

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 May 3, 2016 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Robin Fisher	Commissioner District 1	Present	
Jim Barfield	Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	9:10 AM
Curt Smith	Vice Chairman/Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

**INVOCATION**

The invocation was given by Reverend Darice Dawson, Campus Minister for the Florida Tech Protestant Campus Ministry.

**PLEDGE OF ALLEGIANCE**

Commissioner Anderson led the assembly in the Pledge of Allegiance.

**MINUTES FOR APPROVAL**

The Board approved January 14, 2016, Workshop Meeting Minutes, March 3, 2016, Zoning Meeting Minutes, March 15, 2016, Regular Meeting Minutes, April 5, 2016, Regular Meeting Minutes, and April 7, 2016, Zoning Meeting Minutes.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>SECONDER:</b>	Robin Fisher, Commissioner District 1
<b>AYES:</b>	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
<b>ABSENT:</b>	Trudie Infantini

**ITEM I.A. RESOLUTION, RE: PROCLAIMING MAY 2016 AS NATIONAL OLDER AMERICANS MONTH**

The Board adopted Resolution No. 16-053, recognizing the month of May 2016 as National Older Americans Month.

Ron Morgan stated he met up with Cindy Short who heads this up for Ian Golden, Housing and Human Services Department; they are an outstanding division; he has worked with them for many years; they serve the County, the homeless, the veterans, and many more; and what they do for the County and its citizens, for those in need, is nothing short of wonderful. He added he would like to accept this honor on behalf of the entire Commission on Aging, the Triad Board

May 3, 2016

and all the agencies, both HHS and environmental services; and he attends a lot of the BMAC meetings, he has been on their council for a couple decades now. He went on to say he appreciates the honor, he was not expecting it; and he considers it a fantastic, wonderful honor; and thanks the Board so much.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Robin Fisher, Commissioner District 1
<b>AYES:</b>	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
<b>ABSENT:</b>	Trudie Infantini

**ITEM I.B. RESOLUTION, RE: RECOGNIZING JAMIE TWORKOWSKI, FOUNDER OF TO WRITE LOVE ON HER ARMS (TWLOHA)**

The Board adopted Resolution No. 16-054, recognizing Jamie Tworkowski, founder of To Write Love on Her Arms (TWLOHA), for his dedication in founding the non-profit TWLOHA and his passion devoted to bringing hope and helping mankind.

Jamie Tworkowski, founder of To Write Love on Her Arms, stated Commissioner Infantini said so many great things and he is truly honored; he grew up here, he is a Melbourne Beach native; he went to Gemini Elementary, Hoover Junior High, and graduated from Satellite High; he went to Brevard Community College (BCC) when it was still BCC; and he met a girl and wrote a story and just tried to help one person. He added it really took on a life of its own; they are so proud of the things that were mentioned; they are proud of everything that has come; they have heard from people in a hundred different countries, this work has taken him to all 50 States, to Australia, to the United Kingdom and India; these are things that they could not even imagine, they won a \$1 million grant on national television a couple of years ago; and he loves that it started so small relative to today, but they are proud of their roots here. He went on to say this is home, it continues to be home, it started as him on a Myspace page, and as everyone knows, Myspace does not really exist today, but they have been able to make the jump; and now what was just him, is a group of 20 of them that work on this full-time. He noted they share an office in downtown Melbourne, there is a warehouse in downtown Melbourne; they go out everywhere to bring a message of hope, help, and community, but they love to come back here; because of their roots, they love to connect people to their resources here in the community; in a room like this, they know these are issues that affect everyone in some way; and everyone has been touched by depression, addiction, suicide, or self injury. He advised these are often silent issues; they are in the business of trying to invite people out of that silence to let people know it is okay to be honest; and more than anything to let people know it is okay to ask for help. He mentioned the best comment they ever get to hear is people saying they are still alive because of the work they do; it is an honor, this is a little outside their norm, and outside their usual comfort zone; they spend a lot of time on college campuses, at music tours and festivals, but it means a lot to be acknowledged in their community; and a lot of people think the big stuff has to happen in big cities, but he loves to surprise people and tell them they are from Melbourne, Florida. He stated he hopes that they encourage other people to dream and believe that they never know where things might go, or by telling a persons story what it would lead to; and on behalf of his team, he thanked the Board for this honor.

Commissioner Infantini stated mental illness and depression transcends every racial barrier, every socioeconomic barrier, and yet it still has the stigma that it does; and most people are

May 3, 2016

afraid to come forward, and afraid to tell their families let alone go outside of their family to admit it. She added for whatever part Mr. Tworkowski played in bringing openness to it, and helping save people, she appreciates it, because it is a tough struggle for many; and thanked him for all that he has done.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM I.C. RESOLUTION, RE: PROCLAIMING MAY 21-28, 2016, AS NATIONAL SAFE BOATING WEEK**

The Board adopted Resolution No. 16-055, proclaiming May 21-28, 2016, as National Safe Boating Week in Brevard County; and as the season approaches, the Board encouraged all to support the goals of the North American Safe Boating Campaign and the start of year-round efforts to promote safe boating, and urged all those who boat to "Wear It" and practice safe boating habits.

Jim Parker, Vice Commander of United States Coast Guard Auxiliary, Flotilla 17-9 - Titusville, stated he would first like to thank the Board for their service and for recognizing the United States Coast Guard, and the United States Coast Guard Auxiliary, but they are just one agency; they partner with the Brevard County Sheriff's Office, Fish and Wildlife Commission and Port Canaveral Police; they work with many agencies trying to help and protect people on the water; during the week of May 21-28, 2016, they will be very active, especially here in Brevard County because it is blessed with so many miles of intercoastal waterway, the Port, and many lakes and rivers; and it is a wonderful boating environment to be doing vessel safety exams, and other public defense that will help educate people on boating safety. He added if he could mandate anything, it would be for everyone to wear a life jacket; ones chances go up so much more when involved in an accident versus without a life jacket; and one may think it is uncomfortable, but being in a hospital in a cast or a halo or something for a while would be much worse. He went on to say they see that all the time on the water; and thanked the Board for the recognition.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM I.D. RESOLUTION, RE: RECOGNIZING MAY 11-17, 2016, AS NATIONAL POLICE WEEK AND THE WEEK OF MAY 15TH AS PEACE OFFICERS MEMORIAL DAY**

The Board adopted Resolution No. 16-056, recognizing May 15-21, 2016, as National Police Week and May 15, 2016, as Peace Officers' Memorial Day.

John Pasco stated it is a distinct and profound privilege to be before the Board today and be selected as one of the few, but there are many standing behind him who serve bravely, proudly, selfishly, and unconditionally as they will see. He added those who serve, have

May 3, 2016

served, and those who have paid the ultimate price for the safety and freedom of the streets today, they deserve the recognition as well; he introduced his wife of 28 years, and Mary Ann Ambrose Pellacano; her husband fell in the line of duty, Steven S. Pellacano, Melbourne's first and only fallen officer. He went on to say in their opinion, it is one too many; they must come together and fight and unite to make sure that everything they do is as safe as they can make it so that another officer does not fall, for an officer falls for every 57 hours. He noted it is a great honor and privilege to be before the Board today, and he cannot thank the Board enough, even though he has retired, his efforts are life long.

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

**ITEM I.E. RESOLUTION, RE: CONGRATULATING VIERA HIGH SCHOOL GIRLS SOCCER TEAM FHSSA CLASS 4A STATE CHAMPIONSHIP**

The Board adopted Resolution No. 16-057, congratulating the Viera High School Girls Soccer Team, and offered them congratulations on their State Championship Title and best wishes.

A representative for the Girls Soccer Team stated thanks for this opportunity and honor; they would not have been able to achieve what they did without the support of the community; and she thanked the coaches and her teammates effort and it was a fantastic opportunity.

Commissioner Fisher stated the girls should be very proud of their accomplishment, because winning one championship is hard, but winning two back to back is incredible; and they will have some memories for the rest of their lives.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM I.F. RESOLUTION, RE: DESIGNATING MAY 5, 2016, TO BE "A DAY OF PRAYER" IN BREVARD COUNTY**

The Board adopted Resolution No. 16-058, designating May 5, 2016, as A Day of Prayer in Brevard County; and encouraged citizens of Brevard County to observe the day in ways appropriate to its importance and significance.

Loretta Dozier, Dove Bible Club, stated their thanks to the Board for this Resolution acknowledging May 5, 2016, as A Day of Prayer in Brevard County; they thanked the Board for its service; and thanked it for its time and sacrifice. She added Dove Bible Club is a non-profit organization; there are after school Bible clubs; currently they are in 27 schools in Brevard County; and they are teaching students not only the word of God, they are teaching them how to pray, how to search the scriptures, how to worship, and how to not be ashamed of their relationship with the Lord Jesus Christ. She went on to thank the Board for this Resolution; she told the Board Thursday, May 5, 2016, will be the 65th annual national

May 3, 2016

Observance for the National Day of Prayer; that is a time that over 65 million people will humble themselves and pray for the Nation, for the governmental leaders, the military, the educational system, media, businesses, first responders, and they are here to pray for the Nation; and they thanked her Pastor, Evio Strender, and her co-worker Margaret Irwin.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM I.G. RESOLUTION, RE: PROCLAIMING THE WEEK OF MAY 15-21, 2016, AS “NATIONAL PUBLIC WORKS WEEK” IN BREVARD COUNTY**

The Board adopted Resolution No. 16-059, recognizing May 15-21, 2016, as National Public Works Week in Brevard County.

Commissioner Fisher stated if water was not running, sewer was not working, the streets, highways, and bridges were closed, there were stormwater issues, and solid waste was not being collected, the Commissioner's phones would ring all day. He added they all do good work; and he appreciates working with all of them for the last seven years.

John Denninghoff, Public Works Director, stated the other Directors are chickens and they want him to be the one to speak all the time; he added one of the goals that is consistent with the year with the AWA, is that they want people to be able to take them for granted; they try to get everything done that has to be done for people to get to and from work, and get the kids to school safely; the water does not back up and flood, or the water turns on when the spigot is opened and when the toilet flushes it goes away. He went on to add those things are needed in everyone's lives in order to have a decent quality of life; and they are proud to be able to provide those kinds of services. He added he asked a few of his staff to come down this year, and it is just to show that the Directors do not do it all, he knows the Board knows that, but he can assure it they know it, too; and they are proud of their staff and the good work that they do for the people of Brevard County.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM I.H. RESOLUTION, RE: RECOGNIZING THE WEEK OF MAY 1-7, 2016, AS CORRECTIONS OFFICERS WEEK IN BREVARD COUNTY**

The Board adopted Resolution No. 16-060, recognizing the week of May 1-7, 2016, as Corrections Officers Appreciation Week in Brevard County; and encouraged all citizens to recognize the demanding and unselfish commitments made by Brevard's Corrections Deputies.

Sheriff Wayne Ivey stated on behalf of all of the members of the Agency, and the Correction's Team, he thanked the Board for recognizing them and designating this week as Correction's Deputy Week. He added the Resolution pretty much says it, when it talked

May 3, 2016

about how dangerous the job is; that this group exhibits professionalism; and he tells everyone that the jail is a city to itself, there is so much that goes on behind the scenes that no one can even imagine. He went on to add the men and women with him today, and those that are back at work, they see it every day; and they are responsible for the safety, welfare, and care of 1,700 inmates each and every day, and they do it incredibly well. He advised they are responsible for making sure that they do not get sued; a lot of corrections facilities get sued on a regular basis, but because of the work ethics of these individuals, theirs is very minimal and that is a true testament to their dedication to their professionalism. He went on to explain they do one of the most dangerous jobs in the business, and they do it well; they do it with a smile on their face everyday; they do it with passion in their hearts for their community because they all live here; their kids go to the same schools, they play at the same parks, and eat at the same restaurants; and this is a proud team and they thank the Board for doing this and recognizing their hard work.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM I.I. RESOLUTION, RE: RECOGNIZING MAY 9, 2016, AS CHILD WELFARE PROFESSIONALS RECOGNITION DAY**

The Board adopted Resolution No. 16-061, recognizing May 9, 2016, as Child Welfare Professionals Recognition Day in Brevard County.

A representative for Congresswoman Frederica Wilson stated appreciation for all the men and women that work tirelessly to defend Florida's children; and they expressed appreciation to the Board.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.A.1. FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP), RE: LOW-SCORE ASSESSMENT ON COUNTY-OWNED PROPERTIES WITH LOW LEVELS OF PETROLEUM DISCHARGE**

The Board approved allowing Florida Department of Environmental Protection (FDEP) to perform Low-Score Assessment on those County-owned properties which have low levels of petroleum discharges; allowed Natural Resources Management to act as the intermediary for the County and FDEP for the four known sites and any future site; authorized Virginia Barker, Natural Resources Management Director, to execute a site access agreement with FDEP, subject to the approval of the County Attorney and Risk Management; and approved for the Department Director to be responsible for managing the site.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robin Fisher, Commissioner District 1  
**SECONDER:** Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.A.2. RESOLUTION AND RELEASE OF PERFORMANCE BOND, RE: STROM PARK PHASE 5,6 AND 8 SUBDIVISION, THE VIERA COMPANY**

The Board adopted Resolution No. 16-062, releasing the Contract and Surety Performance Bond dated July 21, 2015, for Strom Park Phase 5, 6, and 8 Subdivision.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robin Fisher, Commissioner District 1  
**SECONDER:** Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.B.1. APPROVAL, RE POLICY BCC-57 - INDIGENT CREMATION PROGRAM**

The Board approved the revised Policy BCC-57, establishing criteria for funeral homes with regards to deceased Veterans in the Indigent Cremation Program; and amended the indigent person guidelines to 125 percent of the current federal poverty guidelines.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robin Fisher, Commissioner District 1  
**SECONDER:** Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.B.2. AGREEMENT WITH THE BREVARD COUNTY SCHOOL BOARD, RE: SUMMER FOOD SERVICE PROGRAM**

The Board approved an Agreement with the Brevard County School Board to provide summer food service at summer camp sites in accordance with the Sponsor agreement between the Board of County Commissioners and the Florida Department of Agriculture and Consumer Services Division of Food, Nutrition and Wellness; and authorized the Chairman to execute the Agreement.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robin Fisher, Commissioner District 1  
**SECONDER:** Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.B.3. AUTHORIZING RESOLUTION, GRANT APPLICATION, STANDARD ASSURANCES AND EXECUTION OF FOLLOW UP GRANT AGREEMENT, RE: FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED ENHANCED MOBILITY GRANT**

The Board adopted Resolution No. 16-063, for Florida Commission for the Transportation Disadvantaged Enhanced Mobility Grant; executed the Grant Application and the Standard Assurances; approved all budgetary documents; executed the Joint Participation Agreement, if the funding is awarded, contingent upon County Attorney and Risk Management approval; authorized the Chairman to sign any funding/coordination agreements, required by the Florida Commission for the Transportation Disadvantaged Enhanced Mobility Grant; and directed James Liesenfelt, Transit Services Director to execute any additional follow-up documentations as necessary to secure these funds.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.C.1. PERMISSION TO ADVERTISE, AWARD THE BID TO THE LOWEST RESPONSIVE BIDDER, AND AUTHORIZE THE CHAIRMAN TO EXECUTE CONTRACT, RE: CONSTRUCTION OF THE WICKHAM ROAD AND STADIUM PARKWAY INTERSECTION IMPROVEMENTS**

The Board authorized permission to advertise for bidder and award the bid to the lowest responsive bidder for the Wickham Road and Stadium Parkway Intersection Improvements; authorized the Chairman to execute the contract with the qualified bidder, contingent upon review and approval of County Attorney's Office and Risk Management; and approved any associated budget change requests.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.C.2. APPROVAL, RE: PERMISSION TO SOLICIT AND REQUEST FOR QUALIFICATIONS (RFQ)/BIDS FOR DESIGN AND CONSTRUCTION; APPROVE A RESOLUTION TO REALIGN PARCEL 1 AND AUTHORIZE THE CHAIRMAN TO EXECUTE FDOT LAP AGREEMENT; AND RESOLUTION FOR THE BREVARD ZOO LINEAR TRAIL**

The Board adopted Resolution No. 16-065, authorizing alignment of Parcel 1; granted permission to advertise and award of a Request for Qualifications (RFQ) for Design Services; granted permission to bid and award construction bids for the Brevard Zoo Trail Project; adopted Resolution 16-064, authorizing the execution of Local Agency Participation (LAP) Agreement; authorized the Chairman to execute RFQ/bid contracts and the pending Florida Department of Transportation (FDOT) LAP Agreement; approved all budgetary documents; and authorized the Chairman to execute necessary documents and all agreements and resolutions related to this project contingent upon review and approval by the County Attorney and Risk Management.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robin Fisher, Commissioner District 1  
**SECONDER:** Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.C.3. APPROVAL, RE: PURCHASE OF TWO (2) REPLACEMENT FIRE ENGINES**

The Board approved the purchase of two replacement fire engines from Sutphen Corporation; and approved vendor selected through a competitive bidding process completed by the Florida Sheriffs Fire Chiefs Association, Florida Fire Chiefs Association, and Florida Association of Counties (Florida Sheriffs Bid #FSA16-VEF12.0, specification 19); and authorized the prepayment within 30 days of contract approval.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robin Fisher, Commissioner District 1  
**SECONDER:** Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM D.1. APPROVAL, RE: BUDGET CHANGE REQUESTS**

The Board approved the Budget Change Requests.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robin Fisher, Commissioner District 1  
**SECONDER:** Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.D.2. ACKNOWLEDGE, RE: FY PROPOSED BUDGET FOR WILLOW CREEK COMMUNITY DEVELOPMENT DISTRICT**

The Board acknowledged receipt of the FY 2017 proposed budget for Willow Creek Community Development District.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robin Fisher, Commissioner District 1  
**SECONDER:** Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

May 3, 2016

**ITEM II.D.3. ACKNOWLEDGE, RE: RECEIPT OF FY 2014-2015 CITY OF PALM BAY BAYFRONT COMMUNITY REDEVELOPMENT AGENCY ANNUAL REPORT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015**

The Board acknowledged receipt of the FY 2014/2015 City of Palm Bay Bayfront Community Redevelopment Agency annual report for the Fiscal Year ending September 30, 2015.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.D.4. RESOLUTION, RE: AD-VALOREM TAX ABATEMENT FOR PROJECT MARATHON**

The Board adopted Resolution No. 16-066, qualifying Project Marathon as an eligible business under the County's Tax Abatement Program; and authorized a public hearing to consider adopting and exemption ordinance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.D.5. AD-VALOREM TAX ABATEMENT FOR CROSS-BRAND MANUFACTURING**

The Board adopted Resolution No. 16-067, qualifying Cross-Brand Manufacturing as an eligible business under the County's Tax Abatement Program; and authorized a public hearing to consider adopting an exemption ordinance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.D.6. RESOLUTION, RE: AD-VALOREM TAX ABATEMENT FOR WAL-MART STORES EAST, LP**

The Board adopted Resolution No. 16-068, qualifying Wal-Mart Stores East, LP as an eligible business under the County's Tax Abatement Program; and authorized a public hearing to consider adopting an exemption ordinance.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robin Fisher, Commissioner District 1  
**SECONDER:** Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.D.7. REDISTRICTING AND IMPACT ON PRECINCT BOUNDARIES MAPS, RE: ALTERED AND ADDED**

The Board approved the revised precinct boundaries due to court ordered redistricting, precinct consolidations, annexations by the Cities of West Melbourne, Cocoa, Melbourne, Titusville, and the addition of Viera Stewardship District.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robin Fisher, Commissioner District 1  
**SECONDER:** Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.D.8. APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS**

The Board appointed/reappointed **Pat Reed** to the Community Development Block Grant Advisory Board, with term expiring December 31, 2019; and **Paula J. Beckner** to the Historical Commission, with term expiring May 3, 2017.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robin Fisher, Commissioner District 1  
**SECONDER:** Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.D.9. APPROVAL, RE: BILLFOLDER**

The Board approved the Billfolder, as submitted.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robin Fisher, Commissioner District 1  
**SECONDER:** Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

### ITEM III. PUBLIC COMMENTS

George Lebouitz stated as usual as he is driving up I-95 to come to the meeting, he is thinking about what he can tell the Board what it is doing wrong today; how can he tell it what it should be doing; and then it suddenly occurred to him that everyone is very quick to complain, and not so quick to compliment. He added the reality of the situation is that although everyone may differ on some things, they have different opinions on some things, no organization is completely consistent, no one always agrees on everything, and by and large, what the Board does is for the benefit of the County; and it does excellent work. He noted very few people will commend the Commissioners; he was thinking of how he can reward the Commissioners; his first thought was to buy all of them a brand new Corvette; and unfortunately driving up to Rathman Chevrolet and making all the arrangements, he would not have made it to the meeting. He went on to say he had to come up with some sort of alternative, on very short notice, using the materials at hand, he came up with the best he could do; he presented Chairman Barfield and Commissioner Smith with blue flowers, Commissioner Infantini with a red flower, Commissioner Fisher a yellow gorilla named George, and Commissioner Anderson with a turtle also named George. He informed the Board it is not a Corvette, but he hopes the Commissioners can put these little things on their desks to remind them of the fact that where the Board mostly hears complaints, the work it does is sincerely appreciated; and he for one, as a citizen of Brevard County, appreciates what the Board is doing, and thanked the Commissioners.

Chairman Barfield thanked Mr. Lebouitz.

Sara Ann Conkling stated she should have brought chocolate; she thanked the Board for its support of public transportation for the citizens; she gave a particular shout out to Chairman Barfield who is now her commissioner; and he has taken a leadership role on this issue. She added it makes it a lot easier for her in her advocacy to know that he is so much in favor of what needs to be done; as many of the Board may remember, there has been a lot of discussions when talking about the gas tax, which did not pass after a lengthy discussion; she understands the good faith of everyone that was weighing in on that issue; and one thing that remained on the table is that there is a huge remaining need for more public transportation, and that did not go away because the gas tax was not passed. She went on to explain she is here to beg, implore, plead, make nice, whatever she can do to convince the Board to please direct County management to put more money in this years budget for public transportation. She advised the Board it would be hearing from others today that have voices similar to hers, and some are more eloquent about the need for public transportation; and she would like to say, and whatever they want, is good. She added they had several of them at their Local Coordinating Board (LCB) meeting that is the local coordinating board for the Transportation Disadvantaged Persons; she is coming here as an individual, but as someone who has sat on that Board for eight years, she would like to report that that board unanimously passed a resolution to recommend to the Board to increase funding for public transportation; that board represents the disabled citizens, school students, older Americans, everyone who uses the bus, many people whom were honored today, the foster children get on it to get to school and to work; and many of the people who have already come up in this meeting today are remembered by the LCB. She explained she would like to list what they need right now in public transportation, and any funding the Board would give would be helpful; she would like to ask for at least \$200,000, \$400,000 if the Board thinks it can find it; but the transit dessert needs to be ended in Port St. John, they only have a couple of stops, there is no bus. She added Port St, John and South Titusville need a bus; all the routes that are not 30-minute frequency into the 30-minute frequency, that is needed desperately for people to get to work and not have the

May 3, 2016

hardship of waiting out in the weather for the bus; Saturday service is needed on routes that do not already have it; they need to extend the hours on all of the existing routes on evenings and weekends; they need a bus to Orlando airport for the disabled, particularly who are having to pay huge sums of money to get to the airport because there is no public transportation options; and they need a bus to connect with Volusia County. She thanked the Board for caring about this important issue and for considering this in the budget.

Commissioner Infantini stated Ms. Conkling continues to come before the Board always looking out for others; in her seven and one half years up there, she has always done that; and she thanked Ms. Conkling for her activism to look out for others.

Felicia Wilson stated she is here on behalf of the LACD, which is what Ms. Conkling was talking about; and they need to get money for Space Coast Area Transit (SCAT), and to make the routes better. She added they need a route to run on Sundays, because there are people that need to get to work; and she thanked the Board for listening.

Charles Tovey stated no one else said their addresses, but he has to, and the Board helps everyone else in the community, good for it, he appreciates the Sergeant that gave him a hard time for standing over there because he concerned for the Board's safety. He added that everyone's safety is important; if he has to be a victim for other people, that is fine; he did want to say that the covers in the parks, what about the rain storms that come up immediately, and there is no place for cover; and what about the families that have no place to go every day, but they go to the parks. He noted no one cares about them; but they are people's families, everyone is all related in one form or another; and they need to be taken care of. He went on to say he called Jim Waemer, he did talk to Matt Reed, and he did explain to everyone all of the things about the Lagoon that is being neglected; they get a failing mark because the Board does not want to pass taxes, but it gets a passing mark when they pass taxes; taxes are not the answer; and things should have been done a long time ago. He advised he can do it without the permits; he can show the Board ways to clean it up; he wants to talk about an experiment; he does not want to run into the other peoples time, but if one takes a cup of spring water in a Styrofoam cup, plain spring water, pour some pepper on top, the pepper floats and starts to diffuse in the water; put some salt on top of it and all the material will start to coagulate and gather, then it will fall to the bottom just like the Lagoon, and this is what has been happening. He explained what he does he does not need a permit for; it is all the spring water; Rockledge is a big water barrier; from Okeechobee the water migrates up here; there are two kinds of currents, the El Nino and the La Nina; Rockledge separates everything; and that is why Palm Shores and Otter Creek and all of them are having problems. He added that is a permeating filter for the Lagoon and the stream; no cleaning, it is all salt water; and he can do it, he has done it and if the Board looks along there, he is getting ready to do it. He stated he wanted to address his fines and fees; no one is going to help him; he has to pave the way to do it himself, just like his ancestors paved the way for everybody in this County; they were first; and if the Board will not do it, someone else has to. He advised the Board puts the burden on other people; they do not get paid for changing this community; he is a person, a human being; what he has left is fine, he will move on; but he has the opportunity to go back and pick up what he left behind, and did not have the chance. He noted he paid \$3,000 to get his stuff back after the Board raped him; the guy put him off for a month and half; he kept saying he could not find the key or this or that up in Daytona; and then he lost everything he owned. He went on to add his whole life was gone; but he is still alive, thank God.

May 3, 2016

Joseph Naulty stated he is the President of the newly formed Melbourne/Space Coast Chapter of the National Federation of the Blind; he is blind and has hearing loss; and his whole ambition and goal in Brevard County is to develop awareness of the needs of the blind community. He added they have been working very diligently for transportation needs; seven day notice does not work, they need 24 hours' notice; and they need the Board to consider the needs of that are not only blind, but all the disabled group of Brevard County.

Camille Tate state she is also on the Board of Directors for the Melbourne/Space Coast Chapter of the National Federation of the Blind; she is also the newsletter's editor; and the goal of their newly formed chapter is to enhance, empower, and enrich the lives of the County's blind and visually impaired. She added one of the major concerns is the transportation system and the lack of adequate transportation to meet the needs of the citizens; they have recognized that the group should also include others with disabilities other than just vision; those in wheel chairs, amputees, or any other disability that prevents them from using the transportation system; and they are asking that the funding for SCAT be increased because it is so underfunded, and so far behind surrounding counties in terms of funding, drivers, busses, and the overall transportation system.

**ITEM IV.A. RE-ADOPTION OF ORDINANCE, RE: PROHIBITING ANY OIL AND GAS EXPLORATION THAT USES WELL STIMULATION WITHIN THE BOUNDARIES OF BREVARD COUNTY, FLORIDA**

Chairman Barfield called for a public hearing on the re-adoption of the fracking ordinance.

Scott Knox, County Attorney, stated this is a re-adoption of the Fracking Ordinance; there was a little glitch the first time around and it did not get filed with the Secretary of State in a timely fashion; and the public hearing and re-adoption had to be done again.

The Board adopted Ordinance No. 16-04, prohibiting any oil and gas exploration that uses well stimulation within the boundaries of Brevard County, Florida.

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

**ITEM V.A. LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE REVISIONS TO CHAPTER 22 AMENDING DEFINITIONS OF FLOOR COVERING WITH TILE, DRYWALL AND PAINTING TO "SPECIALTY TRADES" AND BOARD DIRECTION, RE: CREATING A WARNING PROVISION FOR FIRST TIME VIOLATIONS**

Robin DiFabio, Planning and Development Director, stated staff is bringing forward two items that are interrelated, and deal with the Contractor's Licensing Program; both of these were at the direction of the Board; one of which was a direction of the Board for staff to come back with a report that revisited the citation program; and it asked staff to examine the potential for coming up with a first warning type of program. She mentioned the citation program fundamentally mirrors that of the Florida Statutes, currently. She added the Board had asked staff to come back with legislative intent and permission to advertise deregulation of three of the Contractor's Licenses, and that would be flooring, painting, and drywall contractors; and pointed out

May 3, 2016

regarding drywall contractors, drywall is regulated by the Florida Building Code, and consequently it does require a permit. She stated she would caution the Board that in the event the Board would want to deregulate drywall contractors, then drywall work would need to be done through either a general contractor, residential, or a building contractor who would be eligible to pull the permit and then a drywall contractor could be a sub to the general contractor and work under their supervision. She added it would take them out of the loop of being able to directly contract with property owners; these two proposals were brought forward to the Contractor's Licensing Board, which is appointments from the Board of County Commissioners representing the business people in the contractor's business; and they have come back with some comments and two resolutions. She explained one of them is a counter proposal for a first warning for citations; in which they were recommending that the citation be issued, however it would provide for the person being cited to come in and legalize and prepare their paperwork and get their licenses in Brevard County, so that they could be a legitimate contractor; and the fines would be applied towards the cost of the licensing fees. She went on to explain they did hear the proposal to de-regulate the three trades, they did vote against the idea of de-regulating; she understands there are some representatives from the Contractor's Licensing Board here today that would like to speak on the item.

Mickey Collins stated he is President and Founder of Collins Custom Painting; he has been doing business in Brevard County for over 35 years; he was actively involved with the local chapter of the Painting and Decorating Contractors of America (PDCA); 16 years ago they were approached by the County to try and help formulate some regulations for licensing; and at the time, their regulations mirrored Indian River County's licensing. He added that had been in effect for quite some time; they had a lot of success with it; it was also very similar to a lot of the other licensing requirements for other counties within the State; and they felt it was beneficial for everyone involved, not just his trade, but the other trades that were being included, like carpentry and so on. He noted they feel that it helps not only the incoming contractors to have to go through the regulations of licensing, they learn the basics for running a business, such as requirements including proper insurance, payroll taxes, and how to run the business; and the majority of small businesses that fold these days is not because these people are not good at what they do, they are not knowledgeable on running a successful business. He went on to say they are not familiar with taxes, payroll, and proper types of licensing; the licensing requirements here help them, because they have to learn about that as they take the test to get their license; they also think it is beneficial protection for the new coming employees, somebody that is looking for employment go to the contractors; they know that contractor has proper insurance, he will be taking out their payroll taxes, and it gives them a sense of security; and it is also beneficial for the general contractors. He advised the general contractors know as they go ahead, and any other sub-contractor goes ahead that all the basic insurance is in place; most of the general contractors require \$1 million in liability insurance; and when one already has the basic insurance package in place, it is just a matter of adding a rider to it. He stated most importantly they think it is the benefit of the consumer; the consumer brings in trade, they come onto their property, they are licensed, they assume they have the proper insurance, they are covered under Workman's Compensation, comprehension and liability, and so is every one lese brought onto their property; if something was to go wrong, they know they will not be held liable, the person they hired is going to be responsible; and they think that is the most important thing. He went on to add they felt it was a great step forward when they got licensing through; they felt it helped professionalize their industry and a number of other industries; and they feel by de-regulating, it would be a step backwards.

Zafer Ayndinel stated Mickey Collins has mentioned a lot of the things, but one thing that nobody really understands, is what licensing is for, and why it is there; everybody seems to

May 3, 2016

have this false impression that it is there because a tile worker is insignificant and anybody can do it; and it started in 1999, and he has been involved in it since the beginning. He advised it was brought up to the Contractor's Licensing Board, and to the Board, with problems in the County, as a result of that a lot of research in the next year and one-half to two years must spend trying to understand who it affects, how it affects, and who it is beneficial for; and the most beneficial people out of it are the consumer. He went on to state they get the best of it; during that year and one half to two years, they have spent a lot of time at the Contractor Licensing Board and many meetings to try to find a resolution that is healthy for everyone, the consumer and contractor; as a result, they came up with the same resolution as Indian River County, it was modeled after that by their organization; and at the time every painting contractor in the County, small or large, were notified to explain the pros and cons. He went on to say a lot of workshops were held; the County sent everyone a notice, and the return was overwhelming; there was an incredible amount of people small and large, that replied to say they would like to have licensing; and in a sense, a trade that at the time was self-regulated, chose to pay something that they did not have to pay to get the benefit of the consumer, they paid to protect the consumer. He added there is a background check, financial stability check, minimal requirements for having enough knowledge on presenting oneself as a business; the consumer has resources if a licensed contractor does something that is not correct, the consumer has a resource that they can use to go back and check it out; that resource can help them get it fixed; and with an unlicensed contractor, they cannot. He stated he does not think the Board is clear about this; he requested a copy of an incident report from the licensing department that was brought up by the Board; this report proves by itself why licensing is needed; a general contractor that chooses to hire unlicensed contractors, the Board likes to be pro-business, and there are 257 painting contractors that are taxpayers in here; and the Board needs to be pro-business to them, not someone from Orlando. He added they come here without insurances, with illegal or undocumented workers, which is in the report, and these people could be going to a relative of the Board's house to work; and he does not think that is the proper way to approach this. He asked the Board to spend some time and understand what it is trying to change, because it was there for a reason in the first place.

Commissioner Smith inquired how much the licensing permit costs each year. Mr. Ayndinel responded \$155, but it is about more than the cost; they pay a lot of insurance, more than they ever had to; roughly 90 percent of the people that applied for the license wanted it; and they have paid for it for 15 years. Commissioner Smith asked what they had paid for. Mr. Ayndinel stated to be licensed to protect the consumer; and the only thing the contractor gets out if it is that two people go to look at the same job, at least they have the same background check, same financial stability, and he is not going to skip town, he lives here, and he is qualified for what he does. He added Commissioner Smith was also going to mention if a county like Orange County does not require licensing, the Board should allow them to come work here, but the thing is, he was grandfathered in, just like everyone else, and when he wanted to transfer his license to Indian River County, they would not accept a grandfathered license, then he had to go take the test to qualify by exam so he could transfer his license to the other counties because it is there for a reason.

Tim Plumb stated he is present to show his support to the painters here; he sells Benjamin Moore coatings; and he does not do a lot of business with a lot of these guys, but he does know them. He added the painters here are extremely good people that just want to try and serve the public and safeguard their occupations.

May 3, 2016

Luke Miorelli stated he is present representing the Construction Licensing Board; in representing this board, when this came to their attention, they discussed it and came up with two resolutions; there were five reasons they felt the licensing should continue, the first one is that when one goes to get their license, there is a background check done, and this comes through law enforcement. He went on to add this checks for arrests or convictions of items that would be defrauding, bad checks, that kind of thing that would protect the consumer; they are not looking at whether they got busted for pot or something like that; they look for portions of the record that say a person is not trustworthy and they do not want them in his grandmother or mother's home to do work; and that was the first one. He went on to explain the second thing that was discussed was testing; by testing, is for competency. He went on to say it gives some assurance that a contractor is licensed and competent, they do the same for all of the other trades; he has had to do experience and competency for a general contractor's license; it ensures that the contractor has proper insurance, Workman's Compensation. general liability insurance, in the case of painting, a painter is hired to paint someone's house and they spray paint the boat, and the neighbors boat, and the neighbors car, this is the insurance that will fix the problem. He noted the financial capability, it is limited, but it does show that the contractor has some liquidity in order to do business and not leave liens on people's property; and lastly it leaves some redress for the citizens of Brevard County if the contractor does make a mess, there have been a number of them in the past. He added one of them was a trade company that had come before and did not finish, there was tile that needed to be put in, they will not finish it, and the consumer would not have to go to court to get it finished; they would go to the Licensing Board and it would not cost as much as the job cost to get it fixed; and those were their five reasons. He explained as to the three trades that the Board is considering de-regulating, all of them have legal requirements; the painting trade has to be aware and have training in lead abatement, because of lead paint, and there is lead paint on a lot of old structures throughout the County; there was some on the older schools when they were remodeling them. He went on to add the flooring is covered by the Building Code under a reference standard A-108, which is an anti-standard; that standard actually putting in ceramic tiles is covered by the Building Code, so competency is important there; and on drywall, it has to do with fire separations and public safety on exits ways and access and the different assemblies that need to be done; and that is regulated by UL assemblies that are covered in the Building Code, which are regulated by the National Gypsum Standard. He stated the drywall trade has to have some competency when letting them go in to put up fire separations between people's living units, exit ways out of buildings, stair wells, and so on; the trades do not seem as innocuous as one might think in the first place; they would recommend that the Board leave the licensing in place as it is; and as far as addressing the case at hand, it seems like there were an awful lot of fines going out for someone who was not a licensed painter. He advised they looked at that and discussed if it was a first offense the fines were a little draconian, and the solution they came up with getting caught a first time being unlicensed, they pay the fine, and it is explained in the resolution that they are attempting to do.

Commissioner Smith stated he mentioned drywall and how important it is; and he inquired if there were County inspectors that inspect the job after it is completed to verify that it is done properly. Mr. Miorelli stated a lot of the pieces that go into the assembly are actually buried; the assemblies with the UL rating tell how long the screws have to be that go in there, and the only thing that can be seen once the screws are in is how many, not how long they are or if they are properly installed. He added there is some inspections by the County, but they cannot inspect everything; and to rely totally on building inspectors to make sure everything

May 3, 2016

is done properly is more than they have the time to do, they have the capability, just not the time; the Board would have 10 times as many inspectors it has now to do that.

Commissioner Smith stated the instance he is addressing is if the screws are long enough and the inspector would not know that, the inspector is not going to know if the person is licensed and unscrupulous. He added if they want to save \$3 for a box of screws, there is nothing preventing them from doing that. Mr. Miorelli replied generally if someone is licensed, their business depends on their license, they will generally follow the regulations because otherwise they are out of business; and it is just like a liquor store owner selling to minors, they can lose their business for that.

Commissioner Infantini stated if they have building inspectors and are not able to tell if the proper materials are used; and she inquired why there are inspections if they will not be able to detect an error. Mr. Miorelli stated they cannot detect all errors, but they can detect some, and there are some that are concealed that cannot be seen; in the case of fire-stopping, they use the proper drywall, it has a big label on it and is easy to see if the correct one was used; and the inspector is looking at the larger pieces, for blatant problems, but some of the minor stuff they cannot get to. Commissioner Infantini inquired that it would seem if an inspector went, they would be able to tell if the contractor used the correct drywall for the fire wall, so if the Board did not have that occupation licensed, then the inspector would already see that in fact that contractor did not use the correct drywall and that it would have to be removed. She stated it would seem there is already a check and balance in place for that one. Mr. Miorelli stated for that one there is. Commissioner Infantini stated maybe that could be one of the exceptions, that the Board not have drywall licensed; she does have some questions about having some of the things licensed. Mr. Miorelli stated it would be hard to hire a drywaller to fix the drywall in a house without hiring a general contractor, because a permit might be needed; that would eliminate where a drywall subcontractor could not directly permit something because he was not licensed, so that could create a different problem in doing it; he has never had a drywall subcontractor complain that he had to be licensed, nor a painter. Commissioner Infantini stated she did; when she was campaigning the first time, she ran into a person that was a handyman of sorts, and he was explaining to her that he had to get licensed in each municipality as well as the County to operate; and she inquired if that was no longer true. Mr. Miorelli stated that is no longer true. Commissioner Infantini stated that was the biggest objection she had was the fact that he needed a different license in each municipality. Mr. Miorelli stated there is a County Licensing Board and there are interlocal agreements between most of the cities, some of the cities do not recognize the County license and do not have any licensing at all, and the City of Palm Bay is the biggest. He added there is no licensing requirement if one is working in those jurisdictions, but if they have a County license it is good in the municipalities that require it.

Commissioner Fisher stated he remembers a scenario with Chinese Drywall being a problem; if someone had an unlicensed drywaller install that Chinese Drywall, to the average person it looked like normal drywall going up, but those consumers were able to go back against the Licensing Board and get insurance to cover it; and there were a lot of homes that became uninhabitable and the question at the time was who was liable. He added they did not know if it would be the drywall company, the general contractor, or the insurance company, and it was very confusing; by the end of the day, if one was not licensed, and did not have insurance, then the consumer would have done everything right and would have still been in trouble. Mr. Miorelli stated he did a lot of expert witness work on the periphery of that; generally the general liability insurance of the contractor or

May 3, 2016

subcontractor has a duty to defend in it, so under the duty to defend, if they do get sued, the insurance company steps up on the defense of it, it does not defend them and cover for shoddy work, it covers for consequential damage from it; so in the case of the Chinese Drywall, the insurance would probably not cover the drywall installation, but it would cover all of the consequential damage because of it, so it gives the consumer a place where there is a pocket that is deep enough to make them whole should something go wrong. Commissioner Fisher stated insurance companies do not like insuring unlicensed people.

Commissioner Smith inquired if the Board eliminated the requirement for licensing, would he still have insurance. Mr. Miorelli stated he does not know; he thinks Commissioner Fisher spoke to that, he is the insurance guy; he is in the construction business and he has to have insurance as a general contractor, he believes he has \$10 million for some of the clients he works with. Commissioner Smith stated that is his point, if he has \$10 million worth, but if he was not licensed he would risk his personal business and everything to forgo having insurance. Mr. Miorelli stated he is silly, but he is not that silly. Commissioner Smith stated responsible business men are going to have insurance, irresponsible businessmen are not, they will skip where they can; and when it comes down to the bottom line, there are always going to be people out there that are going to skate around it. He added in his business there was a guy two blocks away from him that was not licensed; he worked out of a little garage, a lot of those guys worked out of storage units, certainly they were not licensed, nor did they pay Occupational Safety and Health Administration (OSHA), the Fire Marshall, or anything; and one cannot protect every little old lady from skimming, government cannot do that, it cannot prevent every single person from making a bad decision. Mr. Miorelli stated they are not inviting the auto body company into their homes, and as far as not protecting the people from the contractor, they do not need the protection, but when getting to the consumers or condo associations, those people do not have capability or the background knowledge to even make those decisions, there are things they would not think of it. Commissioner Smith inquired if the consumer would not think of asking for references. Mr. Miorelli replied they may ask for references, but they would generally look at it as the person would do a good job and he is here doing it; and he believes keeping the licensing agency, from the turn out from the painting industry, they are in favor of continuing to be licensed.

Commissioner Smith stated his point with regard to the guy that painted cars out of his garage, he never turned him in, it is free market; if people want to run the risk of getting caught, that is their prerogative; Mr. Miorelli is suggesting that people are not going to get references on unlicensed people. He added in the case of the person that is doing unlicensed auto body work, if they are correcting suspension damage, and it is not done properly, whoever is driving that car down the road is running the risk of their life and their family's life, which is a lot more serious than painting a wall the wrong color.

Mr. Miorelli stated all of the businesses have horror stories. Commissioner Smith agreed; he stated what got him started in the beginning was the fact that there was a heavy-handed approach to someone that legitimately did not have a license, he says legitimately because they came from Orange County and they did not have licensing in Orange County, and his point of view was that Orange County does more construction than Brevard County, and if they do not require licensing, why should Brevard; why should Brevard be so heavy-handed that Brevard does not give people a warning instead of slapping them with a fine; and he is happy that the speakers have decided the warning is appropriate, he is not convinced that Brevard County needs licensing in these areas, but it is up to the Board as a whole to make that decision.

May 3, 2016

Commissioner Infantini stated one of the big things that was touted was that a contractor has to be licensed, and when she was looking in software, she found, as of five months ago, Brevard County does not receive any notification if someone cancels their insurance policy; she does not know if that has changed, because when she was looking at the new software, the AMANDA software, at the time their system was not providing notifications, so if she is a licensed contractor and she comes in on January 1, and shows her insurance and she canceled it in March. She inquired how they would know that she just cancelled her Workman's Compensation and liability insurance, and what notification pops up for the County.

Denise Campagna replied if it is an insurance certificate, they get notified by the insurance company. Commissioner Infantini stated the County is on the list so it receives a notification. Ms. Campagna stated yes, the County requires a certificate to be issued to Brevard County Licensing or a certificate holder when somebody cancels that insurance the County gets notified by the insurance company. Commissioner Infantini stated that is great, because she had not seen that when comparing the softwares. Ms. Campagna stated it has always been that way. Commissioner Infantini responded it did not come out in the software disclosure when the Board was comparing with AMANDA, but she is glad to know it is.

Commissioner Smith inquired staff had mentioned that the State has some type of requirement for drywall. Ms. Campagna responded the State does regulate it; it is a volunteer, if the communities do regulate the drywall industry, the State will recognize that.

Ms. DiFabio stated she thinks the question was that drywall is regulated under the Florida Building Code, and as such, in order for somebody to do drywall installation in Brevard County, it requires that a building permit be issued, so it can assure that it is in compliance with the Florida Building Codes. She added currently with drywall, contractors can come in and directly contract with a homeowner, or a property owner and come in a pull a permit, because they have the license in order to be eligible to pull permit; if the licensing requirements were removed from drywall contracting, then they could no longer come in and pull a permit from Brevard County, somebody who has a license is the only person that can pull a permit. She explained it would fall on the backs of a general contractor or a building contractor, or a residential contractor who would be eligible to pull for drywall; they could then sub-contract with somebody who was in the drywall industry, but they cannot do business directly with the consumer.

Commissioner Anderson inquired as a homeowner he could come in and pull a permit, and then hire a drywall person. Ms. DiFabio replied he could do it as an owner/builder, but that is a narrow window of the people that are permitted. She added one cannot be an owner/builder on a commercial property, or on a rental property.

Commissioner Anderson pointed out one would not have to hire a general contractor, he would just go pull the permit and hire who he wanted; the County would never know the difference; he would say he was doing it on his own; and would not know who was in his house.

Kurt Lorenzini stated these guys have done a great job of explaining how important this is; he just thinks it is responsible for them to look out for the consumers; and like Commissioner Fisher said, if there is an issue one would know it would be taken care of, and the consumers know there is someone looking out for them.

May 3, 2016

Sean Downs stated he is owner of Sean Downs Painting, he is for keeping licensing in place; he believes everyone is a little flippant on what could potentially happen with bad contracting; there are a lot of horror stories out there with customers getting stuck with poor jobs and no repercussions; and he believes the Board needs to do its due diligence to look out for this County. He added the Board needs to make sure the consumers feel as though they are going to get a good shake when they hire a licensed contractor, but the Board could make it so that anyone can come into the County and within a week get a license and start operating as a would-be painter with no references at all other than the ability to talk. He explained a lot of people can talk; a lot of them will tell a homeowner the same exact thing that they can do, they are great, and they can do a great job, and the homeowner gets stuck; they get stuck with failing paint, because prep was not done, they get stuck with flooded windows because they did not caulk, there are repercussions to this; and he is for trying to keep up the professionalism of this trade.

Christopher Sauro stated he is currently an agent with Brevard County Sheriff's Office in the Economic Crimes Task Force; he is also responsible for all contracting fraud in unincorporated Brevard County; and he is here to represent the Brevard County Sheriff's Office in reference to this issue. He added they do not feel that the Board should de-regulate any of these three issues; part of that is the background checks, at least with licensing regulations, everyone is background checked prior to licensing; and if there is an individual that hires somebody off of Craig's List, who is not licensed, has no way to check if they are licensed, because they no longer have to be licensed, they do not know who they are allowing into their house. He added it could be a sex offender, burglar, convicted felon, or people who have been convicted of contracting fraud in the past, and other issues like that; the other issue he has is if the Board de-regulates this, it locks law enforcement's hands and the State's Attorney's Office from prosecuting these people for taking individuals money. He went on to say since 2014, 128,388 citizens of Brevard County are over the age of 65, that is a lot of people who have been victimized; he has worked cases where contractors have taken money and not done the work; they take 50 percent, come back and con them into 75 percent, and then not start the work; and if that happens, at least with this issue and them being contractors with a license, he has a recourse of going after them, it is Florida State Statute 489.126. He pointed out it states that if a person does not do the work within 90 days, that the sheriff can go after them for grand theft, it also states if they are a licensed contractor and require a permit, if they do not get that permit within 30 days, the sheriff can go after them. He added that is the issue they have when it comes to this; the level of competency is if someone comes in and destroys a person's house, there is no legal recourse except to sue them; everyone knows how the court system is with that; and one has to come up with the money to pay for an attorney, money to put a bond out for this issue, and if the regulations are left the way they are, at least there is some recourse for law enforcement and the State Attorney's Office to go after these people. He added licensing regulation can call them in, they can try to work through the issue to get the consumer whole again and not have to worry about ones 65 mother, grandmother, or wife worrying about how to navigate the court system to go back and fight this. He reported to the Board it scares him that they would not be properly insured; if an individual was drywalling, flooring, or something to that effect, and cause a fire in the consumer's house, and they are not properly insured, that falls on the consumer; and at least if they are licensed and regulated, these people have somewhere to call if they have any questions. He added the Board, law enforcement, and the State's Attorney have a responsibility to protect the citizens of Brevard County, and by de-regulating these things, it would serve as a great injustice to the citizens of Brevard County.

May 3, 2016

Commissioner Smith stated he is not aware if in Orange County painters and drywallers are required to have licensing; he knows that flooring is not required; and his point was that Orange County does an awful lot more building than Brevard County does. He added if it works there, and he is sure there are people that fall through the cracks, and people that get taken advantage of, but he is not sure that having licensing eliminates that. He went on to add it gives law enforcement and the citizenry an extra measure of security, but it does not prevent it; and he inquired if drywall and painters are required to be licensed in Orange County.

Mr. Sauro replied he does not; and the issue that he wanted to bring up was the motivation of the business owner that does not want to be licensed or regulated; what is the motivation behind that; it is to save money, it is all about money; everyone here will say it is \$155 a year, that cost gets turned over to the consumer; and he inquired if the Board can promise or tell him that be de-regulating this, that the consumers are going to save that money. He added they are not, and he does not understand the motivation behind a business that does not want to be licensed; do they not want to pay the money, is it all about money; is it about hiring illegal immigrants to do the work; and that is the issue he has.

Commissioner Infantini stated being a CPA, she can say the motivation for being an unlicensed contractor would be to actually to save the public money, it is not just \$155 that they are trying to work in the underground economy, and so, by not having to purchase insurance, so if they do a bad job will hurt the consumer, she is not disagreeing; she was just sharing that it is not always a correlation of unlicensed contractors with unregulated workers that are coming in, it is just part of the underground economy. She added they do not have to pay benefits and insurance and things like that. She went on to add, she does not think it is only \$155, most people would not mind about that, but it is the insurance and Workman's Compensation that is expensive; they can bid lower on jobs without those overhead costs; and typically she thinks that consumers are aware that the person bidding lower probably is not paying that insurance and benefits they are supposed to pay. She went on to say she could deliver her product at much cheaper rate; it is not right, or fair, but she does not think it is that one would always get bad work; she would like to do one plug for seniors versus crime, because, like Mr. Sauro stated, it is very costly to the consumer if they have to go out and hire an attorney, and she knows there is an organization that, she believes, was created by the State Attorney's Office, Pam Bondi, called Seniors versus Crime; it was not started by her, it has been implemented for years, and it is out of the Melbourne Mall on Wednesdays from 10:00 am to 2:00 pm. She pointed out she knows a lot of individuals that are victimized in this type of crime where unlicensed people are not doing the work and getting away with it; her husband volunteers for it; and they do help out seniors and anybody that is victimized like this from unlicensed work.

Bud Crisafulli stated when he started on the Contractor's Licensing Board over 12 years ago he was lucky, in America people should be able to work and go and do things on their own; and being on this board and seeing what is happening to older people, mostly, but even younger people who want something for nothing, or a better price. He added they do not think this person about a person being unlicensed that is why they are cheaper, but an example would be having a painting contractor to paint a lady's house. He went on to say she hired him because she saw him painting in the neighborhood; she hires him and he brings workers in; they are on ladders, and one of them falls and hits his head on the concrete; and he is not responsible, she is done. He advised her personal wealth is at stake; she did not check to see if this man was licensed or if he had insurance; that is even

May 3, 2016

more important than not having a permit or a license, because that is another venue; and just to get to that venue costs thousands of dollars, and it will probably cost her everything she has. He noted her homeowners insurance may kick in for part of it, but that is a violation of the Statute, she is in trouble; it is not that legitimate people that do not want to be permitted, it is the people that work undercover, that work out of their trucks that do not have a place where they can be contacted. He explained if the Licensing Board would do like the gentleman from the Sheriff's Department, they check out their backgrounds, they meet every month, and spend hours in the meetings; they are a good cross-section of the community, contractors, and they do not have someone on the board that is a dray wall contractor, there is no person here that has an axe to grind, and there is no painter on the board, but they are a variety of people that are in the County and in the construction trades. He added they do check people out, they check them thoroughly, they take their jobs seriously, and would appreciate the Board's support.

Commissioner Fisher stated if someone is not licensed from an underwriting standpoint, there is a possibility that person will not get an insurance policy, so one can be unlicensed and have no insurance, which creates even more problems for the consumer; and Mr. Crisafulli gave a great example, he has seen that type of claim before, and it is hairy for the homeowners.

Commissioner Smith stated since he is the instigator of this whole thing and he has received quite an education this morning, he has had his very own appointee to that Board tell him the same thing that everyone else has said this morning; and his main thing as a business man himself he was recommending this motion was to get the government out of the way for simple businesses; businesses that paint, he used to work as a painter in college for a company, but he understands what everyone is saying. He noted he understands they would like to protect the public, themselves, and their businesses; he believes they will protect their businesses because they are business men, they are responsible businessmen; there are people out there that are not responsible businessmen now; and they are working for the public that would rather pay less money, and he would like to defer to the rest of the Board. He added if they believe this benefits the community, he can disagree, and he does not know what his fellow Commissioners feel like, but the one thing he is happy that has come of this is that there is now a method that they cannot be, they are not telling the inspectors to be heavy handed, the Board is giving an option to give a warning; and the Licensing Board has come up with a process that the warning can be converted into a licensing opportunity for that person as opposed to a punishment. He went on to say now he or she has 180 days or something like that to go out and get a license; and he defers to that, but he is looking for some direction from the other commissioners.

Chairman Barfield stated number one, the responsibility of local government is public health and safety; those are primary responsibilities, and to be able to latch on to a way to enforce that is a major issue; to be licensed, one has to have all the training to understand what the environmental and OSHA regulations are, there is no other way to do that; and someone could come paint his house and they could do it anyway, but if they are licensed and their insurance depends on it, they are not going to go in the backyard and dump the paint or paint thinner into the soil that they are not using. He went on to say to him it is a major issue of public health and safety, because as the officer said, there is really no way to latch on if they are unlicensed, and thinks that part of it needs to stay the same. He added he does like the idea of putting the fine towards the price of getting their licenses.

May 3, 2016

Commissioner Fisher stated he thinks the warning side of that gives people a chance to realize that the need to comply, but he is very impressed that the professionals came out today to say they were okay being regulated; he believes it is the right thing to do, and it protects seniors as well. He added if everyone can imagine, a lot of people hate insurance, and could everyone imagine the insurance company not being regulated by government, and rates would be crazy. He pointed out being a 27 year insurance businessman, he would love for government to be out of the insurance business, but he understands why they are there, and they serve a purpose, and he believes the Board serves a purpose to its residents; and he would like to be clear on the option. He inquired what the Contractor's Licensing Board was recommending.

Ms. DiFabio stated as far as the first time citation, theirs specifically reads: "First time offenders should be issued a citation with a \$250 fine. Should the stated first time offender obtain a Brevard County Certificate of Competency within 120 days of the citation issuance, the cost of the fine will be applied to the application fee and first year license fee and any remaining fees due to the County at that time. Moreover, any employees of the stated first time offender who obtains his or her license pursuant to this opportunity will have his or her fines refunded in full, should he or she be able to prove that he or she was an employee and was on the official payroll of the first time offenders company at the time of his or her citation was issued."

Commissioner Fisher stated he believed that will help get the ball rolling.

Commissioner Smith stated they are still getting a fine as a first time offender. Ms. Di Fabio stated the individual who was the business owner would be getting the fine, but instead that money would then be applied towards he or she becoming licensed.

Commissioner Infantini inquired what the cost of the fine was. Ms. DiFabio stated the first offense is \$250.

Commissioner Smith stated he is still not good with that, a warning should be a warning, and if they do not adhere by the warning, and are caught a second time, there should be a fine in place, and then go into that language.

Ms. DiFabio cautioned the Board that there is a list of different types of offenses; most of them the Board will find already in the Florida Statutes as being offenses; she suggested that there are some offenses that are clearly representative of an individual's intent to defraud; and it would seem to her, if someone is coming in and saying they are licensed and insured, and the customer signs a contract based upon that false representation, is the Board so amenable to giving them a first time warning, as it would to somebody in the case of coming over here and not knowing they needed a license, because she thinks there is such a broad spectrum of offenses that some of them clearly show bad intent on the part of the said contractor.

Commissioner Infantini stated she does not want to encumber it with all that.

Commissioner Smith stated he is a little overwhelmed here; and he inquired if Attorney Scott Knox could give the Board his opinion.

Scott Knox, County Attorney, inquired what opinion he would like. Commissioner Smith inquired how to sift through all of this legality; his intent and purpose here is to not punish

May 3, 2016

someone that comes from another County that is not licensed, not required to be licensed where they come from, and comes here and gets fined because he is not required to have a license in the county he came from and did not know. He added he or she may or may not know, or they could be playing stupid, or they could truly not know and he does not feel that the Board should be in the business to punish people for trying to make a living; and inquired how to word this so that as the case Ms. DiFabio suggested, if someone is fraudulently and obviously trying to circumvent the law by not getting a license as opposed to somebody that is just unaware.

Commissioner Fisher stated this was not a case of hiring illegal immigrants; and he inquired if the Board is helping them do that, and if he understood the case, it was hiring of a bunch of illegal immigrants that was a part of this case. He added the one that got fined was from Orange County, but he was also bringing in undocumented workers.

Chairman Barfield stated he believes the Board should give the fine and they can go and do the license and get their money back; that is a fair thing to do.

Commissioner Smith stated he is good with that. He added he does not think that Government can be in the business of preventing every single person, every single old lady, and every single person that wants to be stupid, the Board cannot protect them from skinning their knees, it is not the Board's job, but he understands the viewpoint of the people in here; and for the record, he has hired one of these guys to do his house. He noted he hired a licensed contractor.

Commissioner Anderson stated flooring may seem like a non-hazardous thing, but he ran into a situation with an older building that has asbestos tiles; so if the flooring contractor that was hired to tear that out, had they been someone off of Craig's List, it would have presented a huge health concern.

The Board denied legislative intent and permission to advertise revisions to Chapter 22 amending definitions of floor covering with tile, drywall, and painting to specialty trades, per the recommendation of the Contractor Licensing Board's recommendation to issue a citation with a fine of \$250 for a first time offender, and should the first time offender obtain a Brevard County Certificate of Competency within 120 days of the citation's issuance, the cost of the fine will be applied to the application fee and first year license fee with any remaining fees due to the County at that time; and any employees if stated first time offender who obtains his or her license pursuant to this opportunity, will have his or her fines refunded in full should he or she be able to prove that he or she was an employee that was on the payroll of the first time offender's company at the time his or her citation was issued.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>SECONDER:</b>	Robin Fisher, Commissioner District 1
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

May 3, 2016

**ITEM V.C. REQUEST TO SCHEDULE EXECUTIVE SESSION ON MAY 17, 2016, RE: BREVARD COUNTY SOLID WASTE MANAGEMENT DEPARTMENT V. FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, OGC CASE NOS. 16-0038 AND 16-0039**

The Board approved the cost of advertising for, the scheduling of, a private session on May 17, 2016, at 9:00 a.m. or at the conclusion of the regular meeting of the Board of County Commissioners, whichever comes earlier, pursuant to section 286.011(8), Florida Statute, in the case of Brevard County Solid Waste Management Department v Florida Department of Environmental Protection, OGC Case Nos. 16-0038 and 16-0039, for the purpose of discussing strategy and granting authorization.

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

**ITEM VI.A.1. APPROVAL OF DISPOSAL OF SURPLUS/UNUSED RIGHT-OF-WAY, RE: MARINE HARBOR DRIVE RIGHT-OF-WAY (BARGE CANAL AND COURTENAY PARKWAY)**

John Denninghoff, Public Works Director, stated this item is brought here at the request of a property owner that is adjacent to an existing road right-of-way, which is not currently being actively used as a road right-of-way by the County. He added this right-of-way is being used in the sense that the adjacent County actively utilized right-of-way does drain across it, and that is an important feature of the discussion, essentially, the adjacent property owner would like to acquire the property; it is on Merritt Island, just south of the barge canal, north of the beachline, and west of State Road 3. He went on to explain in considering the request, they have determined there are two ways to handle it, there is the option to do nothing, but the property could be vacated, or it could be sold; in either of those two options, staff would want to have a title policy issued because there is a number of legal issues associated with it in either case; and staff would also like a drainage easement across the property to continue to take care of the adjacent right-of-way for drainage purposes. He noted in the case of the vacating, the Board would have to go through the vacating process, that has not been done at this point, and that would be a \$640 fee; it actually costs more than that to handle vacatings, or the property could be sold, which would be option two, and by statute as long as it is less than \$15,000 in value, the County can sell to the adjacent property owner. He advised in staff's estimation of assessed values of the adjacent property itself, the requester has, staff has estimated its value to be, based on a square foot basis, approximately \$8,200, but could charge as much as \$15,000 and still comply with State Statute. He advised staff would still need to retain an easement and would still need a Title Policy on the property; the requester is here, he does not know if they have filled out a pink card, but they are here for questions if the Board so desires.

Commissioner Smith inquired what Option Two is.

Mr. Denninghoff stated with Option Two, they could choose a dollar value up to \$15,000, based on the value estimated, it would be no less than \$8,200; and that he is looking for the Board to give him a dollar amount.

Commissioner Fisher stated up to \$15,000. Mr. Denninghoff stated staff will bring an item back to transfer it with the Title and all.

Commissioner Infantini inquired if the Board should say not less than \$15,000; the Board is giving away a whole piece of property; and after it is sold there are title costs and things the Board has to go through. She added it will not be free or void of any effort by staff.

Mr. Denninghoff stated the Title Policy would be at the expense of the purchaser, so the Board would have to process the paperwork and a contract that would be associated with it; and it would have to be brought back to the Board. He advised the Title Policy itself would be covered by the requester.

The Board approved Option Two for disposal of surplus/unused right-of-way for Marine Harbor Drive; and authorized John Denninghoff, Public Works Director, to decide on the sale amount.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>SECONDER:</b>	Robin Fisher, Commissioner District 1
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM VI.A.2. LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: ORDINANCE ADDING ALLOWANCE FOR TEMPORARY PARCEL/PACKAGE STORAGE IN THE GML ZONING CLASSIFICATION**

The Board approved legislative intent and granted permission to advertise an ordinance permitting temporary (parcel/package delivery) storage units in the GML zoning classifications.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Robin Fisher, Commissioner District 1
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM VI.C.1. REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN, RE: AZMI AND GLENDA SULTAN, TITUSVILLE**

Robin DiFabio, Planning and Development Director, stated this is a request for a fine reduction and release of lien for a property that was subject to Code Enforcement; the fine has accrued to nearly \$54,000; the Special Magistrate has recommended a reduction to \$9,700; and staff supports that recommendation.

Azmi Sultan stated they are not the violators, they are the ones that acquired the property because of violations; and presented the Board a packet. He added they bought the property, the people that were living there, which were the violators, lived there for eight years, and during that time, they had all kinds of problems that Code Enforcement could not rectify; and subsequently, they ended up buying the property themselves, so they could protect their interests and property, they lived right next door to them; and the property was subsequently sold at auction. He went on to say they were the only ones there, the property was in such bad shape, there was a fire, the roof was damaged, and the inside of the house was destroyed. He added they ended up buying the property to fix it up; they have been

May 3, 2016

working on it for two years, and will continue to work on it; and he requests that the Board not fine them, because they are the ones that are taking care of the violations, rather than Code Enforcement, and they have spent a lot of money and time trying to fix the place up and sell it.

Commissioner Fisher stated that is the actual cost, even though he did not create the problem, that \$9,700 is the cost of the Code Enforcement and what they have done to get to this point.

Mr. Sultan stated it was actually \$1,607; and if the Board would make it for the actual cost, that would be great.

Commissioner Fisher stated that may be the more recent number, but the whole cost is from over the years.

Ms. DiFabio stated Mr. Sultan is correct, the County's cost is \$2,157, with \$550 was an Enforcement cost and has been paid.

Commissioner Smith inquired what the total was. Ms. DiFabio replied the balance would be \$1,606.86.

Commissioner Barfield inquired where the \$9,700 came from, and if there was a work-up for it. Ms. DiFabio responded typically the Magistrate is seeking to get 20 percent of the accrued fine, as being a standard and in this case he did reduce it to \$9,700 in consideration of the fact that they had brought it into compliance, but he still felt that the \$9,700 was the appropriate fine amount.

Chairman Barfield stated he thinks the Board should go with the actual cost to the County.

Commissioner Smith agreed with Chairman Barfield.

Mr. Sultan thanked the Board.

Commissioner Fisher stated historically the Board has gotten its cost out of the fines; he could not imagine walking out and seeing that house every day and seeing that; so buying the property and making it an investment is a good thing. He inquired if they had to pay the \$1,607 plus the \$550. Ms. DiFabio replied they have paid the \$550 to appear before the Board today.

The Board reduced the accrued fine for the violation at 7861 Windover Way, Titusville, Florida 32780, Case No. 11CE-01082 (06-3566), from \$53,991 to \$1,607; and directed staff to prepare and execute the release and satisfaction of lien upon receipt of payment.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>SECONDER:</b>	Robin Fisher, Commissioner District 1
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

May 3, 2016

**ITEM VI.F.1. CITIZEN REQUEST BY MR. RON WILSON, RE: CANNABIS LAWS IN BREVARD COUNTY**

Ron Wilson stated he is a graduate of Eau Gallie High School, from 1964, the first class; in 1968 he joined the Marine Corps to serve his Country and Constitution; they made him a machine gunner; and through all of that, he has become a little bi-polar now. He asked the Board to please excuse him for any mistakes he does make; he would like to begin by congratulating Sheriff Ivey, the Police Chief, and Officers in Melbourne for making Brevard County a safe place to live from criminals; he likes Sheriff Ivey and gives him great respect, along with his deputies; however, they are just not on the same page when it comes to the decriminalization of cannabis in Brevard County. He went on to add he is most grateful for the support of State Attorney Phil Archer; they both agree it is time for a change in the laws to take pace here in Brevard County; today he will show and prove how it makes dollars and cents to join the other counties who have already made the change; this is not a cannabis pitch as the *Florida TODAY* made it out to be; the newspaper article is a mask scheme, in all sincerity's that something be done right now. He added there is too many backgrounds being ruined forever, it is creating criminals, filling up the jails, spending thousands of dollars prosecuting citizens for having just 20 grams of cannabis or less on their person. He advised this is hurting the military enlistment, hurting people from getting good jobs, even education, and it is discrimination to say some of this. He added he will support his statement by stating facts from surrounding companies, counties that have already done this. He pointed out Palm Beach County, the vote was four to one, everybody is in on this; how discrimination will save dollars and cents in Florida, which he will go over; and he has an article for the *Orlando Sentinel* which is near her, the *Tampa Bay Times*, *Miami Herald*, Volusia County, but at least they are finding common grounds to allow marijuana to be used in a proper manner. He advised Orlando could soon become the latest Florida city to effectively decriminalize small amounts of marijuana, to allow police officers to issue citations, they say in this day in age giving somebody a second chance without establishing a criminal record helps improve their opportunities in the future, said by Orlando Mayor Buddy Dyer, who supports the measure. He added one thing that he does want to bring to the Board's attention is in 2015, up to this day there was 148 arrests for people possessing 20 grams or less of marijuana; this times \$49 a day to house them, times 60, for one person is \$2997; if that was timed by 148 arrests since 2015, that is \$443,556 that has been spent just on 20 grams of cannabis. He went on to add that does not account or include the cost of up to \$168 per person; the ordinance will also serve as a way to help those under the age of 18, they have the option of going through the diversion program with the courts; but to get to the point of this, he would like to give the police officers an extra remedy for those that they catch, to have a fourth option, save the offenders reputation that has been ruined for others. He added for the past year members of the Florida Justice Committee (FJC) who reform the issues that affect local families and minorities as well; he asked that today the Board takes a look at what has been going on; one-third of Florida has already converted and issue tickets instead of ruining somebody's life with a record of being a criminal; and he thanked the Board for its time.

Michael Edwards stated his profession is a Certified Health Education Specialist, after obtaining his Master's Degree, he was employed by the Department of Defense (DOD) on three military bases, including Patrick Airforce Base, where he was the Health Education Program Manager; he feels it is time to do away with these penalties. He went on to say it is hard to wrap one's hands around the term medicine, but cannabis is medicine; the problem was that the government refused to let people study cannabis for 30 years; and since that time millions of people have lost their freedoms, their property because of cannabis. He noted cannabis has been used for thousands of years; some people even think that is was used in Biblical times as anointing oil in fact was cannabis oil; and he inquired why people are still being penalized for something that is so good for their health. He went on to explain that it does not make any sense; he got to know a gentleman last summer who started and organization called Law Enforcement Against Prohibition (LEAP); he is sure some people remember alcohol prohibition

May 3, 2016

and the lessons learned; were those lessons forgotten, when a plant was made illegal; and Sheriff Ivey said they can sometimes just take the plant, and let the person go. He added that has not worked; there are thousands and thousands of people in jail and prisons systems that police officers decided not to take the plant and not to let them go; all of their assets have been confiscated and their freedoms have been lost. He stated one of the notorious busts in the Cheech and Chong days was Tommy Chong; he was pinpointed by the Drug Enforcement Agency (DEA) because he was somehow involved in his son's bong business; although not actively involved; and the Bush Administration and DEA decided to make an example out of him and throw him in prison for nine months, even though cannabis was legal in California, bongs were illegal to be sold in some states. He added now they know bongs are considered drug paraphernalia, it should be termed as a medical device, because it does in fact administer medication to people; and as a health educator, who knows that cannabis is one of the least toxic plants on the planet, even less toxic than caffeine, that is now creating problems in some areas because stupid people, it should not be a method for taking assets from people. He mentioned it should not be creating criminal records for these people, that may ruin their entire life; and he hoped the Board would consider this.

Pam La Salle stated she was going to point out she has never used marijuana; she has smelled it in her youth at concerts and did not care for the odor, but she is not against this at all; she thinks more needs to be learned about how it pertains to Brevard County; and she would like the data. She inquired if there was a committee or group that would be the appropriate body to send this to, but she would like to know in Brevard County, how many arrests were made for illegal drugs, and of those how many were for marijuana possession, and of those what amount of cases were for 20 grams or under. She noted in her quick research last night, it is from the American Civil Liberties Union (ACLU), so she is not sure if they are the appropriate one to go to, but they said 52 percent of all drug arrests in 2010 were from marijuana, and of 8.2 million arrests for marijuana between 2001 and 2010, 88 percent were simply for having it; and other people try to associate it as a gateway drug, but she does not know, but would like the County to check into that. She added she would like to know what the associated costs are if the County were to get into this; data indicates \$30,000 a year for incarceration costs, just for the basic cost, that is not for the other legal proceedings and everything else that goes with it that the County has to provide for. She went on to say if the Board does check into this, she hopes it does it with someone who is independent, that does not have any motivation for job protection, or for money, she would like it to be an independent authority. She pointed out later this week, there will be discussion before the Board about a new courthouse; if some of the court proceedings were eliminated, maybe the money does not need to be spent on the courthouse; and she cannot answer any questions because she has more questions than answers.

Jodi James stated she is the Executive Director of a Statewide organization called the Florida Cannabis Action Network (FCAN), they have been in existence for 20 years; it was 20 years this year that Brevard County first held its Cannabis Freedom Festival in Wickham Park, so some of the Board's predecessors helped make those decisions back then. She added it is absolutely in the Board's purview to make this decision; the Board can do this just like the other county commissions and city councils have done around the State; the Board by law, has the authority to make this a civil infraction rather than a criminal offense; and FCAN hopes the Board does that, but for her, this is more about the rule of law, and that is why she has been doing this for 20 years. She went on to explain there are people who are going to use cannabis, they have been using cannabis, they are going to continue to use cannabis, and they more the body of research comes out, the more that is recognized that some of the harms that people have been led to believe are associated with cannabis are really associated with prohibition. She explained one of the speakers mentioned alcohol prohibition, and during alcohol prohibition, it was not a crime for one to have alcohol, the user was not criminalized, even during the height of alcohol prohibition one could brew a little beer, they could grow the grapes to make the wine, and one could give someone else a bottle of good wine during Christmastime, so long as there was no

May 3, 2016

recompense. She went on to explain she respects where Mr. Wilson's figures, but according to the Florida Department of Law Enforcement's (FDLE) computerized criminal history, in 2011, Brevard County arrested 927 people for misdemeanor possession; 58 percent of those people were people of color, black, brown, or Asian; so while they are saying it is okay to allow the Sheriff's Department to make a decision on who is going to be arrested and who is not going to get arrested, anyone who has a background in law will recognize the term arbitrary and capricious. She advised when they make the decision on the side of the road to arrest one child and not the other child, that is arbitrary and capricious; laws that are arbitrary and capriciously applied do not belong in this Country; she hopes the Board will make this its number one legislative priority when the lawmakers sit in its seat, before sending it back to Tallahassee, because it is not okay for her to tell her 22-year old that cannabis is illegal for him in Brevard County, and he will serve up to one year in jail and have \$1,000 fine, and possibly lose his driving privileges, but if he gets caught on the other side of the line, it will only be a \$100 fine. She added people want their children to respect the rule of law; the job of the Board is to protect public safety and health, FCAN is all about public safety and health; there are 5,000 people arrested every year in the State of Florida for selling marijuana, that is five thousand unlicensed, unregulated distribution points; when marijuana is legalized, it is legal like dynamite, not like spinach, but there are patients that have legal rights to have it, legal right to grow it, that is legal like dynamite; and now it is up to the Board to decide if it wants the only enforcement agency being law enforcement, or if public health can be increased by ensuring that people who are using cannabis have a third party test involved, so they know what they are getting. She inquired if this can be brought into the color of law so that people who are going to purchase cannabis are going someplace that is regulated by the Fire Department, maybe by inspectors, or if it is going to continue to allow it to be on the outside of the front of law and looking at the Board like it is the enemy. She highlighted it was the State Attorney for the City of Seattle last week at a Policy conference in New York who said "If your State has not already done medical marijuana, I recommend that you do both recreational and medical at the same time, lest you leave someone outside the rule of law."

Commissioner Fisher stated he has made it through high school and college and has dealt with it, but never smoked pot, so he does not know what exactly it feels like; he has had his share of Captain Morgan though; and he got a call from the State Attorney, not so much supportive of this, but he said he was considering putting an ordinance together that he would like the Board to see in reference to this. He explained his point was there were some kids that actually have made the mistake of having a certain amount of cannabis on them, and it has affected their ability to get into some colleges; it has affected their financial aid, some jobs, and it was a mistake by a kid that was other than that, being a kid. He added he said he would like for the Board to consider allowing the Sheriff to be able to issue it as a fine at the discretion of the Sheriff; then he got a call from the Sheriff's Department saying that he does not know about that; he has sent it back to the State Attorney and the Sheriff for them to help figure it out, because he does not know what the right thing to do is; and both of them have legitimate concerns, but he is worried about the kid who just messed up one time and it is something affecting his entire life. He explained he is not worried about protecting the drug dealer, or any of those things, and he does not know if those two will come to a meeting of the minds, he does not want a battle between the two of them, and he would hope they will come up with something for the Board to consider.

Commissioner Anderson stated he got those same calls; he thinks they need to straighten out their differences before the Board can make any decisions; it is so ironic, when he was in the Army, he was a drug suppression team member; he bought drugs from people and put them in jail; and he always thought it was ironic if a guy had a prescription for an opioid, he could not do anything to him, even though he knew that person was abusing them. He went on to say he ended up having a little pot, and got kicked out with a Dishonorable Discharge out of the Army; Brevard County and throughout the United States, prescription drug abuse is far worse than

May 3, 2016

cannabis consumption; and he would like them to figure out something. He added sooner rather than later it will pass in the State of Florida; there will be either medical or like Colorado with the recreational; it is going to happen in every state, because the Millennial generation that are coming of age and can vote will vote for it. He added he would like to see if staff could get some kind of meeting with the Sheriff and State Attorney to get whatever their input is, and what they can agree upon.

Chairman Barfield stated his take on this is he believes it needs to be on the legislative level; if that is what the Board needs to push for, to give direction at the legislative level so there is none of this one community can do this and another community can do that; it needs to be just like speakers said going from one county or city to another is different; and whatever the Board does, he believes that is what it needs to focus on.

Commissioner Infantini stated she is concerned about having one department being able to use their discretion and to whether or not this child goes and this one does not, she thinks that is capricious as was stated by one of the speakers; and whatever is decided, she thinks there should be a hard, fast rule that this is accepted and this is not. She informed it takes the ambivalence out of the decision making; she does not think there should be any ambiguity, either what the person is doing is unlawful, or it is not, and here is the penalty for doing that. She went on to say if one is below this amount, regardless of who someone is, there is a penalty; and she does not want favoritism to be a part of the decision process.

Commissioner Smith stated he would like for the County Attorney to weigh in on this matter; he knows more about the law than the Board does; and if the Board were to pass something like this, he inquired how it is affected by State and Federal Law.

Scott Knox, County Attorney, stated the County has the authority to pass County Ordinances; they cannot be passed if they are in conflict with State Law; State Law sets a criminalization penalty for possession of marijuana, it is established as a misdemeanor; when there is a County Ordinance, there is a County ordinance violation that states non-criminal; the Board can pass an ordinance for example if one is caught with 20 grams or less of marijuana that person would receive a fine under \$500; and if that happens, there is a County Ordinance violation. He advised there is still a State law in effect that says the Board can be guilty of a misdemeanor; at that point, it is up to the charging officer to decide what they would charge a person with.

Commissioner Fisher stated he thinks what is happening in the real world those offenses is getting them into the court system, but he is not sure that the State Attorneys are making that determination.

Attorney Knox stated at that point that is the State Attorney's decision on whether or not they will prosecute or not.

Commissioner Smith stated that is too ambiguous for him; he is with the people that says it is unfortunate that a kid that is otherwise a good kid gets caught with something that he is not supposed to have; he has not touched the stuff in his life; and in high school an awful lot of guys used to go out back and drink before the dances, and ironically, the cops did catch them at one point in time. He went on to say thankfully the cops told them to go home, and did not tell anyone, but told them they did not watch to catch them doing it again; almost every one of those guys became cops in the township that he grew up in; and their careers would have been circumvented had they been prosecuted. He understood that portion of the argument, but he believes the Board needs some wiser heads to make this determination.

Commissioner Anderson stated there is still officer discretion, he will not name any names, but there are police officers that if they catch a kid, with a joint, they will put it on the ground tear it

May 3, 2016

up and tell them to get out of there; so really it is something the individual officers, and even in that situation there could still be that one officer to write the misdemeanor; and there will still be picking and choosing, so it does not resolve what the Citizen Request is trying to accomplish.

Commissioner Smith stated if there was a guy that had prejudice against football players, versus a guy that is white, or a guy that is black, the discretion is not a good idea either, and he does not know what the answer is.

Commissioner Fisher stated like any good politician, he told Mr. Archer, and Sheriff Ivey that they needed to get it figured out; those are the two agencies that are going to write and enforce it at the end of the day.

The Board acknowledged request by Mr. Ron Wilson; and directed staff to research cannabis laws in other counties.

## **ITEM VI.F.2. BOARD DISCUSSION, RE: SUPPORTING INDIAN RIVER LAGOON (IRL) REGIONAL COMPACT**

Chairman Barfield stated this is a request that the Board support the Indian River Lagoon Regional Compact; it was basically signed this weekend; the Space Coast League of Cities, Treasure Coast League of Cities; and he has to say after an article that was in the paper this weekend, he needs to discuss that. He advised first there was an article that Commissioner Infantini put in the paper concerning the Indian River Lagoon and a number of other issues or a number of alleged facts. He noted he challenged that as Chairman of the Board because a lot of this is not correct; and he will take it by item. He referenced the article that the first item was asking the Governor to declare a State of Emergency to free up State funds and cut through bureaucratic red tape as she requested; the other Commissioners did not want this, and that was not entirely true; and the Board took action and voted to send a letter to the Governor. He read aloud the Board direction number one was to mandate septic tank inspection along coastal areas only, at the time of sale, require sewer if it is available; number two, expedite environmental permitting for muck removal; number three, request \$200 million for muck removal, \$30 million a year for 10 years, or \$40 million a year for five years; and number four, consider legislation to require communities whether high impact or not along National Estuaries to adopt a six cent tourism tax earmark. He went on to explain the second thing in the newspaper and he quoted "instead they want you to vote to tax yourselves to pay for the Lagoon woe's." He added that is not what was said; that is not what has happened; on Thursday April 7, 2016, at the Zoning meeting, he requested the County Attorney and staff to bring back information regarding a proposed Save the Lagoon Referendum, and if it were to be approved by the voters, the Special District would be created to fund Lagoon restoration projects; and the sustainable funding source would be for a fixed time period, not to exceed one mil. He went on to say the motion included creating a project list of estimates for the long term cost and possible funding mechanisms for Lagoon projects and restoration. He noted staff will be presenting a report at a future meeting tentatively in July; the restoration of the Indian River Lagoon (IRL) will take years to accomplish; and there is no quick fix, but is evidenced by Tampa Bay and Sarasota Estuary programs, restoration can be accomplished. He explained a reliable sustained funding stream is needed to remove muck; eliminate septic tanks, and correct existing outfalls draining directly into the IRL; and it also provides the opportunity to put skin in the game where there can be matching funds to expedite a lot of this. He quoted "I will remain steadfast in my commitment to the citizens who elected me. No new taxes or tax increases until the waste is cut and a priority list has been created." He indicated that is not entirely correct, Commissioner Infantini made the motion to approve a 70 percent utility increase with a bonded debt amount of \$130 million; he has the minutes here supporting that; and again these are alleged facts that are not facts. He stated they are very disingenuous; over the last few years, everyone has been hit

May 3, 2016

with a roughly 30 percent increase in the property tax rate, that is another quote; this is totally out of context of anything, he could not even find where that was; but she did quote in a newspaper in 2008 that she reduced the property taxes by 30 percent; and he does not understand how that could be. He pointed out this quote was in the *Florida TODAY* in 2012, "As a Certified Public Accountant and Auditor, my financial skillset helped reduce the all-time high 2008 budget by 30 percent without compromising service delivery to our residents." He inquired how she can in 2008 reduce the budget by 30 percent, but over the last few years the tax rate increases have went up by 30 percent; he stated if one figures in the stormwater discharge increase, that is where this comes from; and there is no 30 percent increase in property tax. He mentioned the 78 percent increase in the stormwater taxes; the rate went from \$36 per year to \$64 per year; the total increase is \$28 for Lagoon water quality projects; and that was up from the 1990 rates. He added the Board was using the 1990 rates; the 78 percent increase was a result in \$28 more a year; another statement about a sales tax increase for schools; that was a voter approved tax; it was presented to the Board under a petition, the way it should be done; and the voters decided to put that on the ballot, and it passed. He went on to say it is deceptive to imply that it is the Board that had anything to do with it, the Board had nothing to do with it; Commissioner Infantini inquired when the Lagoon would become a priority over corporate welfare. He responded tax abatement programs equal jobs, the Board knows that; the Board priority, and looking at Harris Corporation, he asked if that was corporate welfare, because Commissioner Infantini voted for it, and she voted against others; he does not understand the purpose. He remarked the fact is there is a lot going on in the County and to make some of these statements is totally ridiculous; the situation in the IRL and a lot in this County is the reason he is on the Board is to stop the bickering and what happened in the past; he would like to look to the future, there needs to be a vision for the future; each Commissioner can say things about priorities, and what each of them needs to prioritize, but the Board prioritizes by looking at the budget; and he added if she would like to keep bringing that up, the Board can change the budget, it can re-prioritize the budget, but that is its priority. He highlighted the one thing the Board needs to move on with, for the departing three County Commissioners, after this year, and the new ones coming in, they cannot keep looking backwards; wherever one looks is where they go; and the Board is going to go backwards if it keeps this up. He advised his focus on all of this is to bring options out for the public to what the Board can do; it is not going to make some people happy, so be it; he is going to make the best decisions he can to help the County make the right decisions; the Board needs to move on; and he would like to consider passing this Compact, and he has some comment cards to get to.

Commissioner Infantini stated she gets to have her rebuttal, Chairman Barfield has had 10 minutes to go after her; she does not understand the amount of time he dedicates to trying to attack her integrity and her character, but that is okay. She added first, the fact is what Chairman Barfield does not understand is the tax rate went up, roughly 30 percent, in the years 2011 and 2012, that is a fact; if one lives in a municipality, when coupling the tax rate increase, not the property tax dollars, which there is a difference, and she knows he is in business and would think he understood that; however, a tax rate is a percentage taxed on the millage on the property value on one's home, the property tax is the total dollars collected based on the value of one's home times the rate. She went on to say that is how there was roughly a 30 percent tax rate increase over the years 2011 and 2012, while still possibly having a property tax dollar decrease because the home went down in value; the two concepts are totally different; she never stated about the stormwater dollar amount on the 78 percent increase. She added percentages do not lie; 78 percent was how much the increase in the rate was; the rate increase for the water in Barefoot Bay, she did vote to raise the rate that is charged because she was told the only way to be able to bond out the improvements made that needed to be made in Barefoot Bay; and other communities, was to raise the rate of the water they are being charged for. She explained the Board cannot compare or combine the money being collected in that fund with the General Fund, it has to be self-supporting; it is called an Enterprise Fund; and she thought Chairman Barfield knew that, but perhaps he does not understand. She mentioned the

May 3, 2016

sales tax collected by the school board, she never once implied that the County had anything to do with it; instead, she was making the public aware that in addition to the taxes that were just approved by voter referendum, that the School Board asked for and received, there is still the Sales Tax Referendum looming out there; and what she said in her article was that the Board did not agree with her state of emergency. She added she made a motion, it was not seconded, therefore it fails four to one; not receiving a second, she knows some people do not realize, but when a motion is made and there is no second, that is a four to one vote against; it was an agreement by the other Commissioners not to approve the state of emergency; and there were other motions made afterward, but there was never a state of emergency, which the Board is entitled to do for the County. She advised there is a statute, F.S. 252, which allows counties to make their own state of emergency declaration, which then goes forward to the Governor, and if the Governor sees fit, he may also declare a state of emergency. She went on to explain when he does, one of the powers that he has granted is to circumvent the permit process, which is what she was trying to do; the permit process and the permit cost really adds on to the cost of cleaning the Lagoon; and if she could alleviate part of that processing time, even though some processes are relevant and helpful to keep people from over cleaning or over dredging the Lagoon, that is what she tried to do. She pointed out the Board said no, and did something else, like possibly passing a tax referendum, to offer it to the public; her argument is the public put the Board in office, most of them ran on no new taxes and that they would prioritize the spending; and it has not been done. She advised the Board said it was going to build a speculation building in Titusville for \$6 million, she does not think that is needed; maybe in 2008, when everything went bad, maybe that would have been a good idea; but now the economy is recovering; and what she keeps asking the Board to do is to prioritize and compromise. She stated one thing that is important to Commissioner Fisher may not be as important to her, one thing important to her may not be as important to Commissioner Anderson; and that is what she is trying to do.

Commissioner Fisher stated he thinks it is unfortunate that things are said; he has always said when someone sits up here they should not confuse the public; when one says certain things like the tax rate, the Average Joe would think that the County is getting 30 percent more revenue than they did the year before; and Stockton Whitten, County Manager, will tell anyone that the County does not have more revenue than it had; and North Brevard keeps getting attacked. He advised he does not think that the public knows that when talking about a steward of the taxpayers dollars and hating government a lot, he will go back to the private sector here in 202 days, four hours, and 15 minutes; he is looking forward to that, but he does not think that the government would realize that Commissioner Infantini will try to be the Clerk of Court, so she will get added 24 percent to her retirement; so eight years as a commissioner, eight years as a Clerk if she gets it, that is 48 percent; and when one takes a Clerk's position, at \$150,000 a year, 40 percent of that is \$72,000. He went on to say the taxpayers pay that \$72,000 for the rest of her life; she hates government, but most citizens realize if that goes as planned, that will happen for her, that the taxpayers will have to pay her the rest of her life after she retires, probably over \$75,000 a year. He noted it is the games they play, deceiving things; it is unfortunate and he is glad Chairman Barfield has set the record straight on some of that stuff.

Commissioner Infantini stated she has no idea what any of that matters to the Lagoon, but to the extent that it matters to the Lagoon, she thanked Commissioner Fisher for sharing.

Commissioner Fisher stated the Board could put \$75,000 into the Lagoon.

Stu Glass stated the Board is looking at the Indian River Lagoon Compact; in January of this year, Richard Gilmore from the Treasure Coast League of Cities, he is a member of the Indian River Council, like Commissioner Smith; he was talking with the Florida League President, Matt Surrency; they started to discuss what is important, where to go, and what to do from here; and one of the issues that came up was to get everyone together to talk about the Lagoon and get a

unified body. He went on to say the concept of one Lagoon, one community, one voice; Mr. Surrency came to the Space Coast League of Cities meeting in February; it was the same story, they embraced it; then they got together and had Dr. De Freese come to their March meeting; he gave a passionate speech, they asked for 15 minutes, they got 45 minutes; nobody got up and left, they asked questions to understand; and about that point in time, they decided it was time to get something done, he asked Dr. Stephanie Ely if she would work with Dr. De Freese to come up with something that had meat in it. He added not a one page fluff document, but a real document with something they could do; they came up with the Lagoon Compact.

Dr. Stephany Ely stated they have asked a number of governmental and private entities to join with them in this Compact; the more people that come together with that one voice, the more power they have in being able to bring down funds both from the State and Federal entities; and they are asking the Board to enter into this Compact. She went on to say it is their plan to have another signing ceremony; when some of the entities, like the Brevard County Tourist Development Council, is taking it up on Thursday; and they have asked some of the others such as the Economic Development Commission of Florida's Space Coast and some of the other entities throughout the County to sign this Compact and to enter into this Compact; and that is what they are asking today.

The Board approved supporting the Indian River Lagoon Regional Compact in partnership with the Space Coast League of Cities and the Treasure Coast League of Cities.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

## ITEM VII. PUBLIC COMMENTS

Pam La Salle stated the way the cannabis issue was handled, she would like to point out that there are three branches of government; the people who enforce the laws, should not be writing the laws; and to hand off the cannabis issue to the people who enforce the law is inappropriate. She went on to say this is the body that writes the ordinances for this County; it is not the Sheriff, or the State Attorney; when the Animal Shelter got handed off to the Sheriff, the ordinance was changed and she asked who had their hand in writing it, and she never got an answer. She pointed out she did not have this issue in the first public comment, the Board is the one who make the law, not the other bodies; imagine the Sheriff on Nottingham, she believes that is what he tried to do.

## ITEM VIII.A. STOCKTON WHITTEN, COUNTY MANAGER

Stockton Whitten, County Manager, presented a video for online permitting; he stated the County recently started allowing contractors to apply for permits online; and they have added additional permits to that. He added that is a real service enhancement for the contractors and the community; and he just wanted to congratulate staff on all of the efforts to streamline what they do, and to bring those permits online.

**ITEM VIII.D. TRUDIE INFANTINI, DISTRICT 3 COMMISSIONER**

Commissioner Infantini stated she is proud of staff for streamlining and making permitting more efficient; back in 2008, she ran on the pledges of not raising taxes without getting rid of the waste in government and she has stuck to that promise; and she also ran on trying to streamline permitting and making it more efficient and user friendly. She reiterated she is very appreciative of staff for helping her meet that goal.

**ITEM VIII.F. CURT SMITH, DISTRICT 4 COMMISSIONER/VICE CHAIRMAN**

Commissioner Smith stated he would also like to thank staff for streamlining the permitting process; he thinks they should be commended for streamlining permits; and it is extremely important. He added he would like for the Board, some time in the future to consider term limits for Constitutional Officers; and he is not proposing this as a witch hunt to current Constitutional Officers, he does not have a problem with any current Officers, but this is something that has been deemed good for the Presidency as well as the County Commission, and he thinks it would behoove the County Government to do the same with Constitutional Officers. He went on to say, if the Board were to do that, he would exempt current Constitutional Officers so that the Board could not be accused of some kind of a witch hunt against any of them; in other words, if the Board were to do that, it would take a Super Majority vote, it would not take effect until their replacements take office. He noted if one of them stayed in office for six years, or 60 years, that office would not change until the next person replaced them; and it is just something he would like to consider going forward.

Commissioner Infantini stated she would like to wait until Commissioner Fisher has an opportunity to work out what her future pension would be in the event she does get elected; and she stays on for the 24 years, she is sure the public is very concerned how much she may earn and her pension. She inquired if Commissioner Fisher was able to calculate that to see how much she would earn in a pension if she got elected as Clerk of Court and stayed in that job for 24 years. Commissioner Fisher responded he can, and that is why he thinks the public would be a little shocked to know that she hates government, but she will collect, in that case she just made, probably \$130-140,000 a year.

Commissioner Infantini stated she does not think one can earn more than their current pay; one can only earn a percentage of their pay; and for the record, she does not hate government.

Commissioner Fisher stated he thinks there was something about the term limits when they tried the last time and Attorney Knox would know more about it, but he seems to remember the Commissioner in District One, Truman Scarborough, got caught up in that scenario and it might have even been some kind of legal battle to clear it or something, but he had to take the eight years so he could start a new eight years.

Scott Knox, County Attorney, stated what happened was a Supreme Court case came down and implied that county commissioners could be covered by term limits; then they came back and basically said that charters could not set term limits, but then came back and said they could, so if the Board would like to do that, it can, but it takes four votes and referendum approval.

Commissioner Smith stated he is just throwing it out there for the Board to think about; a lot of ruckus is made oftentimes about feeding from the public trough because there are not term limits, and Federal Government, the Senate, and Congress have people feeding from the public trough for 10, 20, or 30 years; and he thinks most people have an objection to

May 3, 2016

that. He added he is not sure that objection would not go to people that serve locally for 10 and 20 years; that is his whole purpose, and it is not aimed at any one specific officer, or person, or office, it is a general statement that Constitutional Officers should not be any different than anyone else. He went on to explain the Board could even discuss how long the term limits should be; they may be two, three, or four terms, but it is something he would like to kick around.

Chairman Barfield inquired if he could shorten theirs at the same time, down to four years.

**EXECUTIVE SESSION DAVID WILLIAMSON V BREVARD COUNTY, FLORIDA; CASE NO. 6:15-CV-01098-28DAB; AND JEFFREY W. PICCOLELLA ET AL V BREVARD COUNTY, FL CASE NO. 6:15-CV-01610-OEL-41DAB**

The Board temporarily adjourned for Executive Session to be held in the County Manager's Office in the cases of David Williamson v Brevard County, Florida, Case No. 6:15-CV-01098-ORL-28DAB; and Jeffrey W. Piccolella et al v Brevard County, Florida, Case No. 6:15-CV-01610-ORL-41DAB.

Upon consensus, the Board adjourned at 12:30 p.m.

ATTEST:

\_\_\_\_\_  
SCOTT ELLIS, CLERK

\_\_\_\_\_  
JIM BARFIELD, CHAIRMAN  
BREVARD COUNTY BOARD OF  
COUNTY COMMISSIONERS