

December 10, 2019

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, December 10, 2019

5:00 PM

Regular

Commission Chambers

A. CALL TO ORDER 5:01 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

Commissioner Lober called for a moment of silence.

C. Pledge of Allegiance

Commissioner Tobia led the assembly in the Pledge of Allegiance.

E.1. Resolution Acknowledging Brevard County in Support of the Brevard Zoo's Efforts to Bring a World Class Aquarium to Brevard County

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-240, acknowledging Brevard County for support the Brevard Zoo's efforts to bring a world class aquarium to Brevard County.

Commissioner Tobia inquired what is being envisioned with this, because specifically in section three it is directing staff to actively support and cooperate with Brevard Zoo in its efforts to move the Aquarium Project forward. Commissioner Smith responded for him it is just the visions that they are not going to be opposed to it by doing their normal neutral position and that they are not going to oppose it; they are not going campaign for it; and he stated he is willing to strike that.

Chair Lober suggested rewording it to say request County staff to cooperate with Brevard Zoo and its efforts to move the Aquarium Project forward.

Commissioner Smith stated that is fine with him.

Commissioner Tobia advised he is not supportive for multiple reasons; and he inquired where nearly 80 percent of residents support an aquarium near Port Canaveral as part of a conservation campus that supports marine restoration, education, and recreation.

Commissioner Smith replied his staff came up with that number and probably got it from the Zoo.

Chair Lober inquired if Keith Winsten, Executive Director of Brevard Zoo, knows about the 80 percent number. Mr. Winsten replied there was a 2018 survey of Brevard County residents on both the Zoo's popularity and the aquariums popularity; and the aquarium came in at 79 percent.

Commissioner Tobia inquired how big the sample was and did he inform of the taxpayer costs that potentially would be going into it. Mr. Winsten responded he actually did of the taxpayer costs which was known at that time as the Tourist Development funds; he stated the sample was sample size and was obviously looked at physical and it was 500 people; and it was based on the typical logistics of when doing that.

Commissioner Tobia inquired if the Zoo attendees were done. Mr. Winsten replied it was a call as a cold call phone interceptor sample in Brevard County.

Commissioner Tobia inquired if Mr. Winsten was aware of the many issues with that. Mr. Winsten responded he is; he stated he went with a professional polling company that is used often and used for all sorts of things; and it indicated the Zoo and this project was about the highest result they have ever seen on anything they have done in Florida before, and the Zoo was almost at 90 percent.

Commissioner Tobia inquired if the \$10 million of Tourist Development Tax money was mentioned. Mr. Winsten responded affirmatively; and he stated he does not remember the exact working, but there were a whole bunch of different questions asked to dig down deep to see where the comfort level was.

Commissioner Tobia remarked out of curiosity he would like to see the outcome of it.

Mr. Winsten concluded by saying sure and he is planning to do this again.

Commissioner Tobia concluded by saying hopefully with the actual tax dollar number.

Commissioner Pritchett stated there is a lot of fundraising to do and this is really just keeping it in front of the public by encouraging them to be supportive of the idea of an aquarium; this Resolution is just a nice thing of knowing the Board would like an aquarium; there are a lot of hurdles to jump through; but she thinks it is wonderful and she is hopeful of the other funds to be able to put an aquarium in place.

Chair Lober disclosed he and Mr. Winsten did have a discussion about some concerns he had earlier with respect to this Resolution; he knows that the way it was originally worded in the first section indicated it was unwavering support; he is supportive of the aquarium because it is the best option presented to the Board, out of the options that have been made available; and namely no other option is under discussion here. He advised he will certainly continue to support it until something better comes along, unless the money is committed and spent prior to that time; he expressed his appreciation in the change, prior to it coming up today; he noted he thinks it is a great project; and he hopes that it moves forward, and that all are successful in the fundraising.

Commissioner Pritchett expressed how nice it is to have Jim Barfield back in the house; she stated it is wonderful seeing his face again; and he has left the Board in good hands, because the Chair is doing well representing his District.

Mr. Barfield stated it felt really strange being in the Commission Room standing down at the podium before the Board; he expressed his thanks to the Board on behalf of the Brevard Zoo, the aquarium, and all of the supporters for passing the Resolution; he mentioned sitting back and imagining what it will be like when there is an aquarium, where kids and families can immerse themselves into the aquarium, by how it operates, and being educational for the community; but most importantly, it is going to put into each other's hands where they can see exactly how important environmental restoration is and what is going to be done with the Lagoon. He went on to say it is very important to have the Board's and many cities support in the community for this Resolution; this project can be followed on social media at www.theaquariumproject.org; he wished the Board a Merry Christmas and a Happy Hanukah; and he expressed that he is really happy with what the Board is doing and it is doing a very good job without him.

Commissioner Smith stated he does not know if the artist renderings have been seen by the Board, but it blew him away because like the Zoo he is probably its biggest supporter now; he

can tell that by the renderings he has seen it is going to blow people away; and he has never seen anything like it.

Chair Lober inquired if there has been any progress on the shark naming. Mr. Winsten responded many ideas are heard from the public, but Chair Lober's name was the most creative and he is wanting to offer sharks naming only to attorneys; he is not sure if one would have to pay to un-name a shark after it is named after someone; and he thought that was a brilliant un-naming ploy.

Result: Adopted

Mover: Curt Smith

Second: Rita Pritchett

Ayes: Pritchett, Lober, Smith, and Isnardi

Nay: Tobia

F.1 Final Plat and Contract Approval, Re: Egrets Landing Phase 4 Open Space Subdivision (19SD00014) Developer: Egret's Landing MI, LLC

The Board authorized the Chair to sign and granted final plat approval for Egrets Landing Phase 4 Open Space Subdivision (19SD00014); and executed and approved the Subdivision Infrastructure Contract with Egret's Landing MI, LLC, subject to minor changes, if necessary, receipt of all documents required for recording, and developer responsible for obtaining all other necessary jurisdictional permits.

Mover: Kristine Isnardi

Second: Rita Pritchett

F.2 Final Plat and Contract Approval, Re: Island Chase (17SDM00002) Developer: RJJAC Homes, LLC.

The Board authorized the Chair to sign and granted final plat approval for Island Chase (17SDM00002); and executed and approved the Subdivision Infrastructure Contract with RJJAC Homes, LLC, subject to minor changes, if necessary, receipt of all documents required for recording, and developer responsible for obtaining all other necessary jurisdictional permits.

Mover: Kristine Isnardi

Second: Rita Pritchett

F.3 Acceptance, Re: Binding Development Plan with Joseph J. and Barbara J. Tulsie (18PZ00159)

The Board executed Binding Development Plan with Joseph J. and Barbara J. Tulsie.

Mover: Kristine Isnardi

Second: Rita Pritchett

F.4 Final Plat Approval, Re: Goodwill Commons at Viera North PUD - Parcel P (19SD00017) Developer: Roundabout Partners, LLC.

The Board authorized the Chair to sign and granted final plat approval for Goodwill Commons at Viera North PUD, Parcel P (19SD00017), subject to minor changes, if necessary, receipt of all documents required for recording, and developer responsible for obtaining all other necessary jurisdictional permits.

Mover: Kristine Isnardi
Second: Rita Pritchett

F.5 Acceptance, Re: Binding Development Plan with Rojo Holdings of Florida, LLC, and MDP Properties, LLC (19PZ00079)

The Board executed Binding Development Plan with Rojo Holdings of Florida, LLC, and MDP Properties, LLC.

Mover: Kristine Isnardi
Second: Rita Pritchett

F.6 Adopt Resolution and Release Performance Bond: Egret's Landing, Phase 3 Developer: Egret's Landing MI, LLC

The Board adopted Resolution No. 19-241, releasing the Contract and Surety Performance Bond dated May 21, 2019, for Egret's Landing, Phase 3 - Egret's Landing MI, LLC.

Mover: Kristine Isnardi
Second: Rita Pritchett

F.7 Approval Re: Access Easement for the Purpose of Drainage Maintenance from Mary F. Storey (Owner) Related to Existing Drainage Facilities in the Area of Burkholm Road in Mims

The Board approved and accepted the Access Easement from Mary F. Storey for the purpose of existing drainage facilities in the area of Burkholm Road, Mims.

Mover: Kristine Isnardi
Second: Rita Pritchett

F.8 Approval Re: Corrective County Deed in favor of Richard E. Young, to Correct the Legal Description

The Board executed and approved the Corrective County Deed in favor of Richard E. Young.

Mover: Kristine Isnardi
Second: Rita Pritchett

F.9 Approval Re: Local Agency Program Supplemental Agreement Number 5 and Resolution for the St. Johns Heritage Parkway at Ellis Road (Ellis Road Widening) with the Florida Department of Transportation

The Board adopted Resolution No. 19-242, authorizing the execution of Local Agency Program (LAP) Supplemental Agreement No. 5 with Florida Department of Transportation (FDOT) for the St. Johns Heritage Parkway (SJHP) at Ellis Road (Ellis Road Widening); and executed and approved the LAP Supplemental Agreement No. 5 with FDOT for the SJHP at Ellis Road (Ellis Road Widening).

Mover: Kristine Isnardi
Second: Rita Pritchett

F.10 Approval of Payment of Emergency Invoice to Atlantic Development for Sewer Line Repair

The Board approved the payment of \$158,877.43 for an Emergency Purchase Order for Atlantic Development of Cocoa, Inc. for the sewer line repair on Merritt Island; and authorized any budgetary changes.

Mover: Kristine Isnardi
Seconded: Rita Pritchett

F.11. Permission to Initiate the Bidding Process for Office Space Within the General Aviation Terminal, and for Lease of the Former Airport Administration Office/Trailer at Valkaria Airport

The Board granted permission and authorized staff to initiate the bidding process, in accordance with Brevard County Code of Ordinances, Section 2-244, for lease of office space within the General Aviation Terminal and for the former Airport Administration Office/Trailer at Valkaria Airport.

Mover: Kristine Isnardi
Seconded: Rita Pritchett

F.12. Request Permission to Solicit Formal Bids for Construction Services to Refurbish the Fox Lake Park Pavilion

The Board granted permission to advertise for an award of a Formal Bid for Construction Services for the Fox Lake Park Pavilion Refurbishment Project; authorized the Chair to execute all related contracts, upon County Attorney Office and Risk Management; and authorized the County Manager to execute any related budget change requests.

Mover: Kristine Isnardi
Seconded: Rita Pritchett

F.13. Approval Re: Request Permission to Solicit Formal Bids for Construction Services for the Renovation of the Fisherman's Landing Pier

The Board granted permission to advertise for an award of a Formal Bid for Construction Services for the Fisherman's Landing Pier Renovation Project; authorized the Chair to execute all related contracts, upon County Attorney Office and Risk Management; and authorized the County manager to execute any related budget change requests.

Mover: Kristine Isnardi
Seconded: Rita Pritchett

F.14. Approval, Re: Accept and award Emergency Medical Services Grant Funds to Local EMS Providers for 2019/2020

The Board accepted and awarded Emergency Medical Services (EMS) grant funds to local EMS providers who have submitted grant applications, the funding for this request is provided to the County from the Florida Department of Health; and approved request for all budget changes or other administrative actions necessary for this process be approved by the County Manager, or his designee.

Mover: Kristine Isnardi
Second: Rita Pritchett

F.15. Approval of Budget Change Requests

The Board approved the Budget Change Requests.

Mover: Kristine Isnardi
Second: Rita Pritchett

F.16. Request for Bad Debt Write-Off

The Board approved the write-off of various uncollectible receivables identified by Board Departments.

Mover: Kristine Isnardi
Second: Rita Pritchett

F.17. FY2018-2019 Merritt Island Public Library Tax District Board Annual Report

The Board acknowledged receipt of the Fiscal Year 2018-2019 Merritt Island Public Library Tax District Annual Report.

Mover: Kristine Isnardi
Second: Rita Pritchett

F.18. Amended Tangible Personal Property Policy BCC-23 to Update the Effective Dates and Signature Blocks

The Board approved the amendment of Board Policy BCC-23, Tangible Personal Property.

Mover: Kristine Isnardi
Second: Rita Pritchett

F.19. Approval of High Bid for Public Sale of a Surplus Property and Authorization for Chairman to Execute All Necessary Documents

The Board approved and accepted the high bid received from Constance Milton in the amount of \$18,000 for the public sale of a surplus parcel, located at 5571 Wendy Lee Drive, Titusville; and authorized for the Chair to execute all necessary documents.

Mover: Kristine Isnardi
Second: Rita Pritchett

F.20. Request Permission to Issue an RFP for Group Health Plan and Pharmacy Benefit Manager (PBM) Program

The Board authorized Human Resources Director to release an Request for Proposals (RFP) for Group Health Plan and Pharmacy Benefit Manager (PBM) Program for plan year 2021; authorized the Employee Benefits Insurance Advisory Committee (EBIAC) to act as the Selection Committee to evaluate proposals to make recommendations to the Board; authorized Human Resources Director to explore opportunities to add new employer groups to the Group Self Insured Health Plan and voluntary insurance benefits programs by reaching out to the

Brevard School Board and the representative of Eastern Florida State College to determine if there is any interest to partner in this area; and the interested employer groups would be given the opportunity to participate in the RFP process for the 2021 health plan year.

Mover: Kristine Isnardi

Second: Rita Pritchett

F.21. Appointment(s) / Re-Appointment(s)

Chair Lober advised the Tourism Development Council (TDC) and the Florida Statue with respect to this mandates that there is three or four hotel owners or operators who collect the Tourist Development Tax (TDT); right now the folks that are on the TDC are classified as owners or operators; there is Debra Green, Bob Baugher, Giles Malone who are all classified that way, and Puneet Kapur is a General Manager or has an equivalent position in Palm Bay and this would be potentially a fifth member depending on how the Board looks at it. He went on to say from his reading, say that Mr. Malone is not a hotelier, the Board would be a flip-flopping on what the Board and/or staff has done in the past; he personally does not know if he is one to be considered and it does not matter of his ability to remain on the TDC; in addition to serving as a Commissioner and as someone who is an attorney, he takes following the State Statue with or without teeth with the utmost seriousness; he just thought this was something that he needed to bring up to the Commission; if the Commission wants to go ahead and approve it, he will not make a big fuss about it; and this is something that would potentially put the members at five, whereas the Board is required to have no less than three and no more than four. He reiterated that he does not know that there are any teeth in the Statue so he is does not know if there would be a particular penalty for the Board failing to follow that.

Commissioner Pritchett advised she likes Tom Hermanson because he is incredibly good at tourist development; she explained Laurilee Thompson was a restaurant owner and she asked Mr. Hermanson, because he owns two restaurants, so she was actually just throwing another restaurant owner in for Ms. Thompson; Mr. Hermanson has a lot of businesses and he is very active in a lot of stuff, and he was part of the cruise line at one time; she likes him being on the TDC, unless the County Attorney has another idea; but she did speak with the County Attorney about it one time and it was thought to be okay.

Chair Lober advised he is voting against this, but he is not voting against this in any reflection on Commissioner Pritchett's choice or a reflection of qualifications; his interpretation of the Statue is different; and he is not trying to make a statement or to have people read between the lines that are not there.

The Board acknowledged appointment/reappointment of Kristina Latraverse and Lisa Mosier to the Art in Public Places Advisory Committee, with terms expiring December 31, 2020; Michael H. Williams, Sr. to the Building and Construction Advisory Committee, with term expiring December 31, 2021; Eric Hoppenbrouwer to the Citizens Budget Review Committee, with term expiring December 31, 2021; Izeal Battle, Leartis H. Brothers, Kim Bipson, Pastor Jessie Guest, and Betty Wells to the Cocoa West Community Center Advisory Committee, with terms expiring December 31, 2021; Gerald Hirt to the Contractors' Licensing Board, with term expiring December 31, 2021; Holly Carver to the Economic Development Commission of the Space Coast, with term expiring December 31, 2020; Amy Craddock to the Employee Benefits Advisory Committee, with term expiring December 31, 2020; Paula J. Beckner, Benjamin Brotemarkle, and Roz Foster to the Historical Commission, with terms expiring December 31, 2021; Dilesh Patidar to the Investment Committee, with term expiring December 31, 2021; Edwin (Pete) Poole and Gail Ratliff to the Library Board, with term expiring December 31, 2021; Chris Navarro to the Marine Advisory Council, with term expiring December 31, 2021; Karin

Mansfield, Brian McEachran, Janis Shellabarger, Albin Sowash, and Maxine Zieman, with terms expiring December 31, 2021; George Mikitarian and Louis Sanders to the North Brevard Economic Zone Special District Board, with terms expiring December 31, 2023; Sue Price to the Personnel Council, with term expiring December 31, 2020; Ron Bartcher, Ian Golden (Alternate), and Brian Woltz to the Planning and Zoning Board, with terms expiring December 31, 2021; Constantine Daniel and Christine Jenkins to the Port St. John Public Library Advisory Board, with terms expiring December 31, 2021; Greg Messer to the Port St. John Dependent Special District Board, with term expiring December 31, 2023; Edwin (Pete) Poole to the Port St. John Public Library Advisory Board, with term expiring December 31, 2021; Brian Anderson and Tom Hermanson to the Tourist Development Council, with terms expiring December 31, 2023; Michelle L. Balzanto, George Bovel, Jack (Jack) Higgins, Rodney Honeycutt, and Adam Kohler (Alternate) to the Transportation Planning Organization Citizens Advisory Committee, with terms expiring December 31, 2020; and John (Jack) Higgins and Chelsea Partridge (Alternate) to the Board of Adjustment, with terms expiring December 31, 2021.

Mover: Rita Pritchett

Seconder: Curt Smith

F.22. Resolution Recognizing Eagle Scout Dylan J. Grochowski

The Board adopted Resolution No. 19-243, recognizing and congratulating Dylan J. Grochowski for achieving the rank of Eagle Scout.

Mover: Kristine Isnardi

Seconder: Rita Pritchett

F.23. Resolution Recognizing Eagle Scout Aaron T. O'Connor

The Board adopted Resolution No. 19-244, recognizing and congratulating Aaron T. O'Connor for achieving the rank of Eagle Scout.

Mover: Kristine Isnardi

Seconder: Rita Pritchett

G. Public Comments

Charles Tovey stated it is becoming a habit for him to come before the Board; he inquired if there could be a compromise instead of having five minutes to speak make it four minutes to speak, because four minutes is adequate for the three minutes people, and five minutes seems to be too long; and he is wondering if the Board would consider four minutes for public speaking. He mentioned his mailbox being destroyed again, he cannot get his mail, and no one does anything about it; he expressed his congratulations to the arts district for finding ways to finance its hobby; he talked about the Lagoon and the head director of Marine Resource Council having topographical photographs of it, and most of the Lagoon does not look good; but there is one spot that was an anomaly and for some reason it seemed to be better than all the other areas. He went on to say he does not know what the Board did with the little rough, crude sketch he gave of his District, and what he does in Commissioner Smith's District; that is where it is coming from, he is the anomaly, check with the director, she will give a copy of the photograph, and his work can be seen; it is evidence and he has it on photographs of all that he does; and no one seems to be considerate enough to take his advice or his things. He went on to talk about taxes and he is paying for the security of his property, everyone comes and does what they want, but he cannot have a mailbox; he has to pay for wastewater when his property is destroyed and he has flooding that he has never had before, which is getting worse

and worse; now there is more construction behind him, which is going to put more water on him; that all used to be wetlands; and the anomaly did not have anything to do with the sewage treatment.

J.1. Approval, Re: Contract for Sale and Purchase with Addendum from Property Owner Humphries, for the C-09 Lift Station Improvement Project

The Board approved and authorized the Chair to execute the Contract for Sale and Purchase and the Addendum with Melinda K. Wren Humphries for interest in the Water and Wastewater CIP/Sykes Creek CIP/Construction/C-09 Lift Station for property located in Section 14, Township 24 South, Range 36 East, on North Courtenay Parkway, north of Pioneer Road and south of Via Del Reina, Merritt Island.

Result: Approved

Mover: Kristine Isnardi

Second: Rita Pritchett

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

J.2. Approval Re: Contract for Sale and Purchase for the Picco Parcel for the F-1 Lift Station Project

The Board approved and authorized the Chair to execute the Contract for Sale and Purchase with Colleen Picco; waived the requirement for a Phase 1 Environmental Site Assessment as required by Administrative Order 37 for interest in the Water and Wastewater CIP/Sykes Creek CIP/Construction/F-01 Lift Station for property located in Section 19, Township 24, Range 37, north of Sykes Creek Parkway, west of North Banana River Drive on Chub Street, Merritt Island.

Result: Approved

Mover: Rita Pritchett

Second: Kristine Isnardi

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

J.3. Board Policy: Requiring Contact Information Be Included on Signs

Commissioner Tobia stated on November 12 the Board discussed whether it was proper to have Commissioners names on project signs, such as when roads are being repaired or new ones were being constructed; in retrospect, he was wrong; he listened to what other Commissioners had to say about the inspirational aspects of having names on signs and he took those to heart; and he has drafted a new policy that reflects the argument of his fellow Commissioners. He went on to say this policy would require the names be put on certain signs, particularly when it might be useful for residents to know who to call; for instance, there are often signs on the Lagoon when water is no longer fit for human contact due to pollution; as Commissioners pointed out, the buck stops with them, so it should own these issues; this would also provide information that constituents receive boil water notices through the mailing list and on social media; and thus it would be hypocritical to vote against this. He provided the Board with a copy of a rendering sign that he pulled off of Florida TODAY; he advised this would provide more information to constituents, without having additional costs to taxpayers; and he is going to make the motion for approval of this policy.

Commissioner Pritchett advised she is not going to mandate a resolution to tell the Board what to or not to do; each are elected into this position and each needs to make decisions on what the constituents wants from their Commissioner; she does not know why this is coming before

the Board again; and she is not going to enforce anything on the Board that each Commissioner needs to do in its Districts, unless doing something illegal, but there are already laws in place for that.

Chair Lober stated he is an individual who did not indicated that he thought folks would reach out as a result of his name being or not being on a sign, so he does not fall in that particular vote; but in looking at what was proposed in this particular Agenda Item, at least in isolation if the Board would look at Section II.B., it talks about a whole slew of different things, including the name, the District designation, the email address, and the office phone number of the Commissioner in whose project the notice applies; he is just worried, depending on the particular sign, the sign that was just shown on the projector he does not know that it would be an issue because it is on the waterway, but a sign visible from the road leaves him feeling uncomfortable because he does not want people texting, writing down, or taking a photo of all the information while he or she is driving, because that is not safe; he agreed with Commissioner Pritchett, because he has had opportunities to have his name included in sign design and he has shot that down every time it has come up as a possibility; he does not want to micromanage and start interfering with the autonomy of the individual Commissioners and their Districts; he does not have any desire to have his name on really anything; but he does not know that he is comfortable going that extra step over and above that, and saying that no one can have it for any reason or in this case, which it has been modified to mandating that they have it with all sorts of other information. He advised he respects the idea and the motive for it, but he does not know that he can support it as it is written.

Commissioner Tobia stated he used the word hypocrisy; he inquired why it is okay to have names on the positives that the County does, but not on the shortcomings such as the pollution that goes into the Lagoon are things the Commissioners actually do get phone calls about; he advised his office does not get phone calls about the brand new paved roads, but does get calls about when there are spills and broken sewer lines; it seems that, it was brought up by multiple Commissioners, that this is used for informational purposes by wanting his or her name on it to get credit; but when there is no minimum mandates met by the Board, then why should the Board not.

Chair Lober advised it sounds like the question is directed to him; he responded he does not believe he is in the boat that was suggesting that it was used or is often used for informational purposes; that may be, it may not be, and he did not dispose an opinion as to that point when this came up at the last meeting; he suggested for the name being only disposed for positive things; and when going to the wastewater treatment plants in his District, it has all the Commissioners names. He stated if Commissioner Tobia is talking about a leaking wastewater treatment plant, the names are up there; and if someone wants to look at that and be upset, they are welcome to be upset just as they can look at something on a positive project, or that a wastewater treatment plant is working properly with praises desired the Commissioners that are in the particular District that they live in. He understands where Commissioner Tobia is coming from and he does not know if this is really a solution in search of a problem; but again, everyone is welcome to his or her views, and he would be happy to call the question unless there is further discussion.

Commissioner Isnardi stated she does not have a problem per se with the sign or when people call her office to ask questions; her office does receive calls quite frequently for roads, even when they are not in her District; and she asked for the signs to say for informational purposes to contact Utility Services or the Commissioner. She went on to say as far as promotion, she has never seen her name on a sign in her District, it may exist, but she has not seen it; for her it is not about whether her name is on or not a sign, because she does not consider herself as a subject matter expert in utility sewage line breakage and repair; she wants to be able to answer

questions if they have them; she does not have a problem with her name on a sign at all; and she wants a clear contact source if the algae level is high and it has nothing to do with the Indian River Lagoon sewage spill, those make her as angry as they do a constituent; there are other contaminated bodies of water that has zero to do with anything the County is doing or has done in the area; and she is happy to provide information to residents if she has it.

Chair Lober remarked that makes sense.

Commissioner Pritchett stated yes, if there is a need or a feeling to do something that a Commissioner would think would help his or her constituents; her office receives hundreds of calls all week long on things; she gives her cell phone number out and she thinks she has good contact with the community; some Commissioners have bigger, growing areas than she does; it does not matter to her; and if this is something Commissioner Isnardi is wanting to do, she supports her on that, and she is not going to mandate it.

The Board denied request requiring contact information be included on signs.

Result: Denied

Mover: John Tobia

Secunder: Kristine Isnardi

Ayes: Tobia, and Isnardi

Nay: Pritchett, Lober, and Smith

H.1. Public Hearing Amending Ordinance 2019-07, Specifically Amending Section 14-64(a), "Definitions"; Amending Section 14-64(c)(3), "Retail Sale of Dogs and Cats at Pet Stores"; of Chapter 14, "Animals", of the Brevard County Code of Ordinances

Chair Lober called for public hearing amending Ordinance No. 2019-07, specifically amending Section 14-64(a), Definitions; amending Section 14-64(c)(3), Retail Sale of Dogs and Cats at Pet Stores of Chapter 14, Animals of the Brevard County Code of Ordinances.

Chair Lober stated the biggest concern that he has is on page 280 where it says new, it has some new language such as unresolved critical or direct noncompliant item added; it amends from 48 months down to 24 months addressing the period in which the violation may have occurred; his concerns are with the word unresolved preceding the word critical and he does not know if this was ever mentioned when previously discussed in the Commission meetings; his other concern with unresolved is essentially taking what was 48 months and is now being proposed to 24 months; and rendering it totally irrelevant, basically saying in preceding zero months because even if someone had a finding against them for having done the most heinous of heinous things, and if it is resolved then they can operate instantaneously after that. He mentioned being in favor of passing this; and to strike the word unresolved.

Commissioner Pritchett provided the Chair with a handout of the ordinance with some colored wording; she stated she is struggling with what was put in the ordinance last time and does not think she can pass it with that wording; she hates the thought of people doing really perverted things to dogs; as far as a businesses and making them go the extra step of trying to figure out if background reports are going to the Sheriff, is an undue burden being placed on businesses that are good businesses; and it really deviates stopping puppy mills from where it was the first time. She went on to say she thinks that needs to be struck, because she thinks it is putting too much pressure on a store owner; other businesses are going to have to be looked at, as far as if people have molested children and all these types of things; and she thinks the Board has overstepped its bounds writing this ordinance.

Chair Lober remarked as far as them being good businesses, if they have critical or direct noncompliant items those are not good businesses if they have violations of Chapter 828 of Florida Statutes for things along the line of having sex with dogs; these are not people the Board wants to protect or that comply with the rules that society has already put in place; the Board is not instituting additional rules for them in the sense that other things are illegal for them to do with or pertaining to animals; but it is simply saying if a person has done one of things that society recognizes as heinous and a profounding issue. He added it would be taking the teeth out of the ordinance if putting in the word unresolved; he stated anyone can do anything that they want without exception, but as long as it is resolved five minutes later they can go right back into business; this really will not do much of anything, apart from the good of having the information on the side of kennels where conspicuously posted; really other than that if the Board includes the word unresolved, there is a huge problem; and when this was discussed the last time there was a concern that was bounced by Commissioner Pritchett by way of the Sheriff that he could not get records beyond 24 months, which he is fine with.

Commissioner Pritchett agreed; she advised she is fine with striking unresolved critical, but she is struggling with the extra part that was added in the last time the Board met; and the copy she provided to Commissioner Lober has different colored wording. She advised to keep no documented or direct noncompliant items identified in the United States Department of Agriculture (USDA) field inspector's report, in the preceding 24 months period by any governmental agency or entity.

Chair Lober stated with respect to that if it is this or nothing, he will take this; he is not really thrilled to make the change because this will be permitting a state cause of animal abuse to be some that is wholly okay, as long as there is not a Federal case that involves that as well; often times if the State is investigating something, Federal will leave it alone just as when it is Federal, the State will leave it alone; he will support it; but he thinks it is concerning because it is saying a lot of unacceptable behavior is now going to be okay.

Commissioner Pritchett remarked she hates unacceptable behavior, too, but there is a whole list of things that kind of turned her stomach; but as far as this it having to abide by the laws that are in place. She went on to say her goal was to never put an undue burden on store owners; the goal now is to make sure they are complying with the laws that are in place; and she added if an animal is from a commercial breeder and hobby breeder information shall be given to owner if request a purchase.

Chair Lober read aloud the portion that has changed than what was proposed; that pet store owners shall post in a conspicuous location the following information if an animal is from a commercial breeder: (1) Breed; (2) Unique animal identification number; (3) was stricken but had name of breeder, city, and State of origin; and (4) USDA licensee's certificate number; the posting requirement apply regardless of the animal's place of origin; and added hobby breeder information shall be given to owner if requested at purchase. He expressed this is definitely a step backward by having the city and the State taken out of there, because it really does take a lot of the information out.

Commissioner Pritchett remarked really; she advised she will leave the city and State in for the commercial ones; but if the hobby breeders are local, she wants to protect them.

Chair Lober advised he can deal with the name being gone.

Commissioner Pritchett stated the Sheriff can ask for it at any time, as well as the person making the purchase.

Chair Lober stated he remembers a person saying that at a Board meeting or in a meeting at his office that the purchaser requested that information, and was told which way the exit was.

Commissioner Pritchett advised to call the Sheriff to get that information; and there are not of hobby breeders puppies they are selling, there are all almost from the USDA.

Chair Lober expressed concern of there being no way to enforce that if all they have to do is say is it is a hobby breeder and then every five minutes they get the Sheriff out there; and he does not want to put the Sheriff in a bad spot.

Commissioner Pritchett provided an instance in her city of a couple who has a store and the people who have puppies will bring them in to these wonder dog people, to allow people to see the dogs; she stated it is things like that with little businesses like that if somebody was trying to sell his or her puppies; and she is not sure those names need to be let out, unless the puppies are going to be purchased.

Chair Lober stated he thinks there is a little bit of a split on if the Commission is telling that has to be made available.

Commissioner Pritchett advised the Sheriff can or the person who has made a purchase; there are problems with people who are a little aggressive and she is protecting the other individual at that point; and the Sheriff will have full capability, whoever buys it will, but if there is aggressive people she does not think they should get that information.

Commissioner Isnardi stated she is kind of in agreement with Commissioner Pritchett, in a sense that she would rather go the path of least restriction, and it can come back and be modified if necessary; and if it continues to be a problem or if there are cases of not being able to track down where these animals are coming from and is something that can be addressed then, because she thinks that is the safest and easiest option without hurting hobby breeders. She added hobby breeders are the most responsible of the group than any retail store she has ever seen; she would be more supportive of going toward the path of least restriction; and address a problem when it occurs.

Chair Lober stated that is a perfectly valid point and with respect to making sure that he is understanding what is being currently proposed from the handout given by Commissioner Pritchett, which he will ensure the Clerk receives a copy of.

Commissioner Isnardi advised it sounds a lot worse than it is and there is only a couple of changes from the original document.

Commissioner Pritchett clarified for the motion of her provided handout to cross out the word unresolved and all of those other strikeouts will remain, except for the strikeout of city and State of origin for number three to remain in.

Theresa Clifton, Executive Director of Brevard Humane Society, expressed her thanks to the Board for its service to the community and to the pets, and for taking the time to ensure the few, little details are in there; she stated it warms her heart to know that the Board is willing to compromise to at least keep something so that in the community for businesses that want to come in and open up know that the community cares about the animals; even though it is a business, they will be handled in a respectful manner, which means a lot to the animals because they cannot come up here and the Board that; she felt it necessary to do so herself; and she admires the Board, even the ones who are not really into this. She went on to say even though this may not close down a puppy mill, it discourages businesses from opening

animals in from outside of the community from puppy mills; and even if it has prevented one animal from coming in, it has done its job, and she is greatly appreciative of that. She added an animal abuse registry would be an awesome thing to use as a tool for checking for people who should not have pets.

Chair Lober advised it is a topic that he thinks a lot of folks may not know about; the Sheriff has instituted a policy where if a municipality declines to investigate an allegation of violation of Chapter 828 Animals: Cruelty; Sales; Animal Enterprise Protection, the Brevard County Sheriff's Office (BCSO) has been advised to investigate that, if the municipal police department does not do so; he thinks that is a huge effort that the Sheriff has put on the Animal Services and it is a good one; and the folks he has spoken with in the community has been universally in favor of it. He added he spoke with Joe Hildebrand, Animal Services Director, this week about a person cutting a dog's throat in his District; it is something that he is happy to see being investigated by law enforcement, for it going to the courts, and seeing justice served, regardless of vetting other policy's; and he thinks this is an interjectively good policy that no one has criticized, or really could criticize.

Commissioner Isnardi expressed her thanks to Ms. Clifton for all of her hard work done in the community; she stated the thing she admires the most about Ms. Clifton is that she does not let her emotion of how she feels and cares about the animals get in the way of rational; and she appreciates the important message of solutions brought before the Board by Commissioner Lober.

Commissioner Pritchett expressed her thanks to Commissioner Lober for all of his hard work; she stated the State just upped the ante on some of these same things also; there are some wonderful rescue organizations, but there are some really bad ones also; maybe the Board should start kicking some of those ideas around, because the last time there was a rescue organization that was not taking care of the animals; she does not know if it is something that has to be done at the State level; but while researching she is learning that there are some really shysty people out there that are probably getting puppy mill dogs and that might be something to figure out some oversight for.

Chair Lober advised one week from today there will be the animal abuse registry draft for discussion and possibly a vote; he and his staff has put in some considerable time in it, the staff at the Clerk of Circuit Courts has been helpful, and the Information Technology staff has been helpful, along with the Count Attorney being helpful; and it is a state where he thinks it can be passable.

There being no further comments, the Board adopted Ordinance No. 19-27, amending Chapter 14, Animals of the Brevard County Code of Ordinances, specifically amending Section 14-64(a), Definitions, including removal of the word "unresolved"; deleting a section relating to Section 828 Florida Statutes; and amending Section 14-64(c)(3), Retail Sale of Dogs and Cats at Pet Stores, to include the City and State of origin; providing for an area encompassed; providing for inclusion in the Code; providing for conflicting provisions; providing for severability; and providing for an effective date.

Result: Adopted

Mover: Rita Pritchett

Second: Bryan Lober

Ayes: Pritchett, Lober, and Isnardi

Nay: Tobia, and Smith

H.2. Request Approval for an Amendment to Section 78, Article III, at Division 1., Section 78-82 and at Division 2., Section 78-108 of the Brevard County Code of Ordinances

Chair Lober called for the public hearing amending Section 78, Article III, at Division I, Section 78-82 and at Division 2, Section 78-108 of the Brevard County Code of Ordinances.

Mary Ellen Donner, Parks and Recreation Director, stated this is a request to amend Section 78 with regards to polling station election signage; on July 1 a Statute changed that made two major changes to the Statute; the first was to increase the 100-foot to 150-foot Supervisor of Elections jurisdiction; and the second was only political signs would be displayed during polling hours. She added the four early polling stations were located at Kiwanis Island Park, Max K. Rodes Park, Viera Regional Park, and Wickham Park; and they are proposing a change to the existing Ordinance that would only allow for political signs during polling hours. She went on to say if there were political signs that were posted prior to opening poll hours, or after polls closed staff would remove those signs, and take them to a predetermined location where candidates could actually go and pick them up if they wish to post them the next day, and to notify the candidates prior to the polling station opening, which was done at the last election by emailing the representatives and/or candidates that were running. She stated in response to an audit finding another section was added since her last talk with the Board; removing the necessity for a patron to show photo identification and/or sign a waiver; it was found that many patrons call in for reservations and it was problematic in getting them in because of not having access to a computer or were not able to come into any of the offices; those recommendations were noticed as per the public hearing; and she is looking for recommendations from the Board.

Commissioner Pritchett advised she is good with this; and she spent a little bit of time with Ms. Donner talking about this in detail.

Commissioner Isnardi stated she is okay with supporting this because sometimes it gets out of control, especially when going to the park on the weekend; it has been years for her since her kids were little enough to take them to the park; she knows it can be overwhelming, people do complain, and staff is responsible for that property; and she asked Ms. Donner to come back to the Board if picking up signs at two or three places and taking them to a distinct location is doing the candidate a favor, essentially, because they are not having to pick the signs up from the park and going to designated sign collection location which is doing a service for them. She advised to be careful; but she stated maybe the message needs to be the County is not responsible for those signs, they will be picked up as a courtesy, and she does not want the County to be liable for them either.

There being no further comments heard, the Board adopted Ordinance No. 19-28, amending Chapter 78 of the Brevard County Code of Ordinances, "Parks and Recreation" at Article III, "Use of Parks", at Division 1. "Generally", at Section 78-82, "Permits", and further amending at Division 2. "Penalties, Violations and Prohibited Conduct", at Section 78-108, "Posting Signs" to amend the requirement for permits as they relate to signage in Parks in order to comply with recent amendment to State law; and to remove the condition that an applicant provide current photo identification and indemnify and hold the County harmless as established by Resolution by the Board of County Commissioners; Providing for an effective date; providing for an area encompasses; providing for conflicting provisions; providing for inclusion in the Code of Ordinance of Brevard County, Florida; and providing an effective date.

Result: Adopted
Mover: Rita Pritchett
Second: Curt Smith
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

H.3. An Ordinance Amending the Land Development Code of Ordinances of Brevard County, Florida to Change the Term of Appointees for the Planning and Zoning Board From a One Year Term to a Two Year Term

Chair Lober called for the public hearing amending the Land Development Code of Ordinances of Brevard County, to change the term of appointees for the Planning and Zoning Board from a one year term to a two year term.

There being no comments heard, the Board adopted Ordinance No. 19-29, amending Chapter 62, "Land Development Regulations", Code of Ordinances of Brevard County; amending Article II, Division 3, Planning and Zoning board; specifically amending Section 62-182, "Membership"; "Appointment and Term of Members"; changing the term of appointees from one year to two years; providing for expiration of term after two ears, with term of Commissioner, or until new appointment; amending term limits provision to limit terms from eight consecutive appointments to eight consecutive years; amending the alternate appointment from eight consecutive appointments to eight consecutive years; providing the conflicting provisions, providing for severability; providing for application in unincorporated area of County; providing an effective date; and providing for inclusion in the Code of Ordinances of Brevard County.

Result: Adopted
Mover: Rita Pritchett
Second: Kristine Isnardi
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

H.4. An Ordinance Amending the Building and Building Regulation Code of Ordinances of Brevard County, Florida to Reflect a Change to the Contractors' Licensing Board from a One Year Term to a Two Year Term

Chair Lober called for the public hearing amending the Building and Building Regulation Code of Ordinances of Brevard County, to change the Contractors' Licensing board from a one year term to a two year term.

There being no comments heard, the Board adopted Ordinance No. 19-30, amending Chapter 22, "Buildings and Building Regulation", Code of Ordinances of Brevard County; amending Article VI, Division 2, Contractors' Licensing board; specifically amending Section 22-501(a), "Creation and Composition"; changing the term of appointees from one year to two years; providing for expiration of term after two years or with term of Commissioner; addressing a scrivener's error changing "Commissioner" to "Commission" regarding removal; providing for gender neutral reference; providing for conflicting provisions, providing for severability; providing for application in unincorporated area of County; providing an effective date; and providing for inclusion in the Code of Ordinances of Brevard County.

Result: Adopted
Mover: Rita Pritchett
Second: Kristine Isnardi
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

H.5. An Ordinance Amending the Historical Commission Code of Ordinances of Brevard County, Florida to Change the Term of Appointees from a One Year Term to a Two Year Term

Chair Lober called for the public hearing amending the Historical Commission Code of Ordinances of Brevard County, to change the term of appointees from a one year term to a two year term.

There being no comments heard, the Board adopted Ordinance No. 19-31, amending chapter 58, Article II, "Historical Commission", Code of Ordinance of Brevard County; specifically amending Section 58-37(a), "Members; Qualifications, Term, Method of Appointment"; changing the term of members from one year to two years; providing for expiration of term after two years, with term of Commissioner, or until new appointment; providing for severability; providing and effective date; and providing for inclusion in the Code of Ordinances of Brevard County.

Result: Adopted

Mover: Rita Pritchett

Secunder: Kristine Isnardi

Ayes: Pritchett, Lober, Smith, and Isnardi

Nay: Tobia

H.6. An Ordinance Amending the Land Development Regulations Code of Ordinances of Brevard County, Florida to Change the Term of the Board of Adjustment Appointees from a One Year Term to a Two Year Term

Chair Lober called for the public hearing amending the Land Development Regulations Code of Ordinance of Brevard County, to change the term of the Board of Adjustment appointees from a one year term to a two year term.

There being no comments heard, the Board adopted Ordinance No, 19-32, amending Chapter 62, "Land Development Regulations", Code of Ordinance of Brevard County; amending Article II, Division 4, Board of Adjustment; specifically amending Section 62-212, "Membership; appointment term and compensation of members; alternate members"; changing the term after two years, with term of Commissioner, or until new appointment; providing for severability; providing for application in unincorporated area of County; providing and effective date; and providing for inclusion in the Code of Ordinances of Brevard County.

Result: Adopted

Mover: Rita Pritchett

Secunder: Kristine Isnardi

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

H.7. An Ordinance Amending the Personnel Code of Ordinances of Brevard County, Florida to Change the Personnel Council Term of Appointees from a One Year Term to a Two Year Term

Chair Lober called for the public hearing amending the Personnel Code of Ordinances of Brevard County, to change the Personnel Council term of appointees from a one year term to a two year term.

There being no comments heard, the Board adopted Ordinance No. 19-33, amending Chapter 82, "Personnel", Code of Ordinance of Brevard County; specifically amending Section 82-(6)

(2), "Personnel Council"; changing the term of appointees from one year review to two years review; providing for expiration of term after two years, with term of Commissioner, or until new appointment; providing for conflicting provisions, providing for severability; providing for application in unincorporated area of County; providing an effective date; and providing for inclusion in the Code of Ordinances of Brevard County.

Result: Adopted

Mover: Rita Pritchett

Seconded: Kristine Isnardi

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

I.1. Discussion Re: Sea Ray Drive Bridge Over Sykes Creek

Chair Lober stated there are a whole bunch of cards; if the Commissioners are okay with it he will have Frank Abbate, County Manager, introduce the Item and then public commentary if they still wish to speak.

Mr. Abbate stated this Item deals with the Sea Ray Drive Bridge and during Hurricane Irma there was a problem with the bridge; one of the important issues that arose at that time was a waterline which provided service on beachside to Patrick Air Force Base, the Port, and other areas; it is a critically important bridge; with that waterline attached to it, because of that and other problems the County is having with the only other access to water for the beachside; and being compromised during the storm. He advised the County has reached out to the Army Corp of Engineers through Federal Emergency Management Agency (FEMA) and the State to see if the County could get emergency repairs, temporary emergency repairs done to the bridge; the State came back to say that it would be willing to support that initiative under the condition if an emergency resolution was passed that would assure the State that the County would conduct the permanent repairs that were necessary to the bridge for the long-term; the Board held an emergency session in September of 2017; and that Resolution was passed, and the Army Corp then moved forward after the State supported that action in making those temporary repairs to the bridge. He added that it included armoring underneath the area of the bridge; the County was anticipating at that time that, that would be somewhere in the area of \$500,000 to a million perhaps worth of work to be done; when the Army Corp went out for a contract on that, the cost was close to \$5 million; but rather than move forward in that way, the Army Corp did that work in-house at a cost to the Army Corp of approximately \$3 million. He went on to say that was not money that was paid by the County that was paid by them; however, what the County had at that point was an obligation to move forward with either the repair or the replacement of the bridge in the future, as it committed to the State; the County moved forward with that and it dealt with Florida Department of Transportation (FDOT) who had a number of concerns about how that would move forward; the County got a consultant onboard; and it came up with three options. He advised those three options are part of this Agenda request they range anywhere from \$2.79 million to \$4.9 million; the \$2.79 million option is a repair, there are certain observations that staff has made concerning that repair; it is believed that the costs could be substantially higher, even though that is an estimate that the County has, it is almost like the same kind of estimate that occurred with the Army Corp when getting there, because of the armor that has been done underneath it and other steps there, it could be significantly higher; and it was noted in the Agenda Report. He mentioned it was also noted that there are certain disadvantages by doing a temporary repair, because the bridge already currently has crutches on it near the pilings that may have to be added if that is done, and that can have a negative impact to navigation, water flow would be further restricted to the Lagoon, and those are potential challenges that are being brought up, and problems perhaps, with that type of repair; and if the County moves forward with, instead of a repair, a replacement of the bridge that would have some positive aspects; and it is an estimated

expenditure of \$4.9 million. He stated the two estimates are between \$4.7 and \$4.9 million; the crutches would not be there anymore, there would be an improvement to navigation, an improvement to water flow and the Lagoon because of the crutches not being there, and having the potential in the long term of advantages as it relates to FDOT, perhaps at the State Road 528 portion of that; the bridge that is close to this height might be higher of that particular replaced bridge so that when they replace their section on S.R. 528 they very well might be; and if that occurs, the County can move forward in a way that would encourage them to raise the bridge well, which is further help to navigation. He advised cost is a big part of where to move forward, because the County already had a \$3 million expenditure by the State and Army Corp, that the County were not responsible for; in the Agenda Report there are certain dollars that are available Countywide that were identified; there was about \$5.3 million worth of funding; if the County looked at a bridge replacement at a \$4.9 million cost, which is the higher of the two and if the Board chose to redistribute the \$5.3 million that has been identified in Reserves and Public Works; and all the piecemeal stuff that could be identified and brought forward to the Board. He stated if the Board chose to distribute that allowing to find additional funding through low-cost interest currently there in financing, and makes more funds available for re-paving, re-construction, and capacity issues, it moves forward with putting a proposal before the Board that would allow staff to distribute that \$5.3 million based on mileage that Commissioners have in their Districts; that is something the Board chose to do in 2018; it would be the Board's option to do that now; and it would provide about \$1.2 million worth of funding for District 2 as it relates to the bridge. He continued to say in addition to that money the County is looking at something that has been done with a lot of Community Redevelopment Agency's (CRAs), which as the Board knows there are a lot of interlocal agreements out there now with various CRAs that were looked at for infrastructure related improvements; the suggestions put forth as one of the ideas here in this Agenda is that the Merritt Island Redevelopment Agency (MIRA) has the ability because of what occurred, and the Board is the governing body; and State statute made a change saying the Board can reallocate as long as it leaves 50 percent of Tax Increment Financing (TIF) funding within a CRA, can allocate a portion of future TIF dollars. He stated the Board can take that back, in fact it did take 20 percent, and it looked at a 20 percent number which would be up to a maximum of \$275,000 for a 10-year period; that funding could be used and would cover the difference between a repair of the bridge and replacement of the bridge; staff looked at what other funding might be available if did is done through some kind of financing, and the Agenda request is if additional funds were needed outside of the funds he already specified, staff could look at that through General Fund or other allocations where if the Board gave the direction, staff would do it consistent with the proportionate distribution that he has mentioned for the additional Districts.

Commissioner Pritchett stated Commissioner Lober has kind of inherited this when he came in; this has been a big and expensive topic for a while, and she knows this is something the Board had to put together for this to get this done; she prefaced this by saying when she read this, she heard a little bit of Commissioner Lober in it, because she is learning how he speaks; and the Board is not allowed to break Sunshine Law.

Chair Lober remarked he is in trouble.

Commissioner Pritchett stated due to the fact that MIRA has been introduced in this, she has a feeling Commissioner Lober has gotten comfortable with this; she is comfortable probably with whatever is chosen to be done; and by reading through it, Commissioner Lober is going to go with replacement.

Chair Lober remarked affirmatively; and he stated it is the less expensive of the two.

Commissioner Pritchett stated she is getting to know Commissioner Lober a little bit and she is

good with that because three years when she got on the Commission, the roads fund laid out, and Commissioner Isnardi brought up that she needed a little extra funds at the time, and the Board shifted around some numbers so she could get a very important project done in her District; then everyone was evened out; what has been done here is the same thing, by having a bit more uploaded but in the end having it all back equitably to the rest of the Districts; and she knows it has to be an important project, and she is going to support what Commissioner Lober is choosing to do on this, he found the funding for it, and he is making all of the necessary sacrifices to get done what needs to get done for his District.

Chair Lober expressed his appreciation for that; he stated before public comment, there are three speakers who he is fairly confident that will speak, as he anticipated they would; and there is one who may speak against it, but he is not sure.

Commissioner Tobia expressed his thanks to Commissioner Lober for the creative ways that he looked into to solve this problem, because many times, himself included, issues are brought up to the Board, but solutions are lacking; a funding model was brought forward for an issue that centers in his District but certainly has other folks using that bridge that do not exclusively live in his District; he took the brunt of this; and he state he greatly appreciates Commissioner Lober making the sacrifice; initially he looked at this skeptically, but he could not have found a more equitable way to do this, which he is greatly appreciate of; and he will strongly be supporting this.

Chair Lober advised there was a lot of work done on the staff side to look for funding for this; he met with the Economic Development Commission of Florida's Space Coast and the U.S. Economic Development Administration representative to see if there was any Federal options in terms of grants; and he reached out and spoke with Port Canaveral and MIRA staff about the impacts on the Lagoon, navigability, and the potential of Florida Department of Transportation (FDOT) considering the height of the bridge in designing S.R. 528, which is on a hold at the moment, that coupled with the life span increase on this going from a design life of 21 years to repair it where it would leave the Lagoon worse off and leave navigability no better off, and going to over three times, almost four times the life span even for the less expensive of the two replacements, strikes him that looking at the costs is a no-brainer. He went on to say it is a no-brainer is easy enough, but to figure out how to pay for it is a little tougher; in his MIRA discussions with Wendy Ellis and Larry Lallo, Executive Director, they were very understanding and when he broached the topic some of the concerns that he heard from MIRA were, if they were paying just to repair it, it is not really keeping with the function of the purpose of MIRA to improve the District; it would be leaving it worse off than when they found it, in the sense that it would harm flow and navigability; and he thinks that this is something that really benefits everyone in the area. He reiterated how much he appreciates the work done by staff; he stated he does not want to take more credit than is owed and he has done everything that he can to try to find a way to make this work; he expressed appreciation for the recognition; but this is really a good option for everyone.

Larry Rockliff stated he is supportive to the issue at hand; he is a resident north of the Barge Canal; his wife and he happen to be one of probably the minority who are very much in favor of progress versus keeping the status quo on that side; this issue of the Sykes Creek Bridge or Sea Ray Drive Bridge has now been over two years and he thinks the work staff has done to try and get it repaired all sounds extremely positive; his position on it is although it is an inconvenience, it is not an insurmountable inconvenience; but after two year of stagnation something has to be done either to have it closed permanently or put it back into a condition where it can become a functional artery. He added Port Canaveral and the Space Center are growing, so any access to and from the north part of Merritt Island is going to be a plus; and he encouraged for the Board to vote in favor of progressing with the permanent fix so that this can

be an additional artery to support also S.R. 528.

Wayne Stratford stated he is very encouraged to hear that the Board is considering the replacement option; he think that is outstanding; he lives in Suntree, but is a customer of Harbortown Marina; he keeps a boat there and has for the last 21 years; over the course of that time, he has had the opportunity to see the unfortunate economic impact that closure of the Sea Ray Drive has had on the local businesses, such as Harbortown Marina, Sea Ray Yachts, Merritt Island Boat Works, Ocean Alexander, and the cruise parking; and the focus of his message tonight is to accelerate to the greatest extent possible, the full replacement of the Bridge. He advised it is important to get this moving, because as the previous speaker said, it has been dormant for two years, and the County needs to get a move on; the adverse effect on economic viability of those businesses has a safety aspect; if there is emergency vehicles that needs to get to those businesses, they can easily be stymied if they are not familiar with that Bridge being closed; and if they inadvertently approach it from the wrong end. He added there is also a large homeless population; he thinks one thing that everyone can agree on is that as a country it needs to humanely address the homeless population; this homeless camp resides between the closed Bridge and Harbortown Marina where the road is closed; the population is increasing because there is no traffic there; and the Board needs to keep that in mind as it moves forward, to open that road back up again. He mentioned being painfully aware of the funding restrictions and the budget realities; and he applauded the Board on its efforts of finding a way to replace the Bridge, that the temporary fix is not appropriate, and is more detrimental in the long run. He concluded by saying this is a piece of key infrastructure in the County and he encouraged the Board to accelerate the replacement of the Bridge; and to let that be the Board's legacy for this Commission.

Jan Chnupa stated she and her husband moved here about one year and one half ago; they have always worked in the area; she just loves it and all the waterways; it is a very beautiful area to live; she loves where she lives; and she expressed her thanks to the Board for all of its work and she is looking look forward to what comes ahead.

Wendy Ellis stated she is with the Merritt Island Redevelopment Agency (MIRA); this is a project that needs to be done and is in MIRA's redevelopment area, it is not in the MIRA redevelopment plan because this occurred after the plan was formed; this will be a very good economic development project for the businesses on Sea Ray Drive and for the Port land on Sea Ray Drive; and she is very much in support of the project. She expressed her thanks to Commissioner Lober for finding a creative solution to work this thing out; MIRA wants to be good partners with the County; and MIRA is appreciative of the Board's support.

Chair Lober asked that whoever the Board to look at page 325 in the Agenda packet, because Sea Ray Drive Bridge is within the MIRA redevelopment district; it talks about withholding up to \$275,000 per year, or 20 percent of MIRA's General Fund Tax Increment Financing (TIF); he has no problem with that and he thinks that is a reasonable number; but he asked for consideration of, if MIRA's board requests to pay more than that, which he does not know if that will ever happen, and to permit staff to withhold more if the MIRA board is okay with doing so.

Commissioner Pritchett inquired if it is 20 percent.

Chair Lober responded affirmatively; he stated 20 percent, or with MIRA's board approval to pay more, and up to \$275,000; he called the Board's attention to something that instantaneously may become a problem if the Board does not address it on the front-end, is the administrative costs for MIRA are based on a percentage of what they bring in TIF; and he does not want to put MIRA in a position of where it is punished for doing the right thing, by

working with the Board to the extent that it can with this. He went on to say he would like to ask the Board to allow staff to pursue discussions with MIRA for withholding a greater amount than the \$275,000; to ensure the MIRA operating and administrative costs not be impacted by a reduction; and he is not looking to give them more for administrative costs, than what they are bringing in currently, but he does want to ensure MIRA is not hurt or punished for it doing the right thing. He mentioned at some point he will be bringing an item before the Board for signage to waive some of the Code rules for folks that do not have the ability to advertise, because the area where they advertise is inaccessible at present; it is something for the future; and he just wanted to put it out there for now.

Mr. Abbate asked if the Board could include and approve the issue about the distribution of the funds, because that was not necessarily in the requested action; he advised that there is an attachment showing how the funds would be distributed; staff will work with each District on how it would allocate those funds; and he needs the Board to tell staff which of Alternative.

Chair Lober stated his preference is the lower of the two replacement costs; the Florida I-Beam Alternative is at just over \$4.9 million is the cheaper of the two; and even if both Alternatives were the same cost, he still prefers Alternative 2B – Bridge Replacement Florida I-Beam.

Commissioner Pritchett stated she will go ahead and make the motion for Alternative 2B, include the 20 percent withholding from MIRA, and if MIRA has voted board approval to add more funds, they will have the ability to do; and she inquired how staff is going to do the funding, that they talked about yesterday.

Mr. Abbate responded Attachment A is for the distribution of gas tax funds; he stated at the end of the Agenda Report, it references that if the Board approves, he would be asking for if that additional funding be needed, it comes from the General Fund; and for in the future it would be distributed proportionately.

Commissioner Pritchett advised that is her motion.

Chair Lober apologized to the Clerks who are certainly going to have their hands full typing this up for the minutes; and he inquired if there is anything else that needs doing.

Eden Bentley, County Attorney, replied to have authorization to draft ordinances and bring forward as necessary regarding the changes to MIRA.

Commissioner Pritchett agreed to add that to her motion.

Mr. Abbate stated to expedite this, if the Board authorized staff to move forward with the Notice to Proceed, and any budget changes needed.

Commissioner Pritchett agreed to add allowing staff to proceed with notice and any budget changes to her motion.

Chair Lober advised he maintains the second on both of those and he is very happy.

The Board discussed the alternatives to repair or replace the Sea Ray Drive Bridge Over Sykes Creek; directed staff to pursue the most favorable funding options for Alternative 2B - Bridge Replacement Florida I-Beam, to partner with Merritt Island Redevelopment Agency (MIRA), to include 20 percent of MIRA's General Fund Tax Increment Financing funds up to \$275,000 per year; to take any necessary action to ensure the MIRA operating and administrative expenditures budget would not be impacted by this reduction; to utilize Exhibit A for distribution

of gas tax funds and any additional funding required coming from the General Fund proportionately distributed among districts; granted permission to draft and bring forward any ordinances needed for the changes to MIRA; directed the County Manager to pursue discussions with MIRA if it has the ability to add more funds and if MIRA has its board approval to add more funds; approved Notice to Proceed to the consultant to perform the design build criteria package; and authorized for any necessary budget changes.

Result: Approved

Mover: Rita Pritchett

Second: Bryan Lober

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

The Board recessed at 6:27 p.m. and reconvened at 6:62 p.m.

J.4. Ponce de Leon Landing Flags

Commissioner Tobia stated a flag pole has been erected in Melbourne Beach at the Juan Ponce de Leon Park; it is causing much confusion and consternation amongst residents; the design for the Park was approved by a previous Board in 2006, before the recession which is why the flag pole was now only erected; staff's decision of improving expenses at the Park are consistent with Board approved intentions of the design; the current design has a Spanish flag, Puerto Rican flag, and a Florida flag flying below it; and several people have expressed outrage over these choices. He went on to say it is his request to the Board that the arrangements be changed; in place of the Spanish flag, he believes it would be more acceptable to fly the Florida flag, beneath that a Brevard County flag would be more appropriate and consistent because it is a County Park that is paid for by County tax dollars, along with POW/MIA flag; and he is willing to go into the history that dictates that Ponce de Leon, in fact did not land in that Park, and as such it is probably best to be as historically accurate as possible.

Chris Duncan stated it felt a little cold in the room before going into recess; he thought about everything that he heard from the leadership on the dais to the diligence he heard with the timekeeping of the Chair; he thought about the Mothering he heard from Commissioner Pritchett; but he is present today to express a few thoughts of concern about what there is in Brevard County, the diversity in the County, and the people here today that represents United Third Bridge (UTB) and the Ponce de Leon landing. He added he finds it necessary for Brevard County stay culturally diverse within its parks, because many cultures visit the parks; as a disabled resident who has dealt with sensory declaration of his visual capacity, he is one of the White Cane people of the County; he has had to filter everything through hearing, so he has heard tactile and familiar voices like Commissioner Isnardi's; and he has met some of the leaders outside of this Chambers, he also has the opportunity to hear what is being said now. He mentioned the Flag is there because it was set by the State to be historic; there was a finding there of Florida; the given name of Florida is the Land of Flowers; he is for the American Flag, he is the son of law enforcement, he served five and one-half years as a United States Naval Sea Cadet, and he thinks the removal of one Flag is the removal of all Flags; cultural Flags, such as the Spaniard and Puerto Rican Flags are not there to confuse people, but are there to show the past, the present, and somewhere in-between they unit together; however, he really came today because with some of the leaders present here, there has been an indiscretion and support for organizations that serve as an enriched education hub for the community, and whether it be feeding homeless children or seniors; and he has tried to address it to the best of his ability, but this seems like one of those things again and in recent news the only people that he heard were moving flags are the white nationalists. He stated he is not saying any one is with that group or anything; he opined when people ask where Ponce

de Leon is from, those Flags there show where he is from; in resilience, the American Flag flies proudly as well; he is hopeful for the Board to hear the hearts and the outreach of the speakers today; and that outreach of reaching out is reaching in.

Randy Foster stated he has somewhere to be, but he came today because he thinks this is important; he disagrees with his Commissioner and he knows him very well; he has been to the park many times and it is a historical place; there is a placard from that State there and it cannot be denied; the Flags represents Florida, that the Spaniards that came here, the Puerto Rican Flag, that Ponce de Leon was a Governor, and America; he loves the American Flag; and he thinks it should be flown everywhere, inside and outside of the Country because he fought under the American Flag. He went on to say the American Flag is displayed equally with the Spanish Flag; when looking at Flag etiquette of how they should be displayed respectfully, it should be higher than the State Flag and a Common Wealth Flag, which is being done; but surprisingly, he does have a problem with the POW/MIA Flag because it is not a flag that should be flown at that location; it is a Military Flag for the Missing In Action and it has nothing to do with that park or that location, and that Flag should not be flown; and it is a Brevard County Park that does not need the Brevard County Flag flying at that Park. He added the placard has the seal of Brevard County; he showed a printout of the seal and when looking at the seal of Brevard County, it is confusing because it has 1513 and a Spaniard Ponce de Leon Flag, underneath that is the American Flag, and somebody landing on the moon; and he asked the Board if it looked confusing. He advised it does not look confusing to him because the seal has been around ever since he stepped foot in Brevard County; it shows the history of Brevard County and the Flags are on the seal, just like at Juan Ponce de Leon Park showing the history of Brevard County; this area of Florida before it became Florida was Spaniards, that landed here before the United States became a Country, before it became a State, and before it became a County; and that Flag represents history.

Christina Keshishian stated she feels bad that people have contacted Commissioner Tobia's office with outrage; she was at the unveiling of this exhibit; and she did not call to express her thanks. She went on to say she thinks the Board does not get phone calls from people expressing his or her thanks for when things go well; she felt obligated to come and talk about what a moving experience it was for her to sit there under the tent, under Florida's bright blue sky, at the Juan Ponce de Leon Park which is one mile from where she lives, and where she takes her kids regularly that recognizes a spot of distinction; while there she experienced UTB speakers and Historical Commission speakers; and she was surprised that none of the Commissioners were present, because it was quite an event. She stated it was an absolute gorgeous event; she posted all of her pictures on social media; she received comments from people in Hawaii who did not realize that this is where Ponce de Leon is said to have first landed; whether or not that is something that is arguable, as someone who wants their County to do well, and local businesses to do well is something that she thinks would be smart to promote; and she recently visited St. Augustine, and it certainly embarrasses its heritage. She reiterated it would certainly be an opportunity for Brevard County to promote the area a little bit more, rather than downplaying it.

Samuel Lopez advised he has been involved in this project for 19 years at the Juan Ponce de Leon site; he has worked under different Commissioners and he was the first appointed to work at the site by Commissioner Nancy Higgs; he served two terms on the Historical Commission; and he is concerned because when the project was started with pavers on the ground, there were many phone calls about what was being done. He went on to say after about one month things died down; a few months later the granite wall went up, then all of the sudden it was all smashed to pieces, and on the side of the wall that was left standing had KKK written on it; experiencing that and trying to develop a park with the history; he worked with the Dean of Historian Michael Gannon, who supported Douglas T. Peck, Independent Historian, who did the

voyage; and no one until this day has done that voyage. He provided the Board with a handout; he stated the National Geographic Society contacted Mr. Peck about making a study of all the books and academic articles on the 1513 Juan Ponce de Leon to obtain an accurate track. He added he was issued a book Goddess of the Ancient Maya that has the timeline of travel; the State issued the land marker in 2005; he continued working on the project, but it became harder because of the KKK stuff and people felt they did not want to continue donating money when things continued to be destroyed; but he kept on, and the County continued working on the project.

Santa Isabel Wright stated she is present to represent the Hispanic community and Brevard County, and she is appalled by Commissioner Tobia because it is not his first time of him attacking the Hispanic community; she is having a hard time understanding why he is trying so hard to erase its history; Brevard County is rich in history and there is a park with a historical monument; and it is unfortunate the community is not expressing what needs to be done with that park, which is to promote it. She advised if other states are looked at like the Alabama shield, the Los Angeles county flag and shield, Texas shield, Pensacola flag, the Florida State flag, and Brevard County flag all have the Spanish flag; and she reiterated the National Geographic Society has said the Mr. Peck's track is the only accurate track; and if Juan Ponce de Leon did not land here, the State of Florida would not have issued that as an historical State land mark, that is recognized by the United States Department of the Interior. She went on to say she is the last person who would oppose POW/MIA Flag, her brother was a Marine; there is a time and a place for everything, the park is not the place for that flag, nor is this office building protocol; the Commission is talking about not following protocol at a park when the Commissioner is not doing his own research to find out that that flag is in the wrong place at the wrong time; it is supported and embraced, and soldiers are prayed for; but if talking about doing things by protocol is wanted, Commissioner Tobia needs to do his own research, and he should not be making remarks that are not accurate by saying Hispanics are insulting the community; and she asked who are they to insult any one, they are Hispanics with a right to be here, and a right to have representation in a park that has been designated for a site for the whole Country to represent. She remarked Juan Ponce de Leon did land here; accept it; embrace it; and promote it so the County continues to make money and growth, and not cause suffering the way they are. She stated it is unfortunate that Commissioner Tobia thinks he will continue to try to erase the history; they are proud Hispanics, proud Americans, and definitely here to stay; and she asked for him to embraced it and to understand that everyone has a different culture than he; and there is nobody here that is more apparent that is against the Hispanic community than he.

Chair Lober advised whether the speakers are for or against Commissioner Tobia's proposal and if there are any comments towards any on the dais, to direct those through him as Chair, it will make conducting the meeting a lot easier, and it will be keeping within the Board's Policy; and he is not going to cut any one off unless it is really extreme.

Samantha Nazari stated she will provide information from Mr. Lopez about the United States Code §175(g) position and manner of display when flags of two or more nations are displayed, they are to be flown from separate staffs of the same height; the flags should be of approximately equal in size; and international usage forbids the display of the flag of one nation above that of another nation in time of peace. She stated she moved to Brevard County from the South Bronx in the 1990's; part of her attraction to Brevard County is the fact that it is so rich in Spaniard culture; it made her feel welcomed back then; and it is sad that in 2019 it feels like she is not as welcome anymore. She went on to say it feels like they should not feel proud of the achievements as a culture; in New York, the United Nations flies every flag of every nation in this World, and at the same staff without a problem; she does not understand how a colony flag can bring so much consternation to its residents; it should bring pride to the

residents that where a person lives is enriched with culture and diversity; Brevard County represents a huge spectrum of Hispanic population; this is not the first time having to represent the community in its entirety to this Commission; and nothing is ever offered in conjunction to join and help them. She added the previous Commission worked with Mr. Lopes for 19 years to bring this project into fruition; they gave him over \$66,000 to replace a statue that was once destroyed; it is obvious that previous Commissions, but maybe not all Commissioners feel the same way, wanted to engulf this history, and welcomed the multi-cultural situation; and not to make the people feel that it is a burden or a disrespect to Florida, but yet the Spaniard Flag is on the County seal. She stated this does not only take away from Puerto Ricans, it takes away from all of the Hispanics in the community; it makes them feel that they are trying to be erased; at this time with all the tension in the nation, that exclusion should be the last thing looked for, and inclusion should be looked for; she agrees this should be promoted and be as big as St. Augustine is to its county; it should be promoted, it should be welcomed as a tourist attraction, and it should be thoroughly researched before full scope of information has been came up with; and there are many partners in Brevard County, such as Seafarer Exploration Corporation and the many archeologists that has worked on projects, that proved Spaniard ships were up and down the eastern coastline for a reason. She continued to say they go there somehow; she would like the fact that the flags be respected and left the way they are, because she does not see who they are bothering because there is no one around, or across the street from them.

Chair Lober advised for those who desire to speak and have not submitted a pink speaker's card, they are located in the back of the room, and they will be brought to him.

Marc Martinez stated he is for it; it is an historical landmark; his family is from Spain; and he is from Queens, New York, and he never has felt a lot of racism; it is different for him after coming down to here; it is beautiful here and his family loves it, too; his kids have grown up here; and he inquired how is the Commission going to erase an historical fact, that has been there since 1513, and 1854 when Brevard County was actually a County with it on the seal. He stated he is not much of a public speaker, but he came to say what he had to say; and he expressed his thanks to the Board.

Pat Pasley stated she was heartbroken once again when the American Flag was being disrespected; the American Flag represents all nationalities, not just Spanish and Puerto Rican; and she asked if Spanish and Puerto Rican Flags are going to be put up why can there not be a Polish Flag, because she is Polish. She remarked might as well have an Israeli Flag and an Irish Flag; the American Flag represents all nationalities; and she inquired why the Parks and Recreation department is constantly funding additional projects for this Park. She stated according to a presentation by UTB, they were soliciting funds from anywhere from \$25,000 to \$2,500, un-yet the taxpayers paid for the wall replacement of \$18,500; she asked the Board where the money is going, because if people are donating money to go towards projects in the Park where did the money go; and she thinks it is kind of ironic that the taxpayers are still paying for these. She added if the donations were from a Trustee, his or her names went on the wall, and no one else for \$25,000; she reiterated by asking the Board where is that money at; and she asked why are taxpayers paying for this. She continued to say she asked the Parks and Recreation department why there was another ribbon cutting with tents and chairs; there was already a ribbon cutting for that Park; and she inquired why there was another one, and who paid for it all. She advised it was told that the Park would increase in tourism; if TripAdvisor can be checked for comments to read; and she read aloud comments, 'I would not drive out of your way to visit this particular spot, but the beach is good; this particularly ugly statute and there is no credible evidence that Ponce de Leon landed in Melbourne Beach; and in fact, a depiction of Ponce claiming the land for Spain, and he is facing in the wrong direction'. She inquired if the taxpayers of Brevard County paid for this Park, which she sees no evidence that nobody else did, why the taxpayers' names are not on the wall. She remarked that she

wants her name on the wall; she inquired why is there only particular people on the wall; she stated every day she drives past the statue; Juan Ponce de Leon was a conquistador, he murdered and he enslaved people; the main reason he came here was to enslave people and take them back to his farm; but statues are being taken down across the United States for a lot less than the heroes we have across the United States, and yet she has to see this statue every day.

Martha Pessaro stated she represents the Native Heritage Gathering Inc. and it loves history; the people who would have the absolute knowledge of exactly when and where there was contact by the European people are depicted on the shown aid; and the shown aid is a teaching tool used in many classrooms throughout Florida, and within the Environmentally Endangered Lands Program teachings as well. She advised it is a depiction of people showing who existed in Florida by science and technology to go back to 15,000 years; technology keeps on changing and adding to what is known and understood about the people who were here, and the people who came; and all of those interchanges that happened. She mentioned it being important to tell the whole story; the whole story cannot be told by these people, their voices are silenced forever; within 200 years the people who lived here at the European encounters were eliminated; and that firsthand knowledge is unknown of the people who resided here. She went on to say what would like to be seen is an understanding that history includes what happened once Europeans came here, but go back and show what happened when people lived here prior to that; many of the historic signs throughout Brevard County do include that history of the Native Americans who were here; the sign posted at Ponce de Leon Park is not inclusive about any of the people who were here; but they were definitely here, and told that story about what happened to them when the Europeans landed. She stated she wants to see the Flags consistently flow in all Parks and Recreation facilities, as procedures and policies require; that is what is being asked for now; and she reiterated this is a Parks and Recreation facility and everyone has to go by those rulings.

Chair Lober asked for a quick clarification of what Ms. Pessaro is suggesting the Native Heritage Gathering Inc. prefers to see or not see in a park, because he is a little unclear. Ms. Pessaro replied it is preferred that the Flags that are flown are the ones that the Parks and Recreation Department has for all Parks which are the United States Flag at the highest level, the State Flag, and the POW/MIA Flag.

Juanita Zermeno stated she is present representing herself and her husband; she is Native American and part Hispanic, and a wife of a retired Army Vietnam Veteran; her preference is the protocol that is in place now, the American Flag, the State Flag, and the POW/MIA Flag when appropriate; she is not trying to undo history, but like Ms. Pessaro pointed out the people who were here were totally wiped out by an invading country; a gentleman and a flag, that is now wanting to be honored; as an American wife whose husband and brothers, and uncles fought for this land, she does not want to honor any invaders; but she does acknowledge that they came, they concurred, and they destroyed.

Will Davis stated he is supportive of the Native American community and they are the second most depressed people in the community; history has been written by a conqueror; and to know the reality of that history is to be more educated. He went on to say Ponce de Leon came here as a conqueror, he was looking for a fountain of youth; as a result of the contact of the Spanish presence in this land; the original inhabitants of this land the Ais, the Apalachicola, the Tequesta, and the Timucua's were completely and utterly made extinct within 100 years of landing on this property; and to honor somebody of that nature is not in any ones best interest. He advised there is a United States Code setting forth the proper way to display flags in the United States; he thinks if those Codes are not adhered to, the flags need to be removed and flown in the proper order; even if there is a row of flags and at the same level, the United States

flag should always be displayed in a place of promise, to its right of any other flag; and if there is only one flag pole, the American flag flies first, a State flag flies second, and then any other flag flies next after that. He added it is not about ethnicity or race, or anything else it is about being an American; if a person comes here and they are a citizen, they should abide by the rules and regulations set forth by Congress and the Constitution about this in United States Code Title 4, Chapter 1, Section 7, Flag and Seal, Seat of Government, and the States. He advised he would be glad to submit this piece of paper to the Board if it so wishes.

Chair Lober remarked if anyone would like to see it, certainly they have the ability to request it; and he advised Mr. Davis to go ahead and address it.

Mr. Davis stated he does not have a problem with displaying flags, as long as there is an event or a reason for displaying the flag; he goes to St. Augustine frequently and it does fly the Spanish Flag; but they display it within the old city itself; and the current Spanish Flag is displayed during special occasions, which he has no problem with because they were celebrating the founder of that city.

Margarita Chavez stated she is present to address things that have already been spoken about; she understands the issues about the flag, the debunking, the conquistador, but this is Brevard County and historians puts books together to say how history is; then they find the history really did not happen in a certain way and it has to be researched; and once it is researched the truth can be found. She reiterated when finding the truth then the Board can discuss it with the government officials within the County; she is sure that all of these things were done prior to and event or a project taking place; otherwise, why did the statue go up, why is there a flag, why was there so many discussions and meetings; she is from Spanish and Indian heritage, and has a family that is mixed with Puerto Ricans and Mexicans; and the Board knows to bring the best that it can to the people of Brevard County. She added the people follow the Board's intuition and guidelines; she know the Board has to listen when things are not right; it is left up to listening and knowing what is right that the Juan Ponce de Leon flag is set up from the Brevard County Parks and Recreation department posted how it should be; and there is a cemetery or military bases to place the POW/MIA Flag to fly.

Karen Fenske stated the Ais Indians lived here before the Americans were ever established here; Juan Ponce de Leon came here and demolished them all; she thinks the statute should even be gone and should be of Ais Indians, because they are no longer here, and they were taken from their home, killed, maimed, and slaved; she agrees with the Native Indians who spoke; and she thinks the flags should be placed in the way they asked the Board to place them.

Commissioner Tobia expressed appreciation for the quorum of most of the folks in the audience, he heard white nationalism once and racist once; he did not hear any reference to any historical documents; when this was initially done Mr. Peck, who calls himself an independent historian, yet may be independent, but is certainly not a historian; he never had a history degree and he was not a professor of any sort, nor did he have a terminal degree of any type; and he went on a boat ride and he ended up in Melbourne Beach. He went on to say the article that he passed out to the Commission has nothing to do with anything other than historical accuracy; and he has a peer-reviewed article that was published by a Historian from Texas A&M University. He read aloud the empirical data collection, "The prevailing wisdom with regards to re-sailing voyage is it must be done with a craft similar in terms of displacement drag, sailing rig and spread, which is the same square footage of canvas and what Mr. Peck failed to do. This finding puts them all endowed, including the landing in Melbourne Beach." He advised Santa Claus spent as much time in Juan Ponce de Leon Park as Juan Ponce de Leon did; he is not trying to take out the statue; there is just no reference to the Spanish Flag or

the Puerto Rican Flag; he has no problem if it is just the American Flag; and he was just trying to use the awkward information out there. He stated the study was done in 2013 and if someone had more recent peer-reviewed data, he would be willing to regard that; but it is a lot easier to call someone a white nationalist and a racist, than here is more research that has been conducted to prove that others is wrong. He advised the decisions made in the past were probably made with good intentions and prior to this research; at one time people thought the World was flat; the reality of the situation was proved otherwise; he expressed sympathy that it did not meet the ending that folks were so concerned with; he expressed appreciation to Mr. Lopez for meeting with him; and the seal was mentioned, which is inaccurate itself because Brevard County became a County in 1855, not 1854 that he brought up and the County decided just to leave it. He concluded by saying the seal of the Senate was sent to him which had a flag on it which was a Confederate Flag; Legislature made a wise decision to change that seal so it no longer had that Confederate Flag; if any one makes a reference that he is slightly racist or a white nationalist when he wanted to get rid of the Confederate Flag in the State seal is patently incorrect; he wants history to be adequately reflected; that is the only reason he does not think the Spanish Flag or the Puerto Rican Flag has any regard; and if the Board would rather not put the POW/MIA Flag up and just fly the Florida Flag, he is more than willing to do that. He requested the motion to be taken after the Board's comments.

Chair Lober inquired if a current day Spanish Flag is being flown at the Park, or is it a period Spanish Flag from the days of Ponce de Leon. Commissioner Tobia responded he would have to ask Google because he has no idea.

Jim Liesenfelt, Assistant County Manager, remarked it is the current Spanish Flag.

Chair Lober stated the flag on the County seal and the point about it being one year off for one of the date is well taken; but he inquired if the flag on the County seal is the period flag or the modern Spanish Flag. Mr. Liesenfelt responded an article was dug up for the 1970's where a person had questions about inaccuracy of is there a ship and anchor, is it in full sail, and orange trees did not exist at that time; and there was only that one speaker who came up.

Chair Lober stated he felt that to be basically a best effort; he stated people were not taught Juan Ponce de Leon landed in Melbourne Beach but was taught that Pluto was a planet, and apparently that is not correct now; and he inquired if it is known whether they fly the old or new flag in St. Augustine, for those areas that are specific to that particular period. Mr. Liesenfelt responded he does not know; he stated he Googled some pictures of the Fort that showed a diagonal red cross; he could not find any other flags; and he does not know if they are current because they were current because they were just Google pictures. Chair Lober advised he did hear one of the speakers mention during special events they may fly the modern one; but he did not know if that implicitly suggested they fly the period flag for the others. He stated he does not want to be insensitive to the concerns raised by the American Indians; the point that was made with respect to a number of tribes having been made extinct as a result of colonization, which he is not going to blame Spanish colonization because he thinks French colonization and English colonization did a horrible job to commit genocide here; he thinks that is deplorable; whatever is done, he does not want it to be thought of as he or the Commission is condoning genocide which objectively took place centuries ago and is a concern for him; and he would like to hear more discussion from his colleagues on the Board before he says anything else.

Commissioner Isnardi stated this is troubling for her because she does not know; she gets what Ms. Pasley was talking about, as far as County resources, that is what she takes issue with more than anything; she used the argument of tarring down statues all over this country because everyone is offended and there is politically correct culture of no one liking this; there

is such a disagreement of history; and there are people who are worshipped today who did some pretty horrible things, they enslaved people, they abused people, and they killed Native Americans. She went on to say the Native Americans were the original people in this country and are the ones who always get the short end of the stick; in actuality, she does not know that this should have happened, but she does know this Commission is not responsible for it, nor the expenditure of funding that went for it; however, she loves Javier Molinares who is a great speaker of the Hispanic community; and when he said that he wanted to do a multi-cultural park and he wanted flags flown all over the World at this park. She continued to say she thought that was a neat idea for where people could celebrate the diverse culture in the community; she could pull five studies that totally disagree with one another; she does not know if Commissioner Tobia's study trumps any other study that is out there, as far as whether Juan Ponce de Leon landed here; but the Commissions of the past made this decision to allow the statue, allowed the flags, and she thinks tearing them down will actually cause more division in the community than it would be to just leave them the way they are. She advised her office has not received any phone calls about people being offended from those flags; she knows it is important to a large number of people in the community; she does not know that she would have made this decision; she would have went more on the lines of Mr. Molinares; and one important thing said by Ms. Wright was that she is a proud American and she thinks everyone is because they all come from somewhere. She stated it was important to the Commission that allowed it to occur; by destroying what was worked hard for is an injustice; she thinks more needs to be done for the Native American community to recognize them as well; she thinks no one would argue that they were here first; she thinks it is important to recognize that; she does not know taking down the flags accomplishes what is wanted because she thinks it sets a path to take down everything, which she does not know if that is the right way to go; and she will not be supporting this.

Commissioner Pritchett advised she agrees with Commissioner Isnardi; she stated the country has to quit being so divided; different cultures are very beautiful; as long as everyone lives together and embraces those things, and let all the ugly things go; and just focus on the wonderful things of the past. She went on to say when looking back at history, there are many great men who did wonderful things; she is a Christian and unless they are real strong men of God, they all have a history; it is the nature of men, she is not downsizing the bad things that happened; there were some really bad things that happened; she does not know, but Juan Ponce de Leon is really starting to get her attention right now; but Commissioner Tobia is not a bad man, just by watching him the past three years he really has to have things accurate. She pointed she really believes that when Commissioner Tobia brought up this inaccuracy, it is something that he has to fix, and it will have to be figured out; she agrees with Commissioner Isnardi and she thinks it will cause more division; there is even a rumor that Christopher Columbus did not really find America and it could have been the Vikings; things are going to change in the future; but it will have to figure out how to embrace the good things in the past and let go of some of the bad things, so everyone is not mad at each other all the time. She added she gets calls because Obama's picture is still up in a facility, or Trump's; somehow people have made these things a religion and they should not; they need to learn to embrace different cultures, as long as they are kind; she thinks some of the flags are very beautiful; all are Americans; and may God bless America and the people of America, and hopefully all will come to some kind of agreement because when all are in agreement it will become a greater country. She advised maybe there needs to be work on changing the seal; and she will not be supporting this.

Chair Lober stated this is a tough one, however, he votes he does not want it to be misperceived as a slight to Native Americans or Hispanics, because he thinks they both have an incredible culture, and contributes an immense amount to the community; his default with respect to issues that he is on the fence with to side with the Commissioner in whose District

the project or concern is located; he will probably be supporting Commissioner Tobia; but he is very ambivalent about this. He went on to say he wishes there was a little bit more information with respect to whether is the current flag or the period flag; he does not think there is a perfect outcome this evening, but his inclination is to support Commissioner Tobia, not because he is in any way wanting to denigrate any one; he thinks there has been some valid concerns raised by the Native Americans community; he agreed to use caution with the POW/MIA Flag; and he suggested for now or in the future there is Veterans Memorial Center in his district getting local expertise on the desires to fly the POW/MIA Flag. He Called the Question; and he recommended for any Native Americans or Hispanics to get in touch with his or her Commissioner for any further issues regarding this.

The Board denied proposal to replace the current flag arrangement with the United States Flag, Florida Flag, Brevard County Flag, and POW/MIA Flag.

Result: Denied

Mover: John Tobia

Secunder: Bryan Lober

Ayes: Lober, and Tobia

Nay: Pritchett, Smith, and Isnardi

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

Commissioner Tobia advised this is about a previous action the Board took; there has been some further movement; Governor Ron DeSantis recently requested Legislature to make applying E-Verify to all employers in the State of Florida; Representative Thad Altman introduced to the Legislature last year to this and hopefully he will do so again this year, to continue accomplishing this goal; as a conservative, he see this as a matter of basic fairness to ensure proper functioning of a free market; studies have found unethical businesses have created a system of modern indentured servitude in which illegal immigrants were treated must worse; and the Attorney General issued the opinion that the Board is preempted under State law for making E-Verify a condition of obtaining a business license. He expressed his thanks to Governor DeSantis for forwarding this initiative; he expressed his thanks to the Board for asking the Attorney General ahead of time to look at this; this may happen in future; and he thinks that it was good taking the first steps with this.

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

Commissioner Smith stated he has some firsthand knowledge about the Indian River Lagoon (IRL); he took a Jet Ski ride from Pineda Causeway to Vero Beach and he had great weather; there was a side trip to the inlet leading to the ocean and jumped some waves, and ate lunch at Capt Hiram's; the IRL is probably better now than he has seen it in years and years, but it really looks good; he does not know if there is a lot of algae on the bottom or a lot of seagrass, but at least the bottom can be seen; he sees fishing going on at his dock now, which he has not seen for years and years; and they are throwing the fish back, so he is told.

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

Commissioner Isnardi stated she wants to ensure the Board is fine with bringing back Legislative Intent at the next meeting or the meeting thereafter for the naming and for staff to look into renaming the section in her District of the St. Johns Heritage Parkway to Anderson Parkway, for all of the years that Commissioner Andy Anderson put into getting that roadway done; and she asked for John Denninghoff, Assistant County Manager, to bring back a report at the next meeting.

December 10, 2019

Mr. Denninghoff responded he will bring the report back to the Board at the first or second meeting in January.

Commissioner Isnardi advised that she spoke with Commissioner Anderson's wife and she loves the idea, and is very supportive of it.

Upon consensus of the Board, the meeting adjourned at 7:47 p.m.

ATTEST:

SCOTT ELLIS, CLERK

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