to figure out what it has the authority to do and maybe it should stick within those guidelines; and she mentioned it is tough because they are their own elected entities.

Chair Lober advised Commissioner Pritchett has the gavel as he made the motion on this one.

Commissioner Isnardi advised the Board Members are accountable to their voters as the Constitutional Officers are accountable to theirs; that needs to be recognized, respected, and it is the Board's job to perhaps scrutinize their budgets if it does not agree with them because it is ultimately the one that funds and approves them; and she inquired when Commissioner Pritchett asked to meet with the Constitutional Officers if they met with her.

Commissioner Pritchett responded they did. She stated if there was something crazy the Board would challenge it; however, the Board does not put their budget together and it does not really scrutinize it; and she noted the Board is the entity that is supposed to have an overview of whether it thinks there is something out of line or not.

Commissioner Isnardi advised she received a pretty detailed budget at least from the Sheriff and his budget director came to answer any questions, in more than one meeting; she knows they are accessible, she knows if she has questions, and she knows if it looks like someone is hiding something then the Board should have a problem with that; she has not seen that thus far; and she reiterated they are elected and accountable just like the Board is.

Commissioner Pritchett stated she runs statistics with what goes on in other communities per capita and it seems to fall within those guidelines and they are actually doing a little bit better.

Chair Lober stated all these folks whose budgets are being talked about run for election; if anyone thinks they are hiding something people are certainly welcome to factor that in to how they vote; he does not think anyone is hiding anything because he has received every bit of information he has ever asked for from any of the Constitutional Officers; however, if the overwhelming majority of the public continues to re-elect them he takes that at least in part that they approve of what they are producing and the level of transparency they are providing. He added if people do not agree with them to take it to the ballot box; and he is not meaning to single out any of the Constitutional Officers, he means all of them.

The Board authorized the Chair to execute Certification of County Matching Funds in order to receive a Federal Election Cybersecurity Initiatives Grant.

**Result:** APPROVED

**Mover:** Bryan Lober

**Secunder:** Kristine Isnardi

## **G. PUBLIC COMMENTS**

Charles Tovey stated on his card it is about the Lagoon and this is related, Osceola and he

thinks Lake County have adopted an environmental legal voice for the environment and it is accepted; he thinks Brevard County should follow along that way the environment has a voice of its own instead of other people not speaking for it or for speaking for it; and about the trees, they do provide hurricane buffer from the wind and the rain and safety. He mentioned he does not mean to be arrogant but the pedestrian law, there is a law that requires a pedestrian to stop and look; a lot of pedestrians do not do that and they think they are in the right just because they are walking, and they are not; and they need to recognize that is the pedestrian law. He mentioned there are elderly people that need their garbage picked up twice a week; there are also children and for safety reasons it is better to have it twice a week instead of once a week; on the Lagoon if someone were to Google why put salt in pasta the response will be it makes the water hotter, it actually increases the temperature of boiling water; so does it with the Lagoon; plus it is going to throw off the balance of the Lagoon and that is part of the problem; and he will reveal that later on, but not today. He went on to say he is wearing his moccasins; he got home a few weeks ago and there was a water moccasin in his front porch walkway; no he did not kill it, it has a right to live; and why is it there, it is because all the local environment is being destroyed and taken away from the organisms. He continued by saying the possible part of Wickham Lakes and the Lagoon, there used to be a chain of lakes from Otter Creek south to Wickham Lake and that has been disturbed, interrupted, and filled in so there are no more chain of lakes, which might have a partial thing to do with the Lagoon problem; the algae bloom he will touch on with another subject; he gave the months when it is most prevalent and he will provide the reasons why; and he thanked the Board for its time, he reminded people to wash their hands, and commented Echinacea is a good holistic.

Peter Carnesale stated it is a little late today but he has his basic speech/complaint; there is still a need for a right hand turn lane into Indian River Colony Club (IRCC) when heading east on Viera Boulevard; he will get into what was partially just said in that there are bicyclists, pedestrians, and golf carts that are not visible from the street until the turn begins; that is part of the reason why the people have to slow down to 10 mph; they do not stop so when someone comes around and there is someone walking, bicycling, or a golf cart there, someone is going to get hit unless they come to a full stop; and if someone is doing 20 or 30 mph around the bend they will not be able to stop. He went on to say moving on to Herons Landing, and the IRCC exit are to Viera Boulevard at the same point on the same corner; it does need a traffic light in general because of the crossover; Faith Lutheran Church is also affected by that because there is a pathway for the cars to travel that is parallel to Viera Boulevard between Lutheran Church and Herons Landing; therefore, they would be able to use that path to get to that corner, which is the light. He added it is not just one entity it is three entities that would be taking advantage of that light. He continued by saying people are still wondering about what the wiring was that was going along Viera Boulevard, it basically has nothing to do with anything in terms of lights or electrical systems, it is basically fiber optics; he had talked to the people actually laying it and it is basically for the speed and availability of the internet; for the people who were thinking that was related to something for the County it does is not; and he just wanted to clarify that.

Terri Friedlander stated she lives off the Pineda Extension; she grew up in New York and for years had tried selling her husband on moving the Florida's Space Coast; finally in 2004, they built a home in Grant Haven and what amazing growth they have experienced during this time; back in 2004, the Pineda Extension was a dead end; and today there are two bustling lanes racing in each direction and more traffic than they had ever imagined. She went on to say in 2010 she became one of the founding member of the Pineda Safety Committee; she is in attendance on behalf of that Committee to describe some of the major accidents and requested detail traffic study to be done on the Pineda Extension; perhaps one of the most frightening things to witness are school buses being rear-ended; in 2012 she witnessed a school bus

rear-ended on the Pineda Extension, it was pretty serious; and then five years later the exact same thing in March of 2017. She added there were serious injuries and the children were being attended to and it was a big problem; according to statistics, it could be another time again for one of these serious accidents; and sadly, there are frequent accidents near the park on Estuary Drive and especially at her intersection at Peninsula Circle. She mentioned cars and trucks are total on almost a weekly basis; whether the reason is speeding or distracted drivers there needs to be change; the only way to effect change is to work together with the County Agencies and the elected officials; already with joint efforts with Assistant County Manager, John Denninghoff, and Commissioners Boling and Smith there are two flashing signals along the Pineda to remind motor is that the speed limit is 45 not 75; and, sadly that is what people are traveling at. She continued by saying they have a wildlife safety fence to try to keep turtles and Sandhill Cranes from crossing the road; at their request a traffic study was performed in October of 2012 by the Public Works Department; today that data is meaningless; and there needs to be another traffic study on the Pineda now to verify the speeding dilemma and to verify the drastic increase in vehicle usage over the last eight years. She stated they have been in contact with Corrina Gumm, Interim Public Works Director, for two years without any real result; they believe the accidents on the roadway are too frequent; and feel a traffic light may even be warranted for safety. She noted the common goal is to prevent serious injury for the children and motorist to avoid potential death; and she asked the Board to please schedule this long promised traffic study on Pineda Extension as soon as possible. She went on to say they would like to begin to secure funding for a new traffic light at the intersection of Peninsula and Fringe Street.

Sandra Sullivan stated she wants to talk about the inshore reef; from this article, for 16 years it did not happen because of the Federal Government tax offshore coquina rock outcroppings; this reads threats the species protected by State Law, threatened by humans and dogs by walking on the rocks and crushing the tubes; beach nourishment efforts can kill colonies; a quote from one of the documents regarding the permitting, the abundance of the hard bottom decreases significantly from North to South along the project area; and she reiterated saying the abundance of the hard bottom significantly decreases from north to south with the highest concentration between R74 and R82; there is map in the report and the 74 – 82 is not even on the map; that area is from Patrick Air Force Base to Hightower Beach; and there are no off-shore mitigating reefs on the most dense part of the reef. She commented she read when someone goes further south there is significant decrease and that is a key point because where did they put the artificial reef; they placed the artificial reef from Pelican Beach down 8.2 miles and there is only one on Pelican Beach, well from Patrick Air Force Base to Hightower Beach is 54 miles and to go another 1.9 miles to Pelican Beach, that area is dense to the densest; and from that area going down it gets less and less. She inquired if it is any surprise when reading the mitigation report that they do not find worm rock where the artificial reef is; she showed a picture of what the macro-algae looks like on the actual reef and one of what the artificial reef looks like; she commented the report does not show any macro-algae; what it says is the artificial reef survey did not reveal the presence of worm rock at that time; it also says worm rock is capable of colonizing artificial reefs but conditions must coincide with larval availability; and the County is about to bury that so the larval is going to be largely taken away. She noted her last point is this is a very important habitat to the green sea turtle which is endangered and as the previous speaker stated, that sea grasses on the Lagoon are dying and that it is polluted water causing disease, therefore, that habitat out on that reef is all the more critical.

Chair Lober stated he has not forgotten about her; he advised the Board he had told Ms. Sullivan previously that he was planning on going to dive some of the reefs when the seas and the weather permit him to do so, he just has not had a chance to do so yet; and he noted it is something still on the radar.



Ms. Sullivan noted she is incredibly excited that he would even consider doing that and he is very grateful.

Chair Lober commented he is more than considering it; and as a disclaimer it is not going to involve any County resources.

**H.1. Petition to Vacate, Re: Public Utility Easements - 414 Avocado Drive - "Barefoot Bay Unit One" Plat Book 22, Page 100 - Barefoot Bay - Warren and Katherine Wiehler - District 3**

Chair Lober called for public hearing on a petition to vacate a public utility easement located at 414 Avocado Drive in Barefoot Bay Unit One requested by Warren and Katherine Wiehler.

Corrina Gumm, Interim Public Works Director, stated this is a petition to vacate public utility easements along the common lot line between lot 17 and 18; it is located in the Barefoot Bay Unit One Subdivision; it will allow the owner of both lots to expand a deck and a garage; and they have received no objection.

There being no comments or objections, the Board adopted Resolution No. 20-023, vacating part of two public utility easements in Barefoot Bay Unit One Subdivision, in Barefoot Bay as petitioned. Said Resolution has been recorded on OR BK 8701, Pages 2084 through 2088.

**Result:** APPROVED

**Mover:** John Tobia

**Secunder:** Curt Smith

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

**I.1. Approval Re: Tourist Development Council Sports Grants for FY 2019-2020.**

Commissioner Isnardi stated she thinks she sort of addressed it at the last zoning meeting; she does not mind if staff wants to present it again; she knows what the item is about; and she noted there are probably some cards on it.

Commissioner Tobia stated just this past Thursday Chair Lober stated taxpayers should not have their money confiscated from the government and distributed to charity of that government's choosing; he could not agree more; two of these five organizations in here are just that; American Cancer Society and the Eastern Surfing Association, but he thinks what is even worse is a couple of these are for-profit which are Ron Jon Beach and Board Fest, a softball magazine, and space coast super boats; two of these events took place since the last time the Board discussed them, raising the question if money is really necessary to market the County at all or if it is just artificially just padding the profits; and he asked if he could ask Peter Cranis, Tourist Development Director, some questions. He inquired when it came up last time Mr. Cranis mentioned the argument that these organizations may not come back next year if they are not adequately reimbursed and he would like to know if Mr. Cranis has received any emails, text messages, or phone calls from the softball magazine, or the American Cancer Society saying that they would not hold their events in Brevard County next year if they are not awarded a grant for the event that had taken place.

Peter Cranis, Tourist Development Director, advised he had not.

Commissioner Tobia commented he thinks that one will fall to the wayside; in the past several weeks there have been some unfortunate events with the Coronavirus and he thinks the

tourism will probably need all arrows in its quiver so he does not know that when it comes to marketing Brevard County if these are the best options; he thinks Mr. Cranis could probably come up with some better ones; and his conclusion is very simple and he thinks it was said best, those hardworking folks have the right to choose which charity they will support and what amounts they want to support, rather than playing independent contractors with the hopes that some of this is going to be funneled down to charities, if the Board wanted to give to charities it should just simply go ahead and do it. He noted he is going to make a motion to reject the legislative finding that the sports events meet the requirements of Florida Statute that one of the main purposes of this event is to attract tourists.

Chair Lober stated he wants to distinguish the comments that Commissioner Tobia quoted; those are correct quotes he has no doubt of that; that item that was being discussed was whether or not to continue advertising with what seems to be the most expensive advertiser that the Board can put it legal ads with; one of the arguments that was made by their executive editor, he believes, was that the folks that either work for that company or independent contractors for it serve on different charity boards, donate money, and resources to charity, and they may do advertisements for free for charity; his point was, if that was the goal, the Board would simply go and hand it to them; and the situation being talked about now, he does not think it is fair really to ever penalize a company for it being a charity. He explained if the Board were bidding on a good or a service and a charity happened to respond to the bid, he does not see that as confiscating taxpayer's money to hand to a charity of the Board's choosing; and if that happens to be the successful bid, it is what it is, he is not going to say well these people are by virtue of being a charity, a good entity, so here, it is irrespective of them being a charity, they do not get or lose points in his book based on there being a charity with something of this nature. He went on to say if there was a process that the Tourist Development Council (TDC) went through, it started at the subcommittee level, it was approved by the subcommittee, went to the TDC as a whole, was approved by the TDC, and is now coming to the Board for approval, if they were treated identically, irrespective if they are a charity or lack thereof status, his is not going to penalize them for that; and one of the reasons he was happy to wait to have this Item addressed was if the Board has someone representing the Board on the TDC, all else equal and even it is not all else equal, by and large he is going to defer to that individual because he trusts that individual to serve and represent the Board's interest and be able to have the level of expertise that the Board does not have because the Board Members all have their own committee assignments.

Commissioner Smith inquired if Mr. Cranis has any feel for the number of heads in beds with this TDC sports grant; and asked if this brings people from Orlando or nearby or if it is further out.

Mr. Cranis responded that as the grant process unravels, each organization needs to identify what the heads in beds would be, therefore, they give the TDC a room night count and the Committee validates it at the end of the process; all of them, according to the Committee, his office is just the administrator, the Committee looks at the grants and grades them; the TDC looks at the room nights and that is how the awards are determined; and at the end of it, they validate to make sure they have accomplished what they said they were going to accomplish.

Commissioner Pritchett inquired if the TDC brought this forth with a recommendation out of many requests.

Mr. Cranis responded affirmatively.

Commissioner Pritchett commented she is sure the TDC had more than just this request here,

they picked the top ones they felt would work.

Mr. Cranis stated in this case he believes for this round, and there are usually two rounds of sports grants a year, but for this round he believes that all who requested a grant received a grant.

Commissioner Pritchett inquired if there is enough funding.

Mr. Cranis advised there is just enough funding to cover that.

Commissioner Pritchett stated as far as handing over to the American Cancer Society, the Board is not; they are putting on a two-day 5K and 10K race that draws a lot of people in; these are events that draw fairly large crowds; she does not know where the vote is going to be with this but she is going to support passing both of these; she thinks the TDC went through the agenda and picked things out; and there have been some differences in the past and the Board was able to bring suggestions, but ultimately she thinks their recommendation typically holds a lot weight unless there is something else the Board would like them to turn the money over to, then Mr. Cranis would listen to the Board. She advised she is going to vote to approve this.

Chair Lober stated it is his understanding that all of the Commissioners have at least one appointee on the TDC, and he asked if that is correct.

Mr. Cranis responded affirmatively.

Chair Lober inquired if some of the Board Members have more than one appointee depending on who served as Chair and in which year and when different people were appointed.

Mr. Cranis stated that is correct.

Chair Lober asked if Mr. Cranis recalls which appointee was Mr. Tobia's appointee off hand or he can defer to Commissioner Tobia.

Commissioner Tobia stated off-hand he cannot say.

Mr. Cranis stated he believes it is PK Kapur.

Commissioner Tobia stated that sounds about correct.

Chair Lober asked with respect to these sports grants, was this unanimously approved at the subcommittee level in the TDC or was there a bare minimum simple majority.

Mr. Cranis noted all of these grants were unanimously approved both at the committee level and at the TDC level.

Chair Lober commented he believes there has been enough discussion, and he is not going to belabor the issue.

Eden Bentley, County Attorney, inquired if the Board is including the Legislative Findings listed in one through five.

Chair Lober noted it seems to be affirmative by Commissioner Pritchett and the second stands.

The Board approved the Tourist Development Council's recommendation for funding of the FY 2019-2020 Sports Grant applications as well as make the necessary legislative findings for the grants for the following:

- Eastern Surfing Association's 2020 Southeast Regional Surfing Championship
- Beach n Boards Fest, LLC for Beach n Boards Fest
- Brevard Softball Magazine for Softball Magazine's Softball Spring Training
- Space Coast Super Boats for Thunder on Cocoa Beach
- American Cancer Society for Gateway to Space Event

Additionally, the Board granted the Tourist Development Office Director the authority to negotiate and sign all necessary grant agreements and related documents to support the grants upon County Attorney and Risk Management approval; and authorized the County Manager to execute necessary budget change requests.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Secunder:** Curt Smith

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

**Nay:** Tobia

**I.2. Approval Re: Tourist Development Council Cultural Grants for FY 2019-2020.**

Commissioner Pritchett made a motion to approve this Item.

Andrea Young stated it is an honor and privilege to sit on the board of the Cultural Committee; she explained when all of the 42 applicants were vetted for the grants, the committee went through them very carefully, and when she says we, she means the entire panel, but they all did them independently; nine of the them worked on this for two months; there was no correspondence in between; to look at the scoring, she has it with her if the Board does not have it in its package, that is why the scoring was all over the place; of those 42 applicants, six of them did not qualify at all; and those that did not she is very sorry, but they did not follow the rules. She added the Committee followed the rules and they looked very carefully at what the money was for, and she has with her what the cultural money is for is cultural special events which consist of concerts, arts exhibitions, festivals, and similar activities in Brevard County; keeping that in mind, they went through and there was the Brevard Cultural Alliance (BCA) and the Tourist Development Council (TDC) who worked together to come up with the plan that the applicants would use; and the applicants must submit a final report by October 15, 2020, and in the final report they must include a brief summary specifically describing the event or activity and how it promoted Brevard County as a cultural destination to both visitors and residents and make a positive impact on Brevard County tourism; and they must do that before they can even submit to get final payment. She went on to say, of the 42 applicants those that did qualify, none of them received what they had asked for; those that only asked for \$5,000 and those that asked for \$25,000 both received the 29 percent discount and that was because there was not enough money to give everyone what they had asked for so they had to make it even across the board; and they all suffered the same. She noted if he were to pick one out, she would have to say the Grant Community Club; she is sure everyone has been down to the Grant Festival, she was there herself in 2016 when she ran for County Commission herself trying to get signatures; she could not find people who lived in Brevard County and she received very few signatures; since then she has been going to other local events and she finds some local residents, but these things do bring in a lot of tourists; and she believes it is thanks

to all of these events that Brevard County has. She stated she just wanted to get her two cents in to let the Board know they did vet these very carefully and very stringently; and she asked the Board to approve all of the grants as written.

Alberta Clinkscales, representative of the Space Coast Cultural Arts and Business Organization (SCCABO); she thanked the Board and the Brevard Cultural Alliance, and the TDC for their hard work and dedication in keeping the impact of culture and the arts in the forefront as an economic engine and an amenity to keep those locals living and spending money here and increasing tourism dollars; she expressed upon the Board, the benefit of the cultural grants not only allow organizations to increase tourism and tourism dollars for the County, but also the role Arts and Culture as used by her organization SCCABO which is used to combat community deterioration as well; and she mentioned they use best practice models for engaging teens in low to moderate income communities to be a part of the process in building the economic conditions of the communities where they live, but also focusing them on Community-wide economic, social, and cultural development. She went on to say the support grant allows them more time to increase sustainability in their programs so they are not continuously dependent on grants; it also allows them to get increased revenue through the entrepreneurship simulation center and the building of the cultural arts mixed use facility in the City of Palm Bay, which will add to the unique offerings to the tourism landscape in Brevard County and that project is fully supported by the City of Palm Bay; and she wanted the Board to know most organizations that are cultural organizations are not just about tourism, they want to decrease deterioration because a lot of times when tourists come to town they have to be confronted with things in the community, especially low income communities, that decrease tourism away from some of those areas; and they are focusing on that as well as increasing tourism in the County.

Sandra Sullivan stated she was at the last meeting when some comments were made that not all of them seemed to be for tourism; people cannot always plan for some opportunities that come up; she notices in the paper this week that FIT was selling its Art Center; and she inquired if Brevard County has a cultural arts center, she knows some other cities do. She went on to say she thinks as a tourism option this might be, and she does not know how this would be considered either under a grant or how it might be considered as she does not know enough about the topic, but would it be a consideration for the County to consider this opportunity as Brevard having its own cultural arts center to showcase the artist in the area and the history, like the Highway Men paintings and other rich history in the County.

Mr. Cranis noted it has come to his attention, and he believes it has been brought before the Board before, at least the TDC has talked about it a number of times that the Foosaner Art Museum is being put up for sale by Florida Tech; he believes the list price is \$3 million; at this point, in all those conversations there has not been any direction from the TDC as far as getting the office involved in that; however, it would certainly be something they would look at if that is what the Board so desired.

Commissioner Tobia stated when the County had the issue and it still does with the Lagoon, the Citizen Oversight Committee (COC) and Natural Resources Management went through it and looked at this mathematically, and he thinks they did a darn good job, it was dollars per pound of nitrogen and phosphorus, that way the Board could rate which programs were most effective; he thinks a similar vent, which was Chair Lober's idea and a very good one, could be taken to look at the cost per tourist here; this being Chair Lober's suggestion, what he did was to go through, and he had no preconceived notions here, he just used the numbers that were provided by the organizations, and as everyone can see, assuming these numbers were correct, they varied by as much as 1,316 multiples; and an example would be the Eau Gallie

Art District where they were provided a grant of \$15,802, according to those numbers, if they are true and he has no reason to believe they are not, it was paid \$0.08 per tourist and it seems like a very wise investment. He continued by saying the Cultural Arts and Business, and again he does not know what this one is, but they were provided \$13,479, almost the exact same amount; for Eau Gallie arts they received 201,000 and for the Cultural Arts and Business the County got 128 visitors from out of Brevard County; in other words, the County, if it funds this, would be handing over \$105 for folks to come into Brevard County; and he mentioned there is \$40 for Dance Arts Centre, the Melbourne Chamber Music Society is \$36, and these are their numbers, not numbers that came from Mr. Cranis' Department. He commented he does not know that, and he appreciates all the work the TDC did with this, but to look at this empirically, certainly some are deserving of this but a large percentage of them certainly are not; he thinks the Board should ask a more rational, more empiric, and a more fair approach as it moves forward; and he made a motion to reject legislative findings of the events to attachment A, that meet the requirements of Florida Statute, and that one of the main purposes of the event is to attract tourists. He noted he would suppose it is if the County wants to pay \$105 per tourist, but he does not feel that is the wisest use of resources; and he asked Mr. Cranis if he has verified any of the numbers of the out-of-County tourists as to whether or not they are accurate or somewhat accurate.

Mr. Cranis advised they have begun to take a look at that; they have purchased some software that lets them look at cellular device data and they are trying to compare that to the information that was provided; they do not have all the results of that yet; however, it is something going forward that he would really like to utilize.

Commissioner Tobia stated he is taking these folks at their word on that; hopefully it can be verified, he is sure they were honest; he certainly does not want to penalize anyone that exaggerated those numbers; everyone has a copy of this; and he thinks there has to be a better way because he does not think this is the wisest in this environment for those dollar uses. He added he thinks they should be expended the same way the County does with the Save Our Indian River Lagoon (SOIRL).

Chair Lober stated he has a couple thoughts with respect to that since he referenced something that he mentioned a little while back; this is good information and interesting information; it certainly is remarkable that, based on the spreadsheet and assuming the numbers are all accurate which he assumes they are, it ranges from \$0.08 per tourist to \$105.31 per tourist; what he does not know is whether the cost per tourist is more important than the amount the tourist spends or alternatively the number of nights they spend in hotels; and if the goal is to increase the Brevard Economic Development Zone (BEDZ) tax and Brevard County has 10,000 tourists but they drive in for the day, go to an event, and leave without spending money elsewhere, does it really benefit the County as much as having a smaller number of tourists show up and spend a week here. He continued by saying he does not know the answer to that; he does not have any problems if the Board wants to move forward in subsequent years saying from here on out, the Board is going to factor in the cost per tourist over and above or perhaps instead of heads in beds, if that is something the Board is permitted to do and it determines it is appropriate; he just does not know if he is there yet; he does not know that one necessarily is that much better than the other; and he would just say that Commissioner Tobia has at least one TDC appointee and that appointee has at least one subcommittee appointee to each of the subcommittees. He mentioned if everything was unanimous, it was not just the folks here that voted for it are in error, it is all the Board's appointees who are in error and all of their appointees who are in error; he does not mind if Commissioner Tobia makes the case, and it looks like he has a good basis to at least start that in subsequent years, but he would need to figure out how to determine whether to prioritize this

more highly than heads in beds or vice versa and the dollars spent and how to evaluate it; it is something to think about; and he would be much more inclined to support him if it was done so as not to affect those that have already been in the process and in reliance of what the County has told them was available.

Commissioner Pritchett stated she agrees with that because she is looking through this right now; the Brevard Nature Alliance is the ones that help put on the birding festival and they will have 1,000 people sign up for four or five days; they are all staying in the hotels; and she thinks most of them are from out of town. She noted she thinks the bed cost would be something to consider too; she advised Mr. Cranis this might be a good tool if he wants to find a way to start incorporating some of these into their data; and she noted she agrees with Chair Lober it is going to be the Return on Investment (ROI) and what it does to help enhance the community for tourism and people also wanting to move here.

Chair Lober stated another thing to keep in mind, and it was talked about at the last meeting, with respect to the TDC to the extent that the Board is allowed to do so by Statute or any other governing law, or rule, he asked how much does the Board value and prioritize helping the locals in addition to driving the tourism sector; if the County has an event that brought in a smaller number of tourists but everyone here loved it and it improved the quality of life, is that a factor, or is it something that should be a factor; he is not trying to dictate that yes, this should or should not be, he just thinks it is something worth considering; and if there is a proposal, whether it comes from Commissioner Tobia, someone on the TDC, or a subcommittee, he is happy to entertain it to the extent that the Board's hands are not tied by Statute; however, there is nothing that says any of this is in stone.

Commissioner Tobia stated this gets directly to ROI, the Board cannot say it wants ROI and then have some sort of document say that does not work; he asked Mr. Cranis if he could tell him how many out-of-County visitors the American Police Hall of Fame receives; and he noted he is asking a question that Mr. Cranis cannot answer and the reason he cannot answer is they did not even include it. He added neither did the Brevard Youth Chorus, or the Space Coast Arts Festival, and he could go on and on; they did not even provide them with the number of tourist and the Board is going to go ahead and fund that to the tune of \$65,000; he reiterated and they did not even provide the number of folks that would be coming in and the Board is arbitrarily going to hand over \$65,000; he does not care if every appointee of his and Chair Lober's decided that this is the best way, the Board is literally handing over \$65,000 and it does not know if one person from outside of Brevard County is showing up; yes the Board determines if that meets State Statute but to be honest the Board is sticking its head in the sand on this one; and he has provided the numbers to show it. He went on to say they spend more versus one or the other but to put it in perspective, if one night is spent for the Eau Gallie Arts District Main Street, to get the same comparable amount at 1,300 times a person for the Cultural Arts and Business would have to spend 3.6 years in hotels to equal that 1,300 times; he mentioned with the bottom five they did not even provide the numbers and the Board is going to appropriate money; he thinks that is absolutely ridiculous; and there is no way that he could support expending those resources without having any numbers.

Chair Lober stated regardless of how this vote ends up going, if Commissioner Tobia were to offer up a motion after this to require those particular variables to be specified in the future, he would support that.

Commissioner Pritchett stated she agrees with Chair Lober that some things have local value; the American Police Hall of Fame is a pretty incredible museum and she is not sure that museum would be there outside of everyone participating and helping to fund it, including the

TDC; the thing is, people have sat on this committee and went through the long haul with it; she feels like the Board should have had input back then; she has a representative on it; and she asked the Chair to call the motion on this. She added if the Board makes changes in the future with Mr. Cranis as far as how they work the ROI, he is pretty good with those numbers as well, as far as beds.

Chair Lober advised there are two more lights and he knows Commissioner Isnardi has not had a chance to speak yet; and he asked Commissioner Pritchett if that is alright with her.

Commissioner Smith asked if the people the Board Members appoint are all volunteers.

Mr. Cranis responded affirmatively.

Commissioner Smith stated he assumes they all show up on a regular basis to listen to these proposals and make these determinations.

Mr. Cranis agreed with that statement.

Commissioner Smith inquired if they vet each and every one of these.

Mr. Cranis again responded in the affirmative.

Commissioner Smith commented Ms. Young has already said that they spend an awful lot of time looking at these things; he does not know that any of these categories are something that someone can actually put a dollar figure on, although there are numbers here; there are so many variables that Chair Lober has already brought up; therefore, he understands where Commissioner Tobia is coming from, he just does not happen to agree with it. He noted he thinks that these are tourist dollars and tourist people that are sitting on these boards, they spend a lot of time and effort, and they are doing the best they can to come up with these items that they feel are worthy; and then it is up to the Board to follow their lead or to just say no and disagree.

Commissioner Isnardi noted she wanted to let everyone vet their discussions and ask questions; obviously she has looked at this and it would be a fair assessment of the cost per tourist if they took into consideration how much the agency was investing in the events; that is something that was not provided; if this is saying the Grant Seafood Festival only pays \$2,700 for their whole entire event that would be inaccurate; that is the tourism money portion; and she is glad they are only spending \$0.31 per tourism dollar but she can guarantee their investment is 50 times that amount. She continued by saying she thinks that is huge went it comes to looking at this list; she like the list and she appreciates the information, but it is not at all accurate; Eau Gallie Arts District with \$0.08 per tourist is great but she knows they spend more than \$15,000 on that Main Street event; therefore, there is no way this is an accurate assessment of a cost per tourist. She added it may be the County's cost as far as what is granted from the TDC, but it is not the cost per tourist; she is not going to use this information as the basis of her decision; she thinks obviously those other agencies need to provide the information if it is being required from the others; she probably would not have approved that, but she is new to that board and she has only attended maybe a couple meetings; and most of these items came through the board before she was even there. She went on to say maybe that is something that should be scrutinized in the future as far as heads-in-beds goes; and she reiterated this paper is not an accurate assessment of the cost per tourist.

The Board approved the Tourist Development Council's recommendation to approve funding



for the FY 2019-2020 Cultural Grant applications; granted approval to make the necessary legislative findings for each grant; authorized the Tourist Development Office Director to negotiate and sign all necessary grant agreements and related documents to support the grants upon County Attorney and Risk Management approval; and authorized the County Manager to execute necessary budget change requests.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Seconded:** Curt Smith

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

**Nay:** Tobia

**J.3. Provide Permission and Direction to Staff to Develop and Advertise a Request for Qualifications or a Request for Proposal for Attorney Services to Review Proposed Charter Amendments to the Brevard County Charter. District 3**

Commissioner Tobia stated under County Charter, proposed Charter amendment needs certified by a panel of three attorneys dealing with a single subject; this Item merely issues a Request for Qualifications (RFQ) and Request for Proposal (RFP) for this panel; it will still come back to this Board for ratification; however, should any Board Member wish to propose an amendment this step is critical. He went on to say this does not commit the Board to ratify any particular language or even accept any of the RFQs or RFPs; it is merely a step in the process so the Board's options are kept open as it develops ideas to improve the Charter; and he made a motion to authorize the Purchasing Services Department to develop and release for advertisement for either an RFQ or RFP for establishing attorneys to review proposed Charter amendments, approve the Selection and Negotiating Committees consisting of the County Manager, County Attorney, Central Services Director, or their designees, and authorize the County Manager, or his designees, to approve any necessary budget change requests upon review of approval by the County Attorney's Office and Risk Management.

Commissioner Pritchett advised she had asked staff about this and it is something the County is going to be doing next year regardless.

Eden Bentley, County Attorney, advised it is the Charter Commission Review starting next year.

Commissioner Pritchett asked this if this is for next year.

Attorney Bentley replied this is if the Board wanted to put a Charter amendment on the general election.

Commissioner Pritchett inquired if the Board did this, it would have to do this next year and it would have to be done this year also; and unless there is a reason Commissioner Tobia, one specific thing that he wants to change, she is not going to support that at this time.

Chair Lober stated he would like to jump in before Commissioner Tobia chooses to respond.

Commissioner Tobia stated it was factually incorrect; Charter amendment and Charter revision are different mechanisms like the way the Constitution of the State of Florida is amended; there is a Constitutional Revision Commission that can do it every 20 years as well as the Board places amendments on the ballot; the impact is the same but one, God forbid the Board allow citizens to go out and participate, all citizens, a form of direct democracy; he understands why

elected officials may not want direct democracy to happen because it may not coincide with their particular beliefs, but there is nothing more fundamental to democracy than allowing people to vote; and if that is not what the Board's intent is then by all means go the other way in which the Board selects individuals to make decisions on the Board's behalf and allow folks to show up at these meetings, or give everyone the ability to participate and impact this directly. He commented he understands that there is another opportunity to change it but it is completely different and that is why the Charter allows for these two different ways to take place; yes, that is coming up but there is a way in which the Board can give everyone the ability to participate; and he agrees they are completely different.

Commissioner Pritchett stated if Commissioner Tobia has something specific he wants on the ballot, she is ready to listen; this is a republic and the Board Members were elected to study things out and make good decisions; if the Board decides to put on the ballot vote if someone would never like to pay a tax again, it is going to pass, but it is not the best thing for the Country, she believes it is the Board's responsibility to figure out what to place on the ballot; and she reiterated if Commissioner Tobia has something specific she is ready to listen but she is not going to vote to support this tonight.

Commissioner Tobia stated he is sorry but that is a gross mischaracterization; that does not happen what Commissioner Pritchett just said, that is why there is a panel; if he wants to say, and to be clear he does not agree with this statement, but if he wanted to say women cannot vote, the panel of attorneys would say that cannot be placed on the ballot and there are five reasons why that cannot be done; all this does is set it up so the Board can make that decision and find out what it is; and he noted it sounds like there is specifically something that Commissioner Pritchett does not want on the ballot.

Commissioner Pritchett advised there is nothing, he is the one bringing this up, she wants to know what it is he wants on the ballot.

Chair Lober stated it is interesting; he has some of the same questions with what he is thinking in respect to this; and he is just going to be blunt if that is okay with Commissioner Tobia.

Commissioner Tobia responded he would expect nothing less.

Chair Lober noted one of the questions he had, and he can guarantee that Commissioner Pritchett was not reading his notes, was if there was a particular amendment that Commissioner Tobia had in mind that has some chance of passing regardless of what it might be so the Board is not wasting time or taxpayer money that is unnecessarily burdening staff; if there is something any of the Board plans on putting up, then he has no problem passing this, presuming there is a realistic chance it could pass and one of the Board Members wants it; however, if none of the Board has a particular amendment in mind, he does not know why the Board would put together a team at some expense, both financially to the taxpayers and administratively for the staff, to simply exist in case the need arises. He added that could always be put together if the need arises. He went on to say he is not trying to prod Commissioner Tobia for something he may not have in mind yet, but if there is some specific amendment he has in mind, he would be much more inclined to support this if he knew what they are and thought there was some chance they might pass.

Commissioner Tobia commented currently the Board is in disagreement with the Clerk of the Court and he is sure Chair Lober is aware of this.

Chair Lober advised he is and he thinks the entire staff is aware as well.

Commissioner Tobia noted the County Attorney provided a list of possible avenues to avoid that potentially very costly, very expensive, and a very time-consuming endeavor; and he asked if Chair Lober is aware of one of the suggestions that came from the County Attorney's Office.

Chair Lober stated he saw it on her whiteboard so he knows what Commissioner Tobia is referring to.

Commissioner Tobia stated he is sure Attorney Bentley is aware of the brief, and he asked that she explain one of the options the County may have that potentially could save resources, should the Board go ahead with it.

Attorney Bentley noted the dispute is about the language of the Charter and what the Charter says as to how to calculate the base line after there has been a supermajority vote because there is a critical need; the Board could amend the Charter to add language to clarify that issue; and that would be a Charter amendment, if the Board chose to put such an amendment on the ballot.

Chair Lober noted with respect to that and given the way that all of the votes on that issue have gone, having been 4:1 or 1:4 depending on which way it is being looked at, he is not saying that Commissioner Tobia does not have the most pure motivation at heart or that Scott Ellis, the duly elected Clerk of Court and Comptroller does not have the most pure motivation at heart, but he does not believe Commissioner Tobia is going to get the support of two more Commissioners on that particular proposal; he appreciates Commissioner Tobia bringing it up, it is as interesting; and from Commissioner Tobia's perspective he can why that is something wise to do, but he happens not to agree with it. He went on to say if Commissioner Tobia can get two more folks to jump on board with that being potentially appropriate he will go ahead and support this Item.

Commissioner Tobia advised he went ahead and looked through this and his number is off by one because he would need three more votes; and he mentioned as he looks up and down, it is very difficult for him to see three more conservatives on this Board.

Motion dies for lack of a second.

The Board discussed providing permission and direction to staff to develop and advertise a Request for Qualifications or a Request for Proposal for attorney services to review proposed Charter Amendments to the Brevard County Charter, but took no formal action.

**J.4. Adoption of the Save Our Indian River Lagoon Project Plan 2020 Update unanimously recommended by the Save Our Indian River Lagoon Citizens Oversight Committee**

Chair Lober stated the question was between approving exactly what was recommended and leaving quite a few dollars unallocated, separate and apart from the reserve amounts, or going ahead and allocating a large percentage of that which was unallocated, which in view of the whole entire pot was an objectively small percentage; his thought is the County is not spending it as fast as it is being collected; there are things that can be done now to avoid having issues with continued septic leaking into the Lagoon; there are things that can be done if the Board is offsetting utilities costs expanding the system, were they to do that anyway they might now or probably would not in some of these areas at least, that would enable them to put funds to update the system so there are less likely to be problems as a result of older infrastructure; and the question he sees because it seems to him and it was something he suggested at the last

meeting, he has received many emails, suggests that the motivation or at least the predominant motivation for leaving a portion unallocated over and above the amount set in Reserve, is for unknown future possibilities. He noted one of the messages that he thinks a majority of the Board sent to the Citizen Oversight Committee (COC) last year was that it wants there to be more emphasis on going from septic to sewer; it went back and one of the folks who urged the Board to pass this plan at the last meeting was saying it was great to see this balance; it worked last year; however, he thinks the County is in a better position based upon the County Commission having input. He went on to say he respects the work the COC does, but he also recognizes just as the Tourist Develop Committee (TDC) is an advisory committee, the Board does not just exist to rubber stamp the TDC's recommendations; and although the Board has every ability to simply agree with the COC, in which case he would be happy to stamp it, if the Board does not agree or sees a way to accomplish something in a better way or it sees some slight tweak, as he views this to be, approving everything the COC recommends he thinks it puts the County in a better position and it puts the Lagoon in a better position to start getting these dollars allocated rather than building up into a mountain of funds that go unused for years at end; and especially when the County knows these septic tanks on the barrier island in particular are continuously leaking; the closer to the Lagoon the bigger issue, the older the system, and the less advanced the bigger the issue; and with respect to this, he thinks the question to the Board ultimately comes down to the unforeseen opportunities, which will not be heard, is the septic to sewer conversions. He has had, God knows how many conversations with Eddie Fontantin, Utility Services Director, and he has never ever suggested to him that there will be other opportunities that the County should sock away Save Our Indian River Lagoon (SOIRL) funds in order to fund down the road; the question is does the Board want to put this money aside for things like oyster projects or filtration projects down the road; and he noted there may be great filtration projects down the road, he is not saying they are not, but there are projects right now that can use the money right now to improve the state of the Lagoon. He continued by saying he has read everyone's email that has sent one in and he appreciates where everyone is coming from; he thinks everyone who put in a public comment is in attendance for the right reasons; he knows and respects a lot of them and the others he does not know as well; and he has no reason to assume these people are here for the right reason and good motivation. He mentioned he simply disagrees that staff should be so conservative at spending it that in addition to having an amount set aside in Reserves, which is agreed to by the COC and he does not believe anyone has a problem with the amount of the percentage, there needs to be an extra amount socked away solely for things that cannot be predicted; Commissioner Isnardi pointed out at the last meeting that essentially it is building up faster that we can spend it; and to him that is something that is tremendously important. He went on to say if the Board does not want to go in that direction of septic to sewer and it wants other projects whether it be filtration or something else that it does not know about yet then that is fine, leave it aside; his thought is he thinks the balance is the real question; and he thinks it needs to shift a little more heavily in terms of septic to sewer.

Commissioner Tobia stated these would be questions directed at the Natural Resources Management Director, Virginia Barker; and he asked, to her knowledge, has the COC had time to review these proposals that Chair Lober made on Thursday.

Virginia Barker, Natural Resources Management Director, responded no, their next meeting is next Friday.

Commissioner Tobia stated he did not understand this, but this Board has certainly rubber stamped everything that has come before advisory boards previous, therefore, he does not understand why it would not spend that money, yet one of her members brought up that things could come up unforeseen; and he asked if the SOIRL plan had been amended in the past

because a project was discovered that had a better Return on Investment (ROI) in regards to removal of nitrogen and phosphorus, than projects that have previously been considered and if she could provide any examples of how much was saved because there was money in Reserve and a better project came up.

Ms. Barker noted in 2017 there were 21 projects that were proposed from the community and Brevard County Departments that were swapped out that were better ROI than projects that were previously in the plan; those were all in a table in the plan; there is another table of more recent project swaps that happened last year; also proposed on the list for projects this year there are three septic to sewer projects where the Utilities Department has looked at the boundaries of those projects, the location of the utility, the lift stations, and they proposed modifying those projects to include some additional properties that are more cost effective and exclude properties that are less cost effective; and she would have to say yes, those changes continue to occur almost annually.

Commissioner Tobia stated he knows Ms. Barker does not speak directly for the COC, but from the meetings she has attended was that the calculation of the individual who spoke, he does not remember his name but he was a financial planner, and he inquired if that is mostly likely why these monies were held in Reserves.

Ms. Barker advised her impression of the conversation, and the COC had a very lengthy discussion about how far down the priority list to fund and how much to leave; she would characterize it as three different concerns; one is that they are talking about projecting 10 years of revenue; the \$494 million is a 10 year revenue projection and it is based on revenue growing at a rate of 1.8 percent; and no one is sure about what the revenue generation will actually be, it is an estimate. She continued by saying one caution of the COC was they may not collect the \$494 million and what would they do if they spent money designing and permitting projects that they cannot actually afford to implement; another concern was that in the last two years they brought the COC a number of examples of projects that when they went out for bid, they had cost considerably more than the engineer of records cost estimate; they have seen that with construction costs in many different project types in this recent economy; and those construction costs are going up. She went on to say they do not know that the \$488 million worth of projects identified in the 2020 recommended plan will actually be able to be constructed for \$488 million; if too many come in over that cost, then that would be another concern; the third thing is what the Board just discussed which was the potential for new opportunities; the specific example that she recalls from the last COC meeting was people have been very concerned about the clam industry that was lost from the County; clams have had a very rough time surviving in the Lagoon, but there are some clams still out there; and there is a team of scientists and research institutes that are currently engaged in collecting these large surviving clams that they have named super clams, taking them to a hatchery, getting them to reproduce, and seeing if they can use them to return clams to the Lagoon. She added that was something that the committee was excited about and hoped might be an opportunity for the future.

Chair Lober stated he has some questions for Ms. Barker along the same lines because he just wants to make sure he is on the same page and that he understood the questions from Commissioner Tobia; one was whether the COC reviewed the proposal that he made; his understanding was, just so everyone is on the same page, they did not review the proposal he made insofar as it was a new proposal, but they did review each and every one of those projects; and each of the projects was in order to the extent they could be funded. He added there was one that was skipped because it in and of itself was over the entire pot that is remaining; but skipping that one item that could not be funded with the unallocated portion,

even if nothing else was funded, everything that could be funded with the unallocated portion was next in order; and they were all the same dollar cost per pound, total pounds of nitrogen removed as some of the other items that were approved; and another question proposed by Commissioner Tobia, dealt with whether there were improvements and cost savings in the past having left money unallocated for the potential that future opportunities might arise, which would be more beneficial. He mentioned he heard Ms. Barker say that 21 items were swapped out, not that they were added out of the unallocated funds; it sounds to him that swapped out means that items were approved, were taken off, and were replaced with new items; if that was something that was beneficial, and he is not saying it was not, it probably was if the decisions were made up through the chain; the Board could do the same thing if it approved the modifications that he is proposing; if the Board finds in the future that something that is not already done and putting the Lagoon in a better state, and if it has not already been implemented, and the money is not already committed, go ahead and swap it out, if it is a better option. He added he would support that himself. He stated he did not hear, and he is not trying to be facetious by any means, but he did not hear that there was anything added out of an unallocated amount for one of a better opportunity; and he just wanted to make sure he heard correctly that those were items that were switched out; and he thinks 21 was mentioned first then potentially others having been switched.

Ms. Barker responded affirmatively. She stated her understanding of the question was whether they had ever swapped projects out, that is why she answered it that way; the COC has also recommended the addition of projects; last year when the Board asked the Committee to consider moving \$100 million out of muck into other types of projects, primarily human waste related projects, the COC identified around \$50 million worth of projects to do just that; that recommendation was brought to the Board and the Board approved it; and that left another just under \$50 million still unallocated. She mentioned that made up the majority of the funds that go to the 43 projects that are now proposed for addition that total \$55.5 million in costs.

Commissioner Pritchett advised she is going to request the Board do something that will alleviate some of the pressure off of the audience; she thinks the Board is in agreement and it is going to allocate the amount; she asked if this could be broken into two motions and just make a motion to approve the allocated amount; and then the Board can go back to motion two as to how to process the unallocated.

The Board adopted the Save Our Indian River Lagoon Project Plan 2020 Update, as recommended by the Save Our Indian River Lagoon Citizen Oversight Committee on January 17, 2020, and authorized associated budget change requests for the current year.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Secunder:** Bryan Lober

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

#### Adoption of the Save Our Indian River Lagoon Project Plan 2020 Update

Commissioner Pritchett advised she does not mind allocating the Reserve funds because there is so much extra funds coming in again and they are projecting \$50 million this year; she is fine with that; what she would like to consider, Commissioner Isnardi brought this up last week and he thinks her District is well behind as far as funds; maybe the group can get together and maybe let them all throw in suggestions; and the projects that are coming up next, she is fine with them too.

Chair Lober stated he just wants to be clear, there are several in the list, and he is not talking monetarily, but in the terms of role of numbers that are in Merritt Island, therefore, it does, in that sense, have more projects that have been proposed out of the COC ranking that would benefit District 2; but frankly, if there is something else he does not care about the mixture.

Commissioner Pritchett noted she has no problem with that; since Commissioner Isnardi brought this up last week; she thinks if the Board allows the COC to come back with hearing the Board maybe they can search for some projects there too; and she reiterated she does not have a problem with that either because it is removing the maximum amount of the yucky stuff being put in.

Commissioner Smith inquired if the Board has heard from the speakers.

Chair Lober respond no.

Commissioner Smith inquired then why is the Board involved in all of this conversation before they are even heard.

Chair Lober advised the speakers wanted to gauge where the Board was at before they spoke.

Commissioner Smith apologized for missing that point; he stated he does not disagree with Chair Lober's premise; he wants to go ahead and do the six; however he does have a problem in that no one has a crystal ball; if the Board approves these projects, the studies will start and the money will be spent on these six projects; and suppose that a couple things happen, one has already been covered. He went on to say new technology comes along that makes one, two, or maybe all these projects something that would be a second tier so that something else comes along that is more important; all the money that has already been invested in studying these projects is going to be thrown away and wasted; that is money that cannot be used on the projects because it has already been spent investigating and starting the process on the six projects; and that is problem number one. He continued on saying his parents always told him people should not spend money they do not have, meaning that the Board is talking about all this money coming in like it is going to continue to come in; the County is in a situation right now where tourist taxes are probably going to take a big hit in this County, in this State, and all over this country, in fact all over the world because whoever foresaw the Coronavirus or any other thing coming along that was going to cause tourist to stay home and cancel trips; and the County could take a big hit this year, next year, people do not know how often. He mentioned people do not know if this is going to be a one-time thing or not; he is one of those guys that thinks this is a bunch ado about nothing; there has been in the last 10 years, and he is guessing, H1N1, SARS, Norovirus, and who knows what else; now all of a sudden this one is scaring everyone; and the reality is the tourists are staying away. He stated one of two things can happen; people can get really scared or the next time something happens, just like hurricanes, the hurricane that was predicted to wipe everyone out does not hit and then the next time a hurricane comes people do not worry about it because they never hit here; that could be the one that does; and that could be something else at play here. He noted those are the reasons he has for not approving these; it is not that he does not think it is a good idea; it is not that he does not like these projects; he just thinks that it could be a waste of money if the County does get better projects that come along and then may not have all that money that they think they are going to get; the County has done really well this far, but no one knows if it is going to continue doing this well going forward; and that is his two-cents.

Commissioner Isnardi stated the County has the money and she thinks not spending it is more of a disservice given the critical state of the Lagoon; there is a Reserve; anything that happens

with new information on projects could happen to any one of the projects whether it starts now or starts later, it could happen; it not like the list where it is the bottom of the barrel stuff and has no value; it made it to that list and it was reviewed by the SOIRL Committee; and these are projects that are ready to go. She went on to say it is like most of the County's capital projects; it is doing a huge disservice if that money is not spent; it is there and it should be spent; there are Reserves for emergencies; and there are people who are anxious to get back out on a healthy river, so to her it just makes sense to spend it.

Commissioner Smith advised he would agree 100 percent except if the projects are started today, they are not going to get them done in the next two, three, or five years; he asked what happens if that money does not continue to flow in like expected; and what about if it does not keep flowing in like it has been, then they do not have the money to spend.

Commissioner Isnardi inquired so they should instead just build up tens of millions of dollars and not spend it quickly enough.

Commissioner Smith commented they are not building up tens of millions of dollars, and he asked how much are these six projects.

Chair Lober advised it is around \$7 million.

Commissioner Smith reiterated it is only \$7 million.

Commissioner Isnardi commented what she is saying is what the Board has done in the past; and the reason why in 2017, there were 21 swap outs is because they found better projects so that will happen as the projects go forward; she just cannot see waiting and it does not make sense to wait; and it is not like these are on a whim, they are legitimate projects that have value.

Commissioner Smith noted that is not what he is saying, what he is saying is \$6 million, it is very feasible that it may not have that \$6 million because if tourism goes through the floor the County is not going to collect the money.

Commissioner Isnardi asked Commissioner Smith if he thought tourism was really going to go through the floor here.

Commissioner Smith noted to just look at what is happening already.

Commissioner Isnardi reminded Commissioner Smith there is a Reserve; and people cannot be afraid to spend the money they already have.

Commissioner Smith added he hopes she is correct.

Chair Lober inquired what is in the Reserve roughly or what is anticipated as being in there.

Ms. Barker explained the problem is right now there are Reserves, what the County in the budget calls Reserves; those dollars are allocated to projects; they are allocated to multi-year projects and future year projects; therefore, the only dollars that are not designated for specific projects are the \$6 million that the Board is talking about.

Commissioner Isnardi inquired the allocated to future projects has not been spent.



Ms. Barker replied affirmatively.

Commissioner Isnardi inquired if that money could be reallocated potentially.

Ms. Barker responded the \$6 million is basically money that they would expect to come in, in year 10 and how will they spend that last \$6 million.

Commissioner Isnardi inquired how much has been allocated to future projects that has not been spent.

Ms. Barker advised there is quite a bit because it takes years to get projects.

Commissioner Isnardi noted so it can be reallocated as far as it may be allocated based on the plan but that can be reallocated based on finding a better project or otherwise if something huge is found or technology gets better, or something that provides more value, Ms. Barker would be the one recommending to the COC board that it be reallocated because it has not been spent yet; and she inquired if that is correct.

Ms. Barker stated they have collected \$133 million; there is about \$250 million in projects that are either constructed, in construction, or in design permitting process; they will not complete construction until they have collected those dollars; but they are already doing the ground work so they are ready to be constructed when the dollars become available.

Chair Lober stated he fully grants that they will have projects out of the many projects that are involved in the plan that will have cost over-runs; he gets that and he will grant that; assuming just for the sake of discussion, everything costs what is anticipated and not a penny more, what is set aside in that Reserve; and he asked what is the raw dollar figure.

Ms. Barker stated there is a contingency of five percent and the value of that in the 2020 recommended plan is \$23 million.

Commissioner Smith stated he is not going to repeat himself.

Commissioner Pritchett made a motion to send this back to the COC to consider options to go ahead and start allocating some more of these fund and to come back with recommendations. She went on to say if the County runs into a problem and this all takes a dive; there is a big problem Countywide, bigger than this; and the Board is going to have to adjust things everywhere.

John Windsor stated he was hoping the Board would say it was in favor of it and everyone can go home and not have to make public comment; after the lengthy discussion, everything he had worked on for the last three days just went out the window; he thinks there is some real misunderstanding and perhaps there needs to be a tutorial here about the funding to the project, what this means to have funds allocated for projects, and projects that are underway; there seems to be some misunderstanding amongst the Board that these monies can be pulled for something else; and that is not the case. He noted if that happens it would be throwing money away that could be used on projects; rather than belaboring this he is going to suggest perhaps someone speak with the Board Members either individually or in a group or workshop or something about what this budget really means because he does not think the Board understands it; he thanked the Board for approving the budget part and he wants the Board to add this amendment for saving \$6 million that the COC recommended; the reasons Ms. Barker already stated, revenue productions, increased construction costs; and it sounds to him like the

Board is adamant that it wants to get this money allocated right now. He went on to say he is asking out of fairness that the Board not do this now and to give the COC at least one more year to tell everybody that this is the last year and no one can come to this program for funds anymore because what it is doing in essence is making it impossible for anybody to say in good conscience they should write a proposal to the COC with the newer and improved technology when there is no money to be had because the Board allocated all of it. He mentioned he is not sure if he is violating Sunshine by saying all of this now, but the Board has got him all revved up about this, he had to come forward and say this; there are some other COC members here that do not want to talk after him because that might be some sort of violation of Sunshine because they are talking about things that the Board may send to the next meeting; and he reiterated he would vote down this idea of sending it back to the COC for their advice on this. He asked the Board to hold off for one year; he added if the Board wants to do this then tell them now; and they will go back and address it next year with the Plan.

Commissioner Tobia noted it sounds like there is a motion on the table to send it back to the COC, and he asked Mr. Windsor if he sits on the COC.

Mr. Windsor responded affirmatively. He mentioned he actually passed his original comments by people saying, "Are you being snarky." He went on to explain he was not being snarky, there is enough of that going around at the Brevard County Commission meetings, he does not need it.

Commissioner Tobia mentioned he appreciates Mr. Windsor being blunt; and he inquired if that motion was to pass that is on the table and the Board sends it back to the COC, there is no Sunshine violation because Mr. Windsor is not speaking with those other COC members, if he suspects those other COC members would say the same.

Mr. Windsor noted he does not know what they would say.

Commissioner Tobia asked if that was the discussion that they had at the last COC meeting.

Mr. Windsor advised he is the Chair of the COC starting on Friday morning, March 20, at 8:30 a.m. live on Space Coast Government Television (SCGTV).

Commissioner Tobia asked, just to be clear, the COC had this discussion, as Ms. Barker mentioned, whether or not to allocate that \$6 million or to hold it, correct.

Mr. Windsor replied yes, and he brought up at the last meeting and this discussion with the COC that it was not fair to their partners to zero out all the dollars.

Commissioner Tobia commented it sounded like Commissioner Smith, Ms. Barker, and Mr. Windsor have all mentioned the same three things, three different times; and he will make it four. He stated they are projecting out \$500 million and they do not know whether they will receive that; projects sometimes come in above cost; and three, opportunities change where they may get more pounds per dollar of nitrogen. He mentioned he appreciates all the work Mr. Windsor and the COC Board does and he thinks the County should pay these experts the exact same courtesy that the 4:1 vote that the County pays the other ones that do not have the doctor in front of their name to make these decisions; he inquired if the Board were to send it back to the COC, it would be the COC's vote to say no they will look at it again in a year; and he asked if that is correct.

Mr. Windsor responded in his mind that would be fair; he asked the Board to tell them now if

the Board wants to zero it out and the COC will go talk about it.

Commissioner Tobia responded that he trusts Mr. Windsor and noted he will be voting against sending it back because it sounds like Mr. Windsor, the future Chair, that is what is important to him; he mentioned that it was already discussed at the COC and that is the conclusion they had come to; and he added that would be asking the COC to do something it had already done.

Mr. Windsor agreed.

Chair Lober commented he does not know that all of the folks of the COC are all doctors, and he asked Mr. Windsor to enlighten him.

Mr. Windsor replied, no.

Chair Lober inquired if the majority of the COC are doctors.

Mr. Windsor responded he does not know.

Chair Lober asked if he has any idea.

Mr. Windsor noted he does not think the majority are doctors. He advised the COC is made up of seven different stakeholder groups.

Chair Lober commented he is well aware.

Mr. Windsor noted there is one science, and he is not part of the science group; he is part of the advocacy group; there is a real estate; there are seven groups; and each with two representatives.

Chair Lober noted he just wants to make sure that everyone is on the same page, everyone in the room and that there is certain expertise, but it is not that everyone on the COC has a doctorate in water chemistry or quality.

Mr. Windsor commented the discussion is not about water chemistry or quality; he does not want to be argumentative; no they do not; however, the discussion is about fairness to the people who have been in this effort to restore the Lagoon, with the cities and the County.

Chair Lober asked if it is Mr. Windsor's belief that the Board Members are not in the same effort.

Mr. Windsor responded that he does not know; when he sees that there were 30 projects suggested from Brevard County Utilities that went far beyond all of the rest of the money that was available in the Plan; they could not possibly, even if they decided to go with all of them; they voted a significant number of Brevard County Utilities projects, yet he hears Chair Lober saying that the COC needs to do more because they are not doing enough; and he begs to differ, they have really done a lot. He noted they have gone a long way from where they were last year to this year.

Chair Lober stated he just wants to bring Mr. Windsor up to speed on this real briefly and to the best of his understanding; he can say, at least speaking for himself, he did not push for any particular project from Brevard County to be sent to the COC, he simply pushed that many options be presented; if it was perceived that the Board giving the COC more options from

which to choose was somehow a negative thing, he apologizes if that was the perception; but that was no one's intent that he is aware of.

Mr. Windsor commented he is not saying it was the perception; the idea of fairness that he is talking about, Commissioner Isnardi brought up a great idea for a project in the Melbourne-Tillman Canal District last time; and he noted next year, if the Board zeros out these funds, there is no way they can come in and ask for money.

Chair Lober asked if could not be swapped out the same way they swapped out 20 other projects.

Mr. Windsor noted they will not get a proposal from anybody when there is no money available; when the Board allocates all these dollars for projects there will not be any money; and he asked why somebody would write a proposal.

Chair Lober noted Commissioner Isnardi is right, the two of them are just going back and forth at this point; he apologized to Mr. Windsor; and he stated he will go ahead and move on.

Charlie Graham thanked the Board; he noted he has been waiting for 25 years for sand at the Midreach and it is looking great; he is in support of retaining the \$6 million unallocated Reserve in the IRL budget; although the Vice Chair's quote that the Lagoon tax revenue is coming in, "hand over fist and we can't spend it fast enough" may have been correct when it was spoken, but today is a different story; Brevard County greatly relies on tourism tax dollars, especially from the cruise industry; there will be significant reduction in those revenues at least for the foreseeable future; Carnival stock nosedived today to the point where its trading was halted; and yesterday the CDC and the State Department recommended that American citizens "Should not travel by cruise ship." He added additionally, today the CDC recommends that older adults and those with underlying health issues avoid long plane trips and crowded spaces. He went on to say it is not all bad news, gas prices are plummeting; that raises a unique opportunity to raise revenue for roads and bridges; and he thinks this Board should raise the local gas tax \$0.10 per gallon with prices down to \$2.00 a gallon and dropping, no one would even notice the difference. He continued by saying unforeseen crisis present unique challenges and opportunities; this Board can seize the day and do the right thing by retaining the \$6 million for the IRL and raising the gas tax by a dime; and in case anyone wants to go on a cheap trip, Friday out of Port Canaveral, Royal Caribbean is \$159 for a three-night cruise.

Vinnie Taranto thanked the Board for the kind words it has said about the COC; he stated they really are a good group of people, smart, and dedicated; they spend a lot of time talking about these things; the reason that he voted to keep the Plan the way it is, while super-clams are cool, that was not the main reason, there is a dance that is going on and that dance is spending money that has been collected, planning for money that has not been collected, and also being aware of what is out there; he is talking about \$500 million; and there is \$6 million that they have set aside, other than the \$23 million, so \$30 million that is not allocated. He continued by saying those projects that Ms. Barker talked about being swapped, that was very early in the Plan and no dollars had been spent on any of those, so no money was lost; he takes his responsibility on the COC, as the others do, the fiscal responsibility very seriously; he does not want to spend a dime that they do not end up utilizing; and if they do not have the ability to go ahead and pick different projects at different times, then the chance of COC spending money that they do not end up using is higher. He noted, as Dr. Windsor said, every year they look at projects; projects come in and they ask the cities and municipalities for projects; they want shovel-ready projects, not projects that are to be done three or four years in advance, they want stuff that is done now, because it is part of that dance, time is of the essence; and if they

can get a project done tomorrow that may increase the amount of bad stuff it takes out of the Lagoon. He stated they had looked at the projects that came through; the reason he voted them was because they do not know what will be collected; the construction overage cost they have seen has been way higher than the five percent that they have saved; therefore the big projects, \$30 or \$40 million, even a small percent like 10 percent is \$3 million, so they need to have some money left over; and that is why he voted to have money left over so they are not wasting any taxpayer dollars. He mentioned next year there will be another set of projects that come out; if the Board moves to send this back to the COC, that is great; he will probably end up asking that it wait another year and let some more projects come in, shovel-ready projects; and at that time they can decide whether there are projects that they want to recommend. He thanked the Board for its time and its kind words. He stated just like Commissioner Tobia said, they all have one goal in common and that is to save the Lagoon.

Sandra Sullivan stated she has heard a lot tonight about dollars per nitrogen and what was voted on was not dollars per nitrogen on cleaning up projects, what was voted on was cleaning up the Lagoon; as an advocate, one of her primary concerns is infrastructure and that was also in what the people voted for; what she does not see in the Lagoon Plan is addressing the infrastructure; and she noted she is going to provide a real world example of why that is important. She went on to say there was a report that came out regarding involving the University of Florida, the City of Cocoa Beach with their sewage plant, Ms. Barker was on the recipient list for that report, and she identified after Hurricane Irma a potential problem with Inflow and Infiltration (I&I) which is infiltration into the sewage pipes being transported to the sewage plant in Cocoa Beach and being redistributed as reclaimed water; that in fact actually occurred; the contamination levels north of Patrick Air Force Base are in the range of 200 and 300 parts per trillion; and that run off goes into the Lagoon. She continued by saying also in that report it says direct drainage from Patrick Air Force Base, which has the third highest PFAS level in the country of military bases, draining directly into the IRL; she also has 20,000 to 40,000 documents indicating decades of draining and dumping of contaminants into the IRL; and in addition to that, Mr. Bowcock, Erin Brockovich's sidekick, has brought to awareness that where PFAS goes there may be a trace of where other contaminants have gone, which would have also gone via I&I to those areas. She stated they do not just have an issue with nitrogen in the IRL, there is a contamination problem; as the Board heard from the lady from the turtle conservatory, the diseases in the sea turtles, the dolphins, and the Mullet, there is a need to do studies on the organisms that are in the IRL to figure out how to clean up the Lagoon, which goes beyond muck; she understands that the nitrogen is important because of the Beta-Methylamino-Alanine (BMAA) caused by algae blooms and the impact on health; that is certainly important; she understands the importance of septic to sewer; however, people are still putting in more septic systems because the plants are operating at near capacity, the pipes are still leaking in South Patrick Shores, after being promised they would be lined after the last 22 million gallons of sewage went into the IRL, and they are still not seeing anything; and maybe some of those monies should be set aside appropriately for addressing the infrastructure, which is what was voted on.

Adoption of the Save Our Indian River Lagoon Project Plan 2020 Update unanimously recommended by the Save Our Indian River Lagoon Citizens Oversight Committee

Jay Moynahan stated he is a member of the COC; he will quickly repeat the three reasons why the COC voted the way it did; there are concerns about overruns of costs; looking at \$6 million out of \$500 million is slightly over one percent, a miniscule amount; the main thing at the expense of not repeating what John and Vinny already said, Chair Lober was concerned about these, he looked at the next five projects on the list.

Chair Lober responded affirmatively.

Mr. Moynahan went on to say and that discarding that \$13 million one, with the other four being added up to \$6 million; Chair Lober did say something he wants to comment on and that is that the COC spent a lot of time going over this list and Chair Lober questioned whether the costs was the same for the unallocated projects as it was for the allocated projects; in fact one of the reasons they drew the line where they did was because there was a significant jump in the cost per pound of nitrogen removed at that particular line from \$1,715 per pound to \$1,848; and it is kind of an arbitrary line that was drawn at that point but there was a reason that they stopped there as opposed to going one more or two more projects. He stated he wants the Board to realize that the COC spent a lot of time looking over the projects that were proposed; they spent even more time talking about whether they were going to allocate all of the funds or not; and they chose not to for those three primary reasons that had already been mentioned. He commented if the Board is going to do anything he would certainly ask that the Board give them another year to advise potential project requesters that the money is not there to fulfill requests.

Chair Lober asked Ms. Barker if she recalls her office providing him a large format spreadsheet printout with the different projects and they had discussed where the cut off was.

Ms. Barker responded affirmatively.

Chair Lober asked Ms. Barker if she recalls one of the columns in that project was the cost per pound of total nitrogen being removed out of the SOIRL funds.

Ms. Barker responded out of the SOIRL funds, they are all at the \$1,500 cap; she believes what Mr. Moynahan was talking about was there is another column that is total costs; and the total cost when considering both the SOIRL funds plus the additional costs that Brevard County Utilities would have to absorb is a higher cost per pound when working down the list.

Chair Lober clarified or a municipality for that matter, or whatever it may be.

Ms. Barker stated that is correct.

Chair Lober advised but the cost out of the half-cent sales tax, the voter approved half-cent sales tax per pound nitrogen removed would have been the same whether they are talking 64 or 67 on the list.

Ms. Barker responded in the affirmative.

Laurilee Thompson stated she is the tourism alternate on the COC; she hates to be the bearer of bad news but tourism is not looking so good; since tourism, tourist contribute about 30 percent of the taxes that are being collected for SOIRL Plan, she does not think it would be wise right now to commit to that \$5 or \$6 million because no one really knows whether they will have the money to spend in the end; she has spent a lot of time in Tallahassee in the last few weeks; Senator Mayfield's water bill is going to demand a study on septic to sewer, what kind of impacts are being felt from septic systems; she thinks once that report comes out, she thinks the Board will see the Florida State Legislature figure out how to get more money to be available for the type of projects that are being considered; and she really thinks it would be wise to wait for a year and see what happens with the economy, see where the State is as far as allocating money for these kinds of projects.

Chair Lober stated on a prior Item the Board had in a recent Board meeting he had made the comment he did not want to wait on the State to do the Board's job; one of the reasons he had

said that is because a bill had come up in the past on that Item, just as with this Item to accomplish exactly what Ms. Thompson was just talking about and it was killed, he was not happy about it; and he will not be happy if the same happens to this bill. He noted his concern is if the Board has the ability to do it now, whether the Board does it now or it is waiting unnecessarily, what he is curious about is if that bill passes and there is potentially somewhat matching funds from the State, whether it is \$10 million or \$50 million, or if anything passes he asked would that not if anything, reduce the cost of septic to sewer projects; such that if they are lined up and ready to go with the money already allocated, might it realize big savings.

Ms. Thompson interjected they have the matching money to apply for these projects so she believes Brevard would be ahead of the other counties; that would free up some of Brevard's own money for other projects; and she thinks it would be fantastic.

Commissioner Pritchett inquired as far as the money being talked about allocating, this is the money that was projected for 10 years for the Lagoon fund that was allocated out, correct.

Ms. Barker stated that is correct.

Commissioner Pritchett stated she really appreciates the COC that gets together and puts all of this together; she asked that the COC understand that even though the Board is talking about this, her recommendation is to send it back to the COC and they come back with recommendations for that amount; when talking about these projects, worse case scenario tourism falls off and there is no money next year, the Board may have to make \$20 million in cuts that the COC has already brought forth; therefore, the COC is already going to have to do that if there are some bad tourism years. She noted whether they are going to be better or not, that is just something they will all have to deal with later; her thought is, and maybe it is the female in her or the accountant, but the SOIRL Fund has so many dollars in it and she wants to see that it has a plan for those dollars, otherwise, as politicians, the Board thinks it has money it can spend because the COC does not know where to spend it, or as public opinion the County is collecting too much money because it does not have it allocated to projects that it thinks are essential to the project; and she reiterated she wants to send this back to the COC and let it come up with the ideas of where they think those dollars should go. She advised if the County has some bad years, the COC is going to have to cut some more projects; she feels confident that if the Board sends these back to the COC, it is going to come back with recommendations that the COC is comfortable with; she is not trying to do the COC's job and she is not trying to tell them the ideas they have come up with are not good because she approved their projects; on the point of what has been brought up having \$6 million just sitting there with nowhere to go, she wants the COC to find somewhere for it to go; and if the worst case scenario comes and there is bad tourism, then there will be cuts and the COC will have to decide where to cut them for recommendations to the Board to approve. She mentioned if there is surplus then she wants them kicking out projects that are coming in; she wants to see that the COC has plans for these dollars, that they feel are significant of where these monies should be spent that are coming in; otherwise her head thinks SOIRL is collecting too much money, even though she knows that is not the case. She asked Mr. Berman, Florida TODAY, not to print that. She noted she is in agreement with the motion to send it back to the COC to let them figure out where they are going to allocate these funds, and she is open to their ideas.

Chair Lober stated he is going to start a little bit negative then kind of move it in a more positive direction hopefully, at least that is his intention; he is not happy, and that is a light way of putting it in an abundance of civility here, to have even the implication that the Board does not have the same goals as those on the COC with respect to improving the Lagoon; he did not spend a six digit amount of his own money after tax dollars to run for a position to go ruin the

Lagoon; he does not have a financial interest in seeing the Lagoon ruined; if anything, he has a financial interest in seeing it improved based on where he owns property; and with that said, he understands there is some presumption that because the Board does not necessarily agree with the decisions by the COC, with respect to roughly one percent of the overall amount that has been sent to the Board with a particular allocation in mind, just because the Board does not agree does not mean the Board is uninformed Neanderthals; and he would imagine everyone on the Board has done their homework with respect to this and spent many hours, not just three days for him, it has been a considerable amount of time. He continued by saying with respect to the contention from any of his colleagues that because someone may have a doctorate that they are, therefore, better informed, they may be but he knows folks with doctorates in relevant fields that have different opinions with respect to how to prioritize this money; a real estate sector representative is great and has expertise with respect to that particular field or that specialty, someone on the science side, that is great they have expertise in their particular specialty or area of interest; there is a diverse group on the COC and everyone is well intentioned, at least he would like to think so or hope so; and he noted everyone on the Board is well-intentioned as well and he does not gain anything personally by improving or deteriorating the utility system. He went on to say what he can tell people, is even folks who came in to support what the COC recommended and nothing more at the last meeting, did not realize that what the COC had done that they were supportive of was a result at least in large part of the input that this Board has had; this Board was elected to do a job, or several jobs and part of that job involves scrutinizing the recommendations of advisory committees; if the COC is getting 99 percent or 100 percent of what it asked for, which is a lot better than last year for a percentage base, and this is a trivially small amount in the scheme of the overall project list, the Board and the COC are not on opposite sides of things; and to try to make this something where it is polarizing is just not beneficial. He stated with respect to waiting for a year, and the Board had this last year with the COC where it had rejected something and it can back in better shape; he hopes the COC gets the message that the Board wants to see that money allocated; he would like to see the COC's recommendations for how it would allocate it, but giving people an opportunity, out of fairness, to extend it another year, the Lagoon, out of fairness, does not deserve to wait another year while it continues to deteriorate or in the alternative not get the attention that the County is able to give it; he thinks that is the priority; the COC is welcome to disagree and respects their opinion; however, he does not necessarily agree with that. He noted the point is something needs to be done; as Commissioner Pritchett mentioned if tourism tanks the COC is going to have to do some real soul searching and reorganizing as it stands; if this is roughly one percent of the overall pot, and if tourism tanks by more than one percent there are more projects that are not going to happen; his thought is if they get to the position, and he is not suggesting this is what he wants to do, but say the eyes are bigger than the stomach and it ends up biting off more than it can chew, and they are over by \$6 million, and he cannot fathom that it would be \$6 million on the dot, and at the end of the 10 years, and if tourism tanks now and he does not think it is going to tank for 10 years on account of Coronavirus, it gets to the end and they are \$6 million short, they either have to cut projects along the way, which they would have to otherwise or alternatively it is sourced from other areas; just because there is a half-cent sales tax does not mean that the County shall not use any other funds to improve the Lagoon; and if the at the end of 10 years they have to pull \$6 million out of the General Fund or otherwise, it is not the end of the world. He added if they get the projects done then wonderful, it is what it is.

Commissioner Tobia stated he is going to vote against this motion; he does not how it is going to go, but he very rarely ever does this, but he appreciates all the work the COC is doing; he likes the scientific approach; and he never minds the answer being no, if there is a reason, and the COC has given three very good reasons as to why to hold that money. He continued by saying should the Board send it back, he wants the COC to understand it needs three votes



and it has his vote; he will fully support holding that money in Reserves for those three very valid reasons; it sounded like Commissioner Smith was on the same page; there are two other Commissioners that sound like they are strongly in favor of doing this; and playing politics here, there is a fifth Commissioner and he thinks the COC may want to have a conversation with to make their point again on those three things. He reiterated that he does not want to mention them again for the sixth time but he will; they do not know whether they get that \$500 million, costs go up, and the opportunity for ROI; that fifth Commissioner is very intelligent, she has a CPA and she probably understands this stuff better than the rest of the Board combined; and he stated if the Board sends it back, the COC needs to play politics, focus their attention on that one Commissioner because he thinks the COC has the argument. He noted he will be voting no, not because he does not trust the COC, but because of the exact opposite; the COC has done great work; he has not always seen eye to eye with them, but they have done it in good faith; and he never minds being spoken to bluntly.

Commissioner Isnardi commented she might as well speak because everybody else spoke for six hours. She stated she thinks that was a little insulting to Commissioner Pritchett; she thinks she has thought about it; it is okay that Commissioner Tobia is suggesting that members of the COC play politics with members of the Commission; however, she thinks Commissioner Pritchett has been around the block once or twice and probably has put a lot of thought into it. She mentioned not to say anybody cannot change their mind but the Board says this solid and this is the exact thing that needs to be done based on Board's recommendation, based on the expertise of that Board; but that same Commissioner argued that he did not want to take the committee and the TDC's recommendations for their projects, so to each his own; she is going to leave it at that; there is nothing wrong with allocating because again, how many times have they reallocated monies that were not starting to be spent; and if the COC has a better project then bring it, but not allocating that money, there is no harm in that either because some of those projects are not even projected to start for a couple of years. She added she would like to see that money allocated in those projects.

Chair Lober noted he believes the Board has done its homework.

Commissioner Isnardi asked if there is a motion and a second.

Chair Lober advised there is.

Commissioner Isnardi asked to call the question.

Chair Lober advised the motion on the table is to send this to the COC, basically requesting the COC come back to the Board with proposals for the unallocated funds, their recommendation for the use of the unallocated funds.

The Board directed the Citizens Oversight Committee to come back to the Board with recommendation for the use of the \$6 million in unallocated funds.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Secunder:** Bryan Lober

**Ayes:** Pritchett, Lober, and Isnardi

**Nay:** Tobia, and Smith

Ms. Barker stated she really wanted to share with the community the success and the progress they have made so far; they have completed 22 projects, there are 20 under construction right now, they have 34 projects that are in design and permitting right now, and they add up to the \$250 million worth of projects that are moving forward even though that much has not been collected yet; they have analyzed State data collected from the IRL and the water is statistically cleaner now than it was when they started; they are beginning to see progress; she knows multiple Commissioners have asked at different times when people will be able to see progress and how they will know that it is working, and she advised they have been at this long enough that they are finally seeing those signs of success; and with the adoption of the 2020 Plan, with or without the \$6 million, the total shift from muck to human waste related projects, the percent allocation in the original 2016 Plan was 65 percent to muck, it is now 27 percent, so less than half of what it was originally and wastewater has nearly doubled from 27 percent to 45 percent.

Chair Lober thanked Ms. Barker, her staff, and everyone who has been involved in the project at all the different levels.

L.6. Curt Smith, Commissioner District 4

Commissioner Smith stated as the Board knows he is now the IRL appointee for this Board on the IRL Council, but there is not an alternate, so they need one.

Chair Lober stated there is motion from Commissioner Pritchett and a second from Commissioner Tobia to appoint Commissioner Pritchett as the alternate on the IRL Council.

The Board appointed Commissioner Pritchett to the IRL Council as the Board's alternate appointee.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Secunder:** John Tobia

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

L.7. Kristine Isnardi, Commissioner District 5

Commissioner Isnardi stated Commissioner Anderson on Palm Bay City Council requested that his Council allow him to be a liaison to try to get this intersection open, with the county through negotiation; she thinks he even mentioned Mr. Denninghoff and Suzanne Sherman, Deputy City Manager for City of Palm Bay, just to have a few from each side of it; she just wanted to get the Board's approval, she is obviously going to always refer to Mr. Denninghoff's recommendation based on his history and based on the email he sent out; however, if they need a Commissioner in those meetings or to help, she asked if the Board is okay with that.

Chair Lober stated he will do one better, he has already made a couple comments publicly with folks that asked him if he were to get together with you that might be a good way of proceeding; therefore, he is totally happy with it.

Commissioner Isnardi noted he reached out to her and asked her but she told him she would have to check with Commissioner Tobia and the Board to make sure that was okay because that intersection is actually both hers and Commissioner's Tobia's Districts; and she knows the City of Palm Bay went and met with Commissioner Tobia.

Chair Lober asked if here were any objections from the Board.

Commissioner Isnardi stated she can promise she will not make it political, she just wants to

get it done and that roadway opened.

Chair Lober commented he trusts that Mr. Anderson is the same way as he has had a couple interactions with him.

Commissioner Isnardi agreed. She noted when he brought it up to his Council they were pretty awful to him but they relented and allowed him to negotiate; they made it very clear that he was negotiating on their behalf and that he had to come back to their Board; she thinks the County wants to see this road open as badly as the residents want it open; and it should have been open a long time ago.

Chair Lober stated it was either the last Space Coast Transportation Planning Organization (TPO) or two TPO meetings prior, he sat next to him and neither of them were happy about the lack of momentum with respect to that and he thinks this is a good move.

Commissioner Isnardi stated she has two questions for Mr. Denninghoff; and she asked if that \$1.5 million was ever allocated toward that intersection officially.

Mr. Denninghoff responded it was not.

Commissioner Isnardi inquired if the City of Palm Bay chose to move that intersection from Micco Road to this current intersection.

Mr. Denninghoff replied affirmatively.

Chair Lober noted he has a quick question on that as well; there has been some suggestion by someone in that neck of the woods that the County essentially told them the only option for them was to take over the intersection.

Commissioner Isnardi interrupted advising it was all of Babcock Road.

Chair Lober noted Commissioner Isnardi was right; and he asked Mr. Denninghoff if that was correct.

Commissioner Isnardi commented it was the Board told them they had to take over the entirety of Babcock Road.

Mr. Denninghoff replied that was not correct.

Commissioner Isnardi noted the entirety of Babcock Road does not belong to the County; and she asked if that is correct.

Mr. Denninghoff responded that is also correct.

Commissioner Isnardi commented the Board uses Mr. Denninghoff for facts, he is like a computer, like Google.

Chair Lober noted he is pretty good.

Commissioner Isnardi continued by saying except with a degree in history.

Chair Lober mentioned the good thing with an engineer unlike a lawyer, the comment can

sometimes just be, no.

Commissioner Isnardi stated because he is not political, that is what is great about him, is that he is going to give the straight answer.

Chair Lober noted if someone were to ask Ms. Bentley, County Attorney, Mr. Abbate, County Manager, himself, or Jerry Visco, Human Resources Director, the answer would be, well it depends.

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

Chair Lober noted they are going to push through with the Brevard County Public Safety Summit on Thursday, April 2; there will be some good groups presenting: the Sheriff's Office including Animal Services, the Florida Department of Health (DOH), County Fire Rescue and Ocean Rescue, Mosquito Control, and the County's Public Safety crew; he would encourage everyone to attend; it is going to be about a block from here at the Bill Posey Conference Center at the DOH building, located at 2555 Judge Fran Jamieson Way in Viera; and he reiterated it is April 2, Thursday, and it is going to run from 8:30 a.m. to 1:00 p.m. He added he will do everything he can to keep it running timely; he knows people will be getting hungry, but they will be right by the Avenues so they can spend some money and contribute their half-cent sales tax in District 4, Commissioner Smith's District; and he called the meeting adjourned.

Upon consensus of the Board, the meeting adjourned at 8:49 p.m.

ATTEST:

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SCOTT ELLIS, CLERK

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BRYAN LOBER, CHAIR

BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA