

December 17, 2019

# Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, December 17, 2019**

**9:00 AM**

**Regular**

**Commission Chambers**

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

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

**B. MOMENT OF SILENCE**

Chair Lober called for a moment of silence.

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

Commissioner Smith led the assembly in the Pledge of Allegiance.

**D. MINUTES FOR APPROVAL: May 30, 2019 Regular; September 17, 2019 Regular; October 3, 2019 Zoning; October 8, 2019 Regular; November 7, 2019 Zoning**

The Board approved the May 30, 2019 Regular, September 17, 2019 Regular, October 3, 2019 Zoning, October 8, 2019 Regular, and November 7, 2019 Zoning meeting minutes.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Kristine Isnardi

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

**E.1. Resolution for National Homeless Person's Remembrance Day**

Commissioner Smith read aloud and the Board adopted Resolution No. 19-245, recognizing December 21, 2019, as National Homeless Persons Memorial Day.

Commissioner Tobia stated there is a statement in this Resolution which he found curious and he asked staff about it; it is the whereas statement in remembrance of those who died in the County's emergency shelters, so he contacted Dr. Wallace who is the Director of Public Safety and apparently in 2004 there was one hospice patient that died in a special needs shelter; however, that person to best of his knowledge, was not homeless. He went on to say the question is for the sponsor, and he asked if he is aware of any deaths that staff is not aware of in the County's emergency shelters.

Commissioner Smith stated he is not.

Commissioner Tobia inquired if Commissioner Smith is concerned about the accuracy of the Resolution.

Commissioner Smith stated he is concerned about all accuracies, but he is not sure, if this is inaccurate, rises to the occasion.

Commissioner Tobia stated he understands since this would be Commissioner Smith's 31st, but accuracy still matters and before any of the Board votes on a resolution where the Commission would take responsibility for a death that may or may not have occurred, he thinks it would probably be good to have information.

Chair Lober stated maybe the best way to keep this moving forward would be to strike the words "in our emergency shelters" and then vote on the resolution.

Commissioner Smith asked the representative if she would like to comment before moving forward.

The representative advised this is standard language that comes from the National Homeless Coalition, so they just used that language without changing it; it has happened in the past, and when it talks about emergency shelters it is not necessarily the County emergency shelters, it could be any emergency shelter where a homeless person went in and when they came out they died soon after that.

Commissioner Smith stated it could be the Salvation Army Shelter or some other shelter.

The representative agreed.

Commissioner Smith reiterated so it is a generality not a specific. He noted he can strike that if it pleases Commissioner Tobia.

Chair Lober stated his second will stand.

Commissioner Tobia stated out of an abundance of caution, he did the strikethrough so Commissioner Smith would have a copy of it; and do to the repeated, this is number 31, so he will be voting against this.

**Result:** Adopted

**Mover:** Curt Smith

**Seconder:** Bryan Lober

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

**Nay:** Tobia

The Representative thanked the Board on behalf of Brevard Homeless Coalition for acknowledging the people who have been lost this year to homelessness.

Commissioner Pritchett thanked the representative for all she does; she stated she knows nationwide that the situation happens and she gets it; and she just wanted the representative to know this discussion does not mean they are bad. She thanked them again for all they do.

Chair Lober stated he wanted to thank them as well for their help on the public safety coordinating committee; it is always good to have some decent well-informed perspectives there; and he certainly appreciates having her there.

Commissioner Smith commented everybody is not born with a silver spoon in their mouth, they do not have it easy; some people have it very rough; and it is terrific to have people like the Homeless Coalition who are out there and care about those people.

**F.1. Preliminary Development Plan Amendments, Re: Central Viera Planned Unit Development (PUD) Minor Amendment #15.**

The Board confirmed proposed amendments to the Central Viera PUD that are not considered substantial and are within the administrative approval authority provided to the Zoning Official by Brevard County Code of Ordinances.

**Result:** Approved

**Mover:** Kristine Isnardi

**Seconder:** Rita Pritchett

**F.2. Approval of Resolution and Lease Agreement Re: Office Space for Congressman Bill Posey, 8th District.**

The Board adopted Resolution No. 19-246, authorized the Chair to execute Lease Agreements allowing non-competitive lease of County property (office space) at the Brevard County Government Center North in Titusville and Brevard County Government Center in Viera to Congressman Bill Posey, 8th District.

**Result:** Approved

**Mover:** Kristine Isnardi

**Second:** Rita Pritchett

**F.3. Approval of revisions to Board Policy BCC-27 Construction Contracts.**

The Board approved minor revisions to Policy BCC-27, Construction Contracts.

**Result:** Approved

**Mover:** Kristine Isnardi

**Second:** Rita Pritchett

**F.4. Adopt Resolution and Release Performance Bond: Sierra Cove and Sendero Cove at Addison Village, Phase 1 Developer: The Viera Company**

The Board adopted Resolution No. 19-247, authorizing the Chair to execute the Contract and Surety Performance Bond dated April 9, 2019, for Sierra Cove and Sendero Cove at Addison Village, Phase 1.

**Result:** Adopted

**Mover:** Kristine Isnardi

**Second:** Rita Pritchett

**F.5. Execution of Change Order No. 11 for the South Central Regional Wastewater Treatment Facility (WWTF) Expansion Project**

The Board authorized the Chair to execute Change Order No. 11 to Adams Robinson for the South Central Regional WWTF expansion project; and approved any necessary associated budget changes.

**Result:** Approved

**Mover:** Kristine Isnardi

**Second:** Rita Pritchett

**F.6. Approval of County Manager to be authorized to execute claim form and subsequent documents in class action lawsuit. Re: Liquid Aluminum Sulfate Antitrust Litigation**

The Board approved the County Manager be authorized to execute the claim form and any subsequent documents required in the class action lawsuit Re: Liquid Aluminum Sulfate Antitrust Litigation.

**Result:** Approved

**Mover:** Kristine Isnardi

**Second:** Rita Pritchett

**F.7. Approval, Re: Community Development Block Grant Citizens Advisory Committee**

The Board adopted Resolution No. 19-248, rescinding and replacing all previous Resolutions for the Community Development Block Grant Citizens Advisory Committee.

**Result:** Approved

**Mover:** Kristine Isnardi

**Secunder:** Rita Pritchett

**F.9. Approval, Re: Seventh Amendment of County Lease with Roy F. Roberts & Son Groves, Inc.; RE: Cattle Lease for a portion of the Scottsmeer Flatwoods Sanctuary Property**

The Board authorized the Chair to execute the Seventh Amendment of County Lease with Roy F. Roberts & Son Groves, Inc., on a 112+/- acre portion of the Scottsmeer Flatwoods Sanctuary Property used as a cattle lease.

**Result:** Approved

**Mover:** Kristine Isnardi

**Secunder:** Rita Pritchett

**F.10. Approval; Re: Replacement of the Heating, Ventilation, and Air Conditioning system at Wickham Park Senior Center**

The Board approved the replacement of the Heating, Ventilation, and Air Conditioning system at Wickham Park Senior Center utilizing the Trane Countywide Heating, Ventilation, and Air Conditioning Service Agreement P-6-16-02, expiring 02/28/21; and authorized the County Manager to execute necessary budget change requests.

**Result:** Approved

**Mover:** Kristine Isnardi

**Secunder:** Rita Pritchett

**F.12. Approval, Re: Resolution and Public Transportation Grant Agreement, Re: Public Transit Block Grant Program**

The Board adopted Resolution No. 19-249, and executed Public Transportation Grant Agreement allowing the allocation of \$1,699,155, in Florida Department of Transportation (FDOT) State Public Transit Block Grant Program funds for Space Coast Area Transit; authorized the Chair to execute any follow-up documents, upon Risk Management and County Attorney approval; and authorized the County Manager to execute necessary budget change requests.

**Result:** Approved

**Mover:** Kristine Isnardi

**Secunder:** Rita Pritchett

**F.13. Approval, Re: Resolutions and Public Transportation Grant Agreements, re: Transit Corridor Grants for SR520 and SRA1A Fixed Route Bus Service.**

The Board adopted Resolution Nos. 19-250 and 19-251, and executed Public Transportation Grant Agreements with the Florida Department of Transportation in the amount of \$436,027 each for Transit Corridor Grants for SR520 and SRA1A Fixed Route Bus Service; authorized

the Chair to execute any follow-up documents, upon County Attorney and Risk Management approval; and authorized the County Manager to execute necessary budget change requests.

**Result:** Approved

**Mover:** Kristine Isnardi

**Seconder:** Rita Pritchett

**F.14. Group Health Insurance Stop Loss (Excess Insurance) placement**

The Board approved renewal of Stop Loss Insurance with Symetra Financial for that self-insured group health insurance program; and authorized the Human Resources Director to execute all documents necessary to bind this coverage effective 1/1/2020.

**Result:** Approved

**Mover:** Kristine Isnardi

**Seconder:** Rita Pritchett

**F.15. Appointments / re-appointments**

The Board appointed/reappointed Lynn Herndon and Nancy Mitts to Art in Public Places Advisory Committee, with said terms expiring December 31, 2020; George Bovell, Robert Dale Rhodes, and Dale Young to the Board of Adjustment, with said terms expiring December 31, 2021; R.J. Durham and Bruce Moia to Building and Construction Advisory Committee, with said terms expiring December 31, 2021; Ed Newell and Patsy "Pat" Shearer to Central Brevard Library and Reference Center Advisory Board, with said terms to expire December 31, 2021; Dale Young to Citizens Budget Review Committee, with said term expiring December 31, 2021; Darius Garrett to Community Action Board, with said term expiring December 31, 2020; Clifford Barber, Erik Costin, R.J. Durham, David Foley, Kerry Gardner, and Albert Underwood to Contractor's Licensing Board, with said terms expiring December 31, 2021; Susan Hodgers and Rich Sutter to Economic Development Commission of the Space Coast, with said terms expiring December 31, 2020; William Pezillo to Emergency Medical Services Review Committee, with said term expiring December 31, 2020; Peter Fuscas to Employee Benefits Advisory Committee, with said terms expiring December 31, 2021; Vic Luebker and Pat Woodard to Employee Benefits Advisory Committee, with said terms expiring December 31, 2020; Judy Gizinski to Health Facilities Authority, with said term expiring December 31, 2023; Jane Beach, David Paterno, and Walter Young to Historical Commission, with said terms expiring December 31, 2021; Bob Dibella and Scott Olson to Investment Committee, with said terms expiring December 31, 2021; Mark Broms and Dr. Rochelle A. Kenyon to Library Board, with said terms expiring December 31, 2021; John Mongioi, John Reisert, and John (Jay) Woltering to Marine Advisory Council, with said terms expiring December 31, 2021; Kimberly Scalise to Parks and Recreation South Service Sector Advisory Board, with said term expiring December 31, 2021; Cleave Frink and Bonnie Venable to Personnel Council, with said terms expiring December 31, 2021; Peter Filiberto and Bruce Moia to Planning and Zoning Board, with said terms expiring December 31, 2021; Carmella Chinaris to Port St. John Public Library Advisory Board, with said term to expire December 31, 2021; Jennifer Allgood, Leann Chaney, Lois Katzin, Dr. Rochelle Kenyon, and Laura Petruska to Suntree/Viera Public Library Advisory Board, with said terms expiring December 31, 2021; Martin Lamb and David Miller to Transportation Planning Organization Citizens Advisory Committee, with said terms to expire December 31, 2020; and Julia Derrick to West Melbourne Public Library Board, with said term expiring December 31, 2021.

**Result:** Approved  
**Mover:** Kristine Isnardi  
**Second:** Rita Pritchett

**F.8. Approval, Re: Designation letter identifying Central Florida Cares Health Systems as the Official Organization to submit a Florida Department of Children and Families Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant for Brevard.**

Chair Lober asked the Housing and Human Services Director to address Item F.8.

Ian Golden, Housing and Human Services Director, stated this is approval for Central Florida Cares Health Systems to submit a grant application for the second phase of Florida Department of Children and Families Criminal Justice Mental Health and Substance Abuse Reinvestment Grant; two years ago they were given approval by the Board to submit the planning grant, which they were awarded this past July; they are in the process of planning grant that is to plan a strategic plan for Brevard County; it is still moving along; and come January they are anticipating that the State is going to be putting out implementation grants. He went on to say they would like approval from the Board to go after some of those implementation grants to be able to support some of items priorities, that have come out of the planning process; some of those are for the creation of re-entry processing team, expansion of a mobile response team and crisis intervention team, permanent support of housing and supported employment, development of short-term residential treatment facility for co-occurring disorders, and development of a central receiving system; there is no request for the Board for any match, any required match will come from the partnering agencies or activities that other agencies do that support those items; and this also continues the Public Safety Coordinating Council as their planning council.

Chair Lober stated at yesterday's Public Safety Coordinating meeting no one expressed any sort of disapproval or concerns with this.

The Board authorized the Chair to execute the attached letter designating Central Florida Cares Health Systems, Inc., as the official organization to submit, on behalf of Brevard County, Florida Department of Children and Families Criminal Justice, Mental Health, and Substance Abuse Reinvestment Implementation Grants; and continued the delegation of the local Public Safety Coordinating Council as the Planning Council for the grants.

**Result:** Approved  
**Mover:** Curt Smith  
**Second:** John Tobia

**F.11. Approval, Re: Modify Keep Brevard Beautiful's FY 2018-2019 Tourism + Lagoon Grant to award up to an additional \$25,000.**

Chair Lober asked the Tourism Development Office Director to introduce Item F.11.

Peter Cranis, Tourism Development Office Director, stated this is a follow up; Keep Brevard Beautiful (KBB) received a Tourism Lagoon Grant from the Tourist Development Council (TDC) and the Board not too long ago to clean four of the causeways; in order to do that they use a truck as their vehicle; the previous truck they had was unfortunately totaled when they ran over what is believed to be a gas cylinder that exploded and the back of the truck was blown off; fortunately no one was hurt, but the truck was completely totaled so they came back to the Beach Committee and then the TDC for an additional grant up to \$25,000 to replace that

vehicle; and that is what this is concerning.

Chair Lober stated he knows he had a conversation with Mr. Cranis, not about this particular item, but the original KBB item that was funded in the budget; he asked if that was something, and he does not recall if it was TDC or the City that bid it out, but that was something that was subject to a competitive process; and he asked if that is correct.

Mr. Cranis stated Chair Lober is correct. He went on to say this is a little separate, this was a grant program; the other item Chair Lober is referring to is that his office has a multi-year contract with the City of Cocoa Beach for KBB to clean the beaches and one of the causeways in Cocoa Beach; that had previously been bid out and this year they renewed their contract with Cocoa Beach for that; and he noted they do not use trucks for that, they use four-wheelers, so it is a little different.

Commissioner Tobia stated he has a question for someone from KBB if there is anyone from there in attendance.

Mr. Cranis stated Bryan Bobbitt of KBB is in attendance.

Commissioner Tobia inquired what was the value of the totaled truck.

Bryan Bobbitt stated it was a 2005 Nissan Titan with about 260,000 miles on it and they were looking at repairing it but the insurance said it was going to cost way more than what it is worth so they ended up scrapping it out for about \$800.

Commissioner Tobia asked Mr. Bobbitt to clarify that it was worth far less than the \$25,000 that he is currently requesting.

Mr. Bobbitt advised they did get a used truck temporarily to complete the contract, at the time of the incident; they paid \$3,000 for a Dodge Ram that spent more time in the shop than it did on the road; the issue is this truck hauls a heavy load; they tow an ATV daily to different causeways throughout the entire County; and they need a heavier truck, something with strength to be able to pull.

Commissioner Tobia inquired what kind of truck they plan on purchasing.

Mr. Bobbitt explained they work closely with the City of Cocoa Beach to possibly line up into one of their fleet buys so they could get the best bang for the buck and be able to work immediately.

Commissioner Tobia inquired when they entered into this contract nearly two months ago if they considered the costs and risks that may be associated with entering into said contract.

Mr. Bobbitt replied typically they do and they did for this incident, however, for a truck to actually explode on the side of State Road 520, it was not something they were considering to ever be a possibility.

Commissioner Tobia advised he is concerned about the precedent that this may set that the County is bailing Mr. Bobbitt out in a contract; and he asked why the County should treat KBB any different. He went on to say his analogy would be waste management and if one of their truck exploded, he does not think they would come to the Board and ask for it to replace one of their trucks; and he asked this was a contract so what makes this any different.



Mr. Bobbitt stated the contract was actually to function for the entire County, the benefit for the KBB to be able to operate like that needs to be a consideration; he mentioned the KBB is a medium-size non-profit and they do not have the funds to be able to go buy brand new trucks; they try to write things into the contracts; they chase grants every opportunity they get; however, for the KBB to just go out and spend the money on a truck like that for something that was destroyed along the lines of doing the work, they just were not ready for that.

Commissioner Tobia stated he is going to have to vote against this one; the County has a contract with the KBB and what happened to that truck was no fault of the County, to the best of his knowledge; KBB should have had insurance that covered a comparable truck; and for the County to replace a truck that was only valued at a couple thousand dollars with one that is 10 times that amount seems a little unfair. He went on to say he fully supports the contract but an additional \$25,000 seems a little unfair; if the County were to bid this out it would be something different; however, that is not the case so he will be voting against it.

Commissioner Pritchett asked how much money was given to KBB.

Mr. Cranis advised the grant for the four causeways was \$60,000 and it is a three-year contract with a two-year renewal.

Commissioner Pritchett asked what service for the County is included in that contract.

Mr. Cranis stated KBB is supposed to clean up four of the causeways in the County and that includes everything, not just along the roadside but underneath the causeways, they even get into the water and remove some of the plastics from the water as well.

Commissioner Pritchett stated if the County was going to try to pay for this in-house would it cost more than \$60,000.

Mr. Cranis responded that would be hard for him to say because he is not sure how the County would solve for that internally.

Commissioner Pritchett explained the County would have to buy equipment, pay for salaries, and it would probably take more than one person.

Mr. Cranis agreed with Commissioner Pritchett; he added the County would have to start from scratch; and it would have to hire people and create an organization around that.

Commissioner Pritchett asked if there would probably have to be more than one person to supply to; she stated the County would have to supply equipment; and she thinks the County is probably getting a pretty good bargain out of this, not to mention the KBB does County-wide projects. She added the KBB does a really good job with that; she thanked KBB for doing it; and she noted if supplying KBB with a truck helps pick up some of this trash she thinks it is a good value. She continued by saying the KBB could have come to the Board asking for a more expensive truck; the TDC approved it so they must have felt it was worthy of it; and she will be voting in favor of this.

Commissioner Smith asked if that is \$60,000 per year or for the three years.

Mr. Cranis advised it is annually.

Commissioner Smith stated he does not agree with a lot of things Commissioner Tobia comes up with and sometimes he does agree; he is kind of in-between on this one; he does not know

that the County should be buying a \$25,000 truck if the KBB had a \$5,000 truck before; maybe a \$12,000 or \$15,000 truck; he is not advocating that the KBB go buy another clunker that it is going to have to replace in six months or 18 months, but at the same time \$25,000 buys a pretty decent truck; they could buy a brand new left over for probably in the \$30,000 to \$35,000 range; and that is why he is in-between on this one.

Mr. Bobbitt stated it is not like there is a specific truck with this price in mind; when the KBB went to the TDC they originally asked for up to \$25,000; they are not going for all the bells and whistles with power windows, locks, blue tooth and all that stuff; they are looking for just a good, strong motor with good towing compatibility; and he does not know what the amount would be but the original request was up to \$25,000. He added it is not a guarantee that the KBB would use all of those funds.

Commissioner Smith stated they could buy a good work truck, brand new, for probably \$22,000 to \$25,000; they could buy one that is used for probably \$12,000 to \$15,000; the problem with that is they are very hard to find because the construction companies that usually buy those keep them until they do not run anymore; and that is the quandary the KBB is in.

Mr. Bobbitt advised that is why they are coordinating with Jim McKnight, City Manager of Cocoa Beach, who is trying to let them in on a fleet buy with the City so they could get the best vehicle for the lowest amount of funds.

Commissioner Smith stated on the plus side if they bought it, they would probably have it for 15 years.

Mr. Bobbitt stated KBB goes throughout the County quite a bit; they do the roadside clean ups, beach clean ups, fish kill clean ups, and in those types of instances they need to have reliable vehicles to be able to get on-site and get the job done; the vehicle that was damaged during the explosion was KBB's prime vehicle used for the last fish kill in the County; and he mentioned they need something that can haul equipment out there so they can respond to the County's needs as quickly as possible.

Commissioner Isnardi stated she appreciates everything KBB does; she thinks they have great representatives; KBB does a great job in the County, but if the County starts bailing out non-profits who have committed to a contract, and it is more than 40 percent of the total cost of the contract, that is being asked for now; Mr. Bobbitt says it had over 200,000 miles on this vehicle and he knew that when he bid for the contract; she noted she is all for KBB applying for a grant or seeking monies for this type of thing; however, this is not in line with what the original agreement was for. She went on to say she just does not feel right about doing this; that is not to take away from the great work KBB does; and she commented she just does not think this is the County or the TDC's job to bail out a non-profit.

Commissioner Pritchett stated if this were any other non-profit she would agree, but the primary purpose of this is take care of Brevard County; this is actually something the government would have to perhaps pick up whether it was the municipalities or unincorporated areas; she thinks KBB is probably doing pennies on the dollar of service for this County because they have so many volunteers who work with them; and if the County had to man the fish kill alone, that would have been a significant cost to hire people to come and do that. She went on to say she thinks KBB does a great service for the County; she believes it is a very bargain for the County being Brevard County is KBB's primary purpose; and she has no heartburn with funding for this.

Commissioner Tobia stated this may be a compromise but rather than giving the \$25,000 for a

new truck maybe the County can amend the contract and front load the \$25,000 payment immediately; and the remainder of the contract would then be decreased accordingly. He went on to say then KBB could get the truck they wanted and there would be no harm to any resources; and he thinks that would probably encourage KBB to spend as little as possible in getting said truck. He mentioned that is a compromise he would be willing to support.

Commissioner Pritchett stated there is also the possibility for KBB to buy the truck but at any time this contract becomes void, the truck comes back to the County as County property.

Mr. Bobbitt stated that has been done in the past with ATV's and whatnot; the TDC has been very good giving them vehicles in the past that have been County property; and when the contract was up or the vehicle was no longer usable it was returned to the County. He noted about the compromise he appreciates Commissioner Tobia being very open in working with the KBB; as Commissioner Pritchett mentioned the KBB works for pennies on the dollar and he tries to pay his staff as much as he can but it is nowhere near what they are worth; for him to take \$25,000 out of the primary would ultimately put them into the red at the end of the year; the cost for maintenance, fuel, and ATV maintenance which has to be serviced every 500 hours, the hourly, the insurance for staff, the Workers Compensation for working alongside the road is a nightmare, and it just would not benefit the KBB to do it that way.

Commissioner Tobia asked if Mr. Bobbitt took all those factors he just mentioned into account when he signed the contract.

Mr. Bobbitt replied he did. He explained when they had their vehicle it did have high miles but it was a Titan and a very functional truck; the motor still ran good on it and that is how they got so much out of scrap for it; however, they did not plan to run over a gas cylinder which literally blew the bed off of the truck and he believes no one could have planned for that.

Commissioner Pritchett stated she knows the truck actually blew up from debris that KBB would have actually picked up had they had the opportunity to get over there; she is glad no one was hurt; and they most likely saved someone else's car from blowing up. She mentioned she would rather make the motion that if KBB ever quits the contract that the automobile comes back to the County, but it stay in KBB's possession so they are responsible for the insurance and all those things that go with the truck.

Commissioner Smith stated kicking around Commissioner Tobia's compromise, he kind of likes it; he is still wary about requiring him to absolve the whole \$25,000; and he suggested the Board could maybe do something like that in the neighborhood of \$15,000. He continued by saying that would put some restraints on the KBB when it comes to purchasing it and if he goes over \$15,000, then it is on KBB; and he asked if he could make an amendment to the proposal.

Chair Lober advised it has not been moved yet; he will let Commissioner Tobia speak then he will chime in then if someone wants to make a motion so be it.

Commissioner Tobia stated should Commissioner Smith make that request he would gladly second it.

Chair Lober stated he was just looking at his notes and \$15,000 was one of the notes he written down; he was thinking when he came to the meeting that he would support this as proposed based on the extenuating circumstances; he does not think anyone plans on driving over something that would blow up part of a car; that coupled with TDC's support led him coming into this to be in support of it; however, listening to some of the concerns he thinks perhaps one of the good compromises was to give the KBB \$15,000 now and if they need

another \$10,000 to front unload the contract and provide the additional \$10,000 while reducing it on the back end. He went on to say as Commissioner Pritchett suggested if the KBB defaults or breaches the contract that the truck comes back to the County. He clarified the KBB would be given \$15,000 on the spot or as soon as possible, \$10,000 would be front-end loaded on to the existing \$60,000 contract to amend it to \$70,000, it would be reduced on the back end, and then have the truck come back to the County.

Commissioner Isnardi asked just to be clear Chair Lober wants to increase the contract by \$15,000.

Chair Lober advised for the current year the County would increase it by \$10,000 if KBB would like that, and then giving them \$15,000. He stated he defers to the County Attorney if she wants to include the \$15,000 in the existing contract or if she would want to handle that separately. He went on to say his concern is what it will end up costing the County about how it is phrased.

Eden Bentley, County Attorney, stated she does not know where the Board is going when she sees the whole picture then she can figure out how to write it.

Commissioner Pritchett stated that is her motion.

Chair Lober clarified it will authorize staff to take any action necessary to effectuate the following: KBB gets \$15,000 up front, the Board will amend the current contract such that instead of getting \$60,000 it will be increased to \$70,000 for the current year; and he asked if the County is in the middle of the contract right now.

Mr. Bobbitt stated they have about a year and half left on the contract.

Chair Lober continued by saying on the back end of the contract, it would be reduced by \$10,000. He reiterated the Board is ramping it up for the year and ramping it down for the last year, separate from the \$15,000; that gives KBB the ability to purchase \$25,000 on the front end being given \$15,000 and advancing \$10,000 out of the back end of the contract; and if KBB defaults or breaches the contract, the \$70,000, soon to be \$50,000 depending on where they are on the structure, then that truck will come back to the County as County property.

Attorney Bentley stated she thinks she is missing \$5,000.

Chair Lober asked if everyone is good.

Commissioner Smith stated if KBB only spends \$15,000 then the Board is punishing them by taking away \$10,000 at the end.

Chair Lober advised the Board is giving them the \$10,000 and taking it back at the end so it is moving it forward so KBB has the capital right now to do what they need to do; if they do not use the full amount all they need to do is hold on to it and do with it as they will at the end because instead of realizing it at the end of the contract, they are realizing it at the beginning.

Commissioner Smith stated he will second that.

The Board authorized staff to take any action necessary to effectuate providing KBB with \$15,000 additional funds by amending the Contract with KBB to increase the current year to \$75,657; authorized the transfer of up to \$10,000 from the end of the Contract's last year to increase the value of this year's Contract up to \$85,657 to enable KBB to purchase a truck for

the Beach and Causeway maintenance program for up to \$25,000; and further required that if KBB defaults or breaches the Contract, then KBB must transfer the truck to the County to be County property. Per the requested action section of the Agenda Item, approval of the Item includes: (1) a finding that the Board further approved that this is a proper purpose for expenditure of Tourist Development Tax funds pursuant to Section 125.0104(5)(a)5, Florida Statutes, because the primary purpose of the truck is to use it in KBB's work to maintain and improve the Indian River Lagoon, an estuary with multiple public access points for tourism purposes; and (2) the Board authorized the Tourism Director to sign the grant amendment, and any other documents, upon County Attorney's Office approval, and authorized the County Manager to execute necessary budget change requests.

**Result:** Approved

**Mover:** Rita Pritchett

**Secunder:** Curt Smith

## **G. PUBLIC COMMENTS**

Charles Tovey stated if he was driving down the road and hit a canister and his car blew up or his vehicle blew up, he would look for liability on the people who were supposed to keep the roads safe and clean; that might help in the litigation of things; he does not have enough time to cover all the things that he says in the three minutes he is given; and he thanked Commissioner Tobia for his thorough attentiveness to the County, the resolutions, and the Items on the Agendas that people are trying to pass as every dollar counts. He went on to say as far as the homeless, anybody can be homeless overnight and no one knows the time of day or night that their number is going to be called so that could happen anyway so if it has not happened yet it probably will; he commented he might say too much information sometimes but that is better than not enough and leaving people wondering; he noted he does have a willingness and he did comply and pay it every time; and he is closing and covering up the windows of his house so he can start taking the insulation that has been torn up from all the critters going inside his house because the County would not allow him to put a door on or windows. He continued by saying Volusia County is having a first step; they open it up for 120 homeless people staying 30 to 90 days, male and female, with a program for release; Orlando has a surplus, they are trying to figure out what to do with monies they have extra on and Virginia has 16,000 miles of polluted rivers; he will be finishing up on the Lagoon, the other northern half by spring, hopefully; people should see the work afterwards; fish man says he has not seen the abundance of fish that he has seen in the Lagoon in years if not ever; and the Triple Tail, Mullet, Snook, and Trout are abundant. He apologized for expressing any undue grief to innocent people, everyone matters.

### **H.1. Public Interest Determination: Wetland Impacts for Boniface-Hiers Chrysler Dodge Jeep Relocation**

Chair Lober called for public hearing on a public interest determination of wetland impacts for Boniface-Heirs Chrysler Dodge Jeep Relocation.

Virginia Barker, Natural Resources Management Director, stated she does not see these very often; this is a public interest determination to allow wetland impacts for the Boniface-Hiers Chrysler Dodge Jeep relocation from Merritt Island to the corner of Highway 520 and Range Road in Cocoa; the applicant proposes to impact wetlands onsite; those wetland impacts would be mitigated through a mitigation bank as approved by the St. Johns River Water Management District (SJRWMD); and the Code allows for wetland impacts for commercial development specifically along mitigation qualified roadways with the intent to concentrate the commercial development along major corridors and not try to maintain small wetlands in the midst of all of

that commercial corridor. She continued the wetland that will be impacted is defined by the County Code as a landscape level wetland; impacts to landscape level wetlands are prohibited unless those impacts are determined to be in the public interest, by the Board; the public interest is defined as demonstrable, environmental, social, and economical benefits which would accrue to the public at large as a result of the proposed action; it could clearly exceed all demonstrable, environmental, social, and economical costs of the proposed action; and the applicant's representative is in attendance and has a card in if the Board has any specific questions. She added the basis of their public interest request is that the new location will be accessible for Orlando commuters; it will shift traffic on to higher capacity roads; it will alleviate congestion in Merritt Island; they expect the sales volume to jump by 50 percent or greater generating 30-plus jobs; and that will also generate County sales tax, property tax, and leave the current site for redevelopment on Merritt island.

Commissioner Pritchett inquired if SJRWMD has approved the proposal.

Ms. Barker responded SJRWMD has not yet approved the proposal, but the wetland impacts mitigation would have to be approved by SJRWMD to proceed; and this action does not convey approvals or assurances regarding zoning, site plan approval, or building permits, it is just about the wetland impact determination.

Commissioner Pritchett asked if Ms. Barker is saying SJRWMD will have to approve the mitigation.

Ms. Barker responded affirmatively.

Commissioner Pritchett inquired if the County will have to approve the mitigation also.

Ms. Barker responded the County would default to the SJRWMD's approval.

Commission Pritchett inquired if staff has looked at it and that there is mitigation going on that satisfies the County Ordinances.

Darcie McGee, Natural Resources Management Department, stated when they come in for The site plan approval that is when staff will get into the permitting and they will make sure that the applicant is meeting the no-net loss which SJRWMD will ensure occurs in County as well.

Chair Lober stated is unaware of any of these historically ever being denied and he inquired if Ms. Barker can think of any that have been denied in the past.

Ms. Barker replied she is not aware of any that have been denied in the past.

Chair Lober inquired as far as complaints or concerns from the community has staff received any because he has not.

Ms. Barker stated she is unaware of any complaints.

Commissioner Pritchett stated she thinks this is a good project and the fact that it is mitigating the wetlands; nobody wants to build on wetlands but sometimes it has to be done; and as long as the mitigation takes place and it gets through the SJRWMD then she is fine with supporting this.

Chair Lober stated he thinks that is part of what Ms. Barker was touching on; and sometimes it is better to avoid having pockets of wetlands in certain areas to have a more protected, larger

wetland area and perhaps a more rural area.

Ms. Barker explained the wetland toolbox that this process follows was developed by a large committee process that went on for quite some time, she believes it was adopted back in 2008; the County has been using this process successfully for over a decade without community concerns coming to the Board; and she thinks it is working well.

There being no further comments or objections, the Board granted a Public Interest Determination for the wetland impacts proposed for Boniface-Hiers Chrysler Dodge Jeep Relocation Project located at the southwest corner of W, King Street and Range Road in Cocoa.

**Result:** Approved

**Mover:** Rita Pritchett

**Seconder:** Curt Smith

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

**H.2. An Ordinance Amending the Library System Board Code of Ordinances of Brevard County, Florida to Change the Term of Appointees for the Brevard County Library System Board from a one year term to a two year term**

Chair Lober called for a public hearing on an ordinance amending the Library System Board Code of Ordinances of Brevard County, Florida to change the term of appointees for the Brevard County Library System Board from a one-year term to a two-year term.

The Board adopted Ordinance No. 19-34, amending the Library System Board Code of Ordinances to provide a change clarifying how the Brevard County Library System Board members are chosen, deleting reference to length of term, removing outdated language regarding transition between Federated Public Library, changing a members term from one year to two years, and removing the Library Services Director as a nonvoting ex officio member to providing for the Library Services Director or designee to serve as a staff liaison and informational support to the Library System Board.

**Result:** Adopted

**Mover:** Rita Pritchett

**Seconder:** Kristine Isnardi

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

**J.1. Legislative Intent and Permission to Advertise; RE: Adoption of Animal Abuse Registry Ordinance**

Chair Lober stated he has given people a heads-up on this one; it is legislative intent and permission to advertise adoption of an animal abuse registry ordinance; Theresa Clifton mentioned at the last meeting a need for an animal abuse registry; he pointed out the primary purpose of this is to serve as a resource, not a punitive measure by any means; and there is no penalty upon hobby breeders, pet stores, shelters, or a rescue organization selling or adopting or otherwise transferring ownership of any animal from their ownership to someone else even if there is someone who happens to be included on this registry. He went on to say he sent a copy of this to one of the higher-ups at the Brevard Kennel Club and he did not hear anything back so there was no opposition voiced with respect to that; he thinks this is something that would serve to benefit the community in the sense that there is no common area that is really publicly accessible in the same way this would be; staff time in order to put this in place is the minimal, the program is already there; the Clerk's Office has volunteered without any cost to

the County, on a twice a month basis to compile all of the information that has been updated since the last time the spread sheet will have been exported; he will send that to the IT Department; and the Sheriff stated he would be happy to link from the Animal Services Website to the County, so all that would have to be done is to import the updated batch from the preceding two week period. He continued by saying the records over 10 years would fall off so someone is not penalized or stigmatized for decades on end for something that had been done 30 or 40 years ago; and from there he would like to take comments from other Commissioners to see where they are at on this.

Commissioner Tobia stated he thinks it is apparent that probably when this comes back up he will not be supporting it; he thinks it is appropriate that he give his vote for permission to advertise; he went over it and he has a few suggestions or questions as it moves forward that makes it a more comprehensive document; and he reiterated it is not one he will support but it may be a little more well-rounded. He mentioned reading through it he did not find anyone that was responsible for the enforcement of these animal control; and he asked if this would be Sheriff's Office because it was not specifically mentioned in the document that was provided.

Chair Lober stated that is toothless; he noted he is not being funny, the point of this is and why it is toothless is because he does not want there to be unnecessary opposition; it is more important to him to put in place a resource for folks locally than to stigmatize or punish anyone; therefore, it is totally toothless in that sense since no one is going to be going to jail and no one is going to be arrested on account of violating a portion of this.

Commissioner Tobia asked what about the sources determining convictions; and he asked if Chair Lober would be okay, because there is no limit in there like judicial records, with that because it is not specifically stated in the document.

Chair Lober stated he is happy to add specificity if Commissioner Tobia would like more clarification on exactly where the information is be obtained; essentially his understanding from the way that the Clerk's Office is doing this, and he will check with them, is they have a program called BECA, Brevard Electronic Court Application and an internal system called FACTS and it is his understanding they will export a spreadsheet from that; and he noted he can check with the Clerk to find out what specific resource they will be using to export it but it would be all of the judicial records so it would be anything that came before a magistrate, County Court Judge, or Circuit Court Judge.

Commissioner Tobia explained he just wanted to make sure that it was coming from legitimate sources.

Chair Lober advised this is going to be exported directly from the Clerk of Courts Office.

Commissioner Tobia stated that would probably be better in the Ordinance to specify that.

Chair Lober commented he would be happy to make that change.

Commissioner Tobia asked how about a notification process to individuals that are added on to this registry.

Chair Lober asked if that would be to notify the people who are added directly.

Commissioner Tobia responded affirmatively. He went on to say for instance if his name is added to the registry, should there be some sort of notification process; clearly he himself has never had an animal nor has he ever done anything bad to an animal; but he asked if there



should be some sort of notification process for this registry as there are many other registries that do.

Chair Lober stated his concern with that is he does not know what true benefit that would be in the sense that by being convicted of some violation of Chapter 28 or even by violation of County Ordinance, people are already in a sense stigmatized as much as he or she would ever be stigmatized because all of those records are public; and he is not talking about juvenile misdemeanor records but apart from that all of that is public. He added the juvenile misdemeanor would not be included on this and he could put that in the ordinance as well.

Commissioner Tobia asked if there were errors if there would be a way to challenge placement on the registry.

Chair Lober noted if they correct the underlying record when it is updated it can be addressed at that point; and if someone has a court record that is inaccurate, he doubts there would even be one, and they challenge it he has no problem having it updated to include language in the ordinance to reflect that.

Commissioner Tobia stated he thinks Chair Lober addressed the functionality of it but from the philosophical perspective if there is no mechanism of enforcement and there is no penalty associated with violating the ordinance, then what is the purpose of it.

Chair Lober reiterated the purpose of this is not to be punitive or to somehow critique individuals it is solely to serve as a resource for people who are looking at selling, adopting out, or transferring ownership of animals so they have the ability to go somewhere without having to spend a tremendous amount of effort and determine if there is cause for concern; and if there is the individual can do further research.

Commissioner Tobia inquired if that is not already addressed by being a public record and individuals already have access to that information.

Chair Lober advised people do have access for that information but not in a cohesive way like this without having to sign up for a user account or rely on something with public access; this is putting it all in one spot where the County's Sheriff Department links to it, where they do not have to go through some esoteric application and it is going to be standardized and readily available; and he believes the format is going to be much more conducive for the people looking at it than otherwise would be the case. He mentioned people cannot just go through and just run a person's name for animal abuse for a period of 10 years, because everything would show up for that name; if someone had a slew of traffic infractions those would show up; and if it is a common name, it could be pages and pages. He noted this is just the animal related items classified in the ordinance to make it simple; and there is no other information just the relevant items all in one spot.

Commissioner Tobia asked if simplicity was the answer to his question.

Chair Lober stated it is ease of access.

Commissioner Smith stated he has some reservations; he would like more time to look at it; he can support it right now with the reservation; for one thing he would like it specifically, and he knows it is for domestic animals, but that needs to be added to the ordinance because if a person has a problem with a hunter on a personality level and the hunter shoots a deer or whatever that person could point fingers at the hunter for abusing an animal; and he would like it to be made very clear that it is domestic animal abuse.

Chair Lober commented he does not think it is necessarily accurate to say that if someone has a problem with a hunter that he or she can then say that someone is abusing animals such that they would be reflected in the registry, they would have to go through the court process in order to land on the registry.

Commissioner Smith inquired if he saw Chair Lober abusing Winks, how would he report that.

Chair Lober advised he would call the police and either the Brevard County Sheriff Office (BCSO) would investigate or the Rockledge Police Department would investigate it; they would make the determination as to whether or not charges were appropriate and decide whether to file; they would then send the information of the investigation to the State Attorney's Office; then there would be the day in court with either a bench trial with a judge or a jury trial depending on the charges and what the individual prefers; therefore, there are a lot of steps to go through, it is not just if someone sees something and their name lands on a registry. He advised he would be inclined to allow something like that to occur because it is too dangerous to allow someone to just label someone whom they disagree with how they conduct themselves.

Commissioner Smith stated well if he saw Chair Lober shoot a deer and he thought it was cruel, he could call the Sheriff and say he saw him abusing an animal; what he is saying is he could ruffle some feathers; and if the Board makes this specifically for domesticated animal abuse it takes that out of the equation all together.

Chair Lober stated if the allegation would be Commissioner Smith saw him shoot a deer, the likelihood that the Sheriff would do anything other than respond and take a report is slim to none; and he suggested if this moves forward he would encourage people to have a conversation with the Sheriff about it.

Commissioner Smith stated he understands what Chair Lober is saying but he does not believe that Chair Lober is understanding what he is trying to say. He mentioned if the Board just adds that simple word it would take that possibility out of the realm of possibility.

Chair Lober commented he does not think it is reasonably possible that someone shoots a deer and they end up convicted of animal abuse; if they are skinning a deer alive then they may end up convicted; and the other even though it sounds simple there is no designator that he is aware of in the Statutes or in the manner in which someone is charged, that would differentiate between domestic and other animals; and he has to take a look at the specific elements for animal abuses as contained in Chapter 828. He added there may be something in there that addresses that and he would be happy to bring more information forward when this comes back in January but he would doubt that has ever been the case that someone has been convicted of animal abuse solely as a result of having shot a deer.

Commissioner Smith stated they do not have to be convicted, they can be harassed is his point.

Chair Lober stated this is not going to result in anyone being harassed more or less because if it is something that someone calls and reports to the police they are taking a report, and it is not going to result in someone landing on this registry.

Commissioner Smith stated he hopes Chair Lober is right about that.

Chair Lober asked if the County Attorney wants to comment on that.

Eden Bentley, County Attorney, advised it currently says conviction.

Chair Lober stated anyone here could call and say people are beating up dogs and cats but in and of itself it will not land someone on the registry; if someone ends up being arrested and have charges filed the it will either end up in early resolution or it will move up to a trial attorney; and at that point there would be either six jurors and a couple alternates or a bench trial with just a judge. He added there is a lot of due process to go through to get to the point of ending up on this registry. He went on to say even if he wanted to go along with what Commissioner Smith is suggesting by somehow specifying domestic, he would be happy to investigate it, but realistically he does not think there is any way that would be coded within the system such that it could be exported; that would require every single record to be evaluated by hand which would render the cost to put this in place to be exponentially increased to where it may be prohibitive at that point; and he does not know if the Clerk's Office would be inclined to waive all costs as they have with this since it is just programmatically handled. He asked Lieutenant Kelly if he is aware of anyone having been convicted or charged with animal abuse as a result of having shot a deer.

Lieutenant Kelly Simpkins, BCSO, stated not to his knowledge; there is illegal taking of a deer which is out of season or at night poaching; animal cruelty crosses over both lines with domestic and wild; people can be cruel to animals in the wild and can be charged if the investigation reveals enough probable cause to make that arrest; however, in normal cases if someone calls in, they will do an investigation and if probable cause is found BCSO would probably file the case.

Commissioner Smith asked if Lieutenant Simpkins has read the ordinance.

Lieutenant Simpkins responded he has not.

Commissioner Smith pointed out his concern is at some point somebody will ill intent can use this to harass someone else; and if that is not a possibility then he is good with it.

Lieutenant Simpkins stated he does not think shooting a deer is going to reach that level.

Commissioner Smith advised he was just using that as an example, there could be others that he is not thinking of.

Chair Lober stated he believes the part Commissioner Smith is concerned about is the violation of Chapter 828, Florida Statutes, so if it is illegal activity of the pelt or sexual activity involving animals; he does not recall off the top of his head what the specific element of each of those charges might be; however he can have Joe Hellebrand come in when this comes back in January. He reiterated he sent this to Animal Services to review and what was in the Agenda packet was what was structured after the revisions of the County Attorney's Office from Animal Services and his office staff. He stated that concern was not previously raised but he is certainly happy to have them come back unless Commissioner Smith wants to meet with them separately.

Commissioner Pritchett stated the key is convicted of animal cruelty or animal abuse crimes, so these are people who have already been arrested and convicted will be on the registry; she works in a position where they have a ministry and they do background checks all the time on people who want to volunteer; when the name is put in everything comes up and people can see the convictions; and as Chair Lober stated it is not easy to pick them out especially people who have long records. She continued by saying she could find a specific registry for child abusers; she thinks this is important; and she would not mind this Board doing a registry for each kind of offense that has significant implication on hurting people. She went on to say

people who torture animals is a segway to doing really bad things to people; even if some people are not into loving the pets thing, this is significant that the Board is able to bring some more attention to this even in the society people live in today, to help quality of life be a little better; and she reiterated the key words are cruelty or crimes have been committed. She stated these are not small things typically; BCSO is not going to running around on things that are not criminal; she noted these are laws that are already put into place by the State or Federal Agency, so they are already enforced by the Sheriff; if there are people who all of the sudden start harassing all these little things, they will end up in trouble for making harassment calls on things that are crimes; and she loves the idea of a registry because it is an easy place to go to research people, because some of the things that happen in the community absolutely nauseate her. She went on to say she does not think this is a bad idea, it is cruelty and crimes so it is not some small little misdemeanor; and she mentioned to Chair Lober she thinks prohibitions should be removed for now until the Board gets the registry in place because although she agrees, the Board is going to have to pick through this; and she thinks to remove that and just get the registry in place would be best for now, and the Board can work on laws as it moves forward.

Chair Lober stated he would like to correct one thing that was stated; it is entirely possible some who has been convicted of a misdemeanor could possibly end up on the registry.

Commissioner Pritchett stated but it would show the misdemeanor charge on the registry. She explained if someone did not feed their dog for a day, that could be a misdemeanor; and people would be able to see it.

Chair Lober stated it is not guessing what someone has done. He advised as far as the prohibitions, he would be happy to strike those; they were placed in there aspirational in a sense that there is no enforcement mechanism that was contemplated; and if Commissioner Pritchett wants them stricken, he would be happy to strike that as well.

Commissioner Pritchett stated she is in full support of this.

Chair Lober advised it will have the same effect with or without that so he is happy to take that out.

Commissioner Isnardi stated as far as talking about it not having any teeth, obviously Chair Lober is very passionate about animal welfare, she knows the resources are great and she likes that a lot, but she does not know if she is willing to go any further than that; she asked what responsibility is it of the seller, like if someone is selling an animal is the seller responsible if the person who receives the animal abuses it; and would this place the burden back on the seller.

Chair Lober stated if this is adopted there is no additional responsibility put on the seller.

Commissioner Isnardi asked if there is anything in the ordinance legally that says the seller does.

Chair Lober responded no; he advised if there was an enforcement mechanism then yes, but it does not in the way this is structured; he is not encouraging someone to sell to someone that they know has issues; however, this does not place burden on the seller.

Chair Isnardi stated since it is not enforceable she thinks the registry is good enough at least from her perspective; she would be fine with just the registry because it provides easy access; especially people who do rescues and fostering; and she thinks it is great that people have

somewhere to go to make sure people are not monsters. She noted she does not think putting things in place that cannot be enforced is a good idea because what liability is in place if people believe that they are protected by an ordinance that cannot be enforced. She reiterated she is okay with the registry but she thinks that is as far as she is willing to go.

Chair Lober stated that is perfect; he thinks that is the driving factor with this; and to answer that hypothetical, the seller would not have any liability any which way. He stated he is happy with that striking the part Commissioner Pritchett mentioned.

The Board approved legislative intent and granted permission to advertise for a public hearing to consider adoption of an Animal Abuse Registry ordinance.

**Result:** Approved

**Mover:** Rita Pritchett

**Seconded:** Kristine Isnardi

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

**L.1. Frank Abbate, County Manager**

**L.2. Eden Bentley, County Attorney**

**L.3. Rita Pritchett, Commissioner District 1, Vice Chair**

Commissioner Pritchett stated she would like to wish everyone a safe holiday and a Merry Christmas.

**L.6. Curt Smith, Commissioner District 4**

Commissioner Smith stated he prays that everyone have a wonderful and joyous holiday and that they get to spend a lot of time with their loved ones; and he hopes everyone realizes their blessings.

**L.7. Kristine Isnardi, Commissioner District 5**

Commissioner Isnardi stated Merry Christmas and God bless.

**L.5. John Tobia, Commissioner District 3**

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

Chair Lober stated Merry Christmas, Happy Hanukkah, and for those who believe other things or nothing at all, he hopes they have a wonderful December.

**Executive Session Re: Waters Mark Development Enterprises, LC, vs. Brevard County, Florida, Case Number 05 2014 CA 041947 XXXX XX, at noon or at the conclusion of the Board meeting, whichever comes first pursuant to Section 286.011(8), Florida Statutes.**

The Board approved Executive Session for Waters Mark Development Enterprises, LC, vs. Brevard County, Florida, Case No. 05-2014-CA-041947-XXXX-XX.

**Result:** Approved  
**Mover:** Kristine Isnardi  
**Second:** Bryan Lober  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Isnardi

Upon consensus of the Board, the meeting adjourned at 10:06 a.m.

ATTEST:

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SCOTT ELLIS, CLERK

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

DRAFT