

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

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on September 1, 2015 at 9:02 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Robin Fisher	Chairman/Commissioner District 1	Present	
Jim Barfield	Vice Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

INVOCATION

Pastor Russell Frahm, Faith Lutheran Church, Merritt Island, led the assembly in the invocation.

PELDGE OF ALLEGIANCE

Commissioner Curt Smith led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board of approved the July 7, 2015 and August 4, 2015 regular meeting minutes, and August 11, 2015 special meeting minutes.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM I.A., RESOLUTION, RE: RECOGNIZING HERBERT WILSON UPON HIS RETIREMENT AFTER 37 YEARS WITH BREVARD COUNTY

Commissioner Smith read aloud, and the Board adopted Resolution No. 15-138, recognizing Herbert Wilson upon his retirement after 37 years with Brevard County.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Andy Anderson, Commissioner District 5
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM I.B., RESOLUTION, RE: RECOGNIZING SEPTEMBER 15 - OCTOBER 15, 2015, AS HISPANIC HERITAGE MONTH IN BREVARD COUNTY

Commissioner Anderson read aloud, and the Board adopted Resolution No. 15-139, recognizing the month of September 15, 2015, through October 15, 2015, as Hispanic Heritage Month.

Harry Santiago, Deputy Mayor of the City of Palm Bay, thanked the Board and expressed appreciation for the Resolution; and he invited everyone to attend events being held in the City of Palm Bay to celebrate Hispanic Heritage Month.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Trudie Infantini, Commissioner District 3
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM I.C., RESOLUTION, RE: RECOGNIZING THE COCOA BEACH WOMAN'S CLUB ON THEIR 50TH ANNIVERSARY

Commissioner Barfield read aloud, and the Board adopted Resolution No. 15-140, recognizing the Cocoa Beach Woman's Club on their 50th Anniversary.

A representative of the Cocoa Beach Woman's Club thanked the Board for its recognition.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER: Trudie Infantini, Commissioner District 3
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.D., RESOLUTION, RE: PROCLAIMING OCTOBER 2015 AS FILIPINO AMERICAN HISTORY MONTH

Chairman Fisher read aloud, and the Board adopted Resolution No. 15-141, proclaiming October 2015 as Filipino American History Month in Brevard County.

Carrie Andrews and Terri Hiem from Florida's Space Coast Filipino-American Charitable and Educational Foundation Inc. thanked the Board for the recognition.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.A.1., RELEASE AND HOLD HARMLESS AGREEMENT BETWEEN KNIGHT ENTERPRISES AND BREVARD COUNTY MOSQUITO CONTROL DISTRICT, RE: FREE STORAGE OF HEAVY EQUIPMENT IN AN UNDERGROUND BUNKER DURING SEVERE WEATHER

The Board executed Release and Hold Harmless Agreement between Knight Enterprises and Brevard County Mosquito Control District for free storage of heavy equipment in an underground bunker during severe weather.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.A.2., CONTRACT FOR SALE AND PURCHASE WITH TAMIE AMATO, RE: ACQUISITION OF PROPERTY LOCATED AT 5571 WENDY LEE DRIVE, TITUSVILLE, AS PART OF THE WENDY LEE SIDE WALK PROJECT

The Board executed Contract for Sale and Purchase with Tamie Amato for acquisition of property located at 5571 Wendy Lee Drive, Titusville, as part of the Wendy Lee Sidewalk Project.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.A.4., RESOLUTION OF NECESWSITY, RE: ACQUISITION OF THE PAGE PROPERTY FOR USE IN THE TRAFFIC OPERATION CENTER AND PINEDA GRADE SEPARATION PROJECTS

The Board adopted Resolution of Necessity No. 15-142, for the William J. Page property for the construction of the Traffic Operations Center and improvements related to the Pineda Causeway Grade Separation Project; and authorized the County Attorney's Office and staff to proceed with this action in accordance with the statutory requirements set forth in Chapters 73 and 74, Florida Statutes, applicable to "quick-take" proceedings.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Andy Anderson, Commissioner District 5
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.B.1., FLORIDA NON-INSTITUTIONAL MEDICAID PROVIDER AGREEMENT WITH FLORIDA AGENCY FOR HEALTH CARE ADMINISTRATION, RE: MEDICAID TRANSPORT SERVICES

The Board executed Florida Non-Institutional Medicaid Provider Agreement with Florida Agency for Health Care Administration for Medicaid Transportation Services; authorized the Chairman to sign any follow-up documents, upon Risk Management and County Attorney approval; and approved any budget changes.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Andy Anderson, Commissioner District 5
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.B.2., INTERLOCAL AGREEMENT WITH CITY OF TITUSVILLE, RE: TRANSIT SHELTERS AND BENCHES

The Board executed Interlocal Agreement with City of Titusville for the purpose of providing Bus/Transit Shelters and Benches within the City limits.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Andy Anderson, Commissioner District 5
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.B.3., RESOLUTIONS AND SUPPLEMENTAL JOINT PARTICIPATION AGREEMENTS WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: TRANSIT CORRIDOR GRANTS FOR SR 520 AND SR A1A FIXED ROUTE BUS SERVICE

The Board adopted Resolution Nos. 15-143 and 15-144, and executed Supplemental Joint Participation Agreements with Florida Department of Transportation (FDOT), in the amount of \$385,500 each, for Transit Corridor Grants for State Road 520 and State Road A1A Fixed Route Bus Service; authorized the Chairman to sign any follow-up documents, upon Risk Management and County Attorney approval; and approved any budget changes.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Andy Anderson, Commissioner District 5
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.C.1., APPROVAL, RE: LIABILITY, WORKERS' COMPENSATION, AND AVIATION INSURANCE PROGRAMS FOR FISCAL YEAR 2015-2016

The Board approved the placement of the County's Auto Liability, General Liability, Professional Liability, Crime, Workers' Compensation, and Airport and Aviation Liability Insurance coverage at a cost not to exceed \$1,192,200; and authorized the Risk Manager to bind coverage effective on October 1, 2015.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Andy Anderson, Commissioner District 5
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.D.2., ACKNOWLEDGE RECEIPT, RE: FISCAL YEAR 2016 ADOPTED BUDGET AND MEETING SCHEDULE FOR HERITAGE ISLE AT VIERA COMMUNITY DEVELOPMENT DISTRICT

The Board acknowledged the receipt of the FY 2016 final Adopted Budget and meeting schedule for the Heritage Isle at Viera Community Development District.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Andy Anderson, Commissioner District 5
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.D.3., INITIATE LEGAL PROCEEDINGS, RE: ACQUISITION OF SAN SEBASTIAN WATER SYSTEM

The Board authorized Scott Knox, County Attorney, to initiate legal proceeding to acquire the San Sebastian Water System; and authorized the acceptance of the deed and redemption of any outstanding tax certificates.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Andy Anderson, Commissioner District 5
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.D.4., INTERLOCAL AGREEMENT WITH SPACE COAST TRANSPORTATION PLANNING ORGANIZATION, RE: FIRST AMENDMENT TO LEASE AGREEMENT

The Board adopted Resolution No. 15-145, annual Municipal Service Benefit Unit Assessment Roll; approved the Interlocal Agreement with Space Coast Transportation Planning Organization; and approved the First Amendment to the Lease Agreement between Brevard County and the Space Coast Transportation Planning Organization.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.D.5., PERMISSION TO PARTICIPATE IN AND ACCEPT, RE: FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE) FISCAL YEAR 2015 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

The Board granted permission to participate in and acceptance of the FDLE Fiscal Year 2015 Edward Byrne Memorial Justice Assistance Grant Program; designated the Brevard County Sheriff's Office as the point of contact; and authorized the Chairman to execute the grant documents, Letter of Support, and any necessary budget amendments.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.D.7., APPROVAL, RE: BILLFOLDER

The Board approved the Billfolder, as submitted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM III., PUBLIC COMMENTS

Ronaldas Turgutis stated that he has issue with the Community Redevelopment Agency (CRA) agreement between the County and the City of Satellite Beach; he believes that there needs to be some regulatory monitoring of CRAs throughout the State; agreements are signed in good

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faith, but what happens behind closed doors is atrocious, and residents will be attending future meetings in order to bring awareness to the community; and he added that just as funds are giving they can be taken away and not properly utilized.

Commissioner Infantini asked Mr. Turgutis how he became aware of things that were taking place at the CRA.

Mr. Turgutis replied that it was through attendance; that he is one of the few citizens who attend meetings and keep an eye on things for the community interest.

Charles Tovey stated that he would like to volunteer his time and suggestions and would like an appointment with each Commissioner in order to do so; he added that the money that the County is throwing away on some issues could be saved.

ITEM IV.A., RESOLUTIONS, RE: ADOPTIONS OF SCHEDULE OF RATES, ASSESSMENTS, AND CHARGES FOR FIRE SERVICES OPERATIONS, HAZARDOUS MATERIALS SPECIAL OPERATIONS TEAM, FIRE PREVENTION AND INSPECTION FEES; AND RATIFICATION, CONFIRMATION, AND CERTIFICATION OF THE ANNUAL FIRE SERVICES NON-AD VALOREM ASSESSMENT ROLL

Chairman Fisher called for a public hearing to consider resolutions adopting Schedule of Rates, Assessments, and Charges for Fire Services Operations, Hazardous Materials Special Operations Team, Fire Prevention and Inspection Fees; and Ratification, Confirmation, and Certification of the Annual Fire Services Non-Ad Valorem Assessment Roll.

Stockton Whitten, County Manager, stated that this is a resolution adopting the rates for Fire Service, Fire Assessment rates, the charges for services, the Hazardous Material Operations, and Fire Prevention; and these rates are unchanged from the current rates.

There being no comments, the Board adopted Resolution No. 15-146, adopting Schedule of Rates, Assessments, and Charges for Fire Services Operations, Hazardous Materials Special Operations Team, Fire Prevention and Inspection Fees; and Resolution No. 15-147, ratifying, confirming, and certifying the Annual Fire Services Non-Ad Valorem Assessment Roll.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM IV.B., RESOLUTION, RE: RATIFYING, CONFIRMING, AND CERTIFYING THE ANNUAL STORMWATER UTILITY SPECIAL ASSESSMENT ROLLS (FICAL IMPACT: \$4,956,903.38)

Chairman Fisher called for a public hearing to consider a resolution Ratifying, Confirming, and Certifying the Annual Stormwater Utility Special Assessment Rolls.

Stockton Whitten, County Manager, stated that these are the rates for the stormwater utility special assessment; these rates are also unchanged from the current fiscal year.

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Commissioner Infantini stated that she is still not in favor of the rate that is currently imposed for stormwater; the Board doubled the rate last year, and she is still opposed to it.

Chairman Fisher stated that the rate had not been changed in approximately 10-12 years, and the Board was interested in fixing the Indian River Lagoon, and making sure that the Board was doing its part, and the rates were approved to help solve stormwater issues as it got into the Lagoon.

Commissioner Infantini rebutted that actually the rate was increased but the Board had other revenue sources, and instead of diverting all of the extra revenue that is being generated from the Florida Power and Light (FPL) Plant to just one part of the County, she recommended that those funds be diverted to protect the Lagoon, and it just a matter of priorities.

There being no further comments, the Board adopted Resolution No. 15-148, ratifying, confirming, and certifying the Annual Stormwater Utility Special Assessment Rolls.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
NAYS:	Trudie Infantini

ITEM IV.C., RESOLUTION, RE: ESTABLISHING USER FEES FOR FISCAY YEAR 2015-2016 FOR THE MELBOURNE-TILLMAN WATER CONTROL DISTRICT

Chairman Fisher called for a public hearing to consider a resolution Establishing User Fees for Fiscal Year 2015-2016 for the Melbourne-Tillman Water Control District.

Stockton Whitten, County Manager, stated that this is the adoption of a resolution establishing the user fees for the Melbourne-Tillman Water Control District; these rates are also unchanged from the current fiscal year.

There being no comments, the Board adopted Resolution No. 15-149, approving user fee for the Melbourne-Tillman Water Control District for Fiscal Year 2015-2016.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Trudie Infantini, Commissioner District 3
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM IV.D., RESOLUTION, RE: CERTIFYING MUNICIPAL SERVICE BENEFIT UNIT ASSESSMENT ROLLS TO TAX COLLECTOR FOR FISCAL YEAR 2015-2016

Chairman Fisher called for a public hearing to consider a resolution certifying Municipal Service Benefit Unit Assessment Rolls to Tax Collector for Fiscal Year 2015-2016.

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Stockton Whitten, County Manager, stated that this is the rate resolution for the Municipal Service Benefit Unit; and these rates are unchanged from the current fiscal year.

There being no comments, the Board adopted Resolution No. 15-150, certifying the Municipal Service Benefit Unit Assessment Rolls for Fiscal Year 2015-2016.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM IV.E., ORDINANCE, RE: AMENDMENT TO ARTICLE V, CHAPTER 110, SECTION 361, SECTION 362, AND 377 OF THE BREVARD COUNTY CODE OF ORDINANCES, STORMWATER UTILITY, TO UPDATE THE LANGUAGE AND PROMOTE COLLABORATIVE OPPORTUNITIES, SUCH AS THE INDIAN RIVER LAGOON COUNCIL, TO IMPLEMENT THE COUNTY'S STORMWATER MANAGEMENT PROGRAM

Chairman Fisher called for a public hearing to consider an ordinance for Amendment to Article V, Chapter 110, Section 361, Section 362, and Section 377 of the Brevard County Code of Ordinances, Stormwater Utility, to Update the Language and Promote Collaborative Opportunities, Such as the Indian River Lagoon Council, to Implement the County's Stormwater Management Program.

Virginia Barker, Interim Natural Resources Management Director, stated that this is a minor amendment to the Stormwater Ordinance that allows expenses to cross different benefit units to share the cost between those units on a prorated basis; it also cleans up some old artifacts in the code, agencies have changed names and the Stormwater Program is now housed in Natural Resources.

There being no further comments, the Board adopted Ordinance No. 15-26, amending Article V., Chapter 110, Section 361, Section 362, and Section 377 of the Code of Ordinances of Brevard County, Florida Relating to Stormwater Utility Providing for the Clarification of the Stormwater Management Program Definitions; Providing for the Inclusion of the Indian River Lagoon Council in the Stormwater Management Program; Providing for the Ability to See Beneficial Interlocal Agreements; Providing That Expenses Which Affect Two or More Stormwater Management System Benefit Areas, the County, and Stormwater Management Programs Shall be Taken From Each Stormwater Management System Benefit Area Fund Proportionately; Updating Outdated Language; Providing for Severability; Providing for Inclusion in the Code; Providing a Conflict Provision; Providing for Area Encompassed; and Providing for an Effective Date.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

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ITEM IV.F., PUBLIC HEARING, RE: AUTHORIZATION FOR WETLAND IMPACTS FOR COMMERCIAL ACTIVITY FOR THE PENCE LAND MATERIALS II LLC, MICCO BORROW PIT EXPANSION TO BE IN THE PUBLIC INTEREST

Chairman Fisher called for a public hearing to consider authorization for Wetland Impacts for Commercial Activity for the Pence Land Materials II LLC, Micco Borrow Pit Expansion to be in the public interest.

Virginia Barker, Interim Natural Resources Management Director, stated that this is a public interest determination for wetland impacts along a mitigation qualified roadway; this is for a borrow pit expansion; the wetland impacts would still be mitigated, this just allows it to happen for commercial use.

There being no further comments, the Board in accordance with Chapter 62, Article X, Division 4, Section 62-3694(c)(3)b, considered wetland impacts for the Pence Land Materials II LLC, Micco Borrow Pit Expansion to be in the Public Interest.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

The Board Recessed at 10:03 a.m. and reconvened at 10:14 a.m.

ITEM V.A., APPROVAL, RE: NORTH BREVARD ECONOMIC DEVELOPMENT ZONE (NBEDZ) GRANT AGREEMENT FOR PROJECT EAGLE

Stockton Whitten, County Manager, stated that Troy Post, North Brevard Economic Zone (NBEDZ), is going to provide a brief overview of Items V.A. and V.B.

Mr. Post stated that before the Board today are two projects, Project Eagle and Project Panther, NBEDZ brought the agreements for the Commission to concur the decision of the Zone Board of Directors; the Zone Board of Directors approved the agreements for both of these projects; and under the authorizing Ordinance that established the Zone, these projects have to be brought to the attention of the Board for concurrence, since the dollar amount will exceed half a million dollars in both of these projects for the incentive packages. He added that both of these projects came before the Board last spring, after having gone before the Zone Board of Directors; the incentives were approved during that period of time; and the offer was made on both incentive packages to the two companies over the summer, and were verbally accepted; the two companies are now making plans to try to implement their projects; currently with the agreements to put into writing the terms and conditions under which those incentives will be provided to the companies. He give thanks to several groups who helped with this process, including the Economic Development Commission (EDC), the community of Brevard County, on the Project Panther, Space Florida, the State of Florida, Governor Scott's office, Enterprise Florida, and to Scott Knox, County Attorney, who helped NBEDZ as legal counsel in crafting a lot of the agreements. He added that every deal is different and unique; when it comes down to trying to put into writing the incentives after a process of negotiation, it is very important to try to develop agreements that are very fair to both parties; NBEDZ feels that the process went very well; there are performance measures for how the money will be provided to the company, there are also claw back provisions; claw back is a term that is used in economic development which basically allows us to seek reimbursement or remedy to get monies back if the companies do not do what they intend to do; so, NBEDZ feels that the agreements are fair and are good

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agreements, and certainly appreciate the time that the Commissioners gave, to allow one-on-one briefings in order to familiarize the Board with the different details for both of these projects.

Mark Mikolajczyk, representing the EDC of the Space Coast, stated that the EDC board is in agreement with Project Eagle; the County has seen the benefits of Embraer for our community, what it has done for the area, and the jobs it has created; he encouraged them building this new facility and bringing this new technology to our area; he added as the Board is aware it is 150 new jobs, with \$48,000 average wage, and making a \$3.5 million capital investment in the Space Coast Commerce Park up in Titusville; and the EDC of the Space Coast encourages the Board's support of the NBEDZ agreement; and believes this makes great sense for the community.

Lynda Weatherman, President of the Economic Development Commission of Florida's Space Coast, thanked the Board for creating the NBEDZ, it was something that was needed in an unusual time where an unusual response was needed; it was a bold move, and a bold move should result in bold results, and she believes these two projects represent that; not only is it just the jobs and the capital investment, but look at the two Projects, the first one, Project Panther, the paradigm is being shifted; and there are communities that spend all kinds of money, all kinds of ads, all kinds of incentives, and never can get to that shift, because it's difficult; but the county will be manufacturing launch-related vehicles outside of the fence that's never been done before. She asked the Board to look what they are doing in North Brevard, adding the manufacturing element but adding to sophistication in the structural change of the economic base. She asked the Board to look beyond the jobs, because those are important; capital investment and wages are important, and to think about what Brevard is doing as a community, really changing structural economic base of our community, and it takes something like the Zone, sophisticated tooling that we have in Space Florida to roll up Enterprise Florida and everybody because this is not happening by one organization alone. She encouraged the Board to support this.

Commissioner Infantini asked Ms. Weatherman if she had seen the financial statements of this company.

Ms. Weatherman responded that Mr. Post can answer those questions and she will have Greg Weiner working that Project directly.

Commissioner Infantini inquired about how much net income the company has to generate this type of support

Ms. Weatherman responded that she will turn it to Mr. Post to answer, but that is why there are claw backs.

Mr. Post reminded the Board that both of these Projects are still bound by a Non-Disclosure Agreement (NDA), must respect the confidentiality of information, so there is information that cannot be provide to the general public; that will become part of the public record, per State law at a time in the future, but at the moment the Board cannot get into details publicly. He went on to state that that financials were received on the Project Eagle Company and he did have a chance to go through those; the Project Panther Company is a closely held entity, it is not publicly traded. He added that NBEDZ has relied heavily upon its partners, the State of Florida, Enterprise Florida, and Space Florida which have gone through a vetting process; and that the money does not go in until the certificate of occupancy is issued on the building to be built at Exploration Park; money will be invested, a building will be built, there will be evidence of that clearly when the building is finished so that type of financial analysis, and NBEDZ really relied upon the State to help, given the fact, that their entry into the Project will not come until that benchmark is reached, which is the completion of the building.

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Commissioner Infantini stated that her question still remains; if up-front money is going to be giving away to a business, has it proven a return on investment; and she inquired how much net income has this Company made to justify an \$8 million investment. She added that before the County is permitted to make any investment of funds there are rules that have to be AA or AAA rated. She also stated that she would like to know the rating of this Company, by any organization Moody, Standard and Poor that would justify an \$8 million capital, cash up-front payment. She added that this is not a tax abatement, this is money being given before any property taxes are generated, and she believes the property is going in where no taxes will be generated, after it is in; it will not generate tax revenue whatsoever, and that is a high threshold.

Mr. Post stated that staff feels confident, based upon discussions and analysis with the State of Florida, Enterprise Florida, and Space Florida, that the Company is financially stable, and can justify the support that is being provided.

Commissioner Infantini inquired if Mr. Post had seen any net income numbers.

Mr. Post responded that he does not want to do anything that would violate the NDA, so he cannot disclose those kinds of things.

Commissioner Infantini replied that, that will not violate the NDA.

Mr. Post reiterated that staff feels comfortable with what the State has been able to assure them of.

Greg Weiner commented that Project Panther is a transformational kind of project; it is doing everything from conceiving the vehicle to launching, retrieving it, and refurbishing it. He added that it is a big step, not just for North Brevard, but for the County; Project Panther is a pre-revenue company that will put in \$140 to \$160 million of the company's own money; and that will be in the ground before there is any financial risk to the Zone. He went on to state that there are lots of companies that do not generate net income that succeed, and quite frankly, lots of companies that generate net income for a long that fail. He added that there is no question that neither of these deals happen without the Board's foresight in creation of the Zone; but he thinks what sometimes gets overlooked is just how supportive the State has been to our efforts to help them; and the State has been very aggressive and very supportive in both projects, and without that even with the Zone we might not be here today; and he thanked Governor Rick Scott and Enterprise Florida for their support on this project.

Commissioner Smith asked Mr. Weiner what the gross investment by Project Panther is going to be, and will, if the company is going to invest \$160 million of their own money and they are asking the Board to give them \$8 million back, that money given to them up front.

Mr. Weiner stated that the \$8 million never goes from anybody to the company directly, it is to defer the cost of roughly an eleven and a half million dollar site preparation to build the building; so, before any concrete is laid, the Zone will be in for \$8 million, the company will be in for \$4 million; but before there is any financial obligation to the Zone, any financial obligation whatsoever, there will be a building with a cost in excess of \$200 million that will be there, once there is a certificate of occupancy, then the financial obligation is created. He added that, that number does not represent the total investment in the project; it is \$35-\$40 million that will be invested in the Launch Pad 36C, but that's not the building and the Zone has no claim on that. He added that structured into this agreement is, not only responsibility from the company, but have back stopped that with the owner of this asset will ultimately not be the company it will be Space Florida, which is not breaking confidentiality because it will not generate taxes; but the fact of the matter is, in the event of the worst case scenario, there is a method of recourse on

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that \$200 million plus investment; and if a person builds a building of \$200 million, and two or three years has to sell it, it is still going to worth a third under the worst case scenario, and in that case, the Zone will get all of its money back; and it is pretty well protected, it is not riskless, but it is a very business-like deal.

Jim Tulley, Mayor of Titusville, stated that sometimes people have to be willing to invest in themselves in order to prosper, and has been pointed out by Mr. Post and Mr. Weiner, even the Governor recognizes that. He added that in terms of investment, the two most important questions are what is the return and what is the risk; there has to be a return in order for something like this to work; and he believes that if a conservative approach is taken to the return, even if the Board looks only at the direct wages and the amount of new dollars from outside the area that these projects bring into North Brevard, they far exceed the amount of dollars being asked to commit to the project. He added that the return to the taxpayers is more than sufficient. He stated that he supports this and hopes the Board will also.

Rober Jordan stated that the Board has voted to award grants to two different distinct companies, one known as Project Panther the other known as Project Eagle; and he requested that the Board approve the incentive agreement for both of these companies because it is the right thing to do. NBEDZ was thoroughly briefed on the grants and the safeguards that are put in place to ensure taxpayer monies are not utilized in a way that would not give them exactly what they are looking for, that being jobs, high paying jobs, and hundreds of jobs. He stated that he agrees that there are risks involved in these deals, but these risks have been mitigated in such a way that NBEDZ believes that going forward that funds will be able to be recouped. He added that the Board has been hit with those who do not like the idea of granting incentives, but the race is not always won by the swiftest; the battle is not always won by the strongest; and prosperity does not always belong to those who are the wisest, and wealth does not always belong to those who are the most discerning, nor does success always come to those with the most knowledge for time and chance may overcome them all. He added that a great example about time from a very wise and intelligent inventor, Thomas Edison, and his philosophy about his many attempts to create the light bulb, he said, "I have not failed, I've just found 10,000 ways that don't work." He noted that history will be the best indicator of how well we can fare with challenges, especially economic challenges; unfortunately, when they review the past, they tend to focus on the negative and rarely look for the opportunities to grow in such events; and now is people's chance; most of them have at least a few instances of success in their past and we can reflect on these times as good evidence of how we acted upon our beliefs. He thanked Governor Scott and his staff for his support; he has been a cheerleader for North Brevard, been a cheerleader for Brevard County; and he has done a great job. He asked the Board to please vote in the affirmative for these grants and to get more of its citizen's back to work and back to living and not just surviving.

Commissioner Infantini refered back to Embraer, stating that Embraer has already been paid twice to stay and reinvest in Brevard County; the Board should not be taking a risk with taxpayer dollars, it should take the risk with its own money; and this is the taxpayer's dollars, and some people may even want to go back to those same taxpayers and ask them to pay an extra half penny sales tax to help pay for roads when money is being thrown away to companies before they have even shown and turned a profit. She added that if this is such a good profitable business why not leave speculation and risk in investment up to stockholders rather than taxpayers. She went on to state that there are jobs out there, and the County is very close to full employment; back when NBEDZ was started, Brevard County was at eleven and a half, twelve percent unemployment, and now it is at half that number. She inquired at what point is the Board going to stop throwing money at this; money does not create jobs, people do, and how many people have started businesses in the last six years that are employing thousands of people here in Brevard County. She added that they do not need taxpayer dollars, and that she disagrees.

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Commissioner Smith stated that if there is a company that is going to come in here and produce \$14 million in wages, even if that property that is being built is on does not yield any property taxes, that \$14 million that those people are earning is going to buy houses, it is going to buy cars, it's going to buy food, it's going to buy gadgets at Best Buy, it is going to be pumping an awful lot of money into the economy, and the Board is asking to put up \$8 million after it has invested 200 plus million dollars; he does not see the risk here; and thinks it is a great deal for the County.

Commissioner Barfield stated that Brevard competes against everybody, every state a person can think of, and Brevard has been very fortunate because it has a good economic development plan and how it operates. He added that Project Eagle is not a fly-by-night company; looking at the business case, say it's, do the calculations at \$7.2 million a year in salary coming in; put that ten times that, that's \$72 million directly going into our economy, that's real dollars; then you add the \$3.5 million they're putting in the facility, all of that over time and legacy for 2

The Board approved Grant Award Agreement in the amount of \$2,500,000 as an economic development incentive for Project Eagle.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
NAYS:	Trudie Infantini

ITEM V.B., APPROVAL, RE: NORHT BREVARD ECONOMIC DEVELOPMENT ZONE (NBEDZ) GRANT AGREEMENT FOR PROJECT PANTHER

Mark Mikolajczyk stated that this company says that it is going to design, manufacture a launch and reclaim, return their vehicles to the Space Coast; and for the space industry, that is wonderful, impactful, and for commercial space this is a great way to move forward for this County to be a leader in this dramatic change that is going on in this space industry. He added that on behalf of the EDC, they do support Project Panther and the resolution to approve that.

Commissioner Infantini asked Mr. Mikolajczyk if he works for Craig Technologies. Mr. Mikolajczyk replied yes. She then asked when his firm is going to make a business decision, and do they know where the money is going to come from to finance that decision, and would his organization go out and make an acquisition, a contract, to acquire something for \$100 million without knowing where it was going to get the money to pay for it.

Mr. Mikolajczyk replied no, a person would actually have to try to figure out exactly how they are going to look at all of the investment or opportunities that may be out there to help mitigate the investment as well; and they work with a lot of different people that are going to make that kind of investment.

Commissioner Infantini stated that Craig Technologies is a very successful business here in Brevard County, and the reason she makes this point is, NBEDZ has now pledged roughly \$16 million in the next two to three years; it is generating roughly \$3 million per year; and \$3 million per year, in three years is \$9 million, but \$16 million is being spent. She added that she asked during her briefing where the money is going to come from, and the answer she got was that it

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will be figured out later, that there are ideas. She reiterated her question, asking again where the Board is going to get the money; she stated the Board is pledging \$16 million, \$6 million for the Miracle City Mall, \$2.5 million for one of these projects, \$8 million for another project; and she asked again, where is the money going to come from, because it is only bringing in roughly \$3 million a year.

Commissioner Smith stated that the revenue streams are buried, and he cannot get into specifics because of confidentiality and some of the things he does not know; but the revenue streams are there. He added that he cannot even imagine that would even be a question, because nobody is going to go out and buy \$200,000 or \$200 million house and not know where the money is coming from, but do it anyway; that just doesn't happen in the real world.

Commissioner Infantini responded by stating that it did happen, because it happened at her briefing; she asked that very question, and the response was that there are ideas.

Troy Post stated that the Zone has what staff believes is a stable revenue stream that has a 30-year life expectancy; there is no requirement that NBEDZ pay out incentives based on cash flow; and just like a business does not build a building base out of cash flow. He went on to say there is nothing wrong with incurring debt to try to accomplish what the aims are; if a manufacturing building is being constructed, it is typical for a business to enter into some kind of a debt arrangement so that it can manage the amount of money that it would take to actually pay for that building over a period of time; and this is the same thing that would apply to this particular incentive. He added that every incentive would not be conducted this way, but occasionally there comes along a project the magnitude of which is so impactful, as has been mentioned by several observers, that a person wants to do something that is a little bit out of the box; future cash flows would be used to pay off this incentive provision; and in addition to revenues from the FPL plant, there are additional projects that are coming online in the future that will add to the tax value that will be part of the funding formula. He pointed out that the revenue is expected to increase, and NBEDZ believes it will be able to manage not only this, Project Panther, but also the what it is now calling Titus Landing; NBEDZ thinks it can handle these projects; and that is what his job is, is to make sure that the cash flow is adequately managed.

Commissioner Infantini stated that her issue with this is that the source has not been identified; the Board is making a decision to spend money, it is going to spend and pledge \$16 million without having to find, specifically, where that money is coming from; she understands that there are Future cash flows; but where that extra money is going to come from has not been specifically determined. Mr. Post added that it comes from tax revenue. Commissioner Infantini noted that she is aware that it is from tax revenue, but that the Board is going to have to borrow it, and she questions who it will be borrowed from, how much, and at what rate. She added that this has not been lined up and the Board is approving spending without having the exact specifics of where that money is coming from.

Scott Ellis, Clerk of Courts, asked Mr. Post for a copies of the cash flow analysis for NBEDZ, and the statutory authority Mr. Post has to borrow money other than for capital projects. He also questioned the Board on the whereabouts of the contract that it will be voting on; he has asked for it for a couple of weeks and has not seen it.

Commissioner Infantini stated that she had a copy on front of her, and asked if she was permitted to hand it out. Chairman Fisher responded no, he believes it is under the Non-Discloser Agreement (NDA). Mr. Ellis then inquired as to why the contract is confidential. Scott Knox, County Attorney, responded that it reveals the business plan of the organization. Mr. Ellis asked Attorney Knox if this information could be redacted. Attorney Knox replied no, overall it is confidential.

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Mr. Ellis stated that the Board approving a contract and nobody else has seen it; nobody knows what the milestones are; nobody knows how it is turned off; nobody knows how it is turned on; and the Board is appropriating money in secret. He added that this happened the last time, the contract was coming back to the Board; and the Board is voting to appropriate money with no public knowledge of where the money is going, or how much is going to be spent, how it will be spent, or when it is due.

Attorney Knox suggested that Mr. Ellis go to the Legislature and get them to correct that confidentiality Statute if that is his concern, because he will not tell the Commissioners sitting on this Board to violate that law and end up with a second degree misdemeanor which could put them in jail or realize a fine for them.

Mr. Ellis commented that the Clerk's Office will redact those criminal records for the Commissioners. He added that he is amazed that the Board would spend a large sum of money and no one is allowed to know where it goes; and the School Board has done that and Florida Department of Law Enforcement (FDLE) is now looking at their last contract, which was done the same way with their software. He reiterated that the Board is here to appropriate an unknown amount of money; \$8 million and 10 years have been said, no contract and no milestones have been seen; and he has heard that there is a claw back, but no one has any idea what the claw back is, or when it takes effect. Mr. Post commented that this information has been shared with each Commissioner in briefings. Mr. Ellis reiterated his statements regarding the confidentiality of this contract and asked when the contract will become public.

Attorney Knox explained that he believes that it will be made public one year after the initial contact. Commissioner Infantini added that she had read something in the contract about it being six months. Attorney Knox commented that it could be six months, but there is also the possibility of an extension, but it is six months to a year.

Mr. Ellis asked if money is expected to appropriate before the contract becomes public. Attorney Knox responded that it depends on how fast it takes to build the building, the contract will probably be public by the time they finish the building when the amount is due. Mr. Ellis asked who is supposed to issue the Certificate of Occupancy (CO). Attorney Knox replied whatever agency issues it, he is not sure. Mr. Ellis added that all of these things should be known before the Board votes out \$8 million or however much it is going to spend.

Commissioner Infantini inquired about the Board voting to give funding when the organization receives their CO, but does not know who is going to be issuing the CO; and how the Board will know when they receive it. She added that a building went up that was built by the federal government down South Beach side; she called the County to find out who was building down there, and the County didn't even know a building was being put up because the federal government was putting it up; and nobody at Brevard County could tell her that there was a building going up except for her, because she drives by it every single day.

Chairman Fisher stated that Kennedy Space Center has been put up, by the federal government, a lot of buildings, and whatever process they go through to do that. He added that he thinks this building, being on federal land, would go through the same process.

Commissioner Infantini stated that the Board does not know, and she thinks that this should not be voted on today; it is unknown who is going to be issuing the certificate of occupancy, and yet the Board is going to rely on that unknown source of criteria.

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Mr. Ellis commented that he just wants to make sure he gets the opinion on why this is confidential in order to move forward legally, because he does not believe the Board can appropriate money in secret.

Commissioner Anderson stated that the most unregulated industry in the United States of America is economic development; any jurisdiction can create their own rules to lure any company; he recalled in 2009 when the Shuttle Program was ending and the Board attended some meetings and conferences, and discussed were areas like Huntsville, Alabama, who after the Apollo Program went out and found themselves in a similar situation, and they did what they had to do to keep those companies in, probably one of the most successful economic development parks in the United States, if not the most successful now, in Huntsville, Alabama; and it is because of strong leadership from community leaders, economic development people, chambers of commerce; and he added that, in fact, they attend a lot of those conferences to this day because they were not rested on their laurels. He went on to state that had they had a chance to get something like this, they would. not to mention Wallops Island in Virginia, Texas, and there is even Space Alaska; and this is nothing new. He added that Brevard is not doing anything different than anybody else in the United States is doing; in fact, Brevard is way behind the curve because some of the jurisdictions are doing far more and giving out huge cash incentives, which anything from NBEDZ or the State are minimal in comparison to ensure that our residents have jobs. He added that had the Board not done what it did in 2008, 2009, there would be people lined up asking why is Brevard still at 15 percent unemployment. He addressed Commissioner infantini, stating that Brevard is full employment is still far from full employment, and many of the people who lost their jobs in the housing bust and the Shuttle transition are under employed or working part time; so, people who were making \$50,000 to \$60,000 are making \$20,000 or \$30,000 if they're employed, and he wouldn't consider it full employment. He added that he supports this, and the Board just needs to move forward.

Commissioner Barfield stated NASA does the CO on Kennedy Space Center; they have a facilities engineering department. He went on to state that the Board knows it's a company that's coming in that is going to manufacture and refurbish launch vehicles that will also be in the manned flight system, too, which is amazing; and looking at the business case, this is a facility that is over \$200 million that will be put up; and before they ever get a dime that has to be in place, so that means money has been spent already, and so that is when the money comes up. He added that it will be 330 jobs at \$89,000 a year, that is \$29.7 million a year going directly into the economy, not counting all of the indirect; multiplied by 10 years, that is \$290 million; and to add that \$200 million in a facility, and that is one-half a billion dollars going into the economy. He added that the \$8 million will be spent after they have already gotten the facility. Commissioner Barfield made a motion to accept this agreement and move forward. Commissioner Anderson seconded.

Commissioner Infantini stated the illustration that Commissioner Anderson referred to was \$30 million in tax credits; and she added that she did not say she was against tax credits, personally, she is not for them, but the voters voted for them, so a tax credit would be okay. She went on to state that this is not tax credits, this is cash before any taxes are generated; and if it is such a great investment, then let the public sector go out and do it; and she questioned why the Board is investing government money in a privately held company if it is so profitable. She suggested that if this is so valuable and such a profitable good business to be in, why not ask for a piece of the equity, at least it is some skin in the game. She also questioned why taxpayer dollars are being used, and are the taxpayer going to receive a tax refund after this business comes out and it is profitable, which it may be profitable, but where does she get her money back that she can give back to the taxpayers.

Chairman Fisher stated that BMW is a pretty well ran company and they got \$200 million from the taxpayer dollars to move their company to Greenville, South Carolina; and if anyone ever

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goes to that area, it is booming, and it is doing real well, and that was a good investment for the taxpayers to make that investment; and he thinks this is a good investment for Brevard County.

The Board approved Grant Award Agreement in the amount of \$8 million as an economic development inducement for Project Panther.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
NAYS:	Trudie Infantini

ITEM VI.A.1., WAIVER OF 15-FOOT BUFFER TRACT, RE: VISIONS TWENTY SUBDIVISION - MICHAEL GAICH

Tad Calkins, Planning and Development Department, stated that this is a request to waive the 15 foot buffer tract from around the Visions Twenty Subdivision, this subdivision contains two lots; and the applicant is proposing to have a buffer easement along the boundary.

The Board approved Michael Gaich request of a waiver to Section 62-2883(d), which requires a 15-foot perimeter natural buffer tract along the perimeter of a plat boundary of a residential subdivision.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM VI.A.2., FINAL PLAT AND CONTRACT APPROVAL WITH TEH VIERA COMPANY, RE: REELING PARK NORTH AND SEVILLE AT ADDISON VILLAGE, PHASE 1, SUBDIVISION

Tad Calkins, Planning and Development Department, stated that this is the final plat approval for Reeling Park North and Seville at Addison Village, Phase 1; this plat contains 73 lots, and the proposed property is within the Viera Village One; and this plat is the final step of the subdivision process.

The Board granted final plat and contract approval; and authorized the Chairman to sign the final plat and contract for The Viera Company for Reeling Park North and Seville at Addison Village, Phase 1, Subdivision.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Trudie Infantini, Commissioner District 3
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM VI.A.3., WAIVER OF SIDEWALK, RE: TRASONA SUBDIVISION - THE VIERA COMPANY

Tad Calkins, Planning and Development Department, stated that the next two Items are related to Item VI.A.5, and these three Items will be discussed altogether; Item VI.A.3 is a request to waive the requirement to construct a sidewalk along both sides of the road within the Trasona Subdivision; this subdivision contains 700 lots, located in the Viera Development of Regional Impact (DRI).

Commissioner Smith stated that he has looked over this subdivision thoroughly, however one of the problems that he has with this is that it varies from the requirements of having sidewalks on both sides of the road; his concern is that 10 years from now new residents will complain about sidewalks only being on one side of the road; by this time, the County will own the road, and future Commissioners will have to figure out how to come up with money for sidewalks; to circumvent that from happening he has made sure that there is proper wording in the Deeds as they are signed by the homeowners, and also that there is wording in the plat so that it is clear from now and to forever that the homeowners bear the responsibility of future sidewalks; and he added that having said that, he is in favor of these.

Commissioner Barfield stated that his concerns are similar to Commissioner Smith's; 40 percent of the homes will not have sidewalks; and another one of his concerns is that this set policy for additional developers to argue for the same waiver.

Chairman Fisher stated that there is currently a situation in the north end of the County, in which a developer did not install sidewalks in a certain section; and homeowners are now asking for sidewalks, and the County owns the road; and the argument is that it is for the safety of the children; therefore, his concern is that homeowners will sign the agreement, but after a number of years turn around and not care what was in the agreement, and argue that it is a child safety issue, and pressure the County for sidewalks; and he is unsure of how to make sure that it will not be at the expense of the County.

Commissioner Smith stated that he believes that the wording in the Deeds, requires the homeowners to assume the responsibility if they decide they want a sidewalk; it will not be left hanging to be the responsibility of the future Board.

Chairman Fisher asked Scott Knox, County Attorney to give his input, because in his experience, because it is child safety and children are at risk due to walking in the street, the issue has to be resolved.

Attorney Knox stated that there are ways for the County to impose the responsibility of payment on the landowners; and this issue has presented in the past and there are ways of dealing with it.

Commissioner Smith asked Attorney Knox if he had seen an example of the Deeds to verify that it is in the Deed; because he was assured that it is in there and would hope that it is verified that it is, in fact, in the Deed before moving forward. Attorney Knox stated that if it is approved, it is subject to the County Attorney's Office taking a look at it.

Commissioner Infantini stated that the streets that are being discussed are residential communities that have slow-moving traffic, and she does not believe that this a big child safety risk. Chairman Fisher added that most sidewalks are in residential communities, and it does become an issue where people have a concern and ask the County to pay for it. Commissioner

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Infantini responded that each community is different, and she believes that the children will be at risk based on the layout of the community that is being discussed.

Commissioner Smith elaborated on the layout of this community; and it would be hard for a person to drive faster than 10 or 15 mph in a community of circles; and with regards to Commissioner Barfield's concern of future developers asking for the same waiver, it is valid concern, but that is why developers have to come before the Board; and at that point if there is a concern of people driving 30 mph in a 10 mph zone, the Board has the ability to say no to approving single sidewalks.

Commissioner Infantini made a motion to approve the waiver; Commissioner Smith seconded, and added that it be subject to wording approved by County Council.

Commissioner Barfield asked for John Denninghoff, Public Works Director, to comment on this Item.

Mr. Denninghoff stated that the Public Works Department is frequently called upon to fix subdivision that do not have sidewalks on both sides and have spent millions on doing so; the discuss is almost always centered around safety, and why it was not require for the right thing to be done at the time of development, which is to include sidewalks; for a long time sidewalks were waived on one side of the road and not on the other, and that inconsistency has led to policy and ordinances that require sidewalks on both sides of the road; with respect to travel speed of vehicles, many of the streets in the Trasona Subdivision will have lower travel speeds than are seen in others, however, this is not universally the case on the streets that will have sidewalks on one side of the road; several of these streets have speed humps in order to slow the traffic; and the Public Works Department receives requests for petitions almost on a daily basis regarding speed humps, and are approved more often than not by the community that is involved; and he added that the would share the concern for sidewalks, staff was asked to administratively waive the sidewalk, but did not do so because it was clear that the Board's position, Policy, and Ordinance were clear; and ultimately it is up to the Board.

The Board approved The Viera Company's request of a waiver to Section 62-2956(b) (2), which requires a sidewalk on both sides of the street located within the Viera Development of Regional Impact on the south side of Wickham Road on the east side of Powerline Road west of Stadium Parkway, subject to the County Attorney's approval of the wording in future homeowners' deeds stating that the County is not responsible for constructing sidewalks omitted per the waiver request.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson
NAYS:	Jim Barfield

ITEM VI.A.4., WAIVER OF CUL-DE-SAC DESIGN, RE: TRASONA SUBDIVISION - THE VIERA COMPANY

Tad Calkins, Planning and Development Department, stated that this is request to waive the minimum cul-de-sac separation from the nearest street and plat boundary of a subdivision; the code allows for the separation to be reduced to 50 feet when there is a 10 fee wide, four feet

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high opaque, vegetative buffer; the Trasona subdivision is proposed to have three that are less than 50 feet.

Commissioner Barfield stated that his concern is that some of these cul-de-sacs are approximately 32-37 feet away from busy highways; which is more concerning to him than having sidewalks on one side of the road.

Commissioner Smith stated that he shared that same concern, and he visited this area; he added that one of the concerns that has been voiced is having a shorter distance to the roadway, could be tempting for a person to skip going around along the roadway, and driving straight to the highway; however, due to the landscape of that area it would be difficult to get a car across, so he believes that issue is off the table; he asked John Denninghoff, Public Works Director, to comment on the applicant agreeing to add a hedge barrier.

Mr. Denninghoff stated that the intent behind this code was to prevent drivers from taking their vehicles from the cul-de-sac onto the main road and vice versa, creating a thru road for the roadway, which would create a problem for the residents in that area; also from a safety perspective on the road, there would be an uncontrolled dirt driveway that would certainly not meet the safety standards that would be expect; it would also create damage to the infrastructure; the applicant has agreed to create an opaque barrier that would be durable in locations that are less than 100 feet from the main highway; and he believes the opaque barrier that is being proposed will be effective for this situation, but it is landscaping and the landscaping will have to be maintained.

Chairman Fisher stated that developers come in and develop and then leave; however this is The Viera Company, and they have a lot of land and a lot of development that they are going to do; and he is getting comfortable with it, because he knows they are still going to be neighbors and are not going to come and go, and will hear from the residents if it is not right, or other Commissioners in the future.

The Board approved The Viera Company's request of a waiver to Section 62-2956(a) (3), which requires cul-de-sacs to terminate a minimum of 100 feet from the nearest road, street, or plat boundary located within The Viera Development of Regional Impact on the south side of Wickham Road on the east side of Powerline Road west of Stadium Parkway.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM VI.A.5., PRELIMINARY PLAT/FINAL ENGINEERING APPROVAL, RE: TRASONA SUBDIVISION - THE VIERA COMPANY

Tad Calkins, Planning and Development Department, stated that this is to approve the preliminary plat/final engineering approval for the Trasona Subdivision within the Viera Development of Regional Impact (DRI); the Subdivision contains 700 lots.

The Board granted preliminary plat and final engineering located within The Viera Development of Regional Impact on the south side of Wickham Road on the east side of Powerline Road west of Stadium Parkway.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Curt Smith, Commissioner District 4
SECONDER: Andy Anderson, Commissioner District 5
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM VI.A.6., CONTRACT FOR SALE AND PURCHASE WITH JACK L. AND SANDRA L. WOODS, RE: ACQUISITION OF PROPERTY LOCATED AT 1697 SE WYOMING DRIVE, PALM BAY, AS PART OF THE BABCOCK STREET, SE WYOMING DRIVE AND VALKARIA ROAD INTERSECTION IMPROVEMNET PROJECT

John Denninghoff, Public Works Director, stated that this item is a proposed purchase for a piece of property at the intersection of Wyoming Drive and Babcock Street. He added that it is in association with an intersection improvement project, which the Board had approved and allocated funds and is currently under design. He went on to state that Public Works had identified that this was needed for the intersection improvements; and the property owner wants \$10,000 for the lot, the appraised value was \$6,200; the difference of \$3,800 is far less than the amount Public Works would pay if the property were to be condemned, in addition to the land value. He added that this has been brought to the Board for consideration and approval.

The Board approved Option 3, accepting the counter offer from the seller for the property located at 1697 SE Wyoming Drive, Palm Bay, as part of the Babcock Street, Wyoming Drive and Valkaria Road Intersection Improvement Project; and authorized the Chairman to execute the Contract for Sale and Purchase.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Trudie Infantini, Commissioner District 3
SECONDER: Jim Barfield, Vice Chairman/Commissioner District 2
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM VI.D.1., ASSIGNMENT AND ASSUMPTION OF DEDICATION FROM INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA TO TITUSVILLE-COCOA AIRPORT AUTHORITY, RE: MERRITT ISLAND AIRPORT RUNWAY PROJECT

The Board authorized the Chairman to sign the Assignment and Assumption of Dedication of Lands to Titusville-Cocoa Airport Authority for Merritt Island Airport Runway Project.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Jim Barfield, Vice Chairman/Commissioner District 2
AYES: Fisher, Barfield, Infantini, Smith, Anderson

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ITEM VI.E.1., ACKNOWLEDGE RECEIPT, RE: INTERLOCAL AGREEMENT BETWEEN CITY OF CAPE CANAVERAL AND THE CAPE CANAVERAL COMMUNITY REDEVELOPMENT AGENCY

Stockton Whitten, County Manager, stated that this Item is simply acknowledging receipt of a resolution from the City of Cape Canaveral with regards to an interlocal agreement for financing of projects within its Community Redevelopment Agency (CRA); and because this was sent to the Budget Director, and the Statute states that taxing authorities must be notified 15 days prior to the action, it has been added to the Agenda for the Board to acknowledge that it has received notification from the City.

Pat Pasley stated that CRA's were created to address blight, slums, and to protect property values. She quoted Jeffrey Oris, a certified professional economic developer and past president of Florida Redevelopment Association and has a 20 year career working with CRA's. She added that she is against last minute Agenda Items, she wishes that the Board would put a stop to it, do to it not allowing time for research.

Ronaldas Jurgutis stated that his problem with this resolution is if the City has the money to lend to the CRA for the projects, he questions why there is a CRA if the City has the money for the projects.

Dave Pasley questioned why a municipality is using CRA funds to pay for infrastructure improvements when the statute clearly states that cannot be done. He added that he believes if the Board looked into the CRA it would find that these improvements are things that the CRA said it would do. He also commented that he believes the CRA's are not being properly managed.

Scott Ellis, Clerk of Courts, stated this is an ineligible expenditure by the CRA. He added that the Board, as stewards of the County dollars, should be all over that issue to verify if they think it is legitimate. He also added that he believes that it is coming from the Capital Improvement Plan (CIP) for the water waste system, it was already in the budget and had been approved through the CIP, and are now asking the County to pay. He also stated that he would like to know where the loan is coming from, and he believes that it is coming out of the Enterprise Fund. He suggested that the budget office look into the expenditures of the CRA's to verify that these are legitimate expenditures.

Commissioner Anderson stated that, based on the CRA meetings that he has attended, none of the citizens who opposed CRA's are ever at those meetings; and to him it seems as though the issue is only addressed in front of the Board, not the city councils or the CRA Board. He suggested that the points that Mr. Ellis made should also be addressed with the city councils and the CRA Board.

Mr. Ellis speculated that citizens have given up the fight with CRA's; and he offered suggestions on ways to verify these projects and handle budgeting issues.

Todd Morley, Economic Development Director for the City of Cape Canaveral, stated that the City has a joint Resolution authorizing a ten year loan from the Wastewater Fund to the CRA Fund; and the purpose of the loan is to fund replacement and up-sizing of lift station six, located in the CRA. He added that the second purpose of the loan is to reimburse the Wastewater fund for expenses incurred for replacement of lift station six, and waterline utilities. He added that this is consistent with the CRA plan.

Commissioner Infantini inquired if this was part of the CIP for the City of Cape Canaveral.

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Mr. Morley responded that several items of upgrades are in the CIP, and this was one of them.

Commissioner Infantini inquired about when it was determined that the CRA would take over the improvements, rather than having the City's Enterprise Funds handle it.

Mr. Morley stated that it was sometime in the last year.

Commissioner Smith commented that since CRA's are designed to improve areas that are considered blighted; he inquired as to how replacing or installing a lift station has anything to do with a blighted area.

Mr. Morley responded that the blighted area covers 56 percent of the City, and this lift station is within that portion of the City; and so according to the plan, any eligible expense can be attributed to that area.

Commissioner Smith stated that he would have to look further into it, because it does not make sense to him that going from septic to sewer has anything to do with blight.

Chairman Fisher asked if any of this property is commercial. Mr. Morley replied yes. Chairman Fisher asked Scott Knox, County Attorney, for clarification regarding the addition of infrastructure being an eligible expense for CRA's.

Attorney Knox stated that this issue has been looked at in the past, and he believes that Chairman Fisher is correct.

Mr. Morley stated that it will transform this portion of the community and increase property values.

Commissioner Infantini suggested that if the commercial property owners wish to receive the benefits from the property values increasing, then they should bare the expense of the improvements, not the taxpayers.

Commissioner Smith stated that he understands that all the Board is voting on is the acknowledgement of this Item, but he will be voting Nay in protest because he would like to see CRA's go away.

The Board acknowledged receipt of the Notice to Taxing Authorities of approval of an Interlocal Agreement authorizing a loan from the City to the Cape Canaveral Community Redevelopment Agency.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Robin Fisher, Jim Barfield, Andy Anderson
NAYS:	Trudie Infantini, Curt Smith

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ITEM VI.F.1., CITIZEN REQUEST BY GINA CARACCI, RE: ALLOW SHERIFF'S OFFICE TO ENFORCE THE NOISE ORDINANCE CONSIDERED "LOUD AND RAUCOUS", SECTION 46-130

Stockton Whitten, County Manager, stated that this is a citizen request from Mrs. Gina Caracci.

Gina Caracci shared her experiences in dealing with neighbors who do not adhere to Code Enforcement laws, and are a nuisance to the neighborhood. She asked that the Board to give the Sheriff's Office the authority to criminalize this type of behavior, she added that they should not be allowed to run generators 24/7.

Tad Calkins, Planning and Development Department, stated that over the last five years there has been nine Code Enforcement actions on this property, and currently there are three active cases, two of which are accruing fines for no water and sewer hookup and junk and debris; there is also another notice of violation that has been sent out for the noise. He added that Planning and Zoning has done several reads on the property, but until August 28 they were not able to obtain a read where the property owners were over the allowable amount; and notice for that has also been sent.

Chairman Fisher asked Scott Knox, County Attorney, if there is something the Board can do in this situation.

Attorney Knox stated that the normal recourse for situations like this where there is criminal activity going on in a neighborhood, and where there is this situation where people are basically living in squalor; the Board, in the past, has authorized the County Attorney to file a Public Nuisance Suit to try to shut it down.

Mr. Calkins added that in the Home Maintenance Code there are provisions that deal with water and sewer, and in the past, the property was able to be posted as uninhabitable, which then allows the Sheriff to take action; he added that he would be happy to work with the County Attorney's office to come up with a solution.

Attorney Knox assisted in putting together a motion for the Board.

Commissioner Infantini stated that she would rather not make a vote until she can obtain further information from the Sheriff's Office regarding criminal activity.

The Board authorized the County Attorney's Office to put together a solution to eliminate Gina Caracci's request of "Loud and Raucous" noise; authorized the County Attorney's Office, if necessary, to file the appropriate injunctive relief of public nuisance; and authorized the County Attorney Office to work with the Sheriff Department to determine if there is any kind of criminal activity going on at the location.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

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ITEM VI.F.2., CITIZEN REQUEST BY NATHAN CRAWFORD, RE: ELIMINATE ALL STYROFOAM SALES AND USE IN BREVARD COUNTY

Eric Rollings gave a presentation detailing the need and benefits to the environment and wildlife of eliminating all Styrofoam products in Brevard County.

Commissioner Smith asked Mr. Rollings how to go about eliminating Styrofoam.

Mr. Rollings suggested starting by eliminating the availability of single use Styrofoam coolers.

Commissioner Smith asked Scott Knox, County Attorney, if this is something that the Board can do.

Attorney Knox stated that he does not believe it would be legal to stop the sale of these products. He added that the Board could limit the use, but is not in power to ban the sale of these products, and that he would look further into it.

Commissioner asked Mr. Rollings what other counties and cities he is in contact with, and what the reception is.

Mr. Rollings responded that the City of Orlando first, and he has had meetings with City Commissioners, and right now it looks really good. He added that Bar Harbor, South Miami Beach, and several other municipalities are considering it; and across the Country, New York City, Washington D.C., San Francisco are seeing tax savings with not having to dispose of these products.

Chairman Fisher asked Attorney Knox if the sale of it cannot be enforced, who would be responsible for enforcing the use.

Attorney Knox suggested having individuals walking the beach and informing people that they cannot use these products, or post signs stating that it is prohibited.

Mr. Rollings asked if it would be under the Liter Control Act that is already in place. Attorney Knox responded that there are a lot of different ways it could be approached. Mr. Rollings stated that government can solve some of the problems, but a lot of it comes from personal responsibility as well; and he has been working with restaurants in Brevard County and in Orange County to have them discontinue using the Styrofoam products.

Commissioner Anderson stated that if anything was to be done, it could only be enforced in the unincorporated areas, the Board cannot for its will upon the cities. He added the Board does not have the resources or the manpower for the enforcement of this, and he believes that it has to be an education function; maybe the Board could get Natural Resources involved; and when it comes to the environment in Brevard County, he believes that citizens want to do the right thing.

Mr. Rollings added that he would be willing to send the Ordinances from other municipalities to the County Attorney to assist in drafting something that would be suitable for Brevard County.

The Board acknowledged Nathan Crawford's request to eliminate all Styrofoam sales and use in Brevard County, but took no formal action.

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ITEM VI.F.3., APPOINTMENTS, RE: BREVARD WORKFORCE DEVELOPMENT BOARD

The Board appointed **Traci Klinkbeil** and **Desmond Blackburn** to the Brevard Workforce Development Board.

ITEM VII., PUBLIC COMMENTS

Charles Tovey commended the Board and stated the he understand that they have a difficult job to do, and he appreciates the conversations at these meetings.

ITEM VIII.A., STOCKTON WHITTEN, COUNTY MANAGER

Stockton Whitten, County Manager, stated that there are workshops scheduled for September 10th and 24th, and he has no subject for those workshops; he asked the Board to cancel both workshops. He also recognized Andy Holmes as the new Assistant Public Works Director.

The Board approved cancelling the September 10, 2015 workshop meeting and the September 24, 2015 workshop meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM VIII.D., CURT SMITH, DISTRICT 4 COMMISSIONER

Commissioner Smith stated that he has talked about CRAs in the past and wants to continue looking into CRAs; he has asked Scott Knox, County Attorney, what can be done to retire CRAs, and what mechanisms are available to the Board to do so; he added that it would amount to over a million dollars a year, every year, to the County, which could be used for roads.

Upon consensus of the Board, the meeting adjourned at 12:11 p.m.

ATTEST:

ROBIN FISHER, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

SCOTT ELLIS, CLERK