

April 7, 2020

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, April 7, 2020

5:00 PM

Regular

Commission Chambers

A. CALL TO ORDER 5:00 PM

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

B. MOMENT OF SILENCE

Chair Lober called for a moment of silence.

C. PLEDGE OF ALLEGIANCE

Commissioner Isnardi led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL

The Board approved the February 6, 2020, regular meeting minutes.

Result: Approved

Mover: Rita Pritchett

Second: John Tobia

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

COVID-19 Update

Maria Stahl, Department of Health (DOH) Executive Director, stated the Board has seen the dashboard that was released earlier today; Brevard County currently has 95 cases, 28 in the hospital, six on ventilators, and unfortunately there were two deaths reported; one last night and one earlier this morning; and that is unfortunate. She continued by saying where they are with their testing is DOH's numbers collected at the Health Department are very low; they have to keep it to the symptomatic testing because that is Center for Disease Control and Prevention (CDC) and DOH guidelines; the three priorities are those that have symptoms and they were requiring a doctor's note because the priority was really the elderly population, but since they are not filling their slots, they have opened it to say anyone with symptoms and they are not requiring the doctor's note; therefore, if someone has symptoms they can come in and be tested. She added, it is the same process, call the number 321-454-7141 where they do the screening and the registration so they can just drive through; there is plenty of availability at this time; out of 100 slots there are about 28 slots being used; they are opening that up starting tomorrow; and that is really all the updates she has, unless the Board has questions.

Chair Lober stated obviously the Viera clinic is doing testing, and he asked about the other clinics.

Ms. Stahl stated what they have done is, they will do them at the other clinics; they have the capacity to do them at the Titusville and the Melbourne clinics; what they do not have in those clinics though is a good drive-thru; the Viera clinic has a very good drive-thru; as people are calling they are being asked if they are okay to go to the Viera clinic; and at this point everyone has been. She reiterated there is capacity at the other clinics so that is not a problem; they have test kits at the other two sites; they have the Personal Protective Equipment (PPE) at the other two sites; and they definitely would use them if they needed to.

Commissioner Tobia stated he does not want to say a disturbing email, but an email was received from the Emergency Operations Center (EOC) and it dealt with 1,000 collection kits that were sent to Broward County instead of Brevard County; he asked if Ms. Stahl wanted to speak to that; and he mentioned it sounds like the testing kits are under control right now, but as things unfold, he asked Ms. Stahl what has been put in place to make sure that does not happen in the future.

Ms. Stahl advised she does not know if it was 1,000 kits because she was never notified of how many kits; there were kits slated to come to Brevard at the end of last week which actually had a Broward County, Palm Beach address on it; she called both Broward and Palm Beach Counties and neither one claims to have received them; if they did or did not she does not know; however, she contacted Tallahassee and they did send them new kits that were received today. She mentioned it was not 1,000 kits, they received 300; there was another set of 1,000 kits that were received in Emergency Management yesterday; however, they are on hold for using those kits because the medium in there has not been officially approved by the Federal Drug Administration (FDA); and she is hopeful it will be approved and they will be able to use those. She mentioned she does not know if it was 1,000 that went down to Broward County and Palm Beach because they did not tell her, but they did replace it with 300.

Commissioner Tobia noted he is referencing the email and it says the collection kits being sent to Brevard last week were accidentally sent to Broward County by Florida Department of Health (FDOH) in Tallahassee; therefore, they contacted Federal Department for Emergency Management (FDEM) and 1,000 kits are being sent to Brevard now.

Ms. Stahl responded Kim Prosser, Emergency Management Director, received 1,000 kits yesterday; she thinks Ms. Prosser received confirmation today that she is getting another 2,000; and she also received another 300, after that 300, but that 300 also has the medium that is on hold. She commented hopefully it will get approved and they will be able to use those, but that is where she they are at with all of that.

Chair Lober pointed out essentially what he was told by Ms. Prosser a few minutes ago, is that they are aware of at least 2,200 tests having been administered with 530 results still pending; that includes some or all of the Medfast, Health First, Steward's in Rockledge, Melbourne Regional, Parrish, and Omni as of Sunday, testing in addition to Brevard Health Alliance; there were another 400 that he was made aware of today; and the Board knows of 2,600 tests being run in Brevard County. He stated, if assuming the 400 are not ready, a safe assumption if they run today, regardless of where they were sent, there are about 930 that Brevard is waiting on results for; it may be a little better if there is a private practice running them but they will not be reflected in that; and that is about 2,600 run in the County thus far.

Ms. Stahl noted the average positivity rate is about 10 percent of cases; the turnaround time at both the State lab and the private labs have gotten better; the State lab is having about a 24-hour turnaround and private labs are taking four days; and it was up to 10 days so that is a much better turnaround.

Chair Lober stated he does not have the stats in front of him at the moment but he knows they were discussed earlier today during the Face Book Live that Ms. Stahl participated in, but Health First, as of yesterday, their positivity rate was just a touch under 5.6 percent and that was out of a good number of kits; and he does not know whether it is the geographical location that has a lower result or what that might be attributable to, but it is interesting if nothing else.

Commissioner Smith stated something just came over his wife's phone that two Titusville

firefighters have tested positive; and he asked if anyone knows anything about that.

Ms. Stahl responded, yes.

Chair Lober noted he heard three.

Ms. Stahl advised it was two; and she stated that their Epidemiology Department is aware of it, have done the contact tracing, and are dealing with it.

Commissioner Smith thanked her for the information.

John Dittmore stated he wanted to discuss the efforts in the City of West Melbourne and how those numbers and efforts are impacting their preliminary numbers; the results, currently from the DOH, indicate that they are having some positive impact and they believe this is due to the message they have given to the public; when he spoke earlier last week, he mentioned that they had been working with their grocery retailers to promote a proactive program of social distancing during opening hours; since he has spoken with several of the stores, now he has implemented a nationwide Policy to limit store capacity; he recommends that the Board adopt the policy that Walmart has in place; that policy is five persons per 1,000 square foot; and this could have an enormous affect over social transmission of Covid-19 in the retail grocery locations. He added basically five are allowed to go in per 1,000 square feet and it is one out, one in afterwards; he thinks it is a great policy and that it would get them through this time period; he noted the most recent report from the DOH is that his City has two confirmed cases of Covid-19 and the neighboring City of Melbourne has 30; they both have areas of their respected reported zip codes that are in the unincorporated County; and the areas in the report are not necessarily in the City limits of each, however, Melbourne is four times his city in the size and population, but is 15 times higher in known cases. He continued by saying Melbourne is also out pacing the City of Palm Bay almost two to one as Palm Bay is at 17, and Palm Bay is larger graphically as well as in population; the difference he believes is in the messaging; his message to the public as well as Palm Bay's is to stay at home, although exercise and fishing are exemplified in the essential activities by the Governor's Order, nothing in the Governor's Order spells out activity be done at a public beach or on a private boat; the messaging he is seeing from locations with higher than average numbers is going to the beach, going boating, and going golfing, etcetera, and business as usual; and he as well as others are continuing to take and heed advice from the White House, the CDC, and the National Institute of Health. He stated the current recommendations from the National Institute of Health are to stay at home for the next two weeks and if at all possible not to travel to grocery stores or pharmacies; this recommendation came within the last 48 hours; he is passing on to his citizens the recommendations by the subject matter experts; this messaging can be attributed to their lower numbers of confirmed cases; and the President and Vice President stand by these experts and he would suggest that unless someone has a subject matter expert that is willing to give an alternative solution to the pandemic, that the Board stand with the President and his staff and support their approach to flatten the curve and reduce the Covid-19 exposure. He asked that the Board also consider recommendations of the local subject matter experts, Ms. Stahl and the members of the healthcare industry, which have reached out to the Board if he understands correctly; their recommendation is to close the public beaches; he mentions public beaches as a current legal matter involving private beaches is in Federal court at this time up in Fort Walton Beach; he mentioned currently with the beach parking closed there are vehicles parking along side the road on South A1A, he has received reports of this, creating a substantial risk to those entering or exiting roadside parking for public beach access; and basically when the public beach access was closed, all people are doing is parking along side the roads creating a hazard, which kind of defeats the purpose. He went on to say Commissioner Lober brought up

earlier today that a Covid-19 patient who died within the last 24 hours did not appear as a positive case until April 3 and had been at the hospital for 10 days before her results had come back; this is a problem, people do not know how many others are hospitalized and are waiting until their test result comes back; the people need a number of presumptive cases in the hospitals that are awaiting a test so it can be determined in real time how many cases are really out there; and his last point is the potential exposure to first responders. He mentioned he has been receiving that multiple first responders in the County had been tested positive for Covid-19 and others are awaiting test results; he wrote this before the news came out about these two; he has provided the Board two documents that are Face Book media pages, one from the Palm Beach Sheriff's Office and the other from the Broward County Sheriff's Office; both departments have sworn deputies that have lost one deputy to Covid-19 in the last week; and the picture on the screen is an actual posting from the Palm Beach Sheriff's Office of a deputy they had lost at the hospital located in West Palm Beach. He continued on by saying this next slide is the second gentleman who lost his life and he is from the Broward County Sheriff's Office, Shannon Bennett; they currently have 22 deputies that have tested positive for Covid-19; with these two deputies, one had a pre-existing condition and one did not; and both have passed away from Covid-19.

Chair Lober stated this deputy looks to be in his 30's.

Mr. Dittmore responded affirmatively. He went on to say he must ask the Board to do everything it can to protect those who cannot stay at home and must go into harms way on a daily basis; this would include reducing the unnecessary risk to exposure of the disease; public areas such as: boat ramps, beaches, or other parks currently require enforcement of the Governor's Order under Section 252, Florida Statute; the language of the Statute provides a law enforcement shall enforce applicable orders; this requires them to engage more with the public, therefore, exposing themselves to increased risk of infection; and he asked the Board to please consider the risks to them when deciding what is absolutely necessary for the public good. He stated the photographs he provided are grim reminders of the prices being paid not just here in Florida, but across the nation.

Chair Lober inquired with respect to limiting whether it is five per 1,000 square foot or otherwise, the number of individuals concentrated in a given area, does he know how they stage folks outside because his concern is if the Board were to do something like that, and he is open to looking at doing this, if there was a good answer to this, if they are being stacked outside together so they can disburse inside, it seems almost counterproductive; and he asked how the stores are handling that, at least to his knowledge.

Mr. Dittmore advised the way they are handling it is they are stacking outside with a cart in between each customer, basically they are stacked in a single-file and have a cart in front of them and there are employees out there making sure they are stacked properly.

Chair Lober asked if the average cart is about four to four and one-half feet.

Mr. Dittmore replied, probably; and he explained the carts are not bumper to bumper so they are far enough away to get that six feet.

Chair Lober commented he does not know what his colleagues think about that, but he would be open to it if someone wanted to make a motion at any point during the meeting to restrict it, whether it is five as the correct number or some other number, higher or otherwise, he would be open to considering that; the beach situation, it depends on what the Commission wants to do; and he mentioned he appreciates Mr. Dittmore for appearing.

E.1. Resolution Recognizing April 2020 as Child Abuse Prevention Month

Commissioner Tobia read aloud, and the Board adopted Resolution No. 20-028, recognizing April 2020 as Child Abuse Prevention Month.

Phebe Wahlen, Regional Executive Director of Children's Home Society, expressed her appreciation for the Resolution. She stated as people social distance for lower risk for the health of this nation, families already struggling with isolation, with mental health disorders, and those with so much more are finding themselves hit with unemployment, mounting anxiety, overwhelming stress, and the reality of having their children home everyday; the public health crisis everyone is battling is hard enough for those with a strong support system; families already teetering on the brink of crisis, social isolation and the fear of uncertainty is a dangerous combination that could put people over the edge and delve children into chaos; and it is sadly ironic that social isolation is escalating just as the nation commemorates the Child Abuse Prevention month. She continued by saying it is time for people to reflect on their responsibilities to local children and be alert to the dangers that may be hidden behind closed doors; with schools and daycares closed, fewer eyes are on the children; that responsibility is more important now than ever before; and the more significant threat to the children is what the Children's Home Society of Florida and the members of the Child Abuse Prevention task force, like Brevard Cares fight for everyday, that is neglect. She went on to say 75 percent of children in foster care have been removed from their families because of neglect, which are often very fixable family issues if they can intervene early enough, if they can get the right services and strategies in place, both of which are threatened right now; loss of income, loss of access to resources, and stigma still too often associated with seeking support and lead to very preventable issues that cause thousands of children to enter foster care every year for inadequate housing or food, untreatable health challenges, and inadequate parental supervision for instance; and even though people are socially distanced, help is still available; and she noted if families are overwhelmed with pressure and stress brought about by Covid-19, to please reach out to Brevard Cares, Children's Home Society in Florida, and other members of agencies in the community can do online counseling, online parenting support, local resources for food and rent assistance, and much more. She mentioned if people see a neighbor who is overwhelmed, let them know they are not alone; hope and health are just a phone call or click away; if someone sees a child who may be in danger, please do not hesitate to report the concern; now more than ever, people must come together, and not just for the neighbors but for the safety and well being of the most vulnerable children. She advised through the month of April they will be planting the pinwheels throughout the community to show the happy, healthy children are the foundation of what the children deserve, because of social distancing and the stay in place order, they are asking their members to post pinwheels or pictures of themselves with pinwheels in recognition of Child Abuse Prevention Month.

Result: Adopted

Mover: Rita Pritchett

Secunder: Bryan Lober

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

E.2. Recognizing April 2020 as Aging Matters in Brevard Volunteer Appreciation Month

Chair Lober read aloud, and the Board adopted resolution No. 20-029, recognizing April 2020 as Aging Matters in Brevard Volunteer Appreciation Month.

Josh Jensen, President of Aging Matters in Brevard, expressed his appreciation for the

Resolution. He stated they are continuing to provide Meals on Wheels on a daily basis to nearly all of their clients; their volunteers are absolutely vital; and he wants to take every opportunity he gets to thank and appreciate them.

Chair Lober thanked Mr. Jensen for coming out. He stated he knows the work that he has done and continues to do, is vital; he appreciated the opportunity to work with them some months ago; and he would like to, when things become a little bit easier in the schedule, get back to doing that with them.

Result: Adopted

Mover: Rita Pritchett

Second: Bryan Lober

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

Consent Items

Chair Lober advised he would like F.1. pulled and Commissioner Tobia noted he would as well.

Chair Lober stated he has a quick comment for F.5; he does not want it pulled but he wanted to mention the dollar value is something he is working with utilities on to see if there is some ability to get some grant money or to otherwise reduce that because charging folks the better part of \$4,000 to connect to a sewer, especially with what is being dealt with right now, he does not know if that is something a lot of people can afford; and with that said, he is not going to pull it because he does not believe they are that phase yet where they are voting on the actual dollar value; however, in the future when this is brought back for other items pertaining to it hopefully that number will be substantially lower.

F.2. Final Plat and Contract Approval, Re: Avalonia Subdivision - Phase 1 (19SD00008) Developer: The Viera Company

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

Result: Approved

Mover: Rita Pritchett

Second: John Tobia

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

F.3. Acceptance, Re: Binding Development Plan with Timothy and Rebecca Reaves (19PZ00127)

The Board executed Binding Development Plan Agreement with Timothy and Rebecca Reaves, for the North 387.4 feet of Lot 2, Block 3, Plat of Indian River Plantation Estates.

Result: Approved

Mover: Rita Pritchett

Second: John Tobia

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

F.4. Approval Re: Donation of Warranty Deed and Temporary Construction Easement From Sebastian Inlet Marina, LLC for Septic to Sewer Conversion

The Board accepted the Temporary construction Easement and Warranty Deed from Sebastian Inlet Marina, LLC.

Result: Approved

Mover: Rita Pritchett

Seconded: John Tobia

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

F.5. Legislative Intent and Permission to Advertise an Ordinance to Create the North Merritt Island Transmission System - Phase 3 Capital Recovery Fee

The Board granted legislative intent and permission to advertise an ordinance creating the North Merritt Island Transmission System – Phase 3 Capital Recovery Fee.

Result: Approved

Mover: Rita Pritchett

Seconded: John Tobia

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

F.6. Permission for Board of County Commissioner Chair to Execute Contract Extensions

The Board amended the previously approved Annual Supply Bids, Proposals, and Requests for Qualifications (Fiscal Year 2019/2020) and/or Negotiate Competitive Agreements to authorize the Chair, or designee, to execute contract extensions upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services.

Result: Approved

Mover: Rita Pritchett

Seconded: John Tobia

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

F.7. Permission for Board of County Commissioner Chair to Execute Contract Amendments to Existing Contracts to Add Clauses Required by the Federal Emergency Management Agency (FEMA)

The Board authorized the Chair to sign contract amendments to existing contracts to add clauses required by the Federal Emergency Management Agency (FEMA) in order to qualify those contracts for reimbursement related to past hurricanes and current emergencies, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services.

Result: Approved

Mover: Rita Pritchett

Seconded: John Tobia

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

F.8. Appointment(s)/Reappointment(s)

The Board reappointed James Katehakis to the Housing Finance Authority with said term to expire November 2024.

Result: Approved

Mover: Rita Pritchett

Secunder: John Tobia

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

F.1. Memorandum of Agreement Between East Coast Zoological Society of Florida (Brevard Zoo) and Brevard County for Countywide Oyster Gardening Program

Virginia Barker, Natural Resources Management Director, stated this is a Memorandum of Agreement between East Coast Zoo and Brevard County for the County-wide Oyster Gardening Program; this was launched by the County Commission in October 2013 in response to the super bloom and the unusual mortality event; they actually held a County Commission Meeting down at the Marine Resources Council Lagoon House and there was a number of actions the Board took that day, including launching this program; through this program over 1,400 waterfront property owners have been trained as citizen scientists and given the tools to produce hundreds of thousands of robust oysters annually; and those oysters are then collected from the gardeners and deployed just before they are ready to spawn as a live top reef layer added to oyster reefs that are now being constructed with funding from the Save Our Indian River Lagoon (SOIRL) Plan. She continued by saying these oyster reefs filter and clarify Lagoon water, reduce erosion, provide habitat, and remove nitrogen; and this would just renew that contract with the Zoo for another year.

Chair Lober advised he has two concerns with respect to this and it is not that he is unwilling to approve it, he would just really like a little better clarity on some things; and he asked if there are numbers over the course of time that this has been in place for the percentage of these that survive, or the raw numbers that survive versus die.

Ms. Barker noted she numbers for how the reefs have been doing for the last few years; they started with a number of pilot reefs, they had a lot to learn; starting with their first really successful reef in 2017, that is Geiger, they start with 25 live oysters in each bag on top of the these reefs; that reef which has been in the water just over two years now, now averages about 49.73 so it has nearly doubled from the 25 live oysters per bag; also in the Central Lagoon, a more recent reef, Riverview Senior Center, that one was installed in June 2018 and it now averages 180 oysters per bag, after starting with 25 per bag; in the Banana River they have one site deployed in August 2018 that is about one and one-half years old now, and the density there is 81 oysters per bag; and Marina Isles in the Banana River deployed June 2019, and that one is about 67 oysters per bag. She continued on to say they have one site in the northern Indian River Lagoon (IRL); the further north they go, the harder it is for oysters to do well; that site was deployed in June 2018 and it is down from 25 to 18 oysters per bag; they understand as they move north they are probably going to have to work harder and add oysters a number of times before they get enough of a natural supply for these things to take off; they also have two sites in canals, they wanted to see if this would work in canals and one of those sites is now at 23 oysters per bag, and one is at 11 oysters per bag; therefore, the further away from the Lagoon they go up into the canal it looks like oysters are not doing as well, but closer to the Lagoon they are surviving.

Chair Lober stated he is trying to figure out an objective way of determining whether this is a

good use of the funds, first regardless of where the funds come from; and he asked if Ms. Barker has a number in terms of total dollars per pound total nitrogen removed for this.

Ms. Barker explained their estimate has been about \$400 per pound of nitrogen removed.

Chair Lober stated he sees that the fiscal impact is listed as coming out of one of the stormwater funds; and given that the County has had some fluidity over the SOIRL funds and that issue, he asked if Ms. Barker thought this might be something that is appropriate to seek SOIRL funding for, especially given that the oysters, from what he is seeing in the staff report and from what she has mentioned, at least in large part, go toward SOIRL projects.

Ms. Barker stated when the half-cent sales tax was proposed, there was a lot of discussion about how those dollars would be used; the intent was established through a guidance document approved by the County Commission that said that the referendum funds are for additional projects, critical to Lagoon restoration or to accelerate the implementation of projects that are not yet fully funded; where it was a bit unclear, where there was maybe a reimbursement or an allocation that was going to take place for a project that was partially funded from another source, there was an out-clause that any dollars that were saved in a program whether at a County, city, or private entity that those dollars be pledged to go back into some sort of restoration project for the IRL; and in this case the gardening funding is coming out of the stormwater funds that are going to water quality projects anyway, so if they save the money then it is definitely going to meet this part of the intent, that it would go to other Lagoon projects. She noted the next step is how to fund it; as the Board is aware, there is a contingency fund reserve in the SOIRL Plan; the purpose of that reserve is to cover reasonable shortfalls; if the Board were to say there was a shortfall, that meant that the stormwater funds were not available, then cost increases that amount to more than 10 percent of the estimated costs of a project which this would, will be evaluated by staff looking at the circumstances and the findings; staff would make a recommendation to the Citizens Oversight Committee (COC); and then the COC would make a recommendation to the Board.

Chair Lober stated he appreciates the concern with the reserve, he shares her concern with the reserves; in suggesting that SOIRL may be a more appropriate source of funding for this than the stormwater fund, what he is specifically looking at is the roughly \$7 million unallocated portion of SOIRL; he does not have the exact figure in front of him, but he would never promote taking it out of reserves so as far as any contention to the contrary, he just wants to clear that up; he appreciates this and thinks it is an interesting idea in terms of where they deploy it; he does not have Ms. Barker's expertise, so if they are dying in one area and thriving in another, it obviously seems that is factored in the equation; and he supports the idea he just does not support the sourcing of it, therefore, he in all likelihood will be voting against this today.

Commissioner Tobia stated he thinks Chair Lober did a very good job touching the heart of this; this is the first time as a Board to deal with a budget that is going to be strained; stormwater fees, while they are fees from businesses unfortunately he thinks there is going to be a number of businesses that do not weather this storm; this was money that was received from a State grant and that grant is no longer there; he noted he appreciates the work that SOIRL is doing to empirically put data behind the decisions that she makes and Ms. Barker has clearly done a great job with the SOIRL Program; and one of his questions was to source oysters from somewhere else and she knew the research that oyster from this coast do not meet standards from another coast. He went on to say either way he thinks, while he supports the idea that the Board not go forward with this, he would certainly like to give SOIRL COC the ability to run this \$150,000 through their plan to see if that \$400 meets that plan and maybe they can incorporate it into not only that unallocated funds, but maybe this would be a reoccurring source; and his

motion would be to decline to enter into the Memorandum of Agreement (MOA) out of the allocated storm funds and give authority to SOIRL to consider this expenditure as part of their plan.

Chair Lober stated he will second that for discussion.

Commissioner Pritchett noted that is what she was going to request as well; she loves the oyster project; she was actually going to mention she thinks the budget is going to drastically change; she is sorry because Ms. Barker spent so much time with that; she thinks Ms. Barker has a lot of work to do in the next year trying to rearrange a lot of things, but she thinks she is the person to do it; she thinks Ms. Barker is amazing; and she thinks this is probably a project SOIRL will like so she would agree to send this back to COC and let them come up with a recommendation of what they want to do. She advised she is not sure SOIRL is still going to have that \$6 million after a couple of months.

Chair Lober stated the Board will see.

Commissioner Pritchett stated she usually has a lot of faith but she is not sure where she is on that one.

Chair Lober state truth be told, the cost to get some things done probably is going to fall drastically and the cost to get other things done is probably going to rise exponentially; and how it evens out remains to be seen.

Commissioner Pritchett stated the value of the dollar is about to go way down; it is going to be some very interesting days; and she is glad the Board has Ms. Barker because she thinks she is going to do a great job figuring it out.

Ms. Barker stated hopefully some infrastructure grants might help.

Commissioner Pritchett stated that would be wonderful.

Commissioner Isnardi stated she agrees whole-heartedly with that going back to the SOIRL.

Chair Lober stated, perfect.

Ms. Barker asked if the motion was to give authority to the SOIRL COC to accept funding that project; and she asked if that would need to come back to the Board or if they said yes, is she good to proceed.

Chair Lober noted if the Board is okay with it, unless there is a legal requirement that is come back to the Board, then he is happy to just okay it, if that is what the Board is willing to do.

Commissioner Tobia added that to his motion.

Chair Lober stated his second still stands.

The Board denied the use of stormwater funds; granted authority to the Save Our Indian River Lagoon (SOIRL) Citizens Oversight Committee (COC) to consider allocation of SOIRL funding for the Memorandum of Agreement with Brevard Zoo to continue the County-wide Oyster Gardening Program; authorized you to proceed with the contract execution without returning to the Board if SOIRL is recommended by the COC; authorized the County Manager, or his

designee, to execute up to two annual renewals, future amendments, and change orders; and authorized budget change requests as required to support the Brevard Zoo's implementation of work under this MOA, only if SOIRL funding is recommended by the COC.

Result: Approved

Mover: John Tobia

Second: Bryan Lober

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

G. PUBLIC COMMENTS

Pete Carnesale stated he is covering three things; Indian River Colony Club (IRCC) needs a right hand turn lane off of East bound Viera Boulevard onto Independence Avenue into the back gate entrance; it is only a matter of time before a rear-end collision occurs; also pedestrians, bicyclists, and golf carts travel on the sidewalks which are not visible from the road until someone is right on the turn; and they do not stop for cars, which leaves the residents with the fear of hitting someone. He continued by saying the short entryway before the gate is another reason that the cars making the turn have to slow down to below 10 miles per hour, sometimes stop, on Viera Boulevard before they can turn into IRCC. He added his second item is a pathway over I-95 along Viera Boulevard is needed to accommodate golf carts in order to for the residents of East Viera to have access to the businesses on the west side of I-95; the elderly who no longer drive cars and the school children would be able to take their golf carts and bicycles to school, but now lack a legal pathway to accommodate the size of the walk-through, which existed prior to the new exit created on Viera Boulevard off of I-95; and the other item is basically IRCC, Herons Landing, and the Faith Viera Lutheran Church could use a traffic light on the corner of where Herons Landing and IRCC exit onto Viera Boulevard. He added there is a parallel road from Faith Viera Lutheran Church along Herons Landing leading into the current landing exit, making it usable especially for left hand turns. He noted the main thing in talking about the golf carts is that if anyone were to look in the parking lot of any of the schools they would see nine million golf carts.

H.1. Public Hearing Re: Extension of Temporary Moratorium on New Applications of Biosolids to Lands within Brevard County

Chair Lober called for public hearing on an extension of temporary moratorium on the new applications of biosolids to lands within Brevard County. He noted that he is happy to extend this for 180 days.

Commissioner Pritchett made a motion to extend it for 180 days.

Eden Bentley, County Attorney, advised there is no one in attendance to speak on the Item.

There being no comments or objections, the Board conducted a public hearing; and adopted Ordinance No. 20-05, authorizing an extension of temporary County-wide moratorium for 180 days from the effective date; prohibiting the land application of class B biosolids except existing permitted activities; providing for exhaustion of administrative remedies; and providing for severability, repeal of conflicting provisions, resolution or conflicting provisions, area encompassed and an effective date.

Result: Adopted

Mover: Rita Pritchett

Second: Bryan Lober

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

H.2. Approval of Third Quarter Supplemental Budget for Fiscal Year 2019-2020

Chair Lober called for a public hearing for approval of third quarter supplemental Budget for Fiscal Year 2019/2020. He mentioned he did have concerns that staff was able to address so he will not bring each one of those up; and if anyone has anything for discussion, he would be happy to have it.

There being no comments or objections, the Board of County Commissioners, in regular session on April 7, 2020, authorized execution and adopted Resolution No. 20-030, approving a Supplemental Budget for the Third Quarter of Fiscal Year 2019-2020; and approved the budget changes and such actions necessary to implement the adopted changes.

Result: APPROVED

Mover: Rita Pritchett

Second: Bryan Lober

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

I.1. Board Consideration, Re: Small Business Relief Report - Potential Mitigating Measures for Brevard County

Chair Lober advised this is Commissioner Tobia's come back from staff on the small business relief potential mitigating measures for Brevard County; and he noted he likes all of it.

Commissioner Tobia stated he wishes he would have figured out running for the County Commission when he was in highschool because he came up with an idea and staff turned around a three-page document with better ideas in such a short period of time; it told him things he could and could not do; he appreciates staff going above and beyond in these trying times to help out the small businesses there; and he agrees with Chair Lober, he thinks all the ideas listed are great, which would be option three, both options one and two. He made a motion to accept option three.

The Board authorized staff to utilize Option 3 as follows:

- Direct staff to accept affidavits from small business applicants seeking to receive approved Board assistance. The affidavit should indicate that the business meets Title 13 Part 121 of the Electronic Code of Federal Regulations defining a small business, or has less than 500 employees, and should therefore qualify for relief.
- Direct staff to accept and implement the options identified as viable in this report and reject those investigated and deemed to be non-viable as follows:
 - a. ACCEPT – The Business Tax Receipts (BTR) renewal period extends through September 30, 2020, pursuant to Florida Statutes. This exceeds the Board's intent of deferral of fees through September 1, 2020. Fiscal Impact: \$0.
 - b. ACCEPT – Accept Fire Inspection deferrals of 30 and 90 days as partially fulfilling the targeting relief time period, with potential reassessment in future. Current deferral. Fiscal Impact: \$13,700-\$17,200. Fiscal Impact of deferral until September 1, 2020: \$70,000-\$90,000.
 - c. ACCEPT – Waiver, rather than deferral of Building, Zoning, Natural Resources, and Fire

Prevention review fees for small business repair permits through September 1, 2020. Fiscal Impact: Building - \$73,175; Zoning - \$2,100; Natural Resources - \$525; Fire Prevention - \$290 = TOTAL: \$76,110.

d. REJECT WAIVER OF FEES – Utilities and solid waste fee waivers or deferral as investigated are non-viable. Accept payment plans as partially fulfilling the Board's intent or small business relief. Fiscal Impact: \$0.

e. ACCEPT: Elimination of Code Enforcement fines for small businesses after compliance is achieved and enforcement costs paid. Accept abatement of Code Enforcement efforts for small businesses through September 1, 2020, for non-health/safety issues. Fiscal Impact: \$4,500.

f. ACCEPT – Waiver of Special Event Permit fees through September 1, 2020, as a viable option to provide small business relief. Fiscal Impact: \$2,542.

g. ACCEPT – Contractor license renewal period and grace period through September 30, 2020, already exceeds the Board's targeted relief date range. Fiscal Impact: \$0.

h. REJECT – Abatement or waiver of stormwater utility fee as investigated and non-viable. Fiscal Impact: \$0.

Result: Approved

Mover: John Tobia

Seconded: Bryan Lober

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

L.1. Frank Abbate, County Manager, Re: Board Report

Frank Abbate, County Manager stated he has two items; the first one deals with the Utility Department; the Florida Department of Environmental Protection (FDEP) has a new process that they are utilizing for consent orders that require that the CEO of the organization to execute consent orders and settlement agreements that deals with any kind of skill that happens with the Utility Wastewater Department; Edward Fontanin, Utility Services Director, is available to discuss the one that the County has that needs to be executed by April 10; and what he is looking for is the Board's authority to sign on behalf of the Board of County Commissioners these consent orders when he receives them.

Edward Fontanin, Utility Services Director, stated he does not know what Frank said prior to this, but he wants to give a little update of what is going on with FDEP and their policy with regard to illicit discharge and sanitary sewage spills; and that will tie into what he is sharing. He continued on by saying one of the things, Governor DeSantis has given a mandate with FDEP with stricter guidelines to discharges of any sort even if it is small and relative in size; in doing so, it used to be past practice where the FDEP would allow paperwork to be submitted and basically it was they get it and not to do it again; and now the order is where FDEP is given a consent order on every single one. He went on to say for example Brevard had an illicit discharge due to an error leaf valve, which is tied in with what he is going to talk about and there is a formula associated with how they come up with the fees; in past practice it used to be where FDEP would acknowledge it and understand that it was an unforeseen condition, regardless of the circumstance now, they are giving consent orders where there is a fee associated with it; and Brevard received one for an issue that occurred in January and this one based on their formula, is \$3,533; and this is going to be the practice; and the other thing FDEP is working out is that any entity that has more than three discharges in a year will be on an automatic five-year probation. He stated the likelihood is that not only Brevard, but every other

Utility will constantly be on a five-year probation which means at that point that every instance someone has they will be getting some form of consent order; he wanted to update the Board on this event; the other thing, if this could be direction, if there are future consent orders, if it is the wish of the Board that these come before the Board or if he can get the authority of the County Manager to sign off on these.

Chair Lober stated his thought is he does not mind giving the County Manager authority to sign up to a certain level, but he definitely wants to know when this is happening; he thinks this is important enough to the public that it should be brought up to the Board, certainly anything over a trivial amount; and he does not know where the number is whether it is zero or if it is \$5,000 or \$50,000. He reiterated he thinks this is something that the public in particular is concerned about; he noted it is obvious that Mr. Fontanin inherited the system he has inherited which is better than some and worse than others; however, he thinks it is important to folks to know what is going on regardless of what the original cause is and how the County is addressing it.

Commissioner Pritchett stated she is probably good if the County Manager does that; she does not think this means that Mr. Fontanin is going to have any more than he has had, it is just a different process; and maybe Frank Abbate, County Manager, would bi-monthly let the Board know what is going on if it is anything abnormal.

Mr. Abbate stated if the Board is good with this and leaves it at the authority that he currently has then, what he will do is, with every one of the consent orders, he or the Sewage Department will advise the Board of the specific order, when the spill occurred and what the amount was.

Chair Lober asked if Mr. Abbate needs a motion.

Eden Bentley, County Manager, advised a motion would be good because it is a consent order.

Chair Lober asked for a motion to authorize Frank Abbate, or his designee, to sign on consent orders with relation to the topic that was just discussed.

The Board authorized the County Manager, or his designee, to execute any FDEP Consent Orders pertaining to illicit discharges.

Result: Approved

Mover: John Tobia

Secunder: Rita Pritchett

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

Mr. Abbate stated he has one last item and it deals with the status of the Advisory Boards; John Denninghoff, Assistant County Manager, has been working with Tad Calkins, Planning and Development Director, trying to do everything they reasonably can to continue with advisory board meetings but he has an update to advise the Board of where they are currently.

John Denninghoff, Assistant County Manager, stated they had a Planning and Zoning Advisory Board meeting yesterday afternoon and it went well, certainly well enough to take care of all the items that were there; however, they did run into several different challenges which now call into question if they should move forward with more advisory board meetings. He went on to say at this point he would recommend that they do not do that; the reasons essentially come down to concerns over due process, issues for both applicants as well as the public, and in addition to that there are some technological issues that they are trying to work out; they are

hoping they can deal with the technological issues between now and when they can hopefully pick up with meetings again in July; currently what they would really do is schedule meetings that were to take place in June and then they would fold into either, and this would be an option for the Board, July 9 Zoning meeting that staff would have with the Board of County Commissioners and other meetings would precede that, or as a second option, they just go to their next regularly scheduled Zoning meeting; and with that there would be a number of meetings that would be delayed or cancelled and then the Items would all be rescheduled to subsequent meetings. He continued by saying there is a North Merritt Island (NMI) Advisory Board meeting Thursday the ninth and then a Local Planning Agency (LPA) meeting, a Board of Adjustment meeting, Planning and Zoning (P&Z) Board meeting on May 4, then another North Merritt Island Advisory Board meeting on May 14 with only one Item scheduled on that one, and then finally the last Board of Adjustment meeting; those would be the ones that would be delayed or cancelled as it were; and under the first option they would schedule a North Merritt Island meeting to be on June 11 and there would be three Items on that. He added then the P&Z and LPA meeting combined which would have nine Items on it and then on July 9 would be the new Board of County Commissioners Zoning meeting with 11 Items on it; and thereafter, they would all be on regularly scheduled meetings including the Board of Adjustments. He stated there is a second option which he could go into if the Board would like; and that would eliminate the July 9 additional meeting and it would go to all the straight regularly scheduled meetings.

Chair Lober stated he would be happy to hear it if anyone wants to but he would prefer not to go that route; and he asked the Board if anyone would like to hear that other option.

Commissioner Tobia asked Mr. Denninghoff if he is concerned, obviously this is a long delay, if any of those advisory boards do not have quorums, if this will push it back another, and he knows one of them has the ability to push it back a better part of one month.

Mr. Denninghoff stated of course, if there is not a quorum that would be a significant problem; currently they are having a very willing participation on the part of the board members for both NMI, P&Z, LPA, and the Board of Adjustments; they are pretty dedicated folks so they seem to be very committed to getting the work done; therefore, he is not too concerned that they will not have a quorum at this stage but, of course, they do not know what will be going on with the pandemic, so they will have to continue to monitor that. He noted they are hoping that, based on the math models that have been produced, which there are a lot of for the pandemic, for Brevard County and for Florida, they are thinking they will be on the recovery side of things, or well into it, by the time any of these meetings would be happening; and of course if they are not then they will have to reevaluate.

Chair Lober stated he has had the position with a lot of folks reaching out, that if the County has some issue with maintaining the guidelines by either the Center for Disease Control and Prevention (CDC) or Florida Department of Health (FDOH) that he would be in support of, at least he would recommend, cancellation of the advisory boards; and he asked if that is a concern at all as far as maintaining the CDC and the FDOH recommendations because that to him would certainly clinch it.

Mr. Denninghoff stated it is part of the challenge for the due process; there are technological challenges with how they have to do that in order to maintain social distancing and the opportunity for the applicant to be able to question public comments and be able to do it in a timely and reasonable way; and then cycling any public comment, anybody from the public back into the room, and to answer questions from the applicant. He noted it presents a pretty serious issue for them; and there is also concerns about with the technological approaches to

whether or not there is a proper or appropriate opportunity to make changes.

Chair Lober interjected stating he thinks Mr. Denninghoff may have won the argument and he may have everyone on his side of this already; and he asked how he would like the motion phrased specifically.

Mr. Denninghoff replied he thinks they would like to have a motion, and maybe ask the County Attorney for some help with this, a motion that would effectively cancel the April 9 North Merritt Island Advisory Board meeting, the April 20 Local Planning Agency meeting, April 22 Board of Adjustments meeting, May 4 Planning and Zoning Board meeting, May 14 North Merritt Island Advisory Board meeting, and the May 20 Board of Adjustment meeting; then to schedule a June 11 North Merritt Island Advisory Board meeting, schedule a June 15 Local Planning Agency and Planning and Zoning meeting, and schedule a July 9 Board of County Commissioners Zoning meeting; and all other board meetings that would be affected or could be involved are already scheduled, so no motion would be needed for any of those.

Chair Lober advised Commissioner Pritchett made the motion and he is going to second it.

The Board cancelled the North Merritt Island Advisory Board meetings on April 9, 2020, and May 14, 2020, and is rescheduled to June 11, 2020; cancelled the Local Planning Agency Advisory Board meeting on April 20, 2020, and is rescheduled to June 15, 2020; cancelled the Board of Adjustment Advisory Board meetings on April 22, 2020, and May 20, 2020; cancelled the Planning and Zoning Board meeting on May 4, 2020, and is rescheduled to June 15, 2020; and scheduled a July 9 2020, Board of County Commissioners Zoning meeting.

Result: Approved

Mover: Rita Pritchett

Second: Bryan Lober

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

L.5. John Tobia, Commissioner District 3, Re: Board Report

Commissioner Tobia stated he is going to be asking for a request to the Policy Board; the genesis of this is he has checked into a hotel and he received an email, whether this was generated from the County or the hotel is irrelevant, but it stated are there any exceptions to providing a letter and the answer is no; this came before the Board and he thinks there may have been a bit of an oversight on this; it would require either an employer or a doctor's note according to what came out of the Policy Group; unfortunately right now, people are seeing or hearing of an increase in domestic violence; and victims of domestic violence should not need a letter, and he imagines it would be awkward for a victim of domestic violence to get a letter from either an employer or a doctor stating that. He added it is not just that situation, another one would be a caretaker who decides to isolate from the folks that he or she is taking care of, would then need a note from either their employer or their doctor or the doctor of the people they are taking care of; and he is going to request that the Policy Board revisit the requirements contained in its limitations on tourism and lodging in order to allow for self-certification that someone is staying in a hotel in accordance with guidelines issued by the Florida Health Department and Executive Order No. 20-91, and are not engaged in leisure tourism. He went on to say this in affect would allow them to self-certify instead of providing a note; as the Board knows the health care practitioners are going to be bogged down and he imagines it is only going to get worse, and getting doctor's notes is going to be even more traumatic.

Chair Lober stated before Commissioner Tobia formally makes the motion, he thinks it may be

moot at this point, he mentioned he has been working with the County Attorney since Thursday or Friday of last week on a sheet for the hotels to have that would list exceptions to it; one of the exceptions that was specifically included was that someone self-certifying would be a victim of domestic violence; therefore, they would not be required to produce something, just simply to check a box to say that is the case. He asked if Commissioner Tobia would give him a few days to work on it with the County Attorney.

Eden Bentley, County Attorney, stated the Order is very specific; and the Board needs to amend the Order in order to get to the point where people can self-certify because it states letter or note.

Chair Lober stated what he is thinking is, before the Board amends the Order, he would like to make sure he has the form that he would be recommending to send out to the hoteliers; that way the Board can have the Order consistent with how that form is going to appear; and he asked again, if Commissioner Tobia could give him a couple days and not call the Policy Group today. He added if they are ready tomorrow he can do it tomorrow, but it may be a couple days.

Attorney Bentley commented she thinks Chair Lober needs a little clarification; she thinks Commissioner Tobia is discussing self-certification so there would not be a need for a specific list of activities that would be permitted; whereas, Chair Lober is talking about a checklist format.

Chair Lober responded affirmatively.

Attorney Bentley stated there is a difference there, a significant difference there; one would be, "I swear I am not a Tourist and I am following the Florida Department of Health (FDOH) guidelines and the Center for Disease Control and Prevention (CDC) guidelines, and the Executive Order"; and Chair Lober's would basically be a list of approved lodgers.

Commissioner Tobia stated one would put the onus on the business and the other would put the onus on the individual.

Attorney Bentley advised that is correct.

Commissioner Tobia stated he thinks it is very important during these times, and Attorney Bentley did a draft of this and he is sure she wants to work on it more because he just put this in at the last minute seeing it was an oversight, but he thinks she put down under perjury; and he asked her what that last part was.

Attorney Bentley explained she has found a Section in Chapter 92 for self-certification and if someone does not tell the truth in his or her certification, it is considered perjury, which is a third degree felony and five years in jail or a fine of \$5,000.

Chair Lober advised technically it is Department of Corrections (DOC), not jail, that is okay though, he will let it slide this once. He went on to say the bottom line with it is he would like Commissioner Tobia to give him a day or two; he noted if Commissioner Tobia wants to make the motion, that is fine, but he will be voting against it just because he is not ready to do it at this point; he would like to finish what he and Attorney Bentley are working on with the form so that he can at least have that available to the Policy Group to show them this is one alternative, and the other alternative is what is suggested by Commissioner Tobia; and he noted he has spoken with at least two hoteliers about the form, actually one of the hoteliers provided him with the form that they received from a colleague of theirs from another state, that had at least a

similar, if not more restrictive, measure in place. He went on to say but if Commissioner Tobia wants to make the motion, he can.

Commissioner Tobia stated his thought is, and he is not a business owner, he would imagine the business owner would rather have the onus on the individual and not the liability on the business itself; the County has already ham stringed these folks; he thinks anything the Board can do to take the stain off; the hotelier that he is staying in tonight talked about a \$500 fine and 60 days in jail; they are getting the message; however, he knows he had some Delta flight crews come in and he stated it was difficult for many of the flight crews to get a letter from their boss because they were deciding or not if the pilot was the person in charge, it was a very complicated scenario. He noted this would take the complication out of it, and it sounds like it would make the violation more stringent and the penalty more harsh if the Board did this; it would take the onus away from the business and put it on the individual; and he thinks it would clear up a lot of the issues here. He went on to say he really does not want to wait; and he thinks there will unfortunately be a spike in domestic violence.

Chair Lober interjected that he has already spoken with the Sheriff about the domestic violence concerns. He noted he is not sure what the motion is at this point because there has been so much discussion on it.

Commissioner Tobia noted he will repeat it, it is a motion to request for the Policy Board to revisit the requirements contained in the limitations on tourism and lodging order to allow for self-certification that are staying in a hotel in accordance with guidelines issued by FDOH, and Executive Order 20-91, and are not engaging in leisure tourism.

Commissioner Smith seconded the motion.

Chair Lober stated before he calls the question on that, he is kind of struggling to pull this up last minute because he did not expect this today as it was not on the Agenda; he thinks this is a pet peeve that Commissioner Tobia had previously about putting things last minute on the Agenda or not putting them on and then bringing them up during Board Reports; he is looking at some of the options where the onus would be on the individual to complete this; and the hoteliers he has spoken with are okay with it. He continued by saying there is a variety of reasons to indicate why people are staying, lodging necessary for emergency purposes, lodging necessary to provide essential Federal, State, County, or local municipal support, commercial travel, carrying goods resources can no longer safely travel; advocates or referral from a domestic violence shelter, lodging necessary due to medical or family medical support, lodging occupied by a local worker or employee, and there is slew of them; that is what he was working on; he would be happy to address it, but he does not think he is to a point where he is going to recommend it to the Policy Group to make the change until they can see what the options are to make sure that everything goes smoothly; and he mentioned that what is given to the hoteliers is a suggested template and will work with whatever is ordered.

Commissioner Tobia asked Chair Lober to explain if he were a hotelier, and he has spoken with hoteliers and many of them have been on the opposite end of the spectrum with him, and they are telling him they are having issues with this, he appreciates those people picking up the phone and making the call to do that but if there is a victim of domestic violence who checks into a hotel who is crying, beat up, and he asks for her letter from a doctor or her employer and she does not have one, according to what is in place, she cannot stay at that hotel; and he asked if Chair Lober expects her to go back to the dangerous environment in which she came from.

Chair Lober responded that is definitely a reasonable suggestion; he went on to say he would not expect that she just check the box that says referral from a domestic violence shelter; and that seems to be a pretty obvious answer.

Commissioner Tobia advised that is not what is in place right now; what was put in place and he voted against it, was a note is required; what Chair Lober is contemplating is not happening right now, there is no checklist; now granted that checklist is better than what is in place right now, but it puts the onus on the business and this puts the onus on the individual.

Chair Lober noted he disagrees and the hoteliers that he has spoken with disagree; if Commissioner Tobia has had hotels on a Monopoly board then God bless, but the hoteliers he has spoken with, and none have called him, not one, that had an issue with this; he thinks actually they have been thankful because they want some kind of guideline so that if police come by, be it Brevard County Sheriff's Office (BCSO) or a municipal, they can hand something over without having the guest upset that their information was provided; and this gets them out of that situation entirely. He noted Commissioner Tobia can do what he wishes and he will call the question; however there is a light on.

Commissioner Pritchett mentioned she thinks Commissioner Tobia's way is a little bit simpler and less confusing; it is still getting to the same goal and she thinks it puts the responsibility on the person checking in that is not allowed to be away from home, there is a stay at home order; she just remembers when the Board went through this with the pet store, there is just such a liability on businesses to try to figure this out; and she thinks this puts the pressure on the person who would be breaking the law, because they are not supposed to be doing it anyway. She added she likes that there is fine if they do it when they should not be doing it.

Chair Lober stated five years in prison, that is good.

Commissioner Pritchett stated she agrees for someone who tries to check in that should not; it still just shows the person has to be responsible checking in; she thinks it gets to the same purpose; the Board had sent the message out that Brevard County is not open for tourism or leisure activities; and Commissioner Tobia is right, domestic violence is getting worse and so is child abuse. She added but people are not hearing it reported. She went on to say this gets all the things encompassed, that she thinks is important.

Chair Lober asked Attorney Bentley to read the actual motion that passed from the Policy Group.

Attorney Bentley asked for clarification if he means the order.

Chair Lober stated the order and just the operative portion, he does not need the whereas.

Attorney Bentley read, "Section two, to implement the closure effective on April 3, with the time, all hotels, motels, campgrounds, short-term rentals, vacation rentals, and all other transient rentals to include marinas, recreational vehicle parks, and time-shares shall cease renting to tourist for 30 days; this ban shall not apply to rentals or to transitory military personnel, first responders, healthcare workers, construction workers actively engaged in projects in Brevard County, and others working or engaged in formal business in Brevard County, a letter from the lodger's employer indicating this stay is work related, or a doctor's note justifying the need to shelter in place, shall be required by the rental or the lodging facility upon arrival by any of the listed facilities;" and she went on to say then it goes on to list the Sheriff.

Chair Lober advised he does not have a problem amending it, he just would like to have something the Board could tie into to amend it with.

Commissioner Tobia stated this is all public record; he does not think he would mind, but Tom Hermanson, when talking about hoteliers, he is one of the big two or three, and this is the text I got from him today, "Self-certification is the only rational option under current circumstances front line hotel staff are not trained for the level of interrogation demanded by the Order, a lot of General Managers on the property are often older individuals with health concerns;" he went on to say this is a hotelier advocating for self-certification.

Chair Lober interjected which is what he has been working on specifically, to pick the box that applies and then they self-certify.

Attorney Bentley stated she thinks the Board is very close, actually, it takes an amendment to the Order to get there.

Chair Lober stated he can do that and would be happy to do that but he would like to get into a position with Attorney Bentley on this Item that they had been discussing for several days.

Commissioner Tobia stated he is with him but he is uncomfortable with the boxes; he does not really want to have to a woman or a man that has been a victim of abuse have to check a box; signing an Order is one thing but having to disclose that to a hotel person, he thinks that is problematic; and that is another reason why he thinks just a broad statement that has FDOH and Executive Order in it.

Chair Lober stated essentially the five years in DOC and the \$5,000 fine is absolutely and totally impossible to enforce at that point; someone is certifying that they are not violating the law and they do not have to say what it is that enables he or she to stay there, but they just promise they are not a tourist; and he asked if Commissioner Tobia thinks that is a better solution. He mentioned it is not rhetorical, he is curious.

Commissioner Tobia advised he does not want the victim, and there is nothing humorous about the victims of domestic violence.

Chair Lober interjected that he agrees with Commissioner Tobia.

Commissioner Tobia continued by saying situations are getting worse in these times and to put somebody through this, he cannot imagine that.

Chair Lober inquired making them check a box.

Commissioner Tobia explained to a stranger in front of a hotel, absolutely; he cannot even imagine the pain that many of these folks are going through; and he has a list of reports that talk about this skyrocketing right now.

Chair Lober stated he will call the question; he is obviously going to advocate the way he is with the Policy Group; and he called on Commissioner Pritchett.

Commissioner Pritchett stated this is going to be far from perfect but the simpler the better and that is why she thinks it is better; when the Sheriff came up one of the things the Board almost went with was not doing this and he was just going to put out a big marketing campaign that Brevard does not want people here; she thinks what the Board is doing is getting the word out

loud and clear; and she thinks the tourism and leisure activity has greatly declined. She mentioned she does not know how the other Board Members Districts are, but in her District there is nobody on the roads or anything; she thinks what the Board is doing is working; she noted she works in ministry and that is going on a lot; and she thinks that is something to protect the citizens in a safe environment and most people are not going to lie about that.

Chair Lober stated it is not lying about that.

Commissioner Pritchett commented she knows what Chair Lober is saying; she does not think the Board is ever going to perfect on this; she has received emails with people asking when the Board is going to stop people from having family coming from Miami, and she does not know what to do with that; however, she agrees with Commissioner Tobia that this is probably easier wording and that it will still get the same purpose.

Chair Lober stated he will pull a \$20 out of his pocket if anyone can tell him in any realm of possible reason that this could ever be enforced if this is a catch-all that someone is complying with the law under penalty of anything; he asked how that could get anyone in a position where that is enforceable; he does not see it; and he called the question.

The Board requested the Policy Group revisit the requirements contained in the limitations on tourism and lodging order to allow for self-certification for those staying in a hotel in accordance with guidelines issued by the Florida Health Department in Executive Order 20-91, and are not engaging in leisure tourism.

Result: Approved

Mover: John Tobia

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Isnardi

Nay: Lober

L.6. Curt Smith, Commissioner District 4, Re: Board Report

Commissioner Smith stated he would like to give a shout out to all the firefighters and law enforcement for bravery in this very difficult time; they are on the front lines of this virus; they are being sent in to harm's way when they are sent into homes for whatever reason; and he thinks the County needs to do everything it can to protect and support them and that means prayer.

L.7. Kristine Isnardi, Commissioner District 5, Re: Board Report

Commissioner Isnardi stated she is glad Commissioner Smith brought that up because that is kind of what she wanted to talk about; she has a genuine concern regarding, and more concern now that Brevard County has some positives, but she has a genuine concern about the safety of the firefighters, and likely, the safety of the deputies; she is hearing that a lot of municipalities are leaving it to Brevard County to don the Personal Protective Equipment (PPE), to go into these situations, potentially dangerous situations, not just for the firefighters and deputies but for the residents as well, and they are sort of deferring to the County; and the feedback from some municipalities is they do not have enough PPE. She went on to say whether or not that is true, she has not called each one, this is something she learned later on this afternoon; she would like some sort of inventory on what these other municipalities, since the County does support these municipalities and the County is the transporter for every medical unit in the County, she wants to make sure there is some sort of inventory, temperature checks, to see where these other municipalities are because everyone is in this

together; and she believes the County needs to work in partnership with the municipalities but it also needs to make sure it is not unnecessarily putting these guys at risk. She stated essentially the Board just told people not to donate PPE to the County, it was advised to donate to non-profits, which she is sure they need as well, but if there are first responders in municipalities, the County needs to see what it can do to help them if they do not have the proper PPE; everyone pays taxes for Brevard County first responders and deputies, and she wants to make sure these guys are not being put at extra risks because municipalities are not stepping-up or that they do not have the correct equipment; it may not be their fault, but she would like some sort of report as soon as possible; and she is sure there is someone with the County that can spend the time putting this together and come back to the Board with the status because everyone is in this together. She noted the secondary issue for her is she wants to make sure the message out to the public is not to over use the 9-1-1 system unless they absolutely have to; often times, and if anyone has done a little research, they would hear feedback from residents and those on the front lines, that people are calling for help to the bathroom and trips to the Emergency Room that might not be quite as necessary; she just wants to make sure people are not over-using the system because it is not just putting the firefighters and deputies at risk by sending them into all of these non-emergency calls, but it is also putting residents at risk because it is not a perfect system as far as decontaminating and going from one house to the next; and it is easy to pick up something. She reiterated she wants to make sure everyone is safe; the frontline people need to be safe; and she wants to make sure the Board is doing everything in its power to do that. She went on to say if the Board does not have a problem with it, she would like some sort of report, it does not have to be anything fancy, but she wants to make sure these municipalities have the correct PPE that they need; and she wants to make sure the County is not unnecessarily putting the County workers at risk.

Frank Abbate, County Manager, advised the Board Emergency Management has been tracking the PPE; they are prioritizing how they are given out; he believes they already have that information put together; and he mentioned they will get it out to the Board very quickly.

Commissioner Isnardi advised she realizes the County has enough PPE for the County, at least right now, but she wants to make sure these other municipalities have it as well; she is not saying that the County needs to give up its supplies because it does the most in the County; however she wants to make sure these guys are not necessarily being put at a higher risk if everyone is in this together and all are helping with emergency responses.

Mr. Abbate stated staff understands and will get the Board that information.

L.4. Bryan Lober, Commissioner District 2, Chair, Re: Board Report

Chair Lober passed the gavel to Commissioner Pritchett in furtherance of what Deputy Mayor, John Dittmore from West Melbourne, suggested; he is not going to move to do exactly what he suggested; he does not know that five is the magic number per 1,000 square feet; and he motioned to recommend to the Policy Group that it implement a measure obligating all establishments to take reasonable steps to ensure that individuals are enabled to maintain a distance of no less than six-feet from one another. He explained that could mean 20 people in a 1,000 square feet or it could mean five people in 1,000 square feet, it is up to them, he does not want to interfere and say there is a magic number.

Commissioner Tobia stated he just did the math which is scary but that is about 144 square feet when doing the six feet all around, that is divided by 1,000, and he thinks five sounds cool so maybe that is why Mr. Dittmore thought of it, but seven is more accurate if it is in CDC guidelines; and he asked if Chair Lober sees any type of penalty associated with this.

Chair Lober responded a second degree misdemeanor.

Commissioner Tobia asked what Chair Lober would do with establishments that do not have 1,000 square feet.

Chair Lober commented that is why he would not make it a square footage requirement it would simply be contingent upon them making appropriate measures to maintain social distancing; and if they have 100 square feet that may mean they have fewer people in there.

Commissioner Tobia asked who would define appropriate.

Chair Lober stated if there is a physical impossibility to make a six-foot gap between one another due to folks having flooded in an area, he thinks that would be clearly inappropriate.

Commissioner Tobia asked if there is any medical evidence that shows limiting folks that go into a private business lowers the threat of transmission of the virus.

Chair Lober commented he never realized the virus transmission was contingent upon whether it is a private business or another location.

Commissioner Pritchett suggested that he ask Commissioner Isnardi that question. She asked Commissioner Isnardi if she has any thoughts on that.

Commissioner Isnardi noted half of it cut out, the audio, but she did hear part of it; her concern with this is who is going to police it, for one; two, she does not know how someone would manage such a thing; she asked if the Board is comfortable with an elderly person who does not understand being charged with a crime.

Chair Lober stated as far as policing, he thinks this is only going to be policed, if at all, is only in cases that are extreme and people are all over each other in stores; and as far as an elderly person being charged, this would not be the folks that are in the actual store, it would be the folks that allow them to come into the store beyond reasonable numbers.

Commissioner Isnardi inquired what if they are close together in the store.

Chair Lober stated there cannot be perfection.

Commissioner Isnardi inquired if it is now up to the store owner to spread people apart.

Chair Lober responded no.

Commissioner Isnardi stated she does not know how to even enforce that.

Chair Lober reiterated, no but if there are 100 people who go into an area that is 10-foot by 12-feet that is a problem.

Commissioner Smith stated he is thinking he does not want this to become a policed State just because there is a virus being dealt with; he thinks the penalty is hard to determine because the Board is going around in circle with that; and he thinks, going back to what Sheriff Ivey said, people usually try to do the right thing and based on the calls and emails his office has been receiving, most people out there are already aware of the circumstances that everyone is in, so they kind of police themselves. He added he was in Publix today and there was not anybody

who was willing to be close to him nor he close to them; therefore he does not know if this is even necessary.

Commissioner Pritchett stated she would not mind thinking about it a little bit, but she was not in Target and they have little stickers on the floor where people stand and cannot be close; in Walmart they have diminished it to a certain percentage; Publix they all have masks and gloves on; she does not mind thinking about it but she is in agreement with Commissioner Smith; and she advised she has seen a lot of people doing this on their own. She asked that Commissioner Lober not do a motion, so it does not get denied, and he could bring it back later.

Chair Lober stated if it dies for lack of a second then it dies for lack of a second; but he thinks the Board Members need to be on the record as standing wherever they stand.

Motion dies for lack of a second.

Commissioner Smith stated he would like to point out that Home Depot is restricting people in and they have limited it, but he does not know to how many; they let people in and they count and they have someone at the exit counting so they make sure who comes out before new people go in.

Chair Lober stated there is no ambiguity as the fine, there was nothing back and forth, it was 60 days in Brevard County jail, maximum; and or \$500 fine, maximum.

Commissioner Isnardi stated she thinks it is a greater risk throwing a bunch of people in jail.

Chair Lober commented it is kind of like urinating in public, if someone knows it is illegal he or she will not do it; and he does not think anyone will be in jail on account of that because when people realize it is illegal they are not going to do it.

Upon consensus on the Board, the meeting was adjourned at 6:33 p.m.

ATTEST:

SCOTT ELLIS, CLERK

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