

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 November 3, 2015 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	Vice Chairman/Commissioner District 1	Present	
Jim Barfield	Vice Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

**INVOCATION**

The invocation was given by Father Demetri Tsigas, St. Katherine Greek Orthodox Church, Melbourne.

**PLEDGE OF ALLEGIANCE**

Chairman Fisher led the assembly in the Pledge of Allegiance.

**ITEM I.A., PRESENTATION BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, RE: PARKS AND RECREATION DEPARTMENT RECIPIENT OF \$50,000 FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM GRANT**

Ed Perry, Department of Environmental Protection, stated he is a Park Ranger at nearby Sebastian Inlet State Park; the Florida Department of Environment Protection (FDEP) is proud to administer a program called the Florida Recreational Development Assistance Program; it is a competitive grant and it funds acquisition and/or development of lands for public use; and this morning he has the honor of presenting the community a grant check in the amount of \$50,000 for the Harry and Harriet Moore Park in Titusville. He went on to say these funds will pay for a picnic pavilion, walking trails, and landscaping.

**ITEM I.B., RESOLUTION, RE: RECOGNIZING NOVEMBER 2015 AS NATIONAL FAMILY CAREGIVERS MONTH**

Commissioner Fisher read aloud, and the Board adopted Resolution No. 15-207, Recognizing November 2015 as National Family Caregivers Month.

Dale Viger, Chief Executive Officer (CEO) of Brevard Alzheimer's Association, introduced Janet Steiner, Director of Education and Family Care, Brevard Alzheimer's Association; and she expressed her appreciation to the Board for the Resolution. She explained to the Board a little bit about the Brevard Alzheimer's Association.

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

**ITEM I.C., RESOLUTION, RE: RECOGNIZING NOVEMBER 15, 2015, AS PARENTAL INVOLVEMENT DAY**

Commissioner Anderson read aloud, and the Board adopted Resolution No. 15-208, recognizing November 15, 2015, as Parental Involvement Day.

Sky Beard, Executive Director of Early Learning Coalition of Brevard County, expressed her appreciation to the Board for the Resolution.

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

**ITEM I.D., RESOLUTION, RE: RECOGNIZING NOVEMBER 2015 AS NATIVE AMERICAN HERITAGE MONTH AND NOVEMBER 1-15, 2015, AS NATIVE RHYTHM FESTIVAL DAYS IN BREVARD COUNTY**

Stockton Whitten, County Manager, read aloud, and the Board adopted Resolution No. 15-209, recognizing November 2015 as Native American Heritage Month and November 12-15, 2015, as Native Rhythm Festival Days in Brevard County.

Martha Pessaro, Native American Heritage Group, introduced David Jenkins, John Ellis, Claire Ellis, and Pat Jenkins; and she expressed her appreciation to the Board for the Resolution.

The Group provided the Board with Native American music.

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

**ITEM I.E., RESOLUTION, RE: RECOGNIZING NOVEMBER 2015 AS NO-SHAVE NOVEMBER IN BREVARD COUNTY**

Commissioner Smith read aloud, and the Board adopted Resolution No. 15-210, recognizing November 2015 as No-Shave November in Brevard County.

Aaron Robinson, HealthFirst Cancer Institute, expressed his appreciation to the Board for the Resolution.

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

**ITEM I.F., RESOLUTION RECOGNIZING DECEMBER 6, 2015, AS ABATE'S CHRISTMAS BIKE FEST DAY IN BREVARD COUNTY**

Commissioner Smith read aloud, and the Board adopted Resolution No. 15-211, recognizing ABATE's Christmas Bike Fest Day in Brevard County.

Rick Venerable, President of Brevard Chapter of ABATE, expressed his appreciation to the Board for the Resolution.

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

**ITEM II.A.1., GRANT AGREEMENT NO. G0430 WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP), RE: FLOATING VEGETATIVE ISLANDS FOR TEN (10) STORMWATER PONDS**

The Board authorized the Chairman to execute Grant Agreement No. G0430 with FDEP for wet detention pond upgrade cost-share funding; approved the legal venue as Leon County; authorized the County Manager, or his designee, to execute any future contract amendments, subject to the approval of County Attorney and Risk Management; and approved the associated budget change requests.

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

**ITEM II.A.3., AMENDMENT NO. 2 TO GRANT CONTRACT S0648 WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP), RE: BREVARD COUNTY BAFFLE BOX UPGRADES**

The Board authorized the Chairman to execute Amendment No. 2 to Grant Contract S0648 with FDEP for additional Baffle Box Upgrades, subject to language review and approval by the County Attorney and Risk Management; approved legal Venue as Leon County; authorized the Chairman to execute Change Order No. 1 with JoBear Contracting, Inc., to complete the additional work; authorized the County Manager, or his designee, to execute future contract amendments, subject to the approval of the County Attorney and Risk Management; and approved the associated budget change requests.

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

**ITEM II.A.4., PARTICIPATION AGREEMENT WITH CITY OF MELBOURNE, RE: CRANE CREEK ST. JOHN'S OUTFALL - LAMPLIGHTER DRAINAGE IMPROVEMENTS**

The Board adopted Resolution No. 15-212, authorizing execution of the Agreement with City of Melbourne for construction of Crane Creek St. Johns Outfall Stage II Lamplighter Drainage Improvements; approved the Interlocal Agreement with the City of Melbourne, subject to the approval of the County Attorney and Risk Management; and approved the associated budget change requests.

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

**ITEM II.A.5., EASEMENT ACQUISITION, RE: KINGSMILL/AURORA DRAINAGE IMPROVEMENT PROJECT**

The Board authorized the County Manager, or his designee, to accept delivery of and cause the recording of any deed, grant of easement, or other instrument conveying interest in real property needed for the Kingsmill/Aurora Drainage Improvement Project, pursuant to Policy BCC-24, as revised on July 9, 2013.

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

**ITEM II.A.6., PRELIMINARY PLAT/FINAL ENGINEERING APPROVAL, RE: HERITAGE ISLE TRACT F - LENNAR HOMES, LLC**

The Board granted preliminary plat and final engineering approval for the Heritage Isle Tract F - Lennar Homes, LLC Project.

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

**ITEM II.A.7., SUPPLEMENTAL AMENDMENT NUMBER 2 TO INTERLOCAL AGREEMENT WITH CITY OF MELBOURNE, RE: WICKHAM ROAD AND POST ROAD INTERSECTION IMPROVEMENTS**

The Board executed supplemental Amendment Number 2 to the Interlocal Agreement with the City of Melbourne for the Wickham Road and Post Road Intersection Improvements; and approved any budget change requests necessary for this action.

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

**ITEM II.A.8., RESOLUTION AND SUPPLEMENTAL AMENDMENT NUMBER 1 TO THE COUNTY INCENTIVE GRANT PROGRAM AGREEMENT WITH STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, RE: WICKHAM ROAD AND POST ROAD INTERSECTION IMPROVEMENTS**

The Board adopted Resolution No. 15-213, to the County Incentive Grant Program Agreement FM #431923-1-38-01; and executed the Supplemental Amendment Number 1 with the State of Florida Department of Transportation for the Wickham Road and Post Road Intersection Improvements.

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

**ITEM II.A.9., AMENDMENT 1 TO CONTRACT FOR SALE AND PURCHASE WITH JACK L. AND SANDRA L. WOODS, RE: ACQUISITION OF PROPERTY LOCATED AT 1697 SE WYOMING DRIVE, PALM BAY, AS PART OF THE BABCOCK STREET, SE WYOMING DRIVE AND VALKARIA ROAD INTERSECTION IMPROVEMENT**

The Board authorized the Chairman to execute the Amendment 1 to the Contract for Sale and Purchase for the property located at 1697 SE Wyoming Drive, Palm Bay.

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

**ITEM II.B.1., AGREEMENT WITH ROCKLEDGE HMA, LLC, RE: REFERENCE LABORATORY FOR TOXICOLOGY AND HISTOLOGY SERVICES**

The Board authorized the Chairman to sign a single-source Agreement with Rockledge HMA, LLC, for toxicology and histology services for the District 18 Medical Examiner's office, upon

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approval of the County Attorney and Risk Management; and authorized the Chairman to sign renewals, amendments, and modifications upon the approval of the County Attorney and Risk Management.

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

**ITEM II.B.2., RESOLUTION AND LEASE AGREEMENT WITH BREVARD COUNTY AIRBOAT ASSOCIATION, INC., RE: LAKE WASHINGTON PARCEL**

The Board adopted Resolution No. 15-2014, authorizing the leasing of real property to a not-for-profit corporation organized under the Laws of the State of Florida; and executed a Lease Agreement with the Brevard County Airboat Association, Inc. (BCAA) for the Lake Washington parcel.

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

**ITEM II.B.3., ACCEPTANCE OF A \$225K STATE OF FLORIDA CULTURAL FACILITIES GRANT; AND AUTHORIZATION TO UTILIZE CONTINUING CONSTRUCTION MANAGEMENT (AT RISK) AND A&E CONTINUING CONTRACTS, RE: HARRY T. AND HARRIETTE V. MOORE CULTURAL COMPLEX, INC.**

The Board accepted \$225K Cultural Facilities Grant for facility enhancements at Harry T. and Harriet V. Moore Memorial Park; authorized the Chairman to execute the Contract the Restrictive Covenant; authorized the Chairman to execute the Contract and the Restrictive Covenant; authorized the Chairman to execute the Continuing A&E and Construction Management Contracts for this project; and approved all associated budgetary and financial documents related to this project.

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

**ITEM II.B.4., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE FOR PUBLIC HEARING, RE: AMENDMENT TO CHAPTER 98A, CODE OF ORDINANCES F BREVARD COUNTY, AMENDING ARTICLE 1, SPECIFICALLY AMENDING SECTION 3 - PORT ST. JOHN/CANAVERAL GROVES RECREATIONAL FACILITIES MUNICIPAL SERVICE TAXING UNIT (MSTU)**

The Board approved legislative intent and granted permission to advertise for a public hearing to consider adoption of the proposed amendment to Chapter 98A, Code of Ordinances of Brevard County, Florida, amending Article 1, and specifically amending Section 3 - Port St. John/Canaveral Groves Recreational Facilities MSTU.

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

**ITEM II.C.1., CONTINUATION OF EXISTING AGREEMENT WITH STEWART B. CAPPS, RE: SPECIAL MAGISTRATE SERVICES**

The Board approved the Amendment to the Special Magistrate Services Agreement with Stewart B. Capps, which renews the existing Agreement for one year.

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

**ITEM II.C.3., AUTHORIZATION, RE: TERMINATION OF A GROUND LEASE WITH DR. BEN STOREY IN ADVANCE OF THE END DATE OF THE AGREEMENT; AND EXECUTE A BILL OF SALE**

The Board authorized the Chairman to execute the approved Lease Amendment to the Contract with Dr. Ben Story, providing for termination of a Ground Lease in advance of the end date of the Agreement; and authorized the Chairman to execute the approved Bill of Sale for decommissioned tower for a nominal fee of \$10, subject to approval by the County Attorney.

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

**ITEM II.C.4., AMENDMENT TO CONTRACT WITH FIRST CALL NETWORK, INC., RE: ASSIGNMENT OF CONTRACT FROM FIRST CALL NETWORK, INC. TO EMERGENCY COMMUNICATIONS NETWORK, LLC FOR EMERGENCY NOTIFICATION SERVICES**

The Board approved the Amendment to Contract with First Call Network, Inc., assigning the Contract for emergency notification services to ECN following ECN's purchase of First Call Network, Inc.

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

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

The Board approved Budget Change Requests, as submitted.

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

**ITEM II.D.2., ACKNOWLEDGE RECEIPT, RE: FY 2015-2016 MEETING SCHEDULE FOR THE BAYTREE DEVELOPMENT DISTRICT**

Commissioner Infantini stated Items II.D.2. through II.D.6. are accepting of schedules for Community Development Districts; a Community Development District is an area of the community which taxes themselves for improvements that they want to make to their part of the community; they pay an extra tax; all of that additional tax or fee is paid by them and used in their community; and this is different from Community Redevelopment Agencies. She went on to say CRA's collect most of the property tax generated in that area, but it is on the property tax rather than contributing it back to the General Fund for the Board to spend, so when the Board is looking for additional tax dollars, and she wants the listening public to understand, that certain communities tax themselves extra above the County taxes so they can make improvements; and CRA's take out of the County's share what it would otherwise collect in general taxes. She pointed out there is other money out there, it is a choice; it is the Board's choice to tax the public extra; and when the Board comes looking for extra money, she wants the public to know there is an alternative.

The Board acknowledged receipt of the FY 2015-2016 meeting schedule for the Baytree Community Development District.

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



**ITEM II.D.3., ACKNOWLEDGE RECEIPT, RE: FY 2015-2016 MEETING SCHEDULE FOR THE VIERA EASE COMMUNITY DEVELOPMENT DISTRICT**

The Board acknowledged receipt of the FY 2015-2016 meeting schedule for the Viera East Community Development District.

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

**ITEM II.D.4., ACKNOWLEDGE RECEIPT, RE: FY 2015-2016 MEETING SCHEDULE FOR THE MONTECITO COMMUNITY DEVELOPMENT DISTRICT**

The Board acknowledged receipt of the FY 2015-2016 meeting schedule for the Montecito Community Development District.

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

**ITEM II.D.5., ACKNOWLEDGE RECEIPT, RE: FY 2015-2016 MEETING SCHEDULE FOR THE CAPE CANAVERAL COMMUNITY DEVELOPMENT DISTRICT**

The Board acknowledged receipt of the FY 2015-2016 meeting schedule for the Cape Canaveral Community Development District.

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

**ITEM II.D.6., ACKNOWLEDGE RECEIPT, RE: FY 2015-2016 ADOPTED BUDGET FOR MONTECITO COMMUNITY DEVELOPMENT DISTRICT**

The Board acknowledged receipt of the FY 2015-2016 adopted budget for Montecito Community Development District.

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

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**ITEM II.D.7., ACKNOWLEDGE AND REJECT OFFER OF SETTLEMENT, RE: BREVARD COUNTY V. WALTER PLATT, ET. AL.**

The Board acknowledged and rejected the offer of settlement for Brevard County v. Walter Platt, et. al.

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

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

The Board appointed **Puneet Kapur** to the Tourist Development Council, with term expiring December 31, 2018.

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

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

The Board approved the Billfolder, as submitted.

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

**ITEM III. PUBLIC COMMENTS (30 MINUTES)**

Charles Tovey expressed his appreciation to the Board for having him. He stated he is getting healthier every day. He talked to the Board about his Code Enforcement fines and fees, and implementing his programs.

**ITEM IV.A., PUBLIC HEARING, RE: VETERANS MEMORIAL PARK EXPANSION PHASE II CONSTRUCTION**

Chairman Fisher called for a public hearing to consider Veterans Memorial Park Expansion Phase II Construction.

John Denninghoff, Public Works Director, stated this is a public hearing for seeking a finding of public interest regarding using the Road and Bridge to construct facilities for the Parks and Recreation Department in the Veterans Memorial Park in Merritt Island; the Florida Statues require that we have the public hearing for that purpose whenever it exceeds approximately

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\$300,000; and in so doing, Parks and Recreation have obtained a cost estimate from their engineering consultant and from Road and Bridge; and comparing them, the Road and Bridge cost is below that. He pointed out 60 percent of that is done by bid out services provided to the public through contracts and purchase orders for materials, labor, and services provided. He stated one of the advantages in this particular case is they are already constructing Phase I of the Park; and staff is able to move into Phase II assuming the Board approves this item.

There being no comments, the Board approved the Public Works Department (Road and Bridge Program) to perform the services necessary for the construction of the Phase II development of the Veterans memorial Park Expansion for the Brevard County Parks and Recreation Department.

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

Stockton Whitten, County Manager, asked the Board to clarify a previous action associated with this Item. He noted on August 18, 2015, the Board approved the acceptance of the \$1.5 million Legislative appropriation for the expansion; the Board authorized the Chairman to execute the contract and authorize the use of A&E Services and Construction Management contracts; in doing that, staff failed to ask it to authorize the Chairman to also execute the continuing A&E Services and Construction Management contracts for this Project.

The Board authorized the Chairman to execute the Continuing A&E Services and Construction management contracts for this project.

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

#### **ITEM IV.B., ORDINANCE, RE: ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION FOR PROJECT FLOTILLA**

Chairman Fisher called for a public hearing to consider an ordinance for Economic Development Ad Valorem Exemption for Project Flotilla.

Stockton Whitten, County Manager, stated Project Flotilla plans to create 65 new full-time jobs in the next three years with an average wage of approximately \$44,500, and plans to invest approximately \$2.9 million in new capital investments; they are a manufacturer of high-end yachts; and they are located in Titusville. He went on to say the Economic Development Commission (EDC) has made a recommendation that an abatement and exemption of approximately 80 percent for eight years; and the Property Appraiser has estimated that would be \$12,466 annually.

Commissioner Infantini stated she would like to table this Item; she would like the Board to start to identify what the County's priorities are and where funds are going to come to meet those priorities; she realizes the taxpayers voted to support tax abatements; but they did not vote to

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support cash up front monies and non-tax abatements; and it should not be done to the detriment of County operations. She stated to the extent of creating a tax abatement for a company that would otherwise create a shortfall in County revenue so it would not be able to meet its core needs, she does not think that is what the voters intended. She encouraged the Board to stop handing the tax abatements out so generously.

Commissioner Smith stated Commissioner Infantini raised a good point, and he wants to clarify something. He inquired if there is a net gain in tax revenue from the ordinance; and if the County is giving a tax abatement of \$12,000, what is the net gain.

Chairman Fisher stated every time the Board does something like this, there is a net gain.

Commissioner Smith stated he wants to make sure people are aware of that. He inquired if there is a net gain of \$79,000, and it really is not costing the County anything.

Commissioner Infantini inquired if there is such a net gain every time the Board adds a job, then why not abate 80 percent of the property taxes on anyone wishing to start a business. She stated they should go through the County not the EDC.

Commissioner Smith stated his understanding is the law prescribes how this is to be done; the law provides frame work to be followed; and when a company fits into that frame work, the Board can consider it.

Commissioner Infantini stated she does not know if the Board is following the frame work, because she is not permitted to do a performance audit on the EDC, and she is not permitted to know every single company that applies for a tax abatement even though she has asked for those records. She pointed out the EDC has successfully argued that they do not have to turn over their records; and the County is paying \$1.6 million to an organization to skim through and selectively choose which companies get tax abatements; and she does not know if they are doing it fairly because there is no performance audit.

Commissioner Barfield stated there are 65 positions, annual payroll of \$3.3 million, they are putting \$2.3 million in capital investment, and those 65 positions, the people will be paying taxes; and the reality is if people are working, it is helping the County.

Commissioner Infantini stated she asks for the proof, and not once has there been a performance audit.

Chairman Fisher stated over the years the Board has rescinded the abatements if they did not create the jobs; and he asked to clear the process up for the public.

Mr. Whitten explained in the Ordinance, and part of the reconciliation of the auditing process, each year companies have to submit their payroll to the County; staff is looking at their payroll documents and what is submitted to the State; and they know how many jobs are actually created, the tangible property is calculated by the Property Appraiser, and if they do not meet the jobs promised in terms of the payroll submitted to the State, they are eligible to be rescinded. He pointed out every year the Board rescinds eight to nine companies.

Chairman Fisher stated there is a State Statute that dictates if a company is eligible; and there is a check and balance in it.

Commissioner Anderson stated there is also certifications that have to go to the Secretary of State.

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Commissioner Infantini stated she would like to see how many jobs that have been promised have actually materialized.

Commissioner Anderson stated this is strictly regulated; restaurants and Walmart cannot get tax abatements; and only qualified industries are eligible for abatements.

There being no further comments, the Board adopted Ordinance No. 15-28, Economic Development Ad Valorem Exemption for Project Flotilla.

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

**ITEM IV.C., RESOLUTION, RE: PETITION TO VACATE PUBLIC DRAINAGE EASEMENT - TRACY COURT - TROPICAL VILLAS UNIT TWO - MICHAEL J. GALVIN**

Chairman Fisher called for a public hearing to consider a resolution to vacate public utility easement on Tracy Court in Tropical Villas Unit Two in Section 6, Township 21 South, Range 35 East.

John Denninghoff, Public Works Director, stated this is a vacating request for a rear yard easement for a single-family residential unit; and there have been no objections received.

Michael Galvin stated he is a disabled Veteran, and this type of money puts a burden on him; and he was made aware the Board can vote to give him that money back.

Chairman Fisher inquired if the Board has done this before. Mr. Denninghoff replied there have been occasions when the Board has voted to waive the vacating fee; there is no process or procedure in place to do that either in advance or afterwards; and staff has no basis on which to waive it. He advised the Board that while vacating is a provision of the Florida Statutes, the fee that is charged is discretionary. He stated the fee charged typically does not cover the cost of the advertisement that goes in the paper, which would easily exceed \$640 being charged.

Commissioner Barfield stated he would like to amend the motion to waive the fee.

Commissioner Anderson stated all he would ask is that Mr. Galvin provides staff with his disability paperwork as part of the motion.

There being no further comments, the Board adopted Resolution No. 15-215, vacating public utility easement on Tracy Court in Tropical Villas Unit Two in Section 6, Township 21 South, Range 35 East; and waived the application fee once Mr. Galvin provides staff with his disability paperwork.

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

**ITEM V.A., BOARD CONSIDERATION, RE: REVISION TO FIREARMS POLICY/PUBLIC COMMENTS**

Scott Knox, County Attorney, stated this is a revision of the Firearms Carrying Policy the Board instructed him to prepare at the last meeting.

Commissioner Anderson inquired if the Policy is concurrent with State Law. Attorney Knox replied affirmatively.

Chairman Fisher stated employees cannot bring firearms into the buildings based on the Board's Policy; and a Constitutional Officer feels like the Board should consider looking at that; and by allowing the public to bring in a firearm, it puts employees at a disadvantage.

Commissioner Anderson stated probably anyone who would do harm, would not have a concealed weapons carrying permit; and the fear should not be of the lawful concealed carry citizen out there.

The Board executed Policy BCC-55, revising Firearms/Public Comment.

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

**ITEM VI.B.1., MONTH TO MONTH AGREEMENT TO EXTEND EXISTING CONTRACT WITH INTERNATIONAL GOLF MAINTENANCE, RE: THE SAVANNAHS, THE HABITAT, AND SPESSARD HOLLAND GOLF COURSES**

The Board executed a month to month extension of Agreement to Existing Contract with International Golf Maintenance (IGM) with an increase of 1.5 percent (\$1,973 monthly), and a period not to exceed twelve (12) months for the maintenance of the County's three Golf Courses, The Savannahs, The Habitat, and Spessard Holland.

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

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**ITEM VI.C.1., APPROVAL, RE: POLICY BCC-54 - SOLICITATION, PICKETING, AND PETITIONING ON COUNTY PROPERTY (MOVED FROM ITEM II.C.2.)**

Commissioner Infantini stated she would like to expand the picketing districts; and she thinks the zoning map is too restrictive for free speech.

Stockton Whitten, County Manager, stated it is a life/safety issue regarding where the zone is.

The Fire Inspector stated there are three parts to an exit; there is access to the exit; there is the exit door; and the third part is egress to a public way. He stated the areas highlighted are the areas that are an access to a public way.

Chairman Fisher inquired if it is the Fire Inspector's recommendation that this be approved. The Fire Inspector replied it was only brought to his attention about 20 minutes ago; and he would like some time to look at all of the areas, and to mark all of the areas that should not be occupied by protesters.

The Board executed Policy BCC-54 - Solicitation, Picketing, and Petitioning on County Property, with changes and new review dates.

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

**ITEM VI.E.1., ACKNOWLEDGE RECEIPT, RE: ANNUAL AUDITED FINANCIAL STATEMENTS OF THE FLORIDA DEVELOPMENT FINANCE CORPORATION FOR THE FISCAL YEAR ENDING JUNE 30, 2015**

The Board acknowledged receipt of the annual audit for the Florida Development Finance Corporation for the year ending June 30, 2015.

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

**PUBLIC COMMENTS**

Charles Tovey stated he has been in this room and there was no room for anyone; it was difficult to function, especially being disabled; and he thinks there are 240 people allowed in the Commission Room. He expressed his appreciation to the Board for allowing him to speak.

Commissioner Infantini thanked Mr. Tovey for speaking up for the people.

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**ITEM VI.F.1., CITIZEN REQUEST BY FLORIDA PACE FUNDING AGENCY, RE: WIND RESISTANCE AND ENERGY EFFICIENCY IMPROVEMENTS FOR BREVARD COUNTY PROPERTY OWNERS**

Jay Neal, Florida PACE Funding Agency, stated he met with the Board, except for Commissioner Infantini. He provided a PowerPoint presentation to the Board.

Commissioner Infantini inquired if the interest of five to seven percent was guaranteed, because she didn't see that seven percent cap on the document. Mr. Neal replied no, the initial rate fluctuates with the secondary market; but once it is set it is set. Commissioner Infantini inquired if it is set to go no higher than seven percent. Mr. Neal replied no. Commissioner Infantini stated she thinks wind improvements is nice to have on a home, however, having a car is also important; and if the Board wants to allow people to add to their property tax bill, to add a car, because a car is critical as the bus system is lacking; the Board should add on to the property tax bill, home mortgage and car loans; and she thinks it is not a good idea to start tacking onto the property tax bill things other than property taxes. She went on to say the County also tacks on the garbage collection to the property tax bill; and she does not think it should be. She pointed out the City of Palm Bay does not tack that on to the property tax bill, and people have the right to pay the garbage collection or take their garbage to the dump themselves.

Commissioner Anderson noted a person does not have a choice in the City of Palm Bay; if a person does not pay his or her garbage bill, the City shuts off the person's water; and if a person does not pay the bill, there is no garbage, water, or sewer.

Commissioner Infantini stated the people she knew through campaigning had water and sewer and had not paid their garbage bill; and they had a garage full of garbage.

Mr. Neal stated these authorized improvements were vetted through the Legislative process; and it was actually unanimously supported on a bipartisan basis when the Statute passed.

Commissioner Infantini stated she does not agree with the Legislature; she does not think a person should be tacking adding other items onto their property tax bill; if they default, they will also be defaulting on their property tax bill; and it would increase the delinquency rate of tax collections because they are adding something to a tax bill to people who otherwise had bad credit. She noted if they have such bad credit that they cannot go out and get a decent interest rate, then the likelihood they will default on their property taxes also goes up.

Mr. Neal stated credit scoring is the only thing that is not looked at; a person still has to have paid their taxes on time for the past three years; they still have to have equity in their home and be current on their mortgage; and a person cannot have a bankruptcy for the past three years. He went on to state a credit rating is somewhat arbitrary. He stated the data so far points out it is actually the opposite; there have been about \$1.6 million in assessments in California; and the delinquency rate is about a tenth of the average. He pointed out people are investing in their homes, they are more committed in staying in the property and paying the mortgage and taxes on time; and that is proving out in the data.

Commissioner Smith stated at first he really liked the idea of the Program, but as he thought about it, one of the issues he was concerned with was if a person is not really going out and determining if this person is capable of paying these bills and just putting it on the house because the house is going to be the source of the security; and he inquired if the Board be encouraging people to incur debt he or she cannot afford.

Mr. Neal stated the credit score is the only thing they are looking at; and in some cases people just do not have a score. He inquired if he finances windows and his credit score goes down



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just as he is selling one house and trying to buy another house, why play with that. He stated in most cases this item is a consent agenda item. He pointed out they pay half of their homeowners premiums; 60 percent of their housing stock is pre-Florida building code; and it should be public policy in Florida to harden the structures, because by doing that it lowers risk, makes people safer, adds to a communities viability post-catastrophe, and that is the reason they are involved with the program, as they are a third party validator.

Chairman Fisher stated banks are sometimes difficult to deal with; there are people who are homeowners that could be getting counsel because their roof is at the age it needs to be replaced; and getting financing to do that sometimes is difficult. He noted a roof is generally between \$20,000 and \$25,000; and coming up with that kind of cash is difficult.

Mr. Neal advised the Board the County has no liability as a matter of law; the bonding program is valid and vetted; and he reiterated the County has no cost.

Commissioner Barfield stated he is opposed that encourages people to go in debt; it has been one of the critical things in this country; and to him it looks like it is encouraging people from another angle to go in debt.

Commissioner Infantini stated she asked what the maximum rate was, Mr. Neal said five to seven percent; and then she asked him again, and he said seven percent was not the maximum rate. She inquired what the maximum interest rate is that can be charged on this. Mr. Neal replied the maximum rate changes every week; and as rates go up it can go up to seven or eight percent. Commissioner Infantini inquired what the maximum interest rate over time they can charge any one person. Mr. Neal responded the initial rate is the maximum rate for the rest of the term; he cannot tell her what that maximum rate is because it fluctuates; but once it is set and is disclosed, it cannot change. Mr. Neal noted it is based on market indexes. Commissioner Infantini inquired what the percentage equity is someone must have in their home. Mr. Neal replied they have to have enough equity based on just value to cover the cost; and there is no percentage, it has to be enough equity to cover the project. Commissioner Infantini inquired if a person has to have 100 percent equity dollar-for-dollar of the amount of the improvement being made. Mr. Neal replied affirmatively. Commissioner Infantini inquired if that is in the ordinance under consideration because she did not see it. Mr. Neal stated the Statute says 20 percent of just value; and the Agency's guidelines, along with every other PACE provider they bench marked will not let people have negative equipment loans. He went on to add he has a meeting tomorrow with Florida Bankers; they have an amendment to the Statute to change it so there is no negative equity allowed in the Statute. Commissioner Infantini stated the Board is not a bank, it is County Government.

Chairman Fisher inquired if Mr. Neal could explain how he got this through legislation process. Mr. Neal replied the Legislature approved the program with some underwriting guidelines like a person has to have paid their property taxes and they cannot be late for the past three years, 20 percent of just value, and renewable energy and wind resistance. He noted they also want to change the Statute to allow for flood mitigation.

Commissioner Smith stated he spoke with several of the Constitutional Officers, and they do not like this program.

Mr. Neal advised he talked with the Deputy Property Appraiser George Mascellino, and he said they had no issues; they spoke with the Tax Collector, and their legal counsel said they have an ad ministerial duty to do this; and they issued an opinion that said their cost would be the actual cost of collection.

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The Board denied citizen request by Florida PACE Funding Agency relating to wind resistance and energy efficiency improvements for Brevard County property owners.

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

**ITEM VIII.D., REPORT, RE: CURT SMITH, DISTRICT 4 COMMISSIONER**

Commissioner Smith expressed his appreciation to everyone who took up the challenge to grow a beard. He went on to remind everyone that today is election day, and if there is anyone who votes in Cape Canaveral, Rockledge, or Barefoot Bay Recreation District to not forget to vote.

**ITEM VIII.E., REPORT, RE: ANDY ANDERSON, DISTRICT 5 COMMISSIONER**

Commissioner Anderson stated his office is doing the annual Coats for Kids drive for needy and at risk youth; and they are really in need of smaller sizes. He noted the coats will be distributed to the Guardian ad Litem Program; and the drop off locations will be the Brevard County Libraries and Sea Coast Bank.

**ITEM VIII.G., REPORT, RE: ROBIN FISHER, DISTRICT 1 COMMISSIONER/CHAIRMAN**

Chairman Fisher stated November 11-16, 2015, is Field of Dreams Community Playground being built; 1,300 volunteers have signed up to help build a community playground on Minton Road; and the County team has put together over 40 volunteers. He pointed out he will be there Wednesday, November 11th, to help kick it off; and he encouraged any Commissioner to come and help dig a hole with him. He stated they are looking for tools, so if a person has any tools please bring those on those dates.

Upon consensus of the Board, the meeting adjourned at 10:32 a.m.

ATTEST:

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

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