

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

5:30 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on September 12, 2019 at 5:30 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**ITEM A., CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Rita Pritchett	Commissioner District 1	Present	
Bryan Lober	Vice Chair Commissioner District 2	Present	
John Tobia	Commissioner District 3	Absent	
Curt Smith	Commissioner District 4	Present	
Kristine Isnardi	Chair Commissioner District 5	Present	

**ITEM B., MOMENT OF SILENCE**

Chair Isnardi called for a moment of silence.

**ITEM C., PLEDGE OF ALLEGIANCE**

Commissioner Lober led the assembly in the Pledge of Allegiance.

**ITEM D.1., ANNOUNCEMENT OF THE PERCENTAGE CHANGE IN THE FY 2019-2020 AGGREGATE TENTATIVE MILLAGE FROM THE AGGREGATE ROLLED-BACK RATE**

Chair Isnardi called for Public Hearing to announce the percentage change in the Fiscal Year 2019-2020 aggregate tentative millage rolled back rate.

Frank Abbate, County Manager advised Item D.1 allows for the reading of the tentative aggregate operating millage rate to fund the portion of the Fiscal Year 2019-2020 budget that is supported by property taxes; and he asked the Budget Office to read into the record the tentative aggregate millage rate for Fiscal Year 2019-2020.

Jill Hayes, Budget Office Director, stated the aggregate tentative millage rate for Fiscal Year 2019-2020 budget is 5.8447; the tentative aggregate millage rate is 7.62 percent less than the aggregate current Fiscal Year 2018-2019 millage rate of 6.3268; the aggregate rolled back rate for the Fiscal Year 2019-2020 budget is 5.8447; the aggregate tentative millage rate for the Fiscal Year 2019-2020 budget is 5.8447; and the tentative aggregate millage rate represents a 0.00 percent change when compared to the aggregate rolled back rate.

There being no further comments or objections, the Board acknowledged the Budget Office reading into the record the percentage by which the aggregate millage that is necessary to fund the tentative budget for Fiscal Year 2019-2020 is changed from aggregate rolled back rate of 5.8447 mills, aggregate tentative rate of 5.8447 mills, and percentage change of zero percent, including voted millages, and the tentative rate represents a 7.62 percent reduction from the current Fiscal Year aggregate rate of 6.3268.

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**ITEM D.2., PUBLIC COMMENT, RE: REVISED TENTATIVE COUNTY BUDGET FOR FY 2019-2020**

Chair Isnardi called for a Public Hearing to hear public comment regarding the revised tentative County budget for Fiscal Year 2019-2020.

Frank Abbate, County Manager, stated this Item calls for public comment on the revised tentative County Budget for Fiscal Year 2019-2020; and before beginning public comment, he asked the Budget Office to read into the record the revised tentative budget information.

Jill Hayes, Budget Office Director, stated the Fiscal Year 2019-2020 tentative budget is \$1,334,915,547.00; and the budget represents an increase of \$567,576 or 0.04 percent more than the Fiscal Year 2018-2019 current budget of \$1,334,347,971.00.

Mr. Abbate advised the Chair it is now ready to accept public comments on the revised tentative budget for Fiscal Year 2019-2020.

Maria Estor stated her concern is transportation; she is a frequent rider as opposed to flyer; she rides her busses every day, sometimes six days a week; she would ride it seven days a week if it were available, but they are not; of course there is a curfew for the busses which makes it a little difficult because people have to plan their trips really carefully to make sure to be at the bus stop on time, whether coming or going; and she knows that through news media that Brevard has enticed companies to come and open up in Brevard County, and she thinks it is wonderful. She noted if abatements are given for taxes, she inquired where the money is supposed to come from to fund transportation; it sorely needs an increase in funding; there are plenty of people who are willing to ride it, but they are not willing to wait an hour for a bus especially being baked alive in the sun; that is unconscionable, and none of the Board would do it; she is sure none of the Board members ride the bus they probably all have cars, which is nice, but the disabled individuals do not have that option, they have to stand and wait patiently; and she commends the bus company as they are courteous, respectful, and if they see she needs help, they help her get on and off the bus, and that does not happen in a lot of places. She asked if Brevard County is trying to entice the people to move here, and there is not a competitive travel system, what is the point. She stated the County is increasing traffic on the roads, which everyone knows the roads are in terrible shape; people who have disabilities, they fall through the cracks because they do not know how to get around; the transportation system needs a severe shot in the arm, a real boost; and she knows with the charter cap the Board cannot raise taxes, so it is operating with its hands tied behind its back. She stated she thought that was ill-advised, but it is what it is; the transportation system needs a severe infusion of money; it needs to be improved so the ridership can improve and people will be willing to use it without having to wait an hour for the bus; it takes her two and half hours to get to work, so people have to leave their homes three hours before they are supposed to be there, and that is not easy standing outside waiting for a bus in all types of weather; and people may do it in other places, but it is more conducive because they have shelters at every bus stop and busses that come every 15 minutes, not so here in Brevard County. She noted the most Brevard County has is busses every half an hour and that is only on the weekdays and on certain routes, every other route is one bus per hour.

Camille Tate stated she is representing the Space Coast Chapter of National Federation of the Blind of Florida; she is speaking on behalf of transportation as well; she is going to speak a little different than what Maria stated; she thanked the Board for recognizing the need in the transit system for more paratransit; she believes there are two paratransit routes to be added in the budget; and it is sorely needed especially in the areas of Titusville, where there are people who can use the system to go to work, school, and live their everyday lives. She continued by saying she is very thankful that this need has been recognized by the County Commission; of course

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there is still more work she would like to have been done, but it all takes time; she noted she wanted to give her support to Space Coast Area Transit (SCAT) for the exemplary job they have done within the means that have; they provide good service; and she hopes to see an expansion of that service in the future. She advised she would be coming before the Board again as always to start talking about transportation; she thanked the Board again for the two paratransit routes placed in the budget for the upcoming Fiscal Year.

Chet Ellsworth stated he has a couple procedural questions on this budget; he has called a couple Board Members about it; he asked if the \$1.3 billion is approved if that is the last the Board sees of it, or does the Board approve the payments individually; the other question is concerning the different committees reviewing the budget; he tried to get a hold of County Manager's office and Ms. Ross sent him the minutes of the meetings; and he wondered why they are not published, so people can go to the meetings of these committees. He went on to say he wonders if that is something that is flying underneath the Sunshine Laws; most of the counties that he has had dealings with, most public entities, always had the Board approve payments on a monthly basis of all their vendors; that can easily hold audit abilities and credibility in check; and he is inquiring how that is done in this State, who does it, and if it is the Board whether there is some self-auditing going on, which he has seen in some other meetings he has attended.

Commissioner Lober stated the County has both internal and external auditors; the checks at least for payroll and things of that nature cut through the Comptroller's Office, so there is oversight with respect to that; as far as the Board itself overseeing each and every check that is written, realistically it is something that would be logistic impossibility; depending on the amount of the check and what it is for, various staff members have authority up to a pre-set amounts, and anything over those amounts generally will be bounced up either to a Director, Assistant County manager, or up to the County manager and possibly beyond that to the Commission depending on the use, authorization, and the amount; and that is the cliff notes version of the answer to Mr. Ellsworth's question.

Chair Isnardi commented she will re-emphasize what Commissioner Lober just said; Mr. Ellsworth would be surprised at what the external auditors find; they are really good at finding where the Board or the County could be doing better at not just reporting but processing; that is sometimes how things get lost, not mishandled purposely, but just where things are more difficult to find or less transparent; and the County has a receptive management team who make sure that the County is doing everything on the up and up. She noted she is not exactly sure what committees Mr. Ellsworth was referring to as far as oversight; if he is talking about the Budget Review Committee, or those board members, all of that is public; as far as getting those meetings published online, that is something that can be looked into; it is probably just a matter of getting that uploaded to the website to make sure that the public has access; and that would not be a difficult process at all, if it is videotaped. She advised she is not sure if it is videotaped or if it is audio; there are minutes from the meetings, she does know that; and she asked if those minutes are published.

Mr. Abbate commented he has access to them; however, he does not know if they are currently published.

Chair Isnardi commented the Board could always request that.

Mr. Abbate noted they are always available; he was just asked today and they provided all the minutes that were available for the last few meetings; he does not believe the last one or two meetings were there as they are still trying to catch up from the hurricane; it takes time to do the minutes for the various committees that the County provides staff for; and he reiterated they do make them available.

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Chair Isnardi commented maybe as a process or at least some of those that oversee the budget, the Board could look at getting those published if it is not too cumbersome to ask that.

Mr. Abbate advised they could do that.

Chair Isnardi noted that is because the minutes are being done anyway.

Mr. Abbate mentioned they could definitely look into putting them online.

Chair Isnardi stated there is an individual whom was appointed and he is like a hawk and an asset to the Board.

Commissioner Lober stated he knows whom the Chair is talking about.

Chair Isnardi reiterated there is definite oversight, criticism, ideas, some good and some not so good because some involve trying to come up with ways to increase taxes, but other ideas on where to cut, so it is good information that comes out of that board; and that is why she suggested at least looking at the possibility in having those published for the public.

Commissioner Lober inquired if that is an easy thing to do. He advised Lois gave thumbs up.

Dom Scafetta stated he was under the impression this meeting was about the fire districts and the funding for the fire districts according to the tax thing he received in the mail; his concern is that where he is in Cocoa Beach it is an unincorporated area; his house is two miles from the Cocoa Beach Fire Department, yet they are lumped in with South Patrick Fire Department; and his insurance was dropped this year because they said that his fires are just too far away. He explained he talked to them in Cocoa Beach and they told him that they would respond to any fires in South Snug Harbor; when he talked to the deputies, he thinks what needs to be done is to move this from a mutual aid to an auto-aid; he does not understand all the ins and outs of it, but he wanted to see what could be done to help them; and he mentioned he needs insurance on his house.

Chair Isnardi commented she is sure the Board will do whatever it can to help.

Chief Mark Schollmeyer, Fire Rescue Director, inquired if Mr. Scafetta lives in the area of South Cocoa Beach.

Mr. Scafetta responded he lives in Snug Harbor and it is unincorporated.

Chief Schollmeyer advised that for the past five years that he has been the Fire Chief, that has been a point of contention with the homeowners down there with insurance premiums rising or people being dropped; they have had many talks with the City of Cocoa Beach, they have undergone some leadership changes, Fire Chief changes, and those talks have gotten dropped off; they did have some talks about a year and half ago about what the City wanted to do to cover that area was something they need to discuss with their senior leadership as well; and they are in constant communication with them. He noted he hears the people; they receive those complaints and concerns quite often; and they are working on it.

Mr. Scafetta asked if there is any kind of time frame when something may be worked out.

Chief Schollmeyer advised it all depends on when the City wants to meet with him and the senior leadership to address it.

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Mr. Abbate advised he would be happy to follow up with the City to see where they are on that issue.

Mr. Scafetta asked if there was someone whom he could follow up with to monitor what is going on.

Mr. Abbate advised Jim McKnight would be the one, he is going to be the City Manager and over the Fire Chief in Cocoa Beach; they do have a mutual aid agreement with them to respond to one another when needed; and an auto-aid agreement is different in that they would automatically respond no matter what.

Mr. Scafetta stated that is how it was described to him; and that is what all the insurance companies are looking for.

Chief Schollmeyer stated the Mr. Scafetta is correct in the fact that the City of Cocoa Beach is about 1.8 miles away and the ambulance is also about 1.8 miles away; and the Fire Engine from the County Services for that particular area comes from South Patrick Shores which is about eight or nine minutes away.

Mr. Scafetta stated that is all consistent with what he has been told.

Commissioner Lober commented if Mr. Abbate does not think it is inappropriate, he would like to set up a meeting with either Mr. McKnight or Ben Malik out there with him and Chief Schollmeyer; and he can have his office set that up if it is okay with Mr. Abbate.

Mr. Abbate stated they would be happy to participate.

Commissioner Lober stated, as a heads up, he does not know if the same situation applies to both Snug Harbor and Avon by the Sea, but if it does it may be something they can look at to try to kill two birds with one stone, depending on how they go about it.

Chief Schollmeyer advised Avon is actually up towards Cape Canaveral.

Commissioner Lober suggested if it is something that applies to both perhaps, they could tag team and set something up in the morning with one and maybe something a couple hours later with the other.

Chair Isnardi asked Commissioner Lober to keep the rest of the Board informed with what is happening because that is shameful not to be able to get insurance on a house; and she feels bad for Mr. Scafetta.

Commissioner Lober advised Mr. Scafetta to feel free to reach out to his office, he would not mind keeping him up to date on the situation and what he knows.

The Board accepted public comments concerning the proposed budget and tentative millage rates for the County's 2019-2020 Fiscal Year, including Charter Officers and Dependent Special Districts.

### **ITEM D.3., ADOPTION FY 2019-2020 TENTATIVE MILLAGES**

Chair Isnardi called for a public hearing for adoption of Fiscal Year 2019-2020 tentative millages.

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Frank Abbate, County Manager, stated for this Item, it is recommended that the Board discuss and tentatively adopt the Fiscal Year 2019-2020 millage rates; and any change to the millage rates under this Item will be recomputed by the Budget Office and announced under Item D.4.

Commissioner Pritchett made a motion to approve the tentative budget.

Commissioner Lober seconded the Motion.

There being no comments or objections, the Board discussed and tentatively adopted the FY 2019-2020 Millage Rates from Board Agencies, Charter Officers, and Dependent Special Districts.

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

**ITEM D.4., ANNOUNCEMENT OF THE RECOMPUTED FY 2019-2020 AGGREGATE TENTATIVE MILLAGE**

Chair Isnardi called for public hearing to announce the recomputed Fiscal Year 2019-2020 aggregate tentative millage.

Frank Abbate, County Manager, stated based on the approved millage rates under Item D.3. he will ask the Budget Office to read into the record the revised aggregate millage rates.

Jill Hayes, Budget Office Director, stated the aggregate rolled back rate for the Fiscal Year 2019-2020 budget is 5.8447; the aggregate tentative millage rate for the Fiscal Year 2019-2020 budget is 5.8447; and the tentative aggregate millage rate is equal to the aggregate rolled back rate.

There being no comments or objections, the Board acknowledged the announcement of the recomputed Fiscal Year 2019-2020 aggregate rolled back rate.

**ITEM D.5., RESOLUTION RATIFYING, CONFIRMING AND CERTIFYING THE ANNUAL STORM WATER UTILITY SPECIAL ASSESSMENT ROLLS**

Chair Isnardi called for a public hearing on a resolution ratifying, confirming, and certifying the annual Storm Water Utility Special Assessment rolls.

Frank Abbate, County Manager, stated they are now ready for the rate approval and adoption of specific program budgets; these actions are necessary in order to certify non ad valorem assessment to the Tax Collector in accordance with the uniform method of collection under Florida Statutes, Section 917.3632.

Jill Hayes, Budget Office Director, stated Item D.5. request the adoption of the Storm Water Utility resolution, ratifying, confirming, and certifying the annual Stormwater Utility Assessment rolls.

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There being no comments or objections, the Board adopted Resolution No. 19-147, ratifying, confirming, and certifying the Annual Storm Water Utility Special Assessment Rolls.

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

**ITEM D.6., FIRE ASSESSMENT RATE ADJUSTMENT, AND RATIFICATION, CONFIRMATION AND CERTIFICATION OF THE ANNUAL FIRE SERVICES NON-AD VALOREM ASSESSMENT ROLL**

Chair Isnardi called for a public hearing on Fire Assessment Rate adjustment, and ratification, confirmation, and certification of the annual Fire Services Non-ad valorem Assessment roll.

Jill Hayes, Budget Office director, stated this Item request the ratification, confirmation, and certification of the annual Fire Services Non-ad valorem Special Assessment tax rolls.

There being no comments or objections, the Board adopted Resolution No. 19-148, adopting a Fire Assessment rate increase of 2.443 percent in FY 2019-2020, as approved by Resolution No. 18-079 on May 22, 2018; and adopted Resolution No. 19-149, ratifying, confirming, and certifying the non-ad valorem assessment roll, which has been updated to reflect the 2.443 percent rate adjustment.

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

**ITEM D.7., RESOLUTION, RE: ADOPTION OF A SCHEDULE OF RATES AND FEES FOR HAZARDOUS MATERIALS SPECIAL OPERATIONS TEAM, STANDBY RESPONSE, FIRE PREVENTION AND INSPECTION RATES**

Chair Isnardi called for a public hearing for a resolution adopting a schedule of rates and fees for Hazardous Materials Special Operations Team, Standby Response Rates, and the Fire Prevention and Inspection Rates for Fiscal Year beginning October 1, 2019.

\* Commissioner Smith arrived at the meeting.

Jill Hayes, Budget Office Director, stated this Item requests the adoption of the schedule of rates and charges for Hazardous Materials Special Operations Team, Standby Response, and Fire Prevention and Inspection rates.

There being no comments or objections, the Board adopted Resolution No. 19-150, Annual Hazardous Material Special Operation Team Schedule of Rates, Standby Response Rates, and the Fire Prevention and Inspection Special Rates for the Fiscal Year beginning October 1, 2019.

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

**ITEM D.8., PUBLIC HEARING, RE: ADOPTION OF RESOLUTION CERTIFYING MUNICIPAL SERVICE BENEFIT UNIT ASSESSMENT ROLL TO TAX COLLECTOR - COUNTYWIDE**

Chair Isnardi called for a public hearing for adoption of a resolution certifying Municipal Service Benefit Unit Assessment roll to the Tax Collector, Countywide.

Jill Hayes, Budget Office Director, stated this Item requests adoption of a resolution certifying the Municipal Services Benefit Unit Assessment Rolls to the Tax Collector.

There being no comments or objections, the Board adopted Resolution No. 19-151, ratifying and certifying Municipal Service Benefit Unit (MSBU) Assessment Rolls to the Tax Collector.

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

**ITEM D.9., ADOPTION OF BUDGETS FOR FY 2019-2020 FOR CERTAIN DISTRICTS AND PROGRAMS**

Chair Isnardi called for public hearing to adopt budgets for Fiscal Year 2019-2020 for certain districts and programs.

Frank Abbate, County Manager, stated in accordance with the Brevard County Code of Ordinance, he request the adoption of the Fiscal Year 2019-2020 budgets for the following agencies: Solid Waste Management, Stormwater Utility Department, Fire Services Non-ad valorem Assessment, and Melbourne-Tillman Water Control District.

There being no comments or objections, the Board adopted Resolution No. 19-152, adopting the budgets of Solid Waste Management Department, Stormwater Utility, Fire Rescue Operations Assessment, and Melbourne-Tillman Water Control District.

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



**ITEM D.10., FY 2019-2020 BAREFOOT BAY WATER AND SEWER DISTRICT BUDGET**

Chair Isnardi called for public hearing on Fiscal Year 2019-2020 Barefoot Bay Water and Sewer District budget.

Frank Abbate, County Manager, stated this Item request that the governing body of the Barefoot Bay Water and Sewer District approve a resolution adopting a budget for Fiscal Year 2019-2020.

There being no comments or objections, the Board, as governing body of the Barefoot Bay Water and Sewer District, adopted Resolution No. 19-001, adopting the Barefoot Bay Water and Sewer District Fiscal Year 2019-2020 Budget.

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

**ITEM D.11., TENTATIVE APPROVAL OF A RESOLUTION ADOPTING THE COUNTY'S BUDGET FOR FY 2019-2020**

Chair Isnardi called for public hearing for tentative approval of a resolution adopting the County's budget for Fiscal Year 2019-2020.

Frank Abbate, County Manager, stated based on the action taken under Agenda Item D.3. he would now ask the Budget Office read into the record the revised tentative budget for Fiscal Year 2019-2020.

Jill Hayes, Budget Office Director, stated the revised tentative budget for Fiscal Year 2019-2020 is \$1,334,915,547; and the budget represents an increase of \$567,576 or 0.04 percent more than the current budget of \$1,334,347,971.

Mr. Abbate requested tentative approval adopting the Fiscal Year 2019-2020 Brevard County budget.

There being no comments or objections, the Board adopted Resolution No. 19-153, adopting the County's total budget for FY 2019-2020, as indicated in Agenda Item D.2., at a total of \$1,334,915,547, which includes County agencies of \$1,103,931,924, Charter Officers of \$149,949,020, and Dependent Special Districts of \$81,034,603.

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

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**ITEM E.4., BOARD REPORTS, RE: BRYAN LOBER, DISTRICT 2 COMMISSIONER/VICE CHAIR**

Commissioner Lober stated he hopes to see next time, the Board is coming around to negotiations with the Fire Union, that the County really does what it can with the pay issues it has have especially with retention in the first five years; and just as the Board looked at public safety from the Law Enforcement side this year in particular with the Sheriff's bucket, Municipal Service Taxing Unit (MSTU), he would really like to see what the Board can do to help out the folks on the other side of the public safety aisle to get them where they need to be or at least as close to that as it can manage without hurting the County.

Commissioner Pritchett asked the County Manager if it would be possible to get the fire fighters pay so the Board can look at it and maybe get some ideas where their pay should be at this time.

Frank Abbate, County Manager, responded affirmatively; he stated there are negotiations on going now; and they will be coming back to the Board in Executive Session and they will provide all that information.

Commissioner Pritchett stated that would be a good tool for the Board to have to review what it is paying the fire fighters.

**ITEM E.6., BOARD REPORTS, RE: CURT SMITH, DISTRICT 4 COMMISSIONER**

Commissioner Smith stated a problem has come to his attention and he needs his fellow Commissioners to help him; on Wickham Road there is a wall that is in front of Suntree and if any of the Board Members have driven by there lately, he or she may have noticed there is a hole in the wall from where a car hit it; the insurance company for the car that hit the wall is willing to pay for it, but they do not know who to write the check to because no one claims the wall; Suntree says it is not their wall, the County thinks it belongs to the County but there is no documentation; and the closest he can come is Sue Schmidt who was the District 4 Commissioner at the time and she remembers the negotiations. He continued by saying when the County was going to widen Wickham Road they agreed to let the County have that property and in return the County built them a wall; she is willing to sign an affidavit to that affect which he thinks would indicate the County being the owner of the wall; and then the County could get the money from the insurance company and get the wall fixed. He asked the County Attorney how she would propose the Board move forward.

Eden Bentley, County Attorney, stated she thinks she needs to look at the chain of events, the history of the title; she knows Commissioner Smith has looked, but she would like to work with Land Acquisition to see if they can find a little information; and possibly Road and Bridge because they may have the records.

Commissioner Smith advised John Denninghoff, Assistant County Manager, is very involved in this; and he asked if Mr. Denninghoff would like to weigh in on it.

Mr. Denninghoff advised he has check the records very thoroughly, they checked with a number of staff that are still with the County from that time contemporaneous to the transactions that resulted in the construction of the wall; the best he can say is the prevailing impression is that the County did accept responsibility of maintaining the wall as to structure, not necessarily as to aesthetics, in other words the County would not have to paint or pressure wash it; however the County would maintain the structural condition of the wall, seems to be the prevailing thoughts. He reiterated there was no information that he could find to this affect at all, including in the

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Land Acquisition files; while they are disappointed in not being able to find that, he did ask Suntree Homeowners representatives if they could find any documentation about it one way or the other; and he is coming up with a lack of information on it. He stated he spoke directly to two Land Acquisition agents who were working for the County at the time and both of them did not recall and were not involved with that particular part of the Wickham Road Widening Project, so they did not have any firsthand knowledge; and that leaves him high and dry with respect to documentation.

Attorney Bentley explained the County might have to create some documents; she needs to look at the title and see if the wall is on individually held lots or if it is in a homeowner's common area; that kind of issue, she will need to look at; and Mr. Denninghoff may already know the answers to some of those questions.

Commissioner Smith asked if the County Attorney needs a motion to do that.

Attorney Bentley stated she thinks she can just proceed to look at it; she may have to bring documents back before the Board; however, she can investigate it and see what needs to be done.

Commissioner Lober stated he does not mind the County helping out if it is simply the County serving as a pass through or spending the funds received in equal part to fix it, but his only concern that Mr. Denninghoff touched on, he does not want to assume an ongoing obligation to maintain a structure that the County may not have an obligation to maintain; he would not mind with one particular development, but he would not want to create a precedent where others in similar situations come to the Board with a handout to please maintain their walls; and whatever staff's recommendation is, he will go by. He mentioned he emphasizes with them and he would like to get it fixed but truth be told, and he believes 100 percent what Commissioner Smith said about what the prior Commissioner said about her recollection, but there is a big difference between agreeing to build something and agreeing to maintain it in perpetuity; depending on what staff finds and what the end result would be insofar as the County's obligation to maintain it, is a concern and will drive how he goes with something like that; he would do whatever the County can, within reason, to fix it; and if it is something that has the act as a pass through that is wonderful.

Commissioner Smith commented he would like to see what the County Attorney finds and go from there.

Chair Isnardi inquired if the County is maintaining the wall now.

Commissioner Smith advised the County is not, they are.

Chair Isnardi suggested maybe an option would be to explore.

Commissioner Smith noted he is not averse to negotiating with them to come to some kind of finality.

Chair Isnardi advised they would probably be able to maintain it better than the County.

Commissioner Smith stated to his knowledge they have been.

Chair Isnardi stated that is what she is saying, if they have already been doing all of the work anyways; and at least the Board may be able to help them out to get it fixed.

Commissioner Smith stated the stumbling block was the insurance company did not know who

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to write the check to; and it was each party saying it is not their wall.

**ITEM E.7., BOARD REPORTS, RE: KRISTINE ISNARDI, DISTRICT 5 COMMISSIONER, CHAIR**

Chair Isnardi stated she should have addressed it when people were up talking about the transportation, but as people know not just from trips to her office but her position during budget is transportation is very important to her personally as a Commissioner; she appreciates the fact that people recognize the Board was able to do something this year, which is more than what has been done in previous years; and now unfortunately the Board has to play catch up. She continued she does not want to say be satisfied with what is there now, but she would like to peck away at this problem and get a little bit each year, at least that is her intent; she believes the majority of the Board views transportation as being important; there are different Commissioners now who were able to advocate for routes in their Districts and add regular transportation routes in their Districts, and add the two paratransit routes with everyone being in support of it; and she believes that is a function that the County is supposed to do. She went on to say with that paratransport the Board was able to add 34 new routes for disabled or needy medical people; to her that is quite an accomplishment from where it was even five years ago; and she noted the Board hears the people, it cares about all of them, and it cares about the community, and she believes the Board Members are all on the same page when it comes to increasing public transportation. She stated she agrees the County needs to do better with the shelters but they are quite expensive to install and to maintain; the County will definitely be looking at it; and County staff definitely thinks the County needs to do better, but ultimately it is the Board who has to commit those funds and go after the dollars to make this a priority. She announced it is her daughter's sweet 16th birthday and she wanted to be on the record wishing her a happy sweet 16; and after leaving here, she will be going home to make her, her favorite dinner. She mentioned Jill Hayes, Budget Office Director, has a daughter Allison whose birthday is today as well; and she wished Allison a happy 13th birthday and stated she is glad it is an early evening so they can get home to spend time with their daughters. She noted Commissioner Smith was late because he was at a service for one of Brevard County's fixtures, Henry Minneboo, who lost his son unexpectedly; and she wanted to express her heartfelt thoughts and prayers to his family; Henry is a wonderful man that many of the Board Members and staff know or has interacted with; and she just wanted to express her personal thoughts and prayers to this family.

Upon consensus of the Board, the meeting was adjourned at 6:06 p.m.

ATTEST:

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SCOTT ELLIS, CLERK

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