

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, September 15, 2020

9:00 AM

Regular

Commission Chambers

A. CALL TO ORDER 9:00 A.M.

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

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

C. PLEDGE OF ALLEGIANCE: Commissioner Curt Smith, District 4

Commissioner Smith led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL

The Board approved the June 30, 2020 Special meeting.

Result: APPROVED

Mover: Kristine Isnardi

Second: Bryan Lober

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

E.3. Resolution recognizing September 13-19, 2020, as Arts in Education Week, District 5

Commissioner Isnardi read aloud, and the Board adopted Resolution No. 20-105, recognizing September 13-19, 2020, as Arts in Education Week.

A representative of Brevard Cultural Alliance stated Brevard Cultural Alliance is the designated local arts agency for the entire County, as designated by the Board of County Commissioners; they serve cultural organizations, individual artists, and they strive to serve the students of Brevard County through providing arts education experiences; they are proud to serve Brevard County and the County Commission; and she expressed her appreciation for the Resolution.

Result: APPROVED

Mover: Kristine Isnardi

Second: Bryan Lober

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

E.1. Resolution Honoring the Late John Anderson, District 3

Commissioner Tobia read aloud, and the Board adopted Resolution No. 20-106, recognizing the late John Anderson.

A representative for the late John Anderson expressed her appreciation for the Resolution recognizing the late John Anderson.

Commissioner Tobia shared that when he was elected into the State House, Mr. Anderson was simultaneously elected and he cannot remember having a better bridge between the local party and the elected officials; he set the bar high, and he wishes it was currently, but it is not, in place right now; and he leaves a very strong legacy.

Result: APPROVED

Mover: John Tobia
Seconders: Rita Pritchett
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F. CONSENT AGENDA

Chair Lober stated Commissioner Tobia would like Item F.18 pulled; he would like Items F. 22, and F.25, pulled; and there is a card for Item F. 32.

F.1 Award of Construction Contract for the Hall Road Pump Station - District 2

The Board accepted the low bid from Intercounty Engineering, Inc.; authorized the Chairman to execute the Contract between Brevard County and Intercounty Engineering, Inc. for the Hall Road Pump Station; 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
Seconders: Bryan Lober

F.2 Modification to the contract templates for Save Our Indian River Lagoon Project Cost Share

The Board authorized modifications to the contract templates and associated attachments for SOIRL projects; authorized the County Manager to execute a second six-month time extension for the City of Indian Harbour Beach contract, SOIRL 19-66; and authorized you to execute future no-cost time extension amendments per the modified contract terms and subject to the approval of the County Attorney and Risk Management.

Result: APPROVED
Mover: Rita Pritchett
Seconders: Bryan Lober

F.3 Acceptance, Re: Binding Development Plan with McD Family Trust, LLC (20Z00004) (District 1)

The Board executed Binding Development Plan Agreement with McD Family Trust, LLC. for Unit W-H/RV, 885 Plantation Drive, Titusville.

Result: APPROVED
Mover: Rita Pritchett
Seconders: Bryan Lober

F.4 Approval Re: Proportionate Fair Share Mitigation Agreement with Jijoco LLC (District 2)

The Board approved the Proportionate Fair Share Mitigation Agreement with JiJoCo, LLC; and authorized the Chair to execute the Agreement on behalf of Brevard County.

Result: APPROVED
Mover: Rita Pritchett
Seconders: Bryan Lober

F.5 Acceptance, Re: Binding Development Plan with Theodore Goodenow. (19PZ00158) (District 1)

The Board executed Binding Development Plan Agreement with Theodore Goodenow for 1930

Hammock Road, Titusville.

Result: APPROVED

Mover: Rita Pritchett

Seconders: Bryan Lober

F.6 Approval Re: Joint Participation Agreement Supplemental Amendment No. 1 and Resolution with the State of Florida Department of Transportation for the Viera Boulevard Interstate 95 Interchange Landscaping Improvements and First Amendment to Landscape Funding and Maintenance Agreement Interstate 95/Viera Boulevard Interchange Landscaping Improvements with The Viera Company and Central Viera Community Association - District 4

The Board adopted Resolution No. 20-107, authorizing the execution of the JPA between the FDOT and Brevard County Supplemental Amendment No. 1 for the Landscaping Improvements on State Road 9 (Interstate 95) from South of Viera Boulevard Interchange to North of Viera Boulevard Interchange; executed and approved the JPA Supplemental Amendment No. 1 between the FDOT and Brevard County Supplemental Amendment No. 1 for the Landscaping Improvements on State Road 9 (Interstate 95) from South of Viera Boulevard Interchange to North of Viera Boulevard Interchange FM# 428238-2-58-01 and 428238-3-58-01; executed and approved the First Amendment to Funding and Landscape Maintenance Agreement Interstate 95/Viera Boulevard Interchange Landscaping Improvements with The Viera Company and Central Viera Community Association, Inc.; and approved any necessary Budget Change Requests associated.

Result: APPROVED

Mover: Rita Pritchett

Seconders: Bryan Lober

F.7 Approval Re: Local Agency Program Agreement and Resolution with the State of Florida Department of Transportation for the Construction and Construction Engineering and Inspection (CEI) Services for John Rodes Boulevard from State Road 518 (West Eau Gallie Boulevard) to Aurora Road, FPN 441449-1-58/68-01-District 5

The Board adopted Resolution No. 20-108, authorizing the Chair to execute the LAP Agreement between FDOT and Brevard County for the Construction and CEI services for John Rodes Boulevard from State Road 518 (West Eau Gallie Boulevard) to Aurora Road; and executed and approved the LAP Agreement with FDOT for the construction and CEI services for John Rodes Boulevard from State Road 518 (West Eau Gallie Boulevard) to Aurora Road, FPN 441449-1-58/68-01; and approved any necessary Budget Change Requests associated.

Result: ADOPTED

Mover: Rita Pritchett

Seconders: Bryan Lober

F.8 Approval, Re: Donation of Waterfront Parcel from Leonard W. Sauls (Owner) - District 1...

The Board approved and accepted the Warranty Deed for the property located in Section 31, Township 23 South, Range 36 East, on the east side of US Highway 1, at the end of Indian Trail, along North Indian River Drive from Leonard W. Sauls (owner).

Result: APPROVED

Mover: Rita Pritchett

Seconders: Bryan Lober

F.9 Approval Re: Interlocal Agreement with the Space Coast Transportation Planning Organization - Countywide

The Board approved and authorized the County Manager to execute the Interlocal Agreement with the Space Coast Transportation Planning Organization; and approved any Budget Change Requests associated.

Result: APPROVED

Mover: Rita Pritchett

Seconders: Bryan Lober

F.10 Approval Re: Sidewalk Replacement Project at Melaleuca Road in Cocoa - District 1.

The Board approved and accepted the four sidewalk easements located in Section 31, Township 23 South, Range 36 East, south of Camp Road, east of Fern Drive along the west side of US1, Cocoa from the Investors Group, Inc., Harold Palmer Kemper and Betty Jean Kemper, as Trustees of the Harold Palmer Kemper and Betty Jean Kemper Revocable Living Trust, June 11, 2008, Barbara L. Coyle, as Successor Trustee of the Larkin H. Coyle Trust U/A/D September 1, 1994, and Bad Lands, LLC.

Result: APPROVED

Mover: Rita Pritchett

Seconders: Bryan Lober

F.12 Sykes Creek Zone N Force Main Extension - Rescission of Notice of Award and Rejection of All Proposals

The Board rescinded the Notice of Award to Youngs Communications, LLC for the Sykes Creek N Zone Force Main Extension, Bid Number B-7-20-27; rejected all proposals received in response to this solicitation; authorized Utility Services Department to re-advertise a revised solicitation in accordance with BCC-25, Procurement; and reimbursed Youngs Communications, LLC for costs incurred for obtaining a performance bond.

Result: APPROVED

Mover: Rita Pritchett

Seconders: Bryan Lober

F.13 Approval and acceptance of FAA Grant Offer/Agreement for 100% funds up to \$2,747,720 for the construction phase of improvements to Taxiway A at the Valkaria Airport.

The Board approved and accepted the FAA Grant Offer/Agreement for 100 percent funds up to \$2,747,720 for the construction phase of improvements to Taxiway A.

Result: APPROVED

Mover: Rita Pritchett

Seconders: Bryan Lober

F.14 Brevard Family Partnership Board Appointment

The Board appointed Eric Austin to the Board of Directors for Community Based Care of Brevard, Inc. d/b/a Brevard Family Partnership.

Result: APPROVED

Mover: Rita Pritchett

Seconders: Bryan Lober

F.15 Agency for Healthcare Administration (AHCA) Low Income Pool (LIP) Letter of Agreement for the Brevard Health Alliance, Inc.

The Board approved and authorized the County Manager to execute an agreement with the Florida Agency for Health Care Administration's Low Income Pool upon approval of Risk Management and the County Attorney's Office; accepted a cash donation; approved an increase of \$829,320 in the Housing and Human Services Department's General Fund transfer for the required Low Income Pool Match; and authorized the County Manager to approve all necessary Budget Change Requests.

Result: APPROVED

Mover: Rita Pritchett

Seconders: Bryan Lober

F.15a Agency for Healthcare Administration (AHCA) Low Income Pool (LIP) Letter of Agreement for Circles of Care, Inc.

The Board approved and authorized the County Manager to execute an agreement with the Florida Agency for Health Care Administration's Low Income Pool upon approval of Risk Management and the County Attorney's Office; approved the use of budgeted Baker Act General Revenue funds for the required Low Income Pool match; and authorized the County Manager to approve all necessary Budget Change Requests.

Result: APPROVED

Mover: Rita Pritchett

Seconders: Bryan Lober

F.16 Approval Re: Naming the three-field football facility at Max K. Rodes Park in West Melbourne - District 5

The Board approved naming the three-field football facility at Max K. Rodes Park as the "Kingery Youth Football and Cheer Complex" in honor of Mr. Sid Kingery.

Result: APPROVED

Mover: Rita Pritchett

Seconders: Bryan Lober

F.17 Approval, Re: 1-year extension to the TDC Capital Facilities Grant agreement with the Merritt Island Wildlife Association (MIWA) the Merritt Island Wildlife Refuge (MIWR) Community Conservation Education Center (CCEC)...

The Board approved the Tourist Development Commission's (TDC)'s recommendation to extend the timing of funding for the Merritt Island Wildlife Refuge (MIWR) Community Conservation Education Center (CCEC) for one-year, to September 18, 2021.

Result: APPROVED

Mover: Rita Pritchett

Seconders: Bryan Lober

F.19 Resolution: Brevard County Local Hazard Mitigation Strategy (LMS)

The Board adopted Resolution No. 20-109, adopting the 2020 update of the Brevard Prepares Local Hazard Mitigation Strategy (LMS) Plan.

Result: ADOPTED

Mover: Rita Pritchett

Seconded: Bryan Lober

F.20 Request Approval for Contract Extension with Stryker Sales Corporation, Inc., (formerly Physio-Control, Inc.) for Three (3) Months for Technical Service/Support for BCFR Lifepaks.

The Board approved the Contract Extension with Stryker Sales Corporation, Inc. (formerly Physio-Control, Inc.) for three months to December 31, 2020, for Technical Service/Support for BCFR Lifepaks, allowing to merge the Contract for maintenance of service with the stretcher maintenance contract, the parent company Stryker Sales Corporation in 2021.

Result: APPROVED

Mover: Rita Pritchett

Seconded: Bryan Lober

F.21 Approval Re: Permission to Quote Materials and Services for Road and Bridge Projects - Countywide

The Board authorized permission for Public Works and Purchasing Services staff to utilize written quotations, in lieu of the standard formal bidding process to acquire construction materials or services Countywide on an individual/single basis per Board Policy; and approved awarding to the lowest responsive quotation through September 30, 2022, when any of the following situations occur:

- Items on annual bid that contractors are not able to provide,
- Items are not on the annual bid/quotes/proposal listing, as previously approved,
- Items are significantly affected by fluctuating market conditions, or
- Items are needed to address public safety concerns.

Result: APPROVED

Mover: Rita Pritchett

Seconded: Bryan Lober

F.23 Permission to Issue Open Purchase Orders (FY2020/2021) to Approved Vendors of Record (VOR)

The Board approved the revised Vendors of Record (VOR).

Result: APPROVED

Mover: Rita Pritchett

Seconded: Bryan Lober

F.24 Valkaria Airport AV Gas Fuel Storage Tank Replacement: Rejection of All Bids Received

The Board rejected all bids received in response to Invitation to Bid B-4-20-51, Valkaria Airport AV Gas Fuel Storage Tank Replacement; authorized the Valkaria Airport to have the project redesigned; authorized Purchasing Services to re-advertise the project with the redesigned plans and specifications; and authorized the County Manager to execute all contract related documents and approved any necessary Budget Change Requests.

Result: APPROVED

Mover: Rita Pritchett

Seconded: Bryan Lober

F.26 Approval of Aviation and Pollution Liability Programs for Fiscal Year 2020-21

The Board approved the placement of the County's Aircraft and Aviation Liability and Pollution

Liability insurance at a cost of not exceeding \$165,563; and authorized the Risk Manager to bind coverage effective October 1, 2020, and October 31, 2020, respectively.

Result: APPROVED

Mover: Rita Pritchett

Seconders: Bryan Lober

F.27 Collective Bargaining Agreement with Laborer's International Union, Local 678

The Board authorized the County Manager to execute the Memorandum of Understanding (MOU) for Section 447.309, §, modifying Article 35 in the CBA with Laborers International Union, Local 678 extending the term of the current CBA through September 30, 2021.

Result: APPROVED

Mover: Rita Pritchett

Seconders: Bryan Lober

F.28 Resolution approving the issuance of multi-family housing revenue bonds by Brevard County Housing Finance Authority (Tropical Manor Project)

The Board adopted Resolution No. 20-110, approving the issuance of multi-family mortgage Revenue Bonds, Series 2020 of the Brevard County Housing Finance Authority for the Tropical Manor Project, not to exceed \$8,000,000.

Result: ADOPTED

Mover: Rita Pritchett

Seconders: Bryan Lober

F.30 Resolution acknowledging Hunger Action Month, District 4

The Board adopted Resolution No. 20-111, acknowledging Hunger Action Month.

Result: ADOPTED

Mover: Rita Pritchett

Seconders: Bryan Lober

F.31 Resolution Proclaiming Florida Water Professionals Month , District 1

The Board adopted Resolution No. 20-112, proclaiming Florida Water Professionals Month.

Result: ADOPTED

Mover: Rita Pritchett

Seconders: Bryan Lober

F.33 Appointment(s) / Reappointment(s)

The Board appointed Adam Kohler to the Transportation Planning Organization Citizens Advisory Committee with said term to expire December 31, 2022; and appointed Kevin Shropshire to the Port St. John Dependent Special District Board, with said term to expire December 31, 2024.

Result: APPROVED

Mover: Rita Pritchett

Seconders: Bryan Lober

F.18 Approval, Re: Three Year Extension (Amendment #7) to Lease Agreement with the Brevard Cultural Alliance (BCA)

Commissioner Tobia expressed his appreciation to the County Manager's Office for its work on

his request; he stated this Item is to grant a nominal lease of 2,300 square feet of County property, but it comes with a real cost; for example the County Manager's Office put together a quick analysis regarding the potential savings of utilizing this space for the Tourist Development Office (TDO); currently the TDO pays about \$100,000 per year for space in Cocoa Village on a lease that extends until July 2022; while there is an early termination fee, it will rapidly decrease in February to about \$16,000; in other words, even in accounting for the termination fee, County taxpayers may be able to save roughly \$92,000, according to the County Manager's Office, should this lease be transferred over to the TDO. He mentioned he is going to ask for a motion to table this Item until October 6, and ask staff to go through a further analysis on the feasibility of this; it is roughly about the same square footage; of course, according to the analysis, this may be more than what is needed, but there are some questions that probably need answering, such as will the \$62,000 renovation or relocation cost be born at some point, regardless of the date of the relocation, does the County have to charge the TDO rent, or is the \$113,000 in the analysis, which would be an additional resource to the County, could that be used for advertising; he asked if it is possible to grant the TDO a nominal lease at this site, it being in the public interest; and is it possible to figure part of this space for Brevard Cultural Alliance (BCA) usage for their administrative functions but not the storage functions, while utilizing the remainder of the space for County functions. He commented there are many questions that need to be answered should the County go in this direction; according to the County Manager's Office numbers, not his, at a minimum it shows a savings of \$92,000; and he thinks it is worthy of postponing this until the next Board meeting to get a real cost.

Chair Lober called Peter Cranis, Tourist Development Office Executive Director, to the podium to answer some questions. He stated the office location being discussed is the Merritt Island Service Complex that his office is located in; since the Department of Health left it has been somewhat lonely which is good and bad, parking is no longer an issue, not that it was bad before; and it is nice having neighbors there, regardless of whether it is TDO or BCA. He advised he has a handout and he has some questions; he further stated he apologizes that Mr. Cranis had not had the benefit of seeing this beforehand, but it came from Commissioner Tobia as the Item was called up, detailing the roughly \$92,000 of savings that he indicated the County could have with the TDO moving; what he is not seeing in his initial blush looking at this is the \$45,000 to \$50,000 in General Fund savings that the County has associated with BCA's current contract; and he asked Mr. Cranis to address the value with respect to that.

Mr. Cranis advised this was something the County Attorney's Office identified in the lease when they were looking at the BCA lease; there were some services that BCA was providing that was previously paid for out of the General Fund and he believes it was to the tune of about \$50,000; and that was to manage Art in Public Places. He explained that program has gotten a lot of traction, it has been very popular, and something that the County wanted to continue to do, so the proposal in the lease is they continue to manage that basically in exchange for the space that they have; he stated he believes the space that BCA has is valued at about \$6 per square foot, and a little over 3,000 square feet, which makes it in the \$18,000 to \$20,000 range in terms of the lease value; however the Art in Public Places was previously \$50,000, so that was the tradeoff.

Chair Lober stated that was one of the aspects of it; the other aspect is in order to realize any savings or even to potentially have any savings it would obviously have to entail BCA moving.

Mr. Cranis responded affirmatively.

Chair Lober further stated he is aware, at least from him having been in that service complex for the past couple years at this point, that there have always been vacancies; there have been

far more vacancies since the Health Department left; he has been unaware that the TDO was ever looking to move to the Merritt Island Service Complex; and he inquired if that was ever something discussed in management meetings.

Mr. Cranis responded no, that the TDO's current lease runs through 2022; he stated he believes it is July 2022; there is a stepped penalty for getting out of that lease ahead of the end of it; he believes after August of 2021, it starts getting a little more attractive of being able to get out if there is a place where there is a better price point; he would love the opportunity to spend some time, and to Commissioner Tobia's point, to take a look to see if there are other government facilities because right now the space would not be contiguous, they would be on two different floors; and he would love to have his Department in one space together. He mentioned there are 15 in his Department, it is not huge; being able to work together in one space would be great; there may be other opportunities in terms of, and he thinks now in the time of COVID-19, there will be some business leasing space available that may be very attractive in terms of pricing; it could maybe allow them to partner up with some other businesses; and he would love some time to take a look at that.

Chair Lober inquired if Mr. Cranis said it was 2022 when the lease runs out.

Mr. Cranis replied yes.

Chair Lober stated he is trying to figure out some way of keeping the options open and not forcing Mr. Cranis to have to split floors, which is obviously what he would have to do with his staff at the Merritt Island Service Complex; that location has never been sought by the TDO or by staff to move them to; and he asked if Mr. Cranis has any issues from his Department's perspective if the Board were to extend the lease with BCA up to July 2022 and between now and then the Board could come back and re-evaluate whether there is any interest in moving the TDO.

Mr. Cranis responded he thinks that would be two things; one is it would give the TDO time to analyze the market and do a full real estate search; and the other thing is it would save them about \$70,000 in moving, build out costs, and penalties right now which they do not have budgeted for the 2021 budget; and it would allow him to put it in the 2022 budget if that were the direction the Board is headed.

Chair Lober stated so that is \$70,000 to moving and build out costs, plus the \$50,000 that the County was previously paying to have managed Art in Public Places; his math may not be the best, but he thinks that is around \$120,000 versus the \$92,000 in potential savings; and he asked Eden Bentley, County Attorney, if the County is contractually obligated for some period of time, with BCA, to allow them to stay there and if so, when does the current lease end.

Eden Bentley, County Attorney, responded she needed to pull that.

Chair Lober advised he thinks it is October 1, but he wants to be sure of that.

Frank Abbate, County Manager, interjected yes it ends now.

Jim Liesenfelt, Assistant County Manager, stated it is a standard three-year renewal, so it ends September 30; and this would put them through to 2023.

Commissioner Tobia stated unfortunately Chair Lober's math is a little off for a number of reasons; the \$62,000 is already included in the \$92,000 savings, so Chair Lober counted it

twice; on top of that, he would have an issue with the \$62,000 being counted once, but these are County Manager's Office numbers and he did not want to argue with that; if the TDO was to move there would be a realization of that \$62,000 or thereabouts when they ended up in a different office, nonetheless; and they have far more square footage than Policy dictates according to the analysis that his office has done based on the County numbers. He went on to say while he appreciates the TDO all being on one floor, but the reality of the situation is the Board could face some tough budgetary times and if that requires Mr. Cranis and his staff to go up some stairs, he would imagine there is an elevator for those that have mobility issues; and he believes that County taxpayers savings in the amount of at least \$92,000 is worth the time and effort for those folks to go up. He continued by saying as far as storing the Art in Public Places, the Board is going to have to make some tough decisions; he thinks the low hanging fruit may be that Art in Public Places is something the TDO does not necessarily need to continue, but if they did, he would have no problem with decreasing the lease amount of \$6 per square foot that the County would be charging, according to this analysis, down to an amount that would allow that to fully pay for that \$50,000; and in fact, as far as he is concerned and he wants as much buy-in as possible, he would have no problem offering that nominal lease to the TDO so they could use that \$113,000 for advertising. He further stated that he thinks that probably is the most beneficial way to expend those resources, the \$113,000 would just come back to the County; when seeing that \$92,000 savings, and he understands he just handed this out and that is why he is taking the Commissioner Pritchett idea of taking a little time in asking for it to be tabled, but his analysis on this in using these numbers, would not only be a \$92,000 savings to the TDO, it would be \$113,000 savings to the County because that would be an inter-government transfer to the General Fund; he is looking at more than \$200,000; and question four was about whether the BCA could fit in that footprint of that 6,302 square feet which is larger than the space they currently have, but these are all questions that he thinks could be answered, but he does not want to rush into anything. He expressed his appreciation to the County Manager's Office once again; he stated he just thinks there is more analysis on this and a potential savings; and he would like to get Commissioner Pritchett to use her accounting to weigh in on this.

Chair Lober stated he is listening to what Commissioner Tobia is saying but he is still having trouble with numbers reconciling and reflecting both the \$50,000 that the County was previously having to pay to run that Arts in Public Places Program plus the move out and build out costs; he is not saying Commissioner Tobia has not reflected both of those, he just cannot tell at first blush from the spread sheet that he has received; with that said, he understands the lease termination, early termination, is going to drop down a tier in February; and he asked Mr. Cranis if that was correct.

Mr. Cranis responded it is actually in July 2021 that it would drop down to just one month penalty, so August 1, they could move out.

Chair Lober stated he would like to work with Commissioner Tobia and to better understand the understand the numbers, but he agrees there is really a need to look this over a little longer than a five-minute discussion can provide; he would not mind either making the motion or accepting a motion, if Commissioner Tobia chooses to modify his, at least now to buy the Board some more time, to extend their lease through July 2021, because there is nothing that is going to happen between now and then anyway; and if Commissioner Tobia were to modify his motion, he will have one more vote and he would think he would have a good chance at getting it to pass.

Commissioner Tobia stated the lease does not run out in the next two weeks, is his understanding; the Board may find out that this not feasible; he is going to let the County

Manager's Office run with this because he thinks they offer the most objective approach; if this becomes not feasible, then the Board may want to extend that from not just one year, but to three years; that is something the Board could do at the next meeting; and if the County cannot put the TDO in there and there is no one else then he would have no problem of instead of doing a one year lease, doing a three year lease for the BCA.

Chair Lober asked if there were any concerns by the County Attorney or the County Manager.

Mr. Abbate stated he believes the current lease for BCA expires at the end of September, and the new one would begin October 1, 2020.

Commissioner Tobia stated that is a problem, he misspoke, and apologized to everyone.

Chair Lober asked if it could extend until at least July 2021 that would at least give them plenty of time to go over this or maybe three months.

Commissioner Tobia stated he was okay with three months.

Chair Lober stated if Commissioner Tobia would like to modify or withdraw his motion and make another one to extend under the same terms for three months, he would second it.

Commissioner Tobia stated he will table the first motion and ask to extend the BCA lease for three months and ask staff to do a thorough analysis on the feasibility of using the space for the TDO including by answering those questions and any others they may have and provide the Board with that at a time prior to the ending of the three month extension.

Chair Lober advised if staff has it available sooner to please bring it to the Board, as he does not want to put BCA in a bad spot by making them wait any longer than need be, or the TDO.

Commissioner Isnardi stated a related but separate issue, she would like an inventory because she knows there are some properties that are being leased or rented to non-profits that are paying like \$1.00 per year and that kind of thing; and she knows it was a separate issue but she thinks the Board needs to take a look at some of that property.

Chair Lober stated he does not know if Commissioner Isnardi needs a motion.

Commissioner Pritchett asked Mr. Cranis to reach out to the Board so it can figure out how to put him in good place to do the tourism, it is important.

The Board approved a three-month extension for BCA lease for office space at the Merritt Island Service Complex located at 2575 North Courtenay Parkway, Merritt Island; and directed staff to do a thorough analysis on the feasibility of using the space for the Tourist Development Office, including answering any questions the Board may have, and providing the information to the Board prior to the ending of the three-month extension.

Result: APPROVED

Mover: John Tobia

Second: Bryan Lober

F.22 Asset Management Use of Rene Bates Auctioneers, Inc for Online Auctioneering Services of County Owned Surplus Inventory.

Chair Lober stated his one request for this Item is that the Board consider putting this out for

bid; he does not have a problem, by any means, going the way staff has suggested, he is just concerned given the amount that the County is talking about, that it is not being opened up to a larger field of potential bidders or open it up for proposals; he does not know where the rest of the Board is at on this, but he would be interested in putting it out to bid to see if there are other entities that are going to do this cheaper for the County.

Commissioner Tobia asked Steven Darling, Central Services Director, asked if this would cause any issues.

Mr. Darling advised it does not; and they already have one contract that they are currently utilizing.

Commissioner Tobia inquired why these types of things are not put out to bid.

Mr. Darling explained this was competitively procured, not by his office, they are piggybacking it off a co-op that was competitively procured in Texas; that is one of the options his office has is to piggyback off of other contracts that fall in line with the County's Policies; and they utilize that to save time and effort on the staff.

The Board directed staff to place the Online Auctioneering Services of County-owned surplus inventory out to bid to see if there are other entities that could do this cheaper for the County.

Result: APPROVED

Mover: Rita Pritchett

Second: Bryan Lober

F.25 Permission to Surplus, Develop, and Advertise for Sale via Sealed Bidding 1.37 Acres of Vacant Industrial Land Located at 350 Gus Hipp Boulevard, Rockledge FL, 32955

Chair Lober stated he does not normally interfere or really interject in surplus land sales, but this one is in a particularly interesting location, it is right next to Brevard County Sheriff's Office (BCSO) Criminal Investigation Office which is obviously County Property; depending on what the County wants to use that property for in the future, if BCSO moves out, or if they want to expand, he does not believe they have any plans to do that in the near term, it is really good land; he also thinks the appraisal at \$180,000, even if that is a valid appraisal, it strikes him as being awfully low; the value to the County may be substantially higher given that the County owns the adjacent property; and he asked the Board to not approve this one and that the County retain the land at this point. He went on to say if at some point in the future the value increases such that it may be worth selling, he would probably be in a different boat than he is now; and he is concerned about selling this property at anything approaching the price it has been appraised at.

Chair Lober passed the gavel to Commissioner Pritchett. He made a motion to reject the Item.

Commissioner Smith stated he would like to ask staff what the reasoning was behind the idea of selling.

Frank Abbate, County Manager, stated he received a phone call and a follow up from BCSO who indicated that they would not be using that property or needing it in the future; it was confirmed in writing and in an email; once that was submitted to him, staff then sent it out to all the Departments to determine if anyone else in the organization felt the need to use that property; the answer came back no; and once that answer came back no, it was sent to Public

Works Land Acquisition to have an appraisal done so he could bring this to the Board to see if it wanted staff to move forward and sell the surplus property that it had indicated to staff many times in the past to sell any surplus property that it did not anticipate any need for.

Commissioner Smith stated he still feels the same way; the County has a lot of property and if it is not being used it could be used to the County betterment if it was sold; the Board knows it is in a budget crunch going forward so that \$180,000 would be a big help; and if it was sold then the County would collect taxes on it from whomever buys it, which increases the incomes. He noted he would be in favor of selling this.

Chair Lober stated this is essentially an anomaly for him; he has never opposed selling any surplus property; in fact maybe a week or so ago he reached out to staff to find out if it could sell certain land that appeared not to be in use for some time; he is normally on the other side of things; however, with this particular property, he thinks the value is not reflected in the \$180,000. He went on to say if the County has a different Sheriff or if the Sheriff plans to retire in four years, he does not know that BCSO would want to keep centralized in Titusville; they may want to move to the center of the County; this is actually pretty close to where District 4 meets District 2; he has problems with getting rid of that land because of its value associated with adjacent property; and the \$180,000 strikes him as being abnormally low based on the volume of traffic on that road. He went on to say he understands where Commissioner Smith is coming from, but his position with this particular parcel is to keep it; if Commissioner Smith has one in his District in the future that is an anomaly as well, unless it is a multi-million dollar piece of property, he would be inclined to go his way on it; this is one, knowing the District, that he thinks the Board should really not get rid of; and there may be an opportunity cost that just is not known at this point.

Commissioner Smith commented if Chair Lober thinks \$180,000 is low, the Board could certainly get another appraisal and confirm or reject the idea that is being proposed; as far as BCSO ever moving, there is a lot of vacant land right here that several buildings could be built, even multi-story buildings that could house BCSO; and he does not see any reason not to sell it.

Commissioner Pritchett stated there is nothing on this property right now therefore the County is not having to maintain any assets on it; she does not know if she would not be for selling it; she thinks it might not hurt to wait just a little longer because money right now would just go into the Reserve Fund at this point; she does agree with Commissioner Smith, she would love to get property out there to start raising the tax base; however, Chair Lober did make a point, it could be quite a central piece of property later if the County had to expand. She reiterated maybe waiting a little while would not hurt; and she advised she could almost side with either Commissioner Smith or Chair Lober.

Chair Lober stated another option is if the County listed it with a minimum bid that is high enough, he would not mind that; he thinks the minimum bid would have to be substantially higher, like \$500,000; and he knows it sounds like he is pulling a number out of thin air but \$180,000 seems drastically lower than the value.

Commissioner Smith responded the County could get another appraisal done.

Chair Lober stated he hates to spend the money to get another appraisal.

Commissioner Smith commented how much money does he want to spend compared to not selling it; he stated if it is sold that is \$180,000, if it is not sold then the County has zero; and

this is a seller's market right now, real estate is booming. He noted if the County gets another appraisal and it comes in at \$185,000 or \$285,000, it is a good time to sell just because there are buyers out there; and real estate is hot.

Commissioner Tobia stated the Board should let the market dictate this; if Chair Lober sees this as being worth \$500,000 then he would imagine someone else may see it worth that same amount; he does not know about setting a minimum bid; and he asked Eden Bentley, County Attorney, if the Board needs a super-majority vote on this.

Attorney Bentley replied yes.

Commissioner Tobia advised that is an interesting wrinkle in this; he agrees with what Commissioner Smith stated, the Country is in a property boom; in the Florida TODAY, they even had an article about it last week; he does not know the difference between \$180,000 and \$500,000, it would almost have to triple; and he does not know that it is going to be tripled any time soon.

Chair Lober stated he thinks there is a value to the County that is not necessarily the same to other individuals based on the County owning that adjacent property.

Commissioner Tobia asked if Chair Lober could explain that because he does see a realization of a value to the County as it is vacant land.

Chair Lober explained with the BCSO facility next to it if they wanted to expand it would be ideal; they would be able to use the existing facility and literally be able to walk across the street if they wanted to pull permits; and if they wanted to move their parking, the parking to the west of the building could be eliminated and they could physically extend the building and move parking however they would like at that point and be able to stay in the same location.

Commissioner Tobia asked if the Sheriff, or a representative from his office should be making that point if they wanted that piece of property.

Chair Lober advised the Sheriff lives in Mims; he does not know if the Sheriff in eight or 10 years is going to be from Mims; it makes sense that BCSO is centralized in Titusville; he does not know if that is going to be the case 10 years from now; he thinks Sheriff Ivey is not going to want to expand this; however he also does not know if he is going to be the Sheriff indefinitely. He noted Sheriff Ivey is probably at some point going to retire, maybe pursue something at State level, or win the lottery; he thinks there is a value with the County having that adjacent property that is not reflected in the appraisal; he appreciates where Commissioner Tobia is at and he gets the need to try to pull in as much money as the County can; however, he thinks it is not reflective of the actual value to the County.

Commissioner Tobia stated he understands how the appraisal came out at \$180,000; and he asked if there is any analysis that it is worth \$500,000.

Chair Lober responded no; if Commissioner Tobia wants to go with what Commissioner Smith suggested for another appraisal he will not object to it; the problem is the appraisal the County has does not put any sort of value on it being adjacent to an existing property that has BCSO presence; it does not reflect the fact that if they were to expand, that would be an ideal location to expand into; and if Commissioner Tobia is not going to support it that is totally fine.

Commissioner Isnardi stated she is always a champion of getting rid of what the County can if it

is not being utilized; she thinks the Sheriff made it clear that he was not going to use that property; all of County staff made it clear that no department was going to need that property; maybe the compromise, if Chair Lober were to agree to it, rather than get a second appraisal and wait and everything, get the second appraisal and direct staff to take an average of the two; maybe that is the answer if it moves in the way of selling the land; and if that is something Commissioner Pritchett wants to do. She noted she could not see holding on to it because maybe BCSO will want to do something in 10 or 20 years when the County is obviously facing some severe budget issues over the next couple of years.

Chair Lober stated he could go with the higher of the two; he doubts it is going to come back at \$500,000 if the Board sends it out for appraisal again; but he would be inclined not to object to the higher appraisal.

Commissioner Smith stated real estate is worth what someone can find a buyer to pay; if the Board were to just put this on the market for \$225,000 or \$250,000, the Board can see what the market bears; if the County gets offers of \$180,000, \$200,000, or \$150,000 that is going to show what the property is worth and costing the County nothing; and it is being placed on the market.

Commissioner Pritchett stated the Board has the ability to reject bids if they are too low.

Frank Abbate, County Manager, advised that is true; and if this goes forward under whatever terms the Board directs, whatever the highest bid would be, staff would be bringing that back to the Board for its consideration.

Commissioner Pritchett stated maybe the Board should just let this go out to bid then the Board can determine at that time if it thinks it is equitable to the County.

Chair Lober stated that might work; and he asked Mr. Abbate how the County handles that, if they use a suggested bid or a minimum bid.

Mr. Abbate explained what staff put in this Item was that the minimum bid to bid on this would be the appraised value of \$180,000.

Chair Lober commented that just seems very low; however, the Board could always reject it.

Commissioner Smith asked what would prevent the Board from asking \$225,000.

Chair Lober commented he would feel better about that; and he asked if Commissioner Smith wanted to make that motion.

Commissioner Smith stated he could do that and he made a motion to put this property up for sale for \$225,000.

Chair Lober stated he would second that; if the County gets that it is wonderful and if it does not he will not be up all night over it.

Commissioner Isnardi stated to be clear this is not going on the market for \$180,000 or \$225,000 it is going out to bid; and she asked if that is correct.

Mr. Abbate advised it is going out to bid but the minimum bid would be \$225,000.

Commissioner Isnardi interjected so everyone will be bidding on this property; and she is assuming it will be sealed bids.

Mr. Abbate responded affirmatively.

Commissioner Isnardi commented they may get two responses or they may get 20; starting at \$225,000, but not listing it on the market in the MLS is what she is saying; and the property is going out to bid.

Commissioner Smith stated the market is going to be the dictator; if it receives no bids, then that is the answer; and then the County can put it out for sale for \$200,000.

Chair Lober commented if it is worth selling at that price.

Commissioner Pritchett advised the County really does not have to do a minimum bid because the Board can just say no; and staff can just put it out there and see what comes back on it.

Commissioner Isnardi stated that could come back to bite the County.

Commissioner Pritchett asked if the Board has the last say, and if Commissioner Isnardi wants to have some kind of streamline so they will go up from that.

Commissioner Isnardi agreed.

Commissioner Pritchett stated she is fine with it either way.

The Board granted Central Services Director permission to surplus the 1.37 acres of vacant industrial land located at 350 Gus Hipp Boulevard, Rockledge; and authorized Asset Management to develop and advertise for sale via sealed bidding process, with a minimum acceptable bid of \$225,000, the sale of the property.

Result: APPROVED

Mover: Curt Smith

Second: Bryan Lober

F.32 Appointments to Brevard Workforce Development, Inc. Board of Directors dba CareerSource Brevard.

Chair Lober advised there is a public comment card in this Item and he called the speaker to the podium.

Peter Carnesale stated most everyone there knows him but what people do not know is his background in terms of workforce; back in 2002 and 2003 he worked for the Department of Labor of Florida; during that period of time, he was hired to rewrite the hiring practices for the hiring of veterans; in that period of time he raised the productivity of the hiring people by 85 percent; and he has a general knowledge of what Brevard Workforce is responsible for. He went on to say the only reason he never applied to go for any of those spots was that he felt that diversity was a lot more important than him being on that board; he just wants to know that the diversity problem that was discussed has been solved; and if it has, then he has no problem with it.

Chair Lober advised Mr. Carnesale that there are two individuals listed; one is a black fellow, David Stills from Rockledge; the other is a white male; therefore, it is more diverse than what

previously came through.

The Board appointed Randall Fletcher and David Stills to Brevard Workforce Development Board with said terms to expire June 30, 2023.

Result: APPROVED

Mover: John Tobia

Seconded: Bryan Lober

G. PUBLIC COMMENTS

Charles Tovey stated he wanted to mention about the Item just before the last, that there is going to be boom in Brevard County from the Space Center and that is what established Brevard County to be on the map; right now people are moving down looking for locations; the point of the matter is if Brevard County sells all their properties that are not making monies for the County then when they are looking for, and they are going to need a place, they are going to spend an extreme amount of money to get that property; and he thinks the County should save all of its properties and look for other ways of finding monies. He continued on to say what he wrote on his card was about his property; every time he gets straight on his property and ready to do things, somebody destroys or bothers his attempts; while he was here last week, someone looted his house and all of his belongings; they took his clothes, kitchen stuff, his guitar, and anything they could to bother his life, liberty, and pursuit of happiness; and he thanked the Sheriff's Office for immediately attending to the situation and doing their job. He mentioned the other thing he wanted to discuss was about the Lagoon; there is a scare about the algae and he thinks he has done enough that it will not have that problem; he will be concerting more efforts on the area that is more prone to it; he thinks he might have relieved that issue; and if not, it will be relieved. He noted he has services that he would like to volunteer for; one is the Brazilian Pepper Trees; he asked that the County let him show them that he can teach all these people the knowledge that he has; that is one of the reasons he first came up with public speaking besides his daddy directing him to speak; he will give pictures and provide information; and he thinks that is about it for today. He mentioned the dune line erosion is not only going to waste washing out, but it is ruining the surfing.

Sandra Sullivan stated in watching the City of Satellite Beach Council meeting it is her understanding that they are discussing with the County the releasing of the covenants on Hightower Park which was purchased by the County back in 1993 for \$18,000; she is particularly concerned that the discussions under the guise of the non-differential parking to be able to give their residents a parking decal, is not the real reason that they are pursuing this; in the covenants that the County put on that property, it is for all Brevard County residents to use that property; and it reads, "To be solely used as a public beach park." She went on to say they are intending to put a large hotel across the road and the concern, as a local resident, is they will pursue putting food service, drinks, beach chairs, and umbrellas on the beach; the issue with that is it was a preserve created to create a dark and undisturbed beach for the preservation of an endangered green sea turtle; when someone looks at the big picture of the Lagoon, with 46 percent of the sea grasses dying, according to Dwayne DuFrese, the sea turtles have 60 percent higher PV virus due to contamination, according to University of Central Florida (UCF) scientist, Aaron Ceni; that preserve area becomes all that more important for the future of an endangered species; and it was created 20 years ago and it is more important today. She further stated she wants to point out Congress required when they sold that south base housing, that the Air Force give the final approval on a development plan; they did that in 2004 with the concept plan, but to her knowledge, they have not done it on this one; when the preserve was created, both the City and the County did ordinances, because in order to implement the preserve agreement, it was agreed that the property across the street would be

capped at 999 units; and she has documents showing that. She went on to say the military pushed for 1,500, almost 1,600 units, on that property and she believes the County did the right thing at that time by saying no; then they went to the City and the City said yes; then when the City went to move the density from the preserve over, the County said no; however the preserve agreement is very specific that density on the preserve was to be taken off the build out role; and she asked the Board to put some attention on the military to request they deny this development plan and also deny the releasing of the covenants, that park is for all of Brevard.

H.2. Public Hearing Re: Funding for Sea Ray Drive Bridge over Sykes Creek using 20 percent, up to \$275,000, of the Merritt Island Redevelopment Agency's general fund tax increment funds.

Chair Lober called for public hearing on the funding for Sea Ray Drive Bridge over Sykes Creek using 20 percent, up to \$275,000, of the Merritt Island Redevelopment Agency's General Fund tax increment funds.

There being no further comments or objections, the Board adopted Ordinance No. 20-15, relating to the Administration of the Merritt Island Redevelopment Trust Fund for the Merritt Island Redevelopment Agency; reducing the amount of General Fund Tax Increment funds by 20 percent, up to \$275,000 per year, for each of the next 10 years; providing for conflicting provisions; providing for severability; providing for an effective date; and approved any Budget Change Requests associated with this action.

Result: ADOPTED

Mover: John Tobia

Second: Bryan Lober

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

H.3. Repeal and Replacement of Chapter 122 Waterways of the Code of Ordinances of Brevard County.

Chair Lober called for a public hearing on repeal and replacement of Chapter 122, Waterways of the Code of Ordinances of Brevard County.

There being no comments or objections, the Board adopted Ordinance No. 20-16, reorganizing and updating Chapter 122 Waterways, Code of Ordinances of Brevard County, by repealing and replacing all Sections; creating Section 122-1, Definitions; Section 122-2, Enforcement; Section 122-26 Manatee Protection Board Speed Zones; Section 122-27, Idle Speed No Wake Zones; Section 122-28, Slow Speed, Minimum Wake and Motor Exclusion Zones; Section 122-30, Use of Vessels in Residential Areas on Lake Poinsett; Section 122-31, Operation of Airboats in Restricted Areas on Lake Poinsett; Section 122-32, Scottsmeer Landing Park; Section 122-33, Vessels in Ocean; providing for applicability; reference to other authority, severability, codification; resolution of conflicting provisions and an effective date.

Result: ADOPTED

Mover: Rita Pritchett

Second: Kristine Isnardi

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

H.4. Approval, Re: Fiscal Year 2020-2021 HOME Investment Partnerships Program Consortium Annual Action Plan

Chair Lober called for public hearing on approval of Fiscal Year 2020-2021 HOME Investment Partnerships Program Consortium Annual Action Plan.

There being no comments or objections, the Board conducted the second and final public hearing; approved the Fiscal Year 2020-2021 Annual Action Plan; authorized the Chair to execute the required certifications and SF-424 applications for Federal assistance from the United States Department of Housing and Urban Development (HUD); authorized the County Manager, or his designee, to execute the Community Development Block Grant (CDBG) Program and HOME Investment Partnerships Program Grant Agreements and Disbursement Agreements with the four Brevard County HOME Consortium member cities upon approval from HUD; authorized the County Manager, or his designee, to sign contractual agreements, modifications, and amendments for projects identified in the Action Plan, including any associated budgetary changes after approval from Risk Management and the County Attorney's Office; authorized the Housing and Human Services Department, as contract administrators, to use competitive processes to secure contractors to complete proposed projects and services; and authorized the County Manager to execute all necessary Budget Change Requests.

Result: APPROVED

Mover: Rita Pritchett

Second: Bryan Lober

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

H.1. Approval; Re: Exchange Agreement between Brevard County and Florida Inland Navigation District (FIND) - District 3, Continued from May 5, 2020

Chair Lober inquired if the minimum time recommended by the County Attorney would be two minutes.

Eden Bentley, County Attorney, advised it is three minutes pursuant to the rules; however, the Board can amend it with a Board vote, but there is no case law below three minutes, so she would recommend the Board stay with the three minutes.

Chair Lober inquired if Commissioner Tobia wanted to start with public comment.

Commissioner Tobia responded affirmatively.

Jerry Sansom stated he is the Brevard Commissioner for the Florida Inland Navigation District (FIND); he thinks most of the Board is familiar with the District, but for those who are not, they are a special taxing district on the east coast of Florida; they have two roles; one is to work with the Army Corp of Engineers to assist in managing and maintaining the intercoastal waterway through the State of Florida; they do that by acquiring property and building spoil management sites for the Corp of Engineers to use in their dredging program; and they also work with the counties and cities in providing grants for the County to improve its boating facilities and to parks, waterway access also to help the County acquire its own spoil sites, which they did last year or the year before last. He advised FIND's role is to help maintain the intercoastal waterway as an economic engine for the east coast of Florida; one of their major roles is to work with the Army Corp of Engineers to provide spoil sites for them to use when they dredge the waterway; the land exchange being talked about today is a great example of cooperation between FIND and the County; about almost 30 years ago, FIND acquired this property to be used as a spoil site; and in doing their due diligence it became clear that their site had a lot of scrub jays on it and in working with the County's Environmentally Endangered Lands (EELs)

Program it became clear that the adjacent land did not have as many scrub jays as their land did. He continued by saying EEL's approached them about doing a land swap so that the County would get the scrub jays and they would get the land they needed to work on and everybody would come out ahead; basically that is where they are today; they have been working on that for a number of years and they have gotten to the point where they need to move on developing their management site, either the existing site or the site with the transferred land; and they can go either way. He added any wetland impacts will be on their land and they will be mitigated for according to State and Federal requirements; the bottom line on this is if the Board approves this transfer it will put better scrub jay habitat under the County's EEL's program than it has today; and they will be able to continue to do their function of helping maintain the Atlantic intercoastal waterway working with the Army Corp of Engineers. He noted this is really a win for both parties; the bottom line is if somebody thinks that by opposing this transfer they are going to stop them from building a spoil management site they will just have to build it on their existing site rather than the improved site; and that is all this comes down to. He mentioned FIND would like to give the County better scrub jays and not have to mitigate for as many as they are going to have to mitigate for; he thinks it gives EELs a better program; and he advised FIND's executive director is there and they can answer any questions the Board may have about the land.

Michelle Smurl stated she is reading this for Dr. Dave Brenninger, she is from the Brevard Zoo, a 22-year employee and she has been working with Dave and scrub jays within the County for over two decades; she read, "I have been conducting research on Florida's scrub jay population relationships with habitat quality for the last four decades and published these studies in over 30 scientific articles. I have been performing environmental impact analysis, developing and monitoring scrub restoration projects in Brevard County for the last 40 years and wish to explain the benefits of the proposed FIND land swap. The original FIND site comprises about half of an area having the highest scrub quality left in Brevard and the land swap would protect most of this area. The scrub with the highest quality area is in the center of the conservation land and has outstanding plant composition with open sandy areas amongst the scrub oaks, palmettos, and grasses. These open sandy areas are critical for the long-term Florida scrub jay reproductive success and are important to many unique plants and animals. A benefit of the land swap is to conserve a much larger contiguous landscape by putting the disposal site to the edge of the conservation area rather than subdividing the conservation area. Scrub jays live in family groups where breeders stay together for life and allow young to remain as a family group member, called a helper, for many years. Helpers assist their family detect and mob predators and feed future generations of young. Contiguous landscapes are important because families maintain sentinels to spot predators; helpers can survey surrounding territories for breeding vacancies without making risky dispersal forays, which decreases their mortality risk. Families are benefited by being surrounded by other families of scrub jays residing in these areas are prone to produce an excess of young that can support smaller fragments of habitat that don't have similar ability. The EELs land being swapped generally includes poor quality habitat and requires much time and restoration costs and most certainly would never reach the same habitat quality. Families living on the edges of habitat are more prone to predation as edges respond as less favorably to fire management because edges tend to burn less efficiently making them difficult and expensive to restore and maintain. Habitat managed for scrub jays also benefits many other threatened or endangered species including gopher tortoises, scrub lizards, indigo snakes, and many other unique animals and plants." She went on to say Dave is a long-term member of Florida scrub jay recovery team; he is a member and he was asked to convey that the U.S. Fish and Wildlife Service Supports this action because it is vital to the larger focal landscape recovery strategy; and they have the support behind this from the government.

Kim Rezanka stated she represents four property owners of 70 acres; and she asked for 10 minutes, stating she had tried to do it faster.

Chair Lober asked the Board what it would like to do.

Commissioner Tobia asked Ms. Rezanka if the property owners would be speaking as well.

Ms. Rezanka responded they are not.

Commissioner Tobia asked Ms. Bentley if that causes any problems providing one speaker 10 minutes and everyone else three minutes.

Eden Bentley, County Attorney, responded Ms. Rezanka is representing four individuals so she thinks that is actually two minutes short of what the individuals would be.

Ms. Rezanka advised actually one of the individuals is speaking, Mr. Cameron, so nine minutes, she thinks she can do it in nine minutes.

Commissioner Tobia responded he is good.

The Board approved nine minutes for Ms. Rezanka to speak on behalf of three individuals whom she is representing.

Result: APPROVED

Mover: Rita Pritchett

Second: Bryan Lober

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

H.1. Approval, Re: Exchange Agreement between Brevard County and Florida Inland Navigation District (FIND)

Ms. Rezanka stated she is with Lacey Lyons Rezanka of Rockledge and she is representing the parties listed on the presentation page; there are three large parcels of land adjacent to the County land totaling 70.5 acres; bad decisions made with good intentions are still bad decisions; that is what is here with the exchange agreement; this is a flawed deal with inadequate public benefit for the cost associated with the deal for which there is insufficient data for the Board to make an informed decision; and that is why the Board should not approve this agreement. She continued by saying the Board has heard the County will get an increase in acres of scrub jay land and the deal is good for the County; what the Board has not heard is the value of the County property that is being given to FIND, the environmental problems with the FIND parcel, the cost to manage and maintain the extra acres of land from FIND, or even the legal description of the FIND parcel; except for the relative value of the parcels to be swapped, which is available at the Property Appraisers website, the Board cannot have the other information because no due diligence has been done on the FIND parcel to be deeded to the County; and she believes this is contrary to the requirements of the EEL land acquisition manual and the procedures set forth on the flow chart and adopted by the County Commission in 2013. She noted her clients parcel of land abuts the County land as shown on page one of the package she just handed out; that circled land on the east, next to the railroad, is the 15 acres of land left over; that red marking is the County land; this is actually dividing the land and there is no indication of what is going to happen with that 15 acres; and the long history of discussion between the nature conservancy, the EEL Program, and FIND is located on page two of the packet. She advised the original location for the spoil site was decided in 1989;

FIND obtained the land by eminent domain in 1993; the County obtained its land in 1995 from the Atlantic Ridge Company due to mitigation; the Nature Conservancy first brought this exchange idea to EEL in 1998, 22 years ago; obviously there has been no rush to consummate this land swap; these documents she has provided to the Board previously so it has seen them, but they are now in color; exhibit one is the actual land swap; it is a better copy than what is in the Board's package; exhibit two is the exchange notice published in Florida TODAY, in February of this year; and it provides no real details and it accurately states that FIND will provide documents related to the property. She further stated the County actually has a responsibility to obtain all records related to the FIND parcel after the Board approves this agreement; exhibit three is the most damning evidence that this is a bad deal; this is the County property tax parcel 2980046; it has a market value of \$585,470 and that is likely low because it is government land; but it is still \$6,946 per acre; that has a market value of \$481,768 of land that is being given to FIND; according to the Property Appraisers records, the FIND land has approximate value of \$1,000 per acre for a total market value of \$83,180; subtracting those values, the County is giving away almost \$400,000 worth of land; and section four of the exchange agreement, the stipulation of the EEL parcel and the FIND parcel, are approximately equal in value is a blatant misstatement. She continued on by saying to add further insult, the County is agreeing to pay FIND an additional \$88,823.38 for FIND's 1992 cost; the County expects to pay \$41,000 to obtain a survey, environmental work, title work, and other due diligence on the FIND parcel; all total this even exchange will cost the County \$528,401; over time the County will include management and maintenance costs on the increased acreage, but those costs have not been supplied to the Board as they should have per the regulations of the EEL manual. She stated the inadequate public benefit; the second reason the Board should deny the agreement is that as this is EEL land that is being given away, there are threatened and endangered species on that County property; exhibit five there is a list of species likely to occur on the County's site; this was provided to the Florida Department of Environmental Protection (FDEP) by FIND with their ERP permit in 2019; there are scrub jays, snail kites, woodpeckers, wood storks, and the east indigo snake; those species are not going to be protected if this land is exchanged; and additionally the County parcel has valuable scrub jay habitat. She went on to say FIND has to pay scrub jay mitigation in the amount of \$573,600 to the scrub jay conservation fund, which is managed by the Nature Conservancy; the County loses \$528,000 based upon the advice of the Nature Conservancy and the Nature Conservancy will get \$573,600 from this exchange; more importantly, there has not been any evidence presented that there is an actual need for the County to own the FIND parcel; there are statements in the resolution that says the exchange would be in the public interest, but that is pure conjecture; and she asked is the FIND parcel really so much better for scrub jays than the County parcel, does the County really need additional scrub jay habitat, or should the County concentrate on restoration and management of those already owned by the County. She added in a 2007 assessment of the area scrub jay habitat indicates that south and central Brevard meta population had greater connectivity and viability than in the past, this is in 2007; the assessment all contains a diagram of 21 Florida meta populations which is the second colored tab in the Board's packet, showing that the habitats of scrub jays are already prevalent; and she asked what is the public benefit of leaving 15 acres of County land that remains after the exchange between the spoil site, the Dredge Material Management Area (DMMA), and the railroad to the east assuming this remnant also has protected species since it is in EEL management, it would be cut from the other protected lands. She went on to say there is insufficient information for the County to proceed and she has already stated some of them, but these insufficiencies are apparent when revealing the EEL manual and this chart; she shows the chart because it is really hard to follow; it is inconsistent with what is actually stated in the manual; this was adopted in 2013 by the County at the request of the EEL Program; she has provided a portion of the EEL manual in exhibit eight, and most important on page 27 the quote, "Inherent in the exchange content is a requirement to get dollar for dollar value,

exchanges are attractive in that they do not increase the land holdings and do not require funds for purchase.”; here it is not dollar for dollar value, land holdings do increase, and there are funds required for the purchase; there is a budget reallocation to be executed by the County Manager, but she is not real clear what that is and the staff report does not explain it; and if that is true then this requires additional procedures for the EEL manual because this is now a land sale and not a land transfer. She noted the County already has two Policies for land transfers; one is Policy BCC 24 and Administrative Order 37 which outlines the process for County property transfers, yet EEL does not have to comply with either of those for unknown reasons; on page 28 of the manual it states, “The exchange proposal is to provide an overview of the anticipated management cost of the new property, including the estimated initial and annual management cost.”; that has not been provided to the Board and it does not know what the County or taxpayer is going to pay to maintain this land that FIND is giving; the Board also does not have actual appraisals of either parcel, boundary surveys, hazardous waste reports, title reports, justification for the exchange, program and administrative consequences, or information for an evaluation of the true economic impacts of the exchange and those are things in the EEL manual that are required that the County does not have; hopefully the Board sees the approval of the exchange agreement would be a bad decision for the County, despite the good intentions of EEL; and she asked the Board to vote down the exchange agreement.

Lisa Smit stated she owns the Brevard Equestrian Center; she explained this would bring the sludge pit even closer to her property where they have two drinking wells and three agricultural wells that are going to be tested every 30 to 90 days; her biggest problem is with the sludge pit, it creates a bigger problem; she knows that is not what is being talked about but it creates a bigger problem when it is that much closer to her kids, her horses, her business, and basically all of her retirement income, because it is all tied up in the land that is going to most likely not be worth as much once there is a giant sludge pit next door; and she wants the Board not to exchange the property and she will deal with whether or not she can do any fighting about the actual sludge pit at another time.

Vince Lamb stated the EEL Program has enjoyed high levels of public support for more than 30 years; Brevard County voters approved the Ad Valorem taxes to fund the Program in 1990 and 2004 with approximately 70 percent margins; many residents care about protecting natural areas and wildlife even if they never take a hike; the Selection and Management Committee (SMC), a group of conservation scientists appointed by the Board, deserves great credit for the leadership that has built this confidence over the years; most of their recommendations end up flowing to the County Commission because money is involved; and the overwhelming majority of their recommendations have been approved. He further stated the FIND land swap has been moving forward for many years; the SMC has been tracking it through every step and voted to approve the swap in 2009 and again in 2015; in both of those years, the County Commission approved the concept and agreed to share in the design cost incurred by FIND to move the basin; a group of people, some speaking today, visited the site last Friday; until Mike Knight pointed out the habitat differences, none of them could really see the benefits of the swap; and the SMC has long recognized that the property the County is gaining has far better habitat than the property it is trading away. He mentioned the population viability assessments have shown the scrub jays are moving toward extinction in Florida and Brevard County; this property is connected to the most important habitat for scrub jays in Brevard County; approximately 10,000 acres of EEL Program properties provide habitat for scrub jays; if people do not care about the scrub jays, these properties also protect the Lagoon and the St. John's River from nutrient pollution; he understands some neighbors oppose the land swap because they do not want the dredge materials deposited on the site; he asked if it really matters whether the dredge materials are deposited on the FIND land currently owned or the new property; and he noted if the Board fails to approve swap, FIND seems certain it will send the

dredge material to the currently owned land. He mentioned Beau Platte wanted to be there today but he had to go to Jacksonville; Mr. Platte lives on the Eau Gallie River and has watched the muck removal there closely; many neighbors oppose the muck removal because of foul odors but Mr. Platte would say there have been no foul odors and that it was a big success; and he advised he would encourage the Board to follow the recommendations of the SMC, approve the land swap, allow the EEL Program to preserve the best habitat, and let the dredge materials go to the inferior land.

Commissioner Tobia asked for clarification that Mr. Lamb is in favor of this exchange.

Mr. Lamb responded he is and he is also encouraging the Board to follow the SMC's recommendation.

Commissioner Tobia stated he is sure Mr. Lamb is aware of his August 14 article in which Mr. Lamb did not insinuate, but stated, that the Board does not place an interest in the residents; as Mr. Lamb is going to see, there is probably four or five times the amount of residents that are against this as those that are for it; in fact, Mr. Lamb is not even a resident of this area; Mr. Lamb goes as far as stating that the electorate should vote people who serve the residents; and he asked Mr. Lamb how he can reconcile that comment.

Mr. Lamb replied in this time of COVID-19, they could not get many residents up on the Parrish Landing property because of the specific residents there were afraid of COVID-19; maybe that is not the situation here, he does not know; he also thinks the concern of the residents on the other property had to do with the threat of flooding and he thinks it was a very real threat flooding; and here he thinks the concern of the residents is a bit misunderstood in terms of the harm that the dredging is going to do. He stated residents oppose dredging everywhere; and generally the fears of the residents are not realized by dredging.

Commissioner Tobia stated in other words the Board is only supposed to listen to the residents that agree with Mr. Lamb's opinion; and he asked if Mr. Lamb agrees.

Mr. Lamb responded no; he stated he would encourage the Board to look at the real facts on this; it comes back to the SMC, scientists that the Board has appointed; and he believes the Board should listen to their recommendation, not his.

Gary Cameron stated he is going to start by saying both of these properties that are in question are very sensitive properties and they all have scrub jays; he walks the woods out there all the time and he would say there is no larger group of scrub jays in one area versus the other; he has property that abuts this property; the impact that the DMMA will have on the scrub jay community out there will be devastating; the only difference between these two properties that are questionable in this land swap is that one of them abuts residence; and the residence and the business that abuts this property that has 50-plus horses on it, will be affected by this land swap. He went on to say the construction and operation of this pit is harmful to the people and the horses that surround it; from the dust, during the construction, because it is on a sand ridge, it would be very dusty under construction; the smell that will be in the air, to the pollution to the ground water; test wells have been put around this site that are literally 100 feet from resident's wells; and if there was a breach in a test well then it will show up into a residence well whenever they test it, meaning those people would have been bathing and drinking breached water from this site. He noted he has been to the DMMA site in Palm Bay; he has talked to the residents that live next to the DMMA and they are not happy living next to it; they say that the dump trucks that come and go, the track hoes that are slamming their buckets all the time between the noise, the dust coming from the dump trucks, and the amount of dump trucks that

go in and out of the place, it is very irritating; they say whenever the sites are active, meaning that the dredging is being pumped into them, the smell is horrendous; and that is what the Board is trying to decide if it is going to put it next to him. He asked the Board to think about what the consequences are when it approves this land swap, when it is putting this right on his fence line; he noted that is all he is asking and nothing more; he knows all the Board has is the control of this land swap; and he asked that the Board rule in the favor of the people that are going to be affected by it.

Kim Zarillo stated she has served on the SMC and she is a representative of the Tourist Development Commission (TDC) on the SMC right now; she is not an attorney, however, she would like to correct a couple points made by the attorney representing the homeowners; she would also like to point out, if the Board can show the aerial where the property boundaries are overlaid so everyone can see the sand ridge, some of the species that the attorney mentioned may fly over or utilize that site but they do not necessarily live on that site; and they have larger ranges of habitat or home areas, such as snail kite, which would be flying over those sites in transition and may feed there. She noted the cost benefit on a dollar for dollar value is not the only mechanism that the County looks at for conservation value; they are looking for a greater conservation value, a consolidation of conservation area and connectivity so that it is less expensive to monitor and manage; if there are pieces distally apart and someone needs to do prescribed burns, which they want because they do not want the homes burned from a fire load that has built up and has not been managed; that is one capture that they are trying to do and one consolidation of cost; therefore, it is easier and cheaper to manage lands that are directly connected. She went on to say there are other species than just the scrub jays and there is an important recharge value to residents of the County which there is no dollar value on; the concerns of having a dredge spoil basin next to property, she understands it; looking at the aerial, over where it is very white like a line between the outer boundaries is actually very high porous drainage; if someone wants to keep the basin on very high drainage that is where more drainage is going to incur; they intend to add a clay layer to make it impermeable so that it does not percolate down to the ground water; and she is glad they installed monitoring wells so people will know in real time. She mentioned she thinks it is really important to look at the lay of the land, it is not just the species, it is the lay of the land; she would encourage the Board to accept the transfer; and the value of doing the recharge area and doing a basin in the recharge is actually more troublesome to humans.

Mark Nathan stated he was on a committee with Mike Knight for the EELs Program for 12 years; he has worked with Marine Resource Council for water testing and the Florida Fish and Wildlife Conservation (FWC) for years doing bird counts, including two pelican rookeries; he is speaking today in favor of the land swap; in 25 years the Florida scrub jay population is down over 50 percent and have already been extirpated from seven counties in Florida; scrub jay is extremely habitat specific and rely on fire dominated oak scrub habitat; the iconic Florida scrub jay, the most endearing bird he has had the pleasure to engage is remarkable; its trusting character is uncommon; and he cannot imagine not doing everything humanly possible to champion their rights to life. He went on to say this long-planned land swap has been thoroughly vetted through the EELs SMC scientific committee and they have concluded the exchange would be an important step in the long-term protection of the Florida scrub jay population here in Brevard County; because of the close proximity of these parcels, he does not understand the opposition for the exchange; FIND will still be there and so will EELs regardless; and furthermore, he knows Mike Knight with the EELs Program and he will address all concerns regarding this exchange to all parties. He added this fun little bird is running out of time and space; it is not asking anymore than anyone would; save a place for them; if not they too will go the way of the ivory bill woodpecker or the countless other creatures who have gone before because of people's indifference, complacency, or neglect; he asked the Board to wisely

consider this land exchange for what it is, a chance to do what is right for the people and themselves.

Sandra Sullivan stated she thinks about a month ago she attended a four-hour long EELs session on scrub jays and it was a big awakening to learn about the Florida State bird; what is being viewed is the scrub jays in the northern part of Brevard is not really viable any longer to really protect; they are looking to other areas and it all hinges on having larger tracks of land for their preservation; right here in Brevard there are scientists that have dedicated decades, and were in on that discussion and presentations that were going on; there was a lot of scientific material; and she thinks it is always best to refer back to the scientific literature and the facts and let the data drive the decisions, but this State bird is about to go extinct in about the next 20 years. She continued on to say when there are little pockets of land there is not the genetic material to keep them viable so there needs to be bigger tracks; and the issue for EELs is this project was counted on for like 20 years to give them that track that is going to help keep these populations viable. She mentioned she has a friend that took a very endearing photo of some scrub jays who flew into her hair and were playing, it was bizarre; her friend loves to go to the Helen and Allen Crookshank Sanctuary and she is very worried because that particular property is now all boxed in with development; and with Brevard County on massive growth, it is going to see increasing pressure to develop these areas; and when the County has an opportunity to get a larger tract than it already has, according to scientists that have looked at it, it cannot just go on dollars when looking at a property; they think this is going to be the property this going to mean the survival of a particular species; and she is going to read a paragraph that David Berringer wrote, "The EELs land being swapped generally includes poor quality habitat and requires much time and restoration costs and most certainly would never reach the same habitat quality. She went on to say families living on the edges of the habitat are more prone to predation as edges respond less favorably to Fire Management because edges tend to burn less efficiently making them difficult and expensive to restore and maintain habitat, manage the systems, manage the scrub jays, and it also benefits many other threatened or endangered species.

Commissioner Tobia asked if Ms. Sullivan is in favor of this.

Ms. Sullivan responded she is in favor of the exchange because it is two years since the people and the scientists have been involved in this; and she has been very anxious about it.

Commissioner Tobia advised for future reference the State bird is the Mocking bird.

Ms. Sullivan commented it may be now, but it was the scrub jay in the past.

David Montgomery stated he has lived in this area for 35 years, jogged the area in his younger days; he wants to follow up on Ms. Zarillo's comment that the new property, in the white there over the left section that is an extremely high elevation for that area; it is about 20 to 21 feet; it is the Atlantic Ridge and there is ancient sand from the beach in that area; it is quite different than the other property; and maintaining this property for whatever reason, scrub jays or just habitat, is quite a bit easier than the current property because of the different types of tree vegetation and the thickness of the vegetation that is in these areas. He further stated getting this land would be acquiring an incredible and geographically valuable piece of land so there are benefits to Brevard County; the County gets more land for the EELs Program, there are less maintenance costs because they do not have to clear out live Oak trees, scrub oaks, and other property that is currently thicker dense on the property that they are moving to; FIND is not moving their pond, it is still going to be inside those two areas; half of the pond will be on one area to the left or to the right, so they really are not moving the pond by doing this property

swap to an significant extent; and there are clay liners on the bottom of these ponds that inhibit any runoff from going into the groundwater. He mentioned moving the property east will reduce FIND pipeline length, reduce their costs, risks, and property impacts; the County benefits from the improved quality of land, it is different property, it is a geographic gem; it is on ancient seashore and perfect for scrub jays; people who visit this property would be astounded at what it looks like; there is beach sand there; and maintenance costs are reduced because the habitat is just perfect and conducive to scrub jay habitat and preserving this for future generations. He noted his recommendation is to approve the agreement.

Laurilee Thompson stated she was a TDC representative on the SMC for six years and she participated in both of the votes in favor of the land swap in 2009 and 2015; this was a high priority project that they had talked about numerous times during the years she was there; a lot of research has gone into it; there are not many pieces of property like this that are left; and it is a pristine Atlantic coastal ridge and there is just not much like it. She noted there are two dredge sites in Mims, both of which have had spoil dumped on them and there has not been any problems; one of them actually has a high end RV park right next to it, with people who live in Half-million dollar RV's right next to the dredge fill site; and they have actually turned into really nice birding sites. She went on to say the spoil will only go in a smaller portion of the site and it is much better habitat for the scrub jays; scrub jay is Florida's only endemic bird; it is not the State bird but it is the only endemic bird; it is highly sought after by birders when they come to the State; it would be a real black mark for Brevard County, which has one of the highest populations of scrub jays remaining in the State, if it loses that mainland population; and there is a pretty good population out on the wildlife refuge, but the mainland population is in real jeopardy. She mentioned by getting this piece of property and having it be adjacent to other scrub jay property that the EEL Program is managing would be highly beneficial; it is much better habitat for the bird than the existing EEL property; in her opinion this is a good exchange; and she supports it.

H.1. Approval, Re: Exchange Agreement between Brevard County and Florida Inland Navigation District (FIND)

Terry Casto thanked the Board for its service; he stated the Board is in an unenviable spot; almost every time he comes to a meeting this Board is faced with a decision that is going to leave someone in the room unhappy with its decision; he is there to speak in favor of the transfer; he sent the Board a one-page summary email of what he has learned about this; and he is not a scrub jay expert nor has he been involved with any of these transfers or this kind of issue. He went on to say he has been involved with muck mediation areas through work on the Citizens Oversight Committee (COC) and support for them with the Save Our Indian River Lagoon (SOIRL) Plan; he is a little concerned because the Board started comment before hearing both sides; it is like hearing from the jury before hearing from protagonist and antagonist; he is not sure what evidence the Board has before it or what it has looked at; as he said in his email he has looked at the transfer, the documents, the May 5 meeting to see if anything transpired there, and he has seen a fair amount of material from EEL, coordinated with FIND, that addressed some of the criticisms that were raised about the way this process was set up and what is in the transfer. He continued by saying he feels like those criticisms have been answered; he thinks fundamentally what he is hearing from the speakers so far who are against the transfer is that they do not want a pit or basin there; whether the basin moves 500 or 800 feet further east is not germane to that discussion; this is all about people not wanting dredge material anywhere near their property which is a separate issue; take that aside for a minute and take away the scrub jays for a minute, he looks at this thing and at the land that is being swapped between the two parties and to him it is apparent that it is better for both parties; the Board has heard some comments about the land that EEL will be getting is more suitable for the scrub jay population and the land that FIND will be receiving is closer to the

river and has some small, but beneficial, impact to their cost of operation; and he is in favor of it. He added he is not a homeowner and he does not live near the boundary of that but he reaffirms and supports these comments that have been made about the dredge pit in this area is not trashing the home values and those other alarms that are being raised by people.

Mark Crosley stated he is there mostly to answer any questions or correct any misinformation that may be shared; it seems like a lot of the concern is about the dredge material moving closer to people's homes; that is not unusual, they have about 25 of these sites up and down the east coast of Florida; it is not unusual to have a lot of opposition to those before they are built; he does not get a lot of complaints once they are constructed; in fact there is a lot of misinformation about those sites as they are constructed; they all have buffers around them, they are well operated, well engineered, and they are multi-million dollar structures; and the waterway just to Brevard County is worth \$1.4 billion a year. He continued on to say they are maintaining this infrastructure; the proper way to do it is with these dredge material management areas; in the past they used to side cast this material on the spoil islands that impacted the waterway; there is marginal waterway improvements when they do the dredging to get the FIND sediments out of there; they do need to maintain the waterway as a system; and he will answer any questions.

Commissioner Tobia stated he will tell the Board where he is and then he will put a disclaimer; he tried to tackle this as objectively as possible because he has received more negatives for this exchange than he has positives, therefore, he took this as a fiscal approach; the first comment from Ms. Rezanka that probably pricked the ears of the Board was the difference in value of these two properties; he does not think this is a fair comparison; this is going from one government agency to another government agency; the same way one transfers a quit-claim deed on property from a parent to a child for \$100 does not make that property worth \$100; the County is not in the business of selling this land so the value is going to remain in government hands, whether it is the County government or the State government, it has no impact on taxpayers; however, there are some impacts on taxpayers that one should take into account. He went on to say first of all, engineering costs have already been expended on this new site; that would be a wasted cost should this not go through; FIND has made it very clear that they are going to use one of these two locations for dredging material; if they use their current piece of property, that wasted cost could not be used to do the engineering on the new piece of property, which would be hundreds of thousands of dollars; what the Board probably heard is that is not County funds, but he tries to never look at it from that perspective; everyone pays sales tax, therefore, everyone pays into the State coffers as well; and when looking at demucking, the largest cost on demucking is the transfer of that material to another location where it is going to be dewatered. He explained this puts it in closer proximity to the place in which it is being moved; his understanding is, as the County expends these funds, if FIND is going to do this, hopefully it will be State funds that do it, and hopefully the County gets back on track and more money comes, he would hope there would be a possibility for more demucking in the future maybe at the County's expense; and he noted if that comes at the County's expense he would certainly hope that the County could go to FIND as it has in the past, and ask to use their site. He mentioned he appreciates Ms. Rezanka looking out for the land owners; he understands the concerns of those citizens; to them it may be a negative impact, however, he looks at this for not only those citizens, but all of the citizens in District 3 and Countywide; he thinks that while this may have a negative impact, or a perceived negative impact, on five, six, or 50 people, they must remember if this dredge material whether it is on that property or the one adjacent, it is still going to be there according to FIND; purely from financial, because he does not want anyone to think that Mr. Lamb's threat had anything to do with his decision making, this is just the one instance when his opinion has aligned with Mr. Lamb, he has to support this; and he mentioned this Board constantly has to make decisions,

either right or wrong, and usually the Board goes with the Commissioner whose District an event may be in, but he wants the Board to vote its own conscience, not the way that he is voting because this Item deals with the Lagoon and the Lagoon impacts the entire County. He further stated it is based in agreement with a State agency which has implications that are far more reaching than County Commission District 3; it impacts EELs which is a Countywide program; all County taxpayers have an interest in assuring sound Policy; and while he will be voting for this land swap, he fully respects the other Commissioners' decisions on either side of it.

Commissioner Isnardi stated the Board just talked a couple meetings ago about transferring and paying for government employees that do not belong to the Board; so as far as money between government agencies, she does not know if she agrees with Commissioner Tobia's assessment; it stated clearly in the manual that its value is dollar for dollar; this does impact the residents; like it or not, the Board cannot measure whether or not it is going to smell for those people, but the Board can figure is that it will probably affect their property values; it is not her area and if people were so concerned about the scrub jay population, why did EELs not purchase a better piece of property to begin with; and she asked why FIND is so adamant, she realizes that is the job that they have, to put that sludge wherever they have to; and she advised she will not be supporting this. She went on to say some of what Ms. Rezanka said she agrees with and some she does not; she thinks the dollar value for her and the residents is the primary reasons; and they are still going to be able to put the material there if need be.

Commissioner Smith stated he has heard these arguments and concerns and if he lived there he would probably feel much the same way; he does not live there and he looked at it more objectively; one comment that was made that really hits home for him, is the dredge material is going to come, and if it is on a contiguous piece of property it is not going to change the smell one way or the other; he does not think it will change the water quality for the adjacent wells one way or the other; he understands that there is a liner so that will not affect the wells one way or another; and what it really comes down to for him is the environmental side. He went on to say, as the Board's representative on the SOIRL Council, everyone he spoke to, they are all in unanimous agreement that this would be a good swap largely because it is a better habitat and it is a higher ground and nothing has to be done or expended to make it better; and he is in support of this land swap.

Commissioner Isnardi stated she probably should have mentioned this at the beginning of her argument; Commissioner Tobia talked about the engineering monies that will be lost; she asked why they were doing engineering on this property without the approval of the Board; she mentioned she knows they did for the planning, but monies expended for anything that they have done to this point was a risk that the agency took, without final approval from the Board; and she does not know that anyone could say that is the Board's fault.

Commissioner Tobia asked if the County had a contract with FIND dating back to 1996 or 1999 stating the County would pay for a portion of the engineering involved.

Eden Bentley, County Attorney, advised there was a hearing where it was discussed in 2009 and then a contract in 2015; and then that contract expired before they were able to complete all the permitting.

Commissioner Pritchett asked Ms. Rezanka if she can tell her the value of the property that the County owns right now.

Ms. Rezanka responded she extrapolated from the piece of property that was there based upon

the Property Appraisers market value; the 84 acres the County owns is worth \$585,000; it states \$6,900 per acre for value; and to multiply that out, she thinks it was \$481,000.

Commissioner Pritchett asked Ms. Rezanka if she give the value of the property that the County is looking to swap.

Ms. Rezanka replied that is \$83,000.

Commissioner Pritchett stated that is where she cringes on this.

Ms. Rezanka stated that is based upon what she could find in the public record because no one has done an appraisal, which she believes EEL should have done, so the Board would have the information before it to know what the County is getting.

Commissioner Pritchett stated the properties are close; she has got to believe that both of these properties have a lot of like environmental wonderful things; she is a little concerned that maybe the County did not buy other property to begin with, with the EELs funding; Commissioner Tobia stated the Board was allowed to go ahead and be comfortable with this; she is going to split the Board up and probably vote against it because she does think it is a great piece of property and she would not mind picking it up for \$83,000 right now and not doing anything on it. She noted after listening to the homeowners, she thinks it is going to affect some of them.

Commissioner Smith stated he would like to add, based on Commissioner Pritchett's comments, the properties are side by side and he cannot see where the dredge material is going to make much difference to the homeowners one way or another; as far as the value is concerned there is no money changing hands; the County is never going to sell it so it is not like the County is losing or gaining money, it is just a land swap; and he advised he appreciates Commissioner Pritchett's thoughts, but he just wanted to say that.

Commissioner Pritchett stated it is almost like swapping a Bentley for a Toyota.

Commissioner Smith stated that is a good analogy except that if a Bentley and a Toyota were sitting in someone's garage never to be driven, it really does not make any difference.

Chair Lober stated he intentionally has been quiet to see where others were at; it is two to two so it seems at this point; there are a few things that come to mind with respect to this; first, his general rule has been if there is a project that exclusively disproportionately impacts one Commission District, he will do whatever that Commissioner wants especially if he is vacillating between what answer is the correct answer; looking at this issue, and it has come up in District 2, Merritt Island north of Walmart, no one wants something like this next to their property or anywhere near their property but it has to go somewhere; and with something like this, he has to look at what the Commissioner in whose District a project is proposed, and at what staff proposes. He mentioned the Board has not really heard from staff on what their thoughts are in terms of the potential real impact; he did the research on the same topic when it applied to District 2, north of Walmart; from what he understands, there are certain complaints that probably are overblown and some that may not be; he thinks he recalls from the discussion probably a year ago, was that there are existing sites of this nature, and he has never had a complaint from anyone who lives in that area contiguous to it on account of odors; however, there have been people who have been upset based on the noise, so he would like to hear from staff in terms of what they perceive the noise impact on those people to be.

Maryellen Donner, Parks and Recreation Director, stated that EELs did not buy this land, it was part of a mitigation deal; she does not know if that makes any difference to the Board but she wanted to make sure the Board understood that; it is far less expensive to manage new lands than it is to restore the property that the Board is talking about; she has been in conversations with Mike Knight, EELs Program Manager, and they are thinking to manage this parcel, should the Board decide to approve this exchange, would probably be less than \$10,000 per year; and if that was put against the cost of having to take the parcel that the County currently owns and rehab that into scrub jay mitigation, there is really no comparison.

Chair Lober stated he is very much still on the fence with this and he is trying to put himself in one boat or the other; and he asked Ms. Donner from a County perspective if she sees any down side to approving this.

Ms. Donner stated she has been looking at it from the perspective of the scrub jays, the land swap, as it is proposed; obviously, staff will do whatever the Board tells it to do; she has listened to the experts and the scientists; and having listened to FIND, that basin will be there on either piece of property.

Commissioner Pritchett stated Ms. Donner did not provide any idea of a dollar amount.

Ms. Donner stated she would probably have to ask Mr. Knight.

Commissioner Tobia stated he does not know where Chair Lober is at, but he wanted to make clear that either way he goes on this one, and Ms. Rezanka certainly made some valid points, that he take his position out of any determination on how he votes on this one.

Commissioner Isnardi stated while she appreciates staff's input, the Board is the Policy maker; she is not saying the Board is better or smarter or have a better background, that is why the Board was elected, to make those hard decisions; to her this goes back to numbers; there is a property worth over a half-million dollars and in exchange the County is getting a property worth approximately \$83,000; and she asked if the Board will ever possibly have that back in its hands, probably not, the Stated agency is not the County government.

Mike Knight, EELs Program Manager, stated regarding the cost of management for the lands the County has, they would have the ability to reach into grant monies through the Nature Conservancy Fund to be able to help manage those lands; he could not provide an exact number that it would cost to do that; he thinks, generally that if they did the exchange, they would probably look at less than \$10,000 per year to manage those lands; and if the County had to restore the lands that it has now, they could easily be spending \$75,000 to \$100,000 to get those lands initially restored and then the County would have that similar annual cost. He noted one other thing on the value of the land, he does not know which numbers Ms. Rezanka is using, but the land the County has now has many more wetlands on it, so it is very unlikely that it is a more expensive piece of property than the FIND land which is primarily all uplands.

Commissioner Isnardi stated she knows Mr. Knight made the statement about there being wetlands, so the value is a lot lower; she can only go off of what the Property Appraiser has on their site; and she inquired if staff has an appraisal on that property.

Mr. Knight responded it does not.

Commissioner Isnardi asked if the County ever had an appraisal on that property.

Mr. Knight responded no.

Commissioner Isnardi stated as far as restoring the lands the County has now, she asked if that was in the plan or if staff is just assuming this land swap was going to happen so it never a part of the EELs plan.

Mr. Knight responded he believes the property was acquired in 1995.

Commissioner Isnardi inquired if the County had not invested any money in that property.

Mr. Knight responded no because it has always been in negotiations for potential exchange.

Commissioner Isnardi asked if restoring that land would be more of an EELs obligation as part of their mission, which is something that the County should be doing if the land was not set for exchange.

Mr. Knight agreed.

Chair Lober advised this is probably his least favorite vote that has come up in awhile; he thinks he has to go back despite what Commissioner Tobia mentioned about not being overly concerned about his position; he really has to look at and factor that in; he does feel bad for the people who live there and he will admit he would not want it next to his property; it has to go somewhere and if the Commissioner in whose District the project is proposed, is satisfied that it is the right thing, his biggest negative evaporates to a degree; the positive for the Lagoon, the positive on the environmental side, the positive on the scrub jay side, he does not see an environmental negative doing this; he is not happy supporting this; however, he feels he has an obligation to do that. He mentioned he does not see from his constituents' perspectives and he feels his biggest duty is to the folks that live in District 2; he thinks they are best served by him voting for this, even if he is not thrilled with it; he respects where people are at and this is probably the closest vote for him of having the opposite opinion at the end of the day, but he has to make a decision; he apologized that he cannot give an overwhelming endorsement, but he thinks there are negatives and positives with this; and this is one of those no wins.

There being no further comments or objections, the Board adopted Resolution No. 20-113, authorizing the Exchange Agreement with FIND; executed and approved the Exchange Agreement and the exchange of County property, upon County Attorney and Risk Management approval; and authorized the County Manager to execute any necessary Budget Change Requests.

Result: ADOPTED

Mover: John Tobia

Second: Bryan Lober

Ayes: Lober, Tobia, and Smith

Nay: Pritchett, and Isnardi

E.2. Resolution recognizing Republic of China (Taiwan) National Day, District 2

Chair Lober read aloud, and the Board adopted Resolution No. 20-114, recognizing Republic of China (Taiwan) National Day.

A representative of the Republic of China expressed his appreciation for the Resolution.

Result: ADOPTED

Mover: Curt Smith

Second: Bryan Lober

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

The Board recessed at 11:15 a.m. and reconvened at 11:20 a.m.

J.1 Waiver Request, Re: Waiver of Wall Requirement for O'Reilly's Mims Site Plan (20SP00017 and 20WV00010)

Commissioner Pritchett advised she would like to make one condition on this Item; and she motioned to approve subject to conditions of the site plan that the application is bringing in; however, any future development, redevelopment, or land alteration of the property that modifies or reduces natural vegetative buffer, will void the wall barrier.

Chair Lober advised there was a thumbs up from the applicant on Commissioner Pritchett's motion.

The Board granted a waiver of Section 62-3202(h)(10) which requires a 6-foot masonry or solid wall when commercial developments within a BU-1, BU-2, or Industrial Zoning are adjacent to Residential Zoning to maintain the natural vegetation, subject to the conditions of the Site Plan application 20SP00017, any future development, redevelopment, or land alteration of the subject property that modifies the Site Plan or reduces the natural vegetative buffer will void the wall barrier.

Result: APPROVED

Mover: Rita Pritchett

Second: Bryan Lober

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

I.1. Legislative Update - Resort Dwellings

Chair Lober advised there is one public comment card on this Item so he would like to go ahead with that first.

Patricia Fitzgerald stated she has lived in the same house in unincorporated Melbourne Beach for 22 years; after experiencing hardship with her divorce, she is in need of supplemental income to make ends meet; she is a full time working single mother with a full time student at home and one in graduate school; she has a mother-in-law suite at the back of her property and she would like to use that as an Airbnb business for short-term rentals; it is small and would only be for one or two people; and she is requesting the Board allow her to have this as soon as possible since it has been a struggle for her lately. She mentioned she pays all her bills on time; she is getting herself out of debt; she just refinanced and changed her homeowners to save money; this would really help her make ends meet; she understands according to the current zoning laws, her zone in unincorporated Melbourne beach is not permitted; on the February 11, Agenda Report it is listed as trying to be permitted in this and her zone is in that area; and she would just ask the Board to pass this so she can have the short term rental on her property. She stated she does not know how long this has been going on, she just got into it the last couple of months; she does not know if she is allowed to ask for a variance for this specific thing or an exception; and that is why she is before the Board now to make her plea.

Chair Lober advised the Board can get her set up with staff to discuss any sort of questions as far as exceptions to Policy or things of that nature.

Commissioner Tobia stated since this was his Agenda Item, this was brought up months ago and Commissioner Smith mentioned to wait until legislative session; he is not going to get into too much detail, because this is just permission to advertise; as it stands now, staff receives a call every day and these are not easily answerable questions; it is not a plug in an address and see if someone is eligible to do this or not; many times these phone calls result in valuable time, not only in that department, but also with the County Attorney's Office; and in the Agenda Report, it says it best, "Code language remains convoluted" so he is trying to fix it and this certainly would be a good start to help individuals such as the previous speaker. He mentioned this would not affect HOA's or any municipal regulations, they are always permitted to be more restrictive; as was discussed back in February, short-term rentals are an economic driver; and what he is asking is very simple, as such, based on the analysis, the proper way to move forward would be to adopt the State definition of a vacation rental in the Code as permitted use in the listed zoning categories. He further stated this is nothing radical, it is using the State definition; this would prevent any issues with preemption while ensuring the County maximizes the opportunities of the citizens; he can get into more detail but this is just permission to advertise; and he hopes he will get some support to continue to look at this.

Chair Lober stated he will treat that as a motion and he will second it; and he asked the County Attorney for confirmation that this does nothing to preclude COA's, HOA's, municipalities, and things of that nature to enact more stringent regulations.

Eden Bentley, County Attorney, stated that is correct.

Commissioner Tobia stated this is to direct staff to development Code amendment and issue legislative intent and permission to advertise consistent with the following: create a new use of the definition vacation rentals as recommended by the County Attorney's Office, include this as a permitted use which the County cannot add any conditions on per State Statute in listing zone categories, and amend existing zoning classifications to prevent any conflicts between short term rentals and vacation rentals.

The Board directed staff to develop Code Amendments and issue legislative intent and permission to advertise, consistent with the following:

- Create a new use of the definition of vacation rentals as recommended by the County Attorney's Office
- Include this as a permitted use which the Board cannot add conditions on per State Statute in listing zone categories, and
- Amend existing zoning classification to prevent any conflict between short-term rentals and vacation rentals.

Result: APPROVED

Mover: John Tobia

Second: Bryan Lober

Ayes: Lober, Tobia, Smith, and Isnardi

Nay: Pritchett

I.2. Advertising on Traffic Control Cabinets within Brevard County

Bruce O'Donoghue thanked the Board for meeting with him over the past few months discussing this; he stated there were some conversations with staff about two weeks ago; he thinks they have everything resolved; however, there is one issue he would like the Board to discuss, which is the length of the term of the contract. He advised in the Request for Proposal (RFP) it was listed as three years; they responded with the knowledge of that but they are asking for it to be extended to about seven years; the reason for that is with the cost involved on his end, to amortize that out over time is just much easier and doable for him if it was extended; there is a termination clause in there regardless, for convenience, so the County is covered; and the County would be getting the minimum amount, whatever is determined, over the course of several years and can therefore expect that revenue for several years. He further stated what he is really asking for is the length of the term to be extended to about seven years.

Commissioner Tobia thanked staff, not only for the first time around, but the second time around; he stated he knows the sacrifice Steve Darling, Central Services Director, went through to even make that meeting; he goes back to the RFP and it did not exclude District 2; and he inquired if Chair Lober is still interested in being excluded from this.

Chair Lober advised he still is interested in being excluded from this.

Commissioner Tobia noted he is going to ask for a little leeway from Chair Lober; to his understanding that is 15 boxes; when the RFP went out it was based on them receiving a total of 62 boxes; he imagines their argument would be the boxes in District 2 have greater visibility and in a better location for residents and tourists as well; he is not willing to make that concession but he certainly believes, based on the RFP, the parameters have changed; he would be supportive of doing that at a prorated basis; when taking out the boxes in District 2, which was not in the initial RFP, that drops the \$50,000 down to about \$37,900; and he would support either the \$37,900 minus Chair Lober's, or should he change his mind and allow those 15 boxes per the RFP, then the \$50,000. He commented he does not think it would be fair to charge the full freight and exclude 15 boxes.

Chair Lober stated that is understood.

Commissioner Pritchett stated her office received a call from Mr. O'Donoghue's office yesterday that they are fine with the \$50,000 after excluding District 2.

Mr. O'Donoghue advised that was not actually what he called to talk about.

Commissioner Pritchett stated her office received a call from Brian Miller.

Mr. O'Donoghue responded affirmatively.

Commissioner Pritchett went on to say they were good with that but wanted to change the term length to seven years.

Mr. O'Donoghue responded that was what he actually called about yesterday.

Commissioner Pritchett stated she is going to support the \$50,000; she is uncomfortable with the complete seven years just in case there is a problem; she would be willing to do three years, with two two-year additional years after getting through the three; she does not see that being a problem unless it is a total problem altogether; however, a seven year thing into

something brand new, the County has never done before, she is comfortable with the three and the two and the two, which gives the seven years; and that is what she is going to support.

Commissioner Smith stated he is not so sure he would support three, two, and two only because there is an escape clause in this contract; and he asked if that was correct.

Mr. O'Donoghue replied there is or would be; they have not determined the exact time frame for that; what was listed in the discussions, he believes, was 90 days and they are seeking 12 months on that just so they can make plans; there will be locations under contract; and they would have to make plans to terminate those leases with the buyers.

Commissioner Smith stated he is looking at the cost from the business perspective, the cost and risk they are taking; and if they feel seven years is the right number, he would not be opposed to that.

Mr. O'Donoghue stated there is a sizable investment in coming to Brevard County in terms of the infrastructure itself as well as other business costs; he reiterated there is that termination clause that will remain there for the County for protection; and that is why they are seeking a longer term.

Commissioner Smith inquired if this went to year four or five and the new Commissioners decided this was not something they wanted to continue, they have an out.

Mr. O'Donoghue responded affirmatively.

Commissioner Smith advised that is why he will not support the three, two, and two; and he understands where Commissioner Pritchett is coming from but he thinks the Board needs to protect the value of the business that is taking the risk.

Commissioner Pritchett stated they still would be allowed to continue the contract unless there was breach of contract somewhere; and she asked if that was correct with a two-year extension and another two-year extension they would have sole opportunity to renew it.

Mr. Darling stated not sole, it would be at the end of the initial term and the company would reach out to them, make sure the department and the contractor are both still agreeable to renewing, at the terms listed in the contract.

Commissioner Smith stated his point is for them to take the initial risk, they only feel comfortable if they get the seven years; he understands what Commissioner Pritchett is saying but the County has the out clause so that is really kind of the same thing she is asking for; and he asked Chair Lober why he wants to be exempt from this because it may cause him to not want to support this.

Chair Lober stated he may have discussed this at the prior meeting when this came up; he does not like the idea of competing with private industry that may have billboards or signage opportunities in adjacent properties with the government property; a bigger issues for him is that people are already distracted enough and he understands there is a law in place now that prohibits them from using their cell phones or electronic devices while they are driving, but he still sees people doing that as well as shaving on occasions; and he just does not want to add to distraction to them unless there is some profound benefit for either the public or the area. He mentioned he does not see the amounts of money being talked about as sufficient to overcome the concerns that he has; if it was \$3 million he may think it is more than enough to

offset a potential fender bender; he is vacillating between supporting it in the other Districts or shooting it down altogether; the people who live in his District go to all the other Districts; and he will probably be a team player by supporting it in the other Districts, but he really does not like the idea.

Commissioner Smith stated he appreciates Chair Lober's opinion; his perspective is it is a beautification effort and it makes the County look a little better; for him he does not pay attention to other things unless he is at a red light; and he asked if something could be placed in the contract so that if Chair Lober chooses not to run again and the next Commissioner decides that he or she would like to add these to that District, can that be done.

Chair Lober advised it could be renegotiated.

Eden Bentley, County attorney, stated the contract is not written, perhaps she can come up with some language along those lines.

Mr. O'Donoghue stated it was his understanding that the language would say something in the lines of, "we may have access to unless prohibited by staff" or something along those lines so they would not have to come back before the Board for a revote.

Frank Abbate, County Manager, stated he believes the terms of the contract would be it is a minimum of \$50,000 or 20 percent, whichever is greater; and if there are more boxes added then, obviously, there would be additional revenue at a future date.

Commissioner Isnardi advised the Board could make it simple and just include District 2; she does not want to step on Chair Lober's toes, but the Board does have that ability as well; she agrees with Commissioner Tobia, she does not think they should be paying for something they did not bid on; and as far as the investment goes, she thinks those boxes are really neat. She mentioned she has seen some of the public service announcements so there is not just the untapped revenue benefit, there is also the opportunity for messaging; and she thinks that is wonderful.

Mr. Abbate commented he just wants to ask Mr. Darling to confirm, when staff went back after the last Board meeting, and negotiated, the County specifically negotiated with the understanding that the \$50,000 was without District 2 participating.

Mr. Darling confirmed Mr. Abbate's statement.

Commissioner Tobia stated that may be true, but the motion did not contemplate; the motion made to staff to get \$50,000 did not have District 2 excluded from it.

Chair Lober advised whatever motion is put up today will address it.

Commissioner Tobia stated the problem is that Mr. Darling is doing his job too well.

Commissioner Pritchett stated this is new and she is not sure if she likes it for seven years yet; she would like to try it for three; she will not support a seven-year solid contract but she would do a three-year with extensions because she could really like it by then; as far as the \$50,000 or 20 percent she is guessing they are going to make more than that anyway so she is going to stick with the \$50,000; the Board had that full discussion of Chair Lober not wanting any; she would vote yes on \$50,000 or 20 percent of advertising sales, whichever is greater, and three-year with two two-year renewals; and that is what she would be comfortable with. She

reiterated she is not comfortable jumping into a seven-year right now when she is not real sure of the product.

Chair Lober advised he is onboard with Commissioner Pritchett.

Commissioner Tobia stated he was trying to split the middle but he heard Commissioner Smith and he is businessman so he appreciates that; he heard where Commissioner Isnardi was on the financial aspect; and he inquired where she is at on the terms of the contract.

Commissioner Isnardi stated she is okay with lengthening the term, maybe the compromise is the full \$50,000 and then lengthen the entire term of the contract, or somewhere in the middle like the \$37,000; she asked the company about District 2 opting in because maybe District 2 will opt in in a couple years; she thinks that could be figured in the contract; she had also asked what the potential income was, at 20 percent of sales, and the potential income could be \$100,000 a year for the County; and she thinks the more boxes the better for the County. She reiterated she is okay with lengthening the terms and maybe that will get someone else in a better place if the Board were to ask for the full amount; and she thinks more than three years is acceptable to expect someone to make that kind of investment because they have to supply their own power and everything.

Commissioner Tobia noted they would pay for their own power, they are using the County's power; he has been jotting down where the Board is at and it seems the compromises are somewhere between the \$38,000 and \$50,000, which could be \$44,000; it is hard to find a middle between three, two, and two and a seven altogether; he is guessing that would be five year and a two year; the compromises he has, he would support either one, minimum \$44,000 and five year with a two-year renewal or the full \$50,000 with a seven-year contract; and he reiterated he would vote for either one of them. He noted it sounds like Commissioner Lober would not vote for either one, nor would Commissioner Pritchett vote for either one; and he stated he is just trying to find three votes.

Chair Lober stated he is trying to understand, and he would like to think that Commissioner Tobia has some degree of pride for being fiscally conservative; with respect to compromise, he asked why the Board is compromising at all, if the County is bidding against itself then it should be called that; and he asked if the company was amenable to doing three years and \$50,000 excluding District 2, then why not just do that; and he inquired why the Board would be changing the terms to be more favorable after they have already been negotiated.

Commissioner Smith advised the company asked for seven years because of the expense and risk.

Chair Lober commented they are still amenable to three as he understands it.

Mr. Darling advised they were not amenable to three during negotiations and that is why staff is asking for Board direction specifically on the terms; and he noted everything else was agreed to.

Chair Lober advised he misunderstood.

Commissioner Pritchett mentioned with the compromise the Board was offering three years, then two one-year so the compromise is the Board doing three-year and two two-years which gets them to the seven years; therefore, she did do a compromise.

Chair Lober stated he is still good with that.

Commissioner Isnardi stated she is okay with either one of those proposals, the \$44,000 and five, two or the \$50,000 and seven years.

Commissioner Smith stated to go with the \$44,000 and the five two; he does not think the \$44,000 hurts the County because it is getting \$44,000 or 20 percent; he trusts that these guys are going to do a bang up job, people are going to be appreciative and rush to give them business, and he thinks they are going to do very well with this.

Commissioner Isnardi asked if that would be acceptable to the vendor.

Mr. O'Donoghue asked her to reiterate that.

Commissioner Isnardi advised it would be a five-year contract with a two-year renewal and \$44,000 per year.

Mr. O'Donoghue stated that would be fine.

Chair Lober added or the 20 percent, whichever is higher.

Mr. O'Donoghue stated that is correct.

Commissioner Isnardi stated it could be written in the terms somehow if the other District opts in with the additional boxes.

Chair Lober advised that could also be renegotiated at some point if it turns out to be some smashing success and they are pulling in millions of dollars.

Commissioner Pritchett advised the vendor would have taken the \$50,000 and a three-year and two two-year terms; and this Board just negotiated itself down to a different position.

Chair Lober agreed.

Commissioner Pritchett went on to say Chair Lober had a point, but either way the rest of the Board has the votes.

Commissioner Smith noted he likes to think the Board is in partnership with business people; the vendor is there to benefit themselves and to benefit the County; and the County is getting 20 percent, and it is going to be more than the \$50,000 anyway.

Chair Lober stated he hopes so.

Commissioner Isnardi advised the vendor just said they were not amenable to the \$50,000 with a three-year and two two-year terms, or three-years with two one-years; and she asked for clarification.

Mr. Darling stated they were not in negotiations agreeable to the three-year initial term with the two one-year renewals at \$50,000 minimum.

Commissioner Isnardi mentioned she just want that clarification.

Commissioner Tobia asked how many other respondents there were to the RFP.

Mr. Darling stated they were the only respondent.

Commissioner Tobia advised if they are not, then the County is really not negotiating.

Chair Lober stated he has his three votes. He mentioned just so there is no ambiguity down the road , when he says 5-2, the two is renewable upon consent of both parties.

Commissioner Tobia responded affirmatively.

Commissioner Isnardi inquired if Commissioner Tobia is excluding District 2.

Commissioner Tobia replied no, he did not mean to exclude D-2 that and said excluding the 15 boxes that are in District 2.

The Board granted approval for staff to enter into a five-year contract, with a two-year renewal upon consent by both parties, with On Street Media, Inc. for a minimum of \$44,000 or 20 percent, whichever is greater, of advertising sales, excluding the 15 boxes in District 2.

Result: APPROVED

Mover: John Tobia

Second: Kristine Isnardi

Ayes: Tobia, Smith, and Isnardi

Nay: Pritchett, and Lober

I.2. Advertising on Traffic Control Cabinets within Brevard County

Mr. Darling asked for clarification; and he advised the third bullet, under the requested Item, was to authorize the County Manager, or his designee, to sign all contract related documents.

The Board authorized the County Manager, or his designee, to execute all resulting contracts and contract related documents upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services.

Result: APPROVED

Mover: Rita Pritchett

Second: Bryan Lober

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

J.2 Request permission to retain outside counsel for contractor dispute and potential litigation relating to the construction of the Central Disposal Facility (CDF) Slurry Wall Landfill Phase VI Side Slope Closure...

Chair Lober stated he spoke with the County Attorney earlier and this was not incorporated into the actual Item; he provided Attorney Bentley a couple names, Brian Kirwin, with Kirwin Norris in Church Street in Orlando, 407-740-6600 and also Guy Haggard with Gray Robinson in Orlando, 407-843-8880; he may have a conflict, so he may be out; he asked Attorney Bentley if she would be amenable to having a little more authority than she asked for so should she choose to go with either the firm listed in the Agenda Item, Mr. Kirwin, or Mr. Haggard she should have the ability to do so; and he asked for a motion to approve and authorize Attorney Bentley to execute whatever documents that are necessary in retaining either the attorney identified in that firm, Kirwin Norris, or Gray Robinson at a rate not to exceed \$300 per hour.

The Board authorized Solid Waste Management Department to hire outside counsel to represent the County in resolving construction deficiencies and potential litigation regarding the contract with Thalle Construction Company, Inc. for the construction of the Central Disposal Facility (CDF) Slurry Wall Landfill Phase VI Side Slope Closure Project; and authorized you to execute the necessary documents in retaining an attorney identified in either Milne Law Group, Kirwin Norris, or Gray Robinson at a rate not to exceed \$300 per hour.

Result: APPROVED

Mover: Curt Smith

Second: Bryan Lober

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

J.3 Permission to Develop and Advertise an Invitation to Bid to Purchase Decontamination Machines for Brevard County Municipalities and Charter Offices

Chair Lober stated he does not know where the rest of the Board is at on this; he did not like this when he saw it but after speaking with staff he does like it; if people want to discuss it he would be happy to do so; otherwise, the Board can just take a motion and get it going.

The Board authorized Purchasing Services to develop and advertise an invitation to bid for decontamination machines; authorized a reduced bidding time period of seven days, in lieu of 21 days; and authorized the County Manager, or his designee, to issue the award notice(s) and purchase order(s) to the awarded vendor(s) that can provide the machines as requested.

Result: APPROVED

Mover: Curt Smith

Second: Rita Pritchett

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

L.5. John Tobia, Commissioner District 3

Commissioner Tobia stated this Board voted unanimously at the Budget Workshop to include the 2.38 Cost of Living Adjustment (COLA) in Fiscal Year 2021 budget; he took this to mean that this will be implemented at the start of the fiscal year and not withheld; he believes the rest of the Board did as well; and he has a simple motion to make it clear that the COLA is to be effective October 1, 2020.

Commissioner Pritchett stated she disagrees with that; when the Board made that motion the amount the County Manager had the two percent and he was going to come back to the Board and let it know if it was able to do it; that raise will be effective when the County Manager comes back and the Board is able to determine it has the funds to do it; and that will be the raise that will be implemented at that time. She noted there is a two percent held in his notes and the Board moved it up to 2.38 percent because the .38 percent was a \$750,000 increase in the budget, along with the two it is a \$2.1 million; and she thinks the Board is going to have to have that data come back at that time, when the funds settle down, probably about November or December.

Commissioner Tobia stated he does not think this is going to be unanimous, but the motion still stands.

Chair Lober advised he is with Commissioner Pritchett on this one.

The Board denied a 2.38 percent COLA for County Employees beginning the first pay period in Fiscal Year 2021.

Result: DENIED

Mover: John Tobia

Second: Kristine Isnardi

Ayes: Tobia, and Isnardi

Nay: Pritchett, Lober, and Smith

L.5. John Tobia, Commissioner District 3

Commissioner Tobia stated on a positive note, one of his employees, Katie, is turning 20 years old today; and he would like to say she will not be getting a 2.38 percent raise; and this would go out to the fake news of Florida TODAY, he commented he would like to thank them for their wonderful reporting today, that after 22-and-a-half weeks, the World of Beer will be opening in Viera; and he thanked them for using that as the byline, as it caught his attention.

L.6. Curt Smith, Commissioner District 4

Commissioner Smith stated as Brevard County's CFX representative he wanted to bring the Board up to date on where they are with that; there are 779 days of cash on hand; there is a reserve balance of \$172,195,601; cash construction on hand is \$421,140,135; this is a very healthy operation dollar-wise; they did some projections because the traffic in central Florida was way down when COVID-19 started; therefore, they had an auditor come in and give projections. He went on to say in August, the tolls were \$34 million for one month which represents 15 percent down from year over year; it was actually 50 percent higher than the projections that were received from the auditor in May; therefore, they did much better than that. He mentioned the unipass; if someone gets the unipass it is good in 18 states, which is basically the entire East Coast and going west over to Illinois; the unipass can be used at the Orlando airport; and if someone is parking it can be used for that as well; they are trying to make traveling in central Florida much easier; and for tolls, someone could go from here to Maine and basically not have to reach for cash. He continued by saying with permission from his fellow Commissioners, he would like to request that staff look into CARES funding for the zoo; they shut down in the most profitable portion of the year; their attendance is down about 50 percent; currently they are about \$400,000 short for the year; they expect over the next several months to be down an additional \$400,000; and he would like his fellow Commissioners to support him in asking staff to look for some CARES funding for them.

Commissioner Pritchett stated for that the Board should probably do a Workshop pretty soon to have some discussions on where staff is at because there is only a few months left to give that money out; since this Board has been on the Commission, it has given almost a 10 percent pay raise to employees; she is very much in favor of that; right now she does not know where the County is going to land; and she thinks people are going to be losing their jobs, their homes, and their ability to pay for food. She continued by saying if the County has money and it comes down to this settling down economically then she is for it; she thinks it is a real slap for government agencies to be giving pay raises right now, when the employees at least have jobs, and does not know where the rest of the community is going; she could very possibly be for it soon if it gets settled down; however she thinks it is something the Board has look at. She went on to say she is frustrated that the County has given any entity an increase right now; she does not know how but they had to do it with negotiations; she believes public safety is a priority; she reiterated she is in favor of giving people raises but she really needs to see where the County lands before she does that; and she had to say that because Commissioner Tobia threw out a pretty hard slam at the end. She reiterated she would love for people to get more

money but if everybody in the community starts losing houses and jobs, she does not think it is right for governments to give out pay raises right now.

Commissioner Tobia stated he is sorry he did not mean it as a slam, but the County has some smart employees and if they are watching this they just saw this Board talk about \$50,000 to put up stupid art in public places, like that is important, but it turns around and says its employees are not good enough for a raise.

Commissioner Pritchett advised it is \$2.1 million right now; the Board just has to look at the budget right now; and that is 2.38 percent and it has given 10 percent in raises over the last four years.

Commissioner Tobia stated but \$50,000 for art is disgusting and a slap in the face to every employee out here.

Chair Lober stated he will give everyone a chance but the cross talk is impossible for the clerks.

Commissioner Smith inquired where the Board is with his request for CARES funding for the zoo; and staff cannot do it unless they look into it.

Chair Lober stated he has no problem with staff looking into almost anything; he will second Commissioner Smith's request; but he noted it is going to be an uphill battle for him to actually approve it though. He mentioned his concern is the Board be very judicious in who the money is handed out to and how it is handed out; the Board essentially bent over backwards in extending the duration on the aquarium project with the Tourist Development Tax (TDT) funds; he likes the zoo and he would like for them to try to exhaust private resources before the County steps in; he is happy to have staff look at it; however it is going to be an uphill battle for him to support it at the end of the day.

Commissioner Smith commented that is why he is asking for staff to look at it because when they come back with whatever their thoughts are, then the Board can discuss it.

Chair Lober advised he just does not want anyone to be misled that he is either going to, or not going to, support something where he already has a pretty firm idea on where he would like to be.

Commissioner Smith stated he thinks at this point it is up in the air; the Board will make those decisions after it gets staffs report.

Chair Lober asked Mr. Abbate if he wants a motion on that.

Frank Abbate, County Manager, mentioned he would need a motion; he noted what he is understanding is staff would approach the zoo and ask them to show what they believe their revenue losses or expenses related to COVID-19 is, because those are the conditions that would be necessary; and staff would have that vetted through Tetra Tech and give the information back to the Board to make whatever decision it wants at that point, whether it is a Workshop or whatever, it can be scheduled at a later date.

Commissioner Tobia stated to be very clear, in no way will he support giving money to llamas, pigs, deer, and cats when the Board is not even giving it to its own employees; out of respect for the Commissioner that put that forward, if it is the will of the Board, it does need that due diligence; and no matter what comes back from TetraTech he will not support it, but he will

support the motion for the zoo receiving that due diligence.

Chair Lober stated he would point out if the Board were able to give staff .38 increase out of CARES, he does not know that Commissioner Tobia would have nearly as much opposition from the Board, but that is a different pot of money; and he asked Commissioner Smith if he had anything further.

The Board directed staff to look into CARES Act Funding for the Brevard Zoo.

Result: APPROVED

Mover: Curt Smith

Second: Bryan Lober

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

L.6. Curt Smith, Commissioner District 4

Mr. Abbate stated the other issue that has come up, he has heard other Commissioners talk about it as well, is a CARES Workshop; if the Board wants that, it needs to provide an idea of that so he can try to arrange it according to the Board's schedule; and when the Board would like to see that.

Commissioner Pritchett asked when the last day is to have all the CARES funds given out by.

Mr. Abbate advised under the latest direction, they have to be encumbered by the end of December.

Commissioner Pritchett stated she thinks mid-November would be a good time.

Chair Lober commented if the County Manager wants to get with the different Commission offices and see what works for them, he will make his schedule work unless it is something he is absolutely incapable of moving; and he will work around the other's schedules.

Mr. Abbate stated staff will do that.

Commissioner Smith stated the Board will notice he is wearing his pink shirt; it is that time of year again because real men wear pink; again, this year he will be asking people to support American Cancer Society and their research into breast cancer; and he hopes his fellow Commissioners will support him again this year like they did last year. He added because he is the chair of Real Men Wear Pink in Brevard County he sits on the Central Florida American Cancer Society board and at the last meeting, he was advised that COVID-19 has had a disastrous effect on donations; it is down \$200 million in their donations from last year; some other interesting things is they recommend cervical cancer screening to begin at age 25, HPV vaccines begin at age nine, and the most interesting thing he got out of that meeting was that the research, funded by Real Men Wear Pink and the American Cancer Society, indicated that the bacteria in a persons body can alter their immune system so that it is unable to fight pancreatic cancer; and he thinks it will be interesting to see where that goes over time because that would be huge if someone can come up with some way to prevent or reduce pancreatic cancer from developing in people. He went on to say everybody knows by the time someone has symptoms it is probably too late. He further stated moving on to the Indian River Lagoon (IRL), after a winter and spring of great to excellent water clarity, the water clarity is really bad, there is a lot of algae in the river; the good news is it is nontoxic, so it is not harmful to people or fish, in the current amount; the problem with algae is that over time if it continues to grow it

consumes an awful lot of the oxygen that then leads to the fish kills; keep those fingers crossed that this goes into a period of drought because more rain makes it worse as it washes the pollutants in the IRL; and because there have not been any real failures in the sewer systems, the pollution is obviously coming from the people, the grass clippings, the nutrients people put in their yards by the way of fertilizers, and all that stuff; and he asked that people be aware when they wash their cars, fertilize their lawns, and etcetera because it winds up in the Lagoon. He went on to say there has been talk about the stuff on the sides of the road and cleaning it up, eventually that winds up in the IRL by the way of stormwater. He mentioned the last thing he has is dedication Saturday and he has a slide for that; about two and a half years ago Colonel Tim Thomas came to him and asked about naming a road after Major General John Cleland; on September 26, there is going to be a dedication and naming the Pineda flyover in honor of Major General John Cleland; he is quite a guy and meant a lot to the country and to Brevard County; his family will be there, Don Walker will be there, Rob Medina will be giving the invocation, Sara Donovan will be doing the National Anthem, Lieutenant Colonel Thomas will be speaking along with congressman Bill Posey, the eldest son of John Cleland, and himself; it should be an interesting day; and he extended an invitation to all the Board Members and any public if they wish to come.

L.7. Kristine Isnardi, Commissioner District 5

Commissioner Isnardi stated she is just stunned and flabbergasted that this Board just basically took away all pay increases, even the two percent the Board had set aside in Reserves; there was \$2 million set aside in the budget to be able to give employees a raise; she can go back and look at the data; and she inquired how many years did County employees not get any raises at all. She mentioned what the Board has been trying to do is to make that right; if she thought this \$2 million was going to somehow take away services from the residents, all this does, and the County complains it cannot get quality employees and then look to the sister municipalities and look at what they pay some of their professional employees; look at their growth and what they pay their engineers, and public safety; she does not think anyone on the Board does not believe for a second that it needs to do right by them; but that is a separate issue, they have a contract that the County needs to negotiate; and most of the Board will be sure that public safety is well taken care of because the County cannot afford to keep losing good employees to other municipalities. She continued by saying COVID-19 aside, CARES funding is there to help the people who are unemployed, it is there to help pay their bills, their rent, and put food on their tables; giving employees a 2.38 percent raise, which this Board did agree to, is not going to take away from the residents, it is going to help morale, it is going to help keep people with the County, and it is going to help them feed their families as well because they went many years without any increases; she knows plenty of people who worked for the County long before she sat in that seat; and some of these people have spouses that are laid off of work as well, so they count on this income. She reiterated she is just stunned and she hopes this Board can do better.

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

Chair Lober stated his understanding is the County Manager, in consultation with Jill Hayes, Budget Office Director, and others will look to see when it is safe to implement that, it is not that the Board is not giving it to the employees, it is going to be something where the Board is going to have to have a degree of confidence that it is able to be implemented; and he asked the County Manager if that was his understanding.

Frank Abbate, County Manager, stated he thinks he discussed this at the last Board meeting; his position has not changed since the last Board meeting; he thinks what he said then was accurate; it is also true that in the budget message that was submitted, staff did not recommend at that time, which was back in April or May, to give the increases in October; of course the ultimate decision would be the Boards decision, just like it is going to be whenever

staff comes back; and in light of the Board's discussion, staff will obviously wait and look at a time frame after October 1, most likely after the first quarter, unless the Board gives a different direction. He noted he and Ms. Hayes could answer any questions relating to the funding and its availability.

Chair Lober stated he would like them to get the funds but he does not want to put the County in a position where it now has a problem because it was premature in giving those funds out; he asked the County Manager if the Board could award those now, if staff would be confident the County would be in a good position, or if he has any concerns.

Mr. Abbate stated he cannot predict what is happening; what he can say is the revenue collection that the County has on sales tax, which is one of the primary areas staff was most concerned about, was higher than what was initially estimated; in light of that, if the Board decided it wanted to give the increases, staff thinks it could be done; however, he cannot say with absolute certainty that the County would not have an issue later on. He explained he cannot predict what is going to happen in October, November, and December in terms of sales tax collection; and if it stays at the rate it is now, and nothing changes, the County should be okay.

Chair Lober stated he is just curious about likelihood, anyone could be eaten by an alligator or struck by lightning; and he asked if the Board were to implement this sooner, would it cause Mr. Abbate to be up at night being concerned about the County's financial position.

Mr. Abbate stated no.

Chair Lober passed the gavel to Commissioner Pritchett.

Chair Lober made a motion to reconsider the earlier vote.

Commissioner Pritchett stated what she was thinking was everyone is going to get through the COVID-19 soon and the stimulus going out for all these CARES acts is about to be going away, she is not sure where everything is going to land; she thinks in November a lot of this is going to go away; if she could see it settle down, she would not even mind retro-ing it back to October 1, after the Board sees what happens; and she advised Commissioner Tobia that she is not necessarily against removing the \$50,000 from that other entity. She went on to say she just does not know, strategically, where the County is about to hit as a nation and specifically, as a community; if the County gets a drastic cut in income, typically the government gets hit a year later; then the County would have to start getting rid of employees; she needs someone to figure out how to balance that; staff has not provided her an answer to that, they were still looking at all that to see how they thought they would land; and as the County moves into this budget, she still has great concern of being able to maintain things strategically over the next few years because she thinks the County is going to get hit; and she does not want people to lose their jobs.

Mr. Abbate stated that is a different question than what Chair Lober was asking, which is strategically what is going to happen next year; he cannot speak to that issue; there are significant issues next year in the Sheriff's budget, there is going to be significant issues relative to fire assessment and what happens in fire negotiations; he does not know what is going to be needed in the future; and he is not going to have the answer to that question in November or December either. He noted that is something that is going to happen next year and he will have to play that as it comes because it is a different issue.

Chair Lober stated his motion still stands to reconsider the earlier vote on this motion.

Commissioner Isnardi seconded.

Commissioner Tobia stated he would like to apologize for his behavior, there is nothing that gets to him; he thinks he has been mad at Mr. Abbate once and that was when he announced a potential raise to employees before he got there; it turns out he was absolutely wrong on that one and he was 100 percent correct; he is so thrilled with 99.9 percent of the staff's hard work here; he wants to put this in perspective because he thought this would go a completely different way; he misunderstood and apparently so did Dave Berman of Florida TODAY, based on his report. He went on to say he would like to get this unanimous, so he would like to put it in perspective because these are numbers that may have been overlooked; and he does not want anyone to take his word for it, so he is going to punt this over to the Budget Office Director, Jill Hayes. He asked for clarification that this would have no impact on the millage rates discussed and its impact on the General Fund would be approximately \$78,000; and he asked if that .38 is about that number.

Ms. Hayes stated yes that was to implement the additional 0.38 percent.

Commissioner Tobia stated the County has the two percent held back.

Ms. Hayes responded affirmatively.

Commissioner Tobia continued by saying the \$78,000 would be new money that would be assessed out of the General Fund; and he asked if in Reserves to the General Fund, the County is in the \$10 million range.

Ms. Hayes stated to give her a moment and she will look at what is in the General Fund and Reserves, she wants to say it is around \$22 million.

Commissioner Tobia stated he is way off; in other words there is a reserve pod of \$22 million and an expense of \$78,000; that is way less than one percent, probably a tenth of one percent if not smaller; and he reiterated he would like to get a unanimous vote on this one because he thinks this is really important for the moral of the County employees that are going through these tumultuous times.

Commissioner Pritchett stated she did not bring the data she had because she did not know this was being discussed today; the overall tax increases was \$370,000 over the .38 percent, which if the Board is able to give them that, she is good and that is why she agreed to add it to the other \$2 million; she still has great concern of where this is going to land, she just cannot help it; she does not know if the budget is going to be there in four or five months; and then the County would have to get rid of people because once the County gives raises it cannot take them back. She went on to say Commissioner Tobia would have a unanimous vote if she had time to look at it and gave it retroactive if it was there; she would have been fine with that; her concern is a few months in to this, and she thinks it is going away in November; she is really interested to see where the economy is going to land; the President now is convinced it is going to be fine, she does not know if she is there right now from looking at things in the past; and she has a very strong concern as to where the County is going land. She mentioned the housing crisis was painful; she would feel better if the Board would hold off a few months and if it wanted to do retro, she would be fine with that; just doing this without knowing right now, she does not have any sense of security knowing where it is going to be; and she asked Ms. Hayes if it was \$370,000.

Ms. Hayes stated that was the total impact of the additional 0.38 percent to all County Departments.

Commissioner Pritchett interjected so the whole tax items.

Mr. Abbate advised he believes the total to do the 2.38 would be somewhere in the area of \$2.3 million.

Commissioner Pritchett reiterated if the County has it there, then she is in for the other .38 percent, but holding it gives her a little comfort; that is where she is at; she does not mind giving it later if it is there, but she really has great concern about the future; and she really does not want to lay people off.

Commissioner Tobia stated the \$2 million was baked into the current budget; the County is above projections when it comes to Ms. Hayes error in predicting the economic future; thankfully she was much more conservative; of the \$300,000, that is broken up into MSTU's, and Commissioner Pritchett mentioned tax increase, but it does not require a tax increase; and the Board voted for something that was not a tax increase.

Commissioner Pritchett stated it is still paying for it from somewhere, eventually it is coming from someone.

Commissioner Tobia stated he gets it; and what he is talking about from the General Fund is \$78,000; and he does not want to put this in perspective, but the Board handed over \$500,000 of that same pot of money to the Clerk of Court.

Commissioner Pritchett stated the County is going to get that back from CARES funds.

Commissioner Tobia advised the Board did not know that; he does not know that; and the Board did not know that when it made that vote.

Commissioner Pritchett reiterated she just has that concern; she stated they just got rid of the unemployment benefits going out; they are starting some businesses back up; all that cash flow that irresponsibly just started flowing into all areas of the country, that stops; and she is just telling everyone, it is about to get a drastic halt and she does not know where it is going to land. She noted if it is there, she is for giving the full 2.38 percent retro, she just has great concern about doing it in the budget right now, until staff sees where it is going to hit.

Mr. Abbate stated he was trying to look at the meetings the Board has left because what he is hearing Commissioner Pritchett say is if they waited until the end of November...

Commissioner Smith stated coming from the business world, he has always considered and he thinks he has always said it there over the years he has been on the Board, he values his employees, the County's employees, they are the best and biggest asset; if the employees are not happy then everything is down hill; morale is extremely important in keeping them happy; when the Board voted last time, he voted for 2.38 percent, he did not know exactly what that was, but he is being told it was not as much as the other Board Members thought it was; and what he understood from the conversation was the County could take a 2.38 hit. He mentioned he is not sure where the Board is at with this; he is sympathetic to what Commissioner Pritchett is saying because, going forward, the Board does not know; remember before COVID-19 hit, but the County knew it was coming back in March, it talked about spending money for the IRL;

he cautioned the Board at that time not to spend money it does not have; and two or three days later this thing was official and now everyone knows revenues are down, etcetera. He further stated it is a tough position for the County to be in because if the Board created the impression for the employees that they were getting this much of a raise and they end up with not that much of a raise, there becomes a morale problem; going down the road is a big morale problem if the County has to lay people off; and the fact is no one has a crystal ball, so at this point he would suggest the Board Members let their conscience be their guide.

Commissioner Isnardi added if the County did not have \$22 million in Reserves then \$78,000 would look a little more scary to her; it is a drop in the bucket, looking at the budget, even what has not been mandated; she does not want to say people would leave if they do not get the raise, but the County is doing salary studies because of how grossly underpaid the employees are in the professions that they do; the County loses great people to municipalities all the time, she sees it, hears it, and takes care of those patients all the time, ask any Director; and to her this is an easy one because the employees went eight or 10 years without any increases at all, not even Consumer Price Index (CPI). She mentioned if the County cannot find \$78,000 in order to take care of County employees, then this County has bigger problems; Mr. Abbate already said it could be absorbed in the budget; and she asked if Mr. Abbate anticipates laying anyone off in the next six months, considering that sales tax revenues are up.

Mr. Abbate responded no he does not.

Chair Lober stated he is not making this point to suggest that he is switching positions because he is not, but the \$500,000 to the Clerk's Office, which he did not vote for, half was going towards people whose salary was cut 100 percent to zero that were furloughed; the remaining had their salary cut 20 percent, so there is a huge difference in his mind between government employees that are making nothing due to no fault of their own or cut 20 percent, versus people who have not received a raise in a while; if someone is making zero money then they are need feeding anything; he is on the board of the Florida Association of Counties representing Brevard and Volusia County; there was a budget that came up that included bonuses, and he opposed it because he does not like bonuses in the government sector; and if the County was going to do bonuses, it is not really the image he wants the public to have when they are hurting. He continued by saying District 2 has the lowest Comp and benefits cost out of all of the District Offices with the fewest full-time employees maintained by any Commission Office, and it is their second year in a row; he understands the need to run a lean ship but he also understands the need to pay people well; the reason he has the fewest full-time employees is that so the ones he has can be paid reasonably well; it is his understanding that his employees are probably the highest, or close to the highest, compensated out of anyone in any of the Commission Offices because he has the fewest of them, which enables him to do that while still running at a lower cost than the others; and he is not saying the others are doing it wrong but he does agree with Commissioner Smith in his assessment that people need to be treated right in order to have the morale and people wanting to come back to work. He mentioned he also agrees with Commissioner Isnardi when she says she does not want to lose people to other municipalities or other local governments; at this point, shy of something profound coming out, he is not going to switch positions and it does not sound like anyone on the Board is going to switch their position; and he asked Commissioner Pritchett to Call the Question.

Commissioner Pritchett asked if she could have a revisit of the motion.

Chair Lober explained this is just a motion that would reopen the conversation back up and then he or someone else could make a motion to do whatever they want.

The Board approved reconsideration of the previous motion directing the County Manager not to implement the 2.38 percent Cost of Living Adjustment (COLA) for County employees.

Result: APPROVED

Mover: Bryan Lober

Second: Kristine Isnardi

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

Bryan Lober, Commissioner District 2, Chair

Chair Lober stated he would move to implement the 2.38 percent COLA; and he asked Mr. Abbate when the next pay period begins.

Mr. Abbate advised he does not have that date.

Commissioner Pritchett asked if he Chair Lober means the beginning of the budget year.

Mr. Abbate inquired if he wants it to start the first pay period in the Fiscal Year.

Chair Lober responded affirmatively.

Commissioner Pritchett asked if Chair Lober would add to his motion, "instead of holding onto it for a few months"; she explained she just does not want the word getting out that she is against employees having a pay increase; she gets what the rest of the Board is doing, but the Board Members know her enough.

Chair Lober noted he understands where she is coming from.

Commissioner Pritchett mentioned she is going to have a hard time voting to do this right now, but it is not because she does not want people having increases, she just has a hard time doing it this quickly; if the rest of the Board votes it through she is not going to be mad, but she is going to have to vote no on it; therefore she would rather the motion be phrased in the least painful way right now.

Chair Lober noted he understands; and he stated if someone criticizes Commissioner Pritchett on this vote to him he would certainly be defensive.

Commissioner Pritchett advised this is hard to do it; she asked if Chair Lober's motion is to go ahead and distribute the 2.38 percent October 1 and not hold on to it as was directed earlier, to be brought back by the County Manager.

Commissioner Isnardi mentioned it was going to be held and there was no guarantee that it may be implemented later, so she thinks Commissioner Pritchett is just making the motion weird.

Commissioner Pritchett stated what the Board had approved before was that Mr. Abbate was going to bring it back to the Board in a few months.

Commissioner Isnardi commented there is no decision that is being made on it; Commissioner Pritchett is saying that it is going to come to the Board in a few months; and she asked who is to predict what would have happened.

Commissioner Pritchett explained the Board agreed to the increases, but the discussion would happen later, instead the Board is going to move it up to October 1; and she inquired if that is correct.

Chair Lober agreed.

Commissioner Pritchett added so the Board is changing the timing on it to be now instead of later.

Chair Lober advised if the County gets walloped, and this is separate from the motion, to the point where the Board has to reverse this, then it may have to; he hopes that does not happen and he does not think it will happen; but he would rather help people out now.

Commissioner Pritchett stated yes, that is worse to do.

Chair Lober went on to say he understands it is not going to make people happy, but he would like to do what the Board can now, even if it runs the risk of having to undo it for some period of time down the road.

The Board approved a COLA of 2.38 percent for County Employees to begin the first pay period in Fiscal Year 2021.

Result: APPROVED

Mover: Bryan Lober

Second: Kristine Isnardi

Ayes: Lober, Tobia, Smith, and Isnardi

Nay: Pritchett

Adjourn

Upon consensus of the Board, the meeting adjourned at 12:29 p.m.

ATTEST:

SCOTT ELLIS, CLERK

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