

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

The Board of County Commissioners of Brevard County, Florida, met in regular session on July 21, 2015 at 9:01 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	Chairman/Commissioner District 1	Present	
Jim Barfield	Vice Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

**INVOCATION**

Pastor Ray Goolsby, East Coast Christian Center, Merritt Island, led the assembly in the invocation.

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES**

The Board approved the April 28, 2015, Regular meeting minutes.

<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 I.A., EMPLOYEE LONGEVITY RECOGNITION, RE: 40, 35, 30, AND 25 YEAR RECIPIENTS**

The Board recognized and presented Employee Longevity Recognition plaques to James A. Hunt, Parks & Recreation Department for 40 years of service; Cassius C. Williams, Public Works Department, and Linda K. Hieronimus, Utility Services Department, for 35 years of service; Pamela A. Barrett, County Manager's Office; Brenda J. Propst, Fire Rescue Department; William D. Wall, Fire Rescue Department; Ray K. Dickinson, Library Services; James C. Green, Parks & Recreation Department; Mark R. Crabtree, Public Works Department; and Rita M. Perini, Solid Waste Management Department, for 30 years of service; Mary E. Bowers, Central Services; Deborah A. Sands, Emergency Management Office; Ira J. Bexfield,

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Fire Rescue Department; Eric A. Kucera, Fire Rescue Department; Leonard B. Trody, Information Technology; Geraldine L. Prieth, Library Services; Metro D. Duke, Natural Resources Management Department; Rodney S. Hall, Parks & Recreation Department; Donald L. Bryant, Parks & Recreation Department; Todd J. Newhouse, Parks & Recreation Department; Stephen M. Swanke, Planning & Development Department; Michael A. Allen, Solid Waste Management Department; Thomas E. McPherson, Utility Services Department; Robert D. Milner, Utility Services Department; and Michael B. Schultz, Utility Services Department, for 25 years of service.

**ITEM I.B., EMPLOYEE DEVELOPMENT PROGRAM RECOGNITION AND PRESENTATION, RE: PROFESSIONAL DEVELOPMENT CERTIFICATES**

Leslie Jones, Employee Relations Manager, thanked the Board for the opportunity to recognize and present Professional Development Certificates to the employees who voluntarily attended the Employee Development Program and successfully completed and passed all three phases of the program. He presented Certificates to each recipient.

The Board recognized and presented Professional Development Certificates to Owen Callard, Utility Services; Mark Farias, Utility Services; Scott Hauge, Library Services/Suntree-Viera; Miranda Jenne, Solid Waste Management; Sheryl Leffingwell, Parks & Recreation/South Area; Heather Palmer, Library Services/DeGroot Library; Robert Shepherd, Utility Services; Michael Sweeney, Public Works/Surveying & Mapping; Sandra Urban, Housing and Human Services; Tracey Wehking, Library Services/Cape Canaveral Library; Terry Williamson, Natural Resources, who passed with honors; and Penny Christian, Emergency Management; Sherry Collett, Central Services/Purchasing; Michael Devlin, Utility Services; Patrick Golyer, Utility Services; Gwendolyn Harris, Library Services/Martin Luther King Library; Terrance Linkenhoker, Utility Services; Brenda Reilly, Library Services/West Melbourne Library; Mary Williams, Parks & Recreation/Administration; Scott Wilson, Solid Waste Management; and Jessica Young, Parks & Recreation/South Area, for successfully passing all three phases of the Professional Development Program.

**ITEM I.C., RESOLUTION, RE: RECOGNIZING FRANK ORLOWSKI FOR HIS 29 YEARS OF DEDICATED SERVICE TO THE CITIZENS OF BREVARD COUNTY**

Commissioner Anderson read aloud, and the Board adopted Resolution No. 15-102, recognizing and congratulating Frank Orłowski for his 29 years of dedicated public service to Brevard County.

<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

**ITEM I.D., RESOLUTION, RE: RECOGNIZING BREVARD SMALL BUSINESS ASSISTANCE COUNCIL'S 30TH ANNIVERSARY**

Commissioner Barfield read aloud, and the Board adopted Resolution No. 15-103, recognizing and congratulating the Brevard Small Business Assistance Council's 30<sup>th</sup> Anniversary.

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Pam Gillespie, Director of Community Relations for the Office of Congressman Bill Posey, stated that Congressman Posey wanted to mark this day because it is such an important day for business, recognizing the 30th Anniversary of the Brevard Small Business Assistance Council (BSBAC); she quoted Mr. Posey, "small businesses are the backbone of our economy, and have historically created the bulk of new jobs in America; whenever efforts are undertaken to encourage small business development and entrepreneurship we make our economy stronger, and we provide new opportunities to hardworking Americans and their families, one such organization dedicated to this cause is BSBAC; founded in 1985 BSBAC is a not for profit organization dedicated to promoting the growth of small businesses in Brevard County Florida, by providing networking opportunities, learning and coordinating advocacy on issues that influence businesses in Brevard County; some of its members include Brevard County's local governments and Chamber of Commerce, banks, legal offices, and federal government, and many prime contractors for the Air Force and NASA; on August 1, 2015, the Brevard County Small Business Assistance Council will achieve a great milestone in its life and we'll celebrated its 30th Anniversary; I urge my colleagues in Congress to join me in congratulating BSBAC for their successful efforts over the past 30 years to support local business development and I salute their continued commitment enhancing commercial and government procurement opportunities for Brevard County and Florida's small businesses".

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

**ITEM I.E., RESOLUTION, RE: PROCLAIMING JULY 25, 2015, AS THE 300TH ANNIVERSARY COMMERMORATION OF THE 1715 SPANISH PLATE FLEET SHIPWRECKS**

Commissioner Infantini read aloud, and the Board adopted Resolution No. 15-104, recognizing the 300<sup>th</sup> Anniversary Commemoration of the 1715 Spanish Plate Fleet Shipwrecks.

Jenna Carson, thanked the Board for the Resolution.

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

**ITEM II.A.4., BINDING DEVELOPMENT PLAN, RE: SHIRLEY P. AND CLARENCE E. WATKINS, AND GEORGE E. (JR.), AND MELODY M. MORSE**

The Board executed Binding Development Plan Agreement with Shirley P. & Clarence E. Watkins and George E. (Jr.) & Melody M. Morse, for property located at the terminus of Yount Drive and Carmen Street, approximately 0.12 mile east of the Banana River (1580 Carmen Street, Merritt Island).

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

**ITEM II.A.5., APPROVAL OF WORK ORDER #2012-1864-G-022 CONSTRUCTION MATERIALS TESTING AND INSPECTION SERVICES, RE: BARNES BOULEVARD WIDENING PROJECT**

The Board approved Work Order #2012-1864-G-022 Construction Materials Testing and Inspection Services with Ardaman & Associates, Inc. for the Barnes Boulevard Widening Project estimated at \$342,551.

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

**ITEM II.A.7., PARTIAL CONTRACT ASSIGNMENT AND TRANSFER AGREEMENT WITH HANSON PROFESSIONAL SERVICES, INC. AND EG-SOLUTIONS, RE: ADMINISTRATIVE AND FLIGHT SERVICES FACILITY AND HANGER-F BUILDING AT VALKARIA AIRPORT**

The Board executed Partial Contract Assignment and Transfer Agreement with Hanson Professional Services Inc. and EG-Solutions for task orders relating to the design, permitting, bidding, and construction support services of an Administrative and Flight Services Facility and Hangar-F building at Valkaria Airport.

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

**ITEM II.B.1., APPOINTMENT, RE: AFFORDABLE HOUSING COUNCIL**

The Board acknowledged the appointment of **Carole Williams-Hayes** to the Affordable Housing Council, with term ending December 31, 2017.

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

**ITEM II.B.2., APPROVAL, RE: URBAN COUNTY AGREEMENTS AND REQUALIFICATION FOR FISCAL YEARS 2016, 2017, AND 2018**

The Board approved the application for Urban County Agreement and Requalification with the U.S. Department of Housing and Urban Development (HUD), to receive Community Development Block Grant (CDBG) and HOME funds; authorized the continuance of Cooperative Agreements with the Cities/Towns for Fiscal Years 2016, 2017, and 2018; authorized the County Attorney to sign the mandatory letter for submittal to HUD; and authorized the Chairman to execute Agreements upon receipt from the Cities/Towns.

<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 II.B.4., AUTHORIZATION LETTER OF NO OBJECTION, RE: GRANTING ACCESS EASMENT - EAST CENTRAL REGIONAL RAIL TRAIL**

The Board authorized the Chairman to sign a Letter of No Objection for granting an access easement to Louray, LLC

<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 II.B.5., RESOLUTION, RE: ENACTING THE PARKS AND RECREATION DEPARTMENT, CENTRAL AREA PARK OPERATIONS, MERRITT ISLAND/BEACHES SERVICE SECTOR ADVISORY BOARD**

The Board adopted Resolution No. 15-106, enacting the Parks and Recreation Department, Central Area Park Operations, Merritt Island/Beaches Service Sector Advisory Board and rescinding Resolution No. 93-059.

<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

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**ITEM II.B.6., RESOLUTION AND DEED OF CONSERVATION EASEMENT TO ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD) WITH THIRD PARTY BENEFICIARY RIGHTS TO THE UNITED STATES ARMY CORPS OF ENGINEERS (USACE), RE: VETERANS MEMORIAL PARK**

The Board adopted Resolution No. 15-107, and executed Deed of Conservation Easement to St. Johns River Water Management District (SJRWMD) with Third Party Beneficiary Rights to the United States Army Corps of Engineers (USACOE) as required for the expansion of Veterans Memorial Park.

<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 II.C.1., RESOLUTION AND AMENDMENT TO LEASE AGREEMENT WITH BREVARD COUNTY SHERIFF'S DEPARTMENT, RE: USE OF COUNTY PROPERTY FOR FARM**

The Board adopted Resolution No. 15-108, and executed Amendment to Lease Agreement with the Brevard County Sheriff's Department for County property to be used as farm land east of Interstate 95 in Cocoa.

<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 II.D.1., APPROVAL, RE: BUDGET CHANG REQUESTS**

The Board approved Budget Change Requests, as submitted.

<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 II.D.2., APPROVAL OF PAYMENT IN THE AMOUNT OF \$98,000 TO THE FLORIDA JUSTICE INSTITUTE, INC., IOTA TRUST ACCOUNT, RE: TILLMAN LENNEAR, ET AL VS. BREVARD COUNTY AND BREVARD COUNTY SHERIFF ET AL, CASE NO. 83-199-CV-ORL-22, 83-285-CV-ORL-22**

The Board approved payment to the Florida Justice Institute, Inc., IOTA Trust Account in the amount of \$98,000 in attorney's fees and costs for its representation of the plaintiff's in the

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Tillman Lennear, et al, vs. Brevard County and Brevard County Sheriff, et al, Case No. 83-199-cv-ORL-22, 83-285-cv-ORL-22.

<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 II.D.3., ACKNOWLEDGE RECEIPT, RE: BREVARD COUNTY ANNUAL FINANCIAL AUDITS REPORT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014**

The Board acknowledged receipt of the Brevard County Annual Financial Audits Report for the Fiscal Year ending September 30, 2014, and the accompanying management letters.

<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 II.D.4., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS**

The Board acknowledged the appointments of **Tom Vani** to the Merritt Island Redevelopment Agency, with term ending December 31, 2016; and **Gary Musselman** to the Port St. John Dependent Special District Board, with term ending July 21, 2019.

<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 II.A.1., GRANT AGREEMENT AMENDMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP), RE: PROVIDING PETROLEUM CONTAMINATION SITE CLEAN-UP RELATED SERVICES IN BREVARD, INDIAN RIVER, ST. LUCIE, MARTIN, AND OKEECHOBEE COUNTIES**

Commissioner Smith stated that this Item was interesting because it was explained to him that this has been in the works for a while; the State covers the cost of this; and being that the Board is so invested in the community, this allows them to do a better job, cheaper; and instead of losing money the Board can now enhance and balance the books. He added that when people are not in government they tend to think that government employees take up space and collect a paycheck, however, that has not been his experience since he has been on the Board; and he commented that Staff does a good job and they are saving money wherever they can.

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Commissioner Infantini stated that she is not comfortable taking over the requirements of the State, and believes that the Board has enough jobs that it needs to do itself rather than hiring new staff to go to other counties at great liability because every time a person travels on Interstate-95 there is more liability potential for the County; she believes the State should take up ownership of this task or the counties should be responsible; and she does not want to step into other jurisdictions and take over monitoring; should something go wrong, the Brevard County will be on the hook because Brevard County will be responsible for tracking this; and she does not understand why the State is not doing it; she is not in favor of taking over the State's responsibilities and the other counties responsibilities.

Chairman Fisher stated that his experience was that when there are clean-up issues, whoever is perceived to have caused the damage is responsible for the clean-up, it never comes back to the State being responsible for it; and he asked staff to speak on behalf of the Florida Department of Environmental Protection (FDEP).

Douglas Divers, Natural Resources Management Department (NRMD), stated that NRMD is acting the representative for FDEP; and that the State wanted to fill the gaps in-between the counties that do not have local programs, where the population is smaller, and there is not enough facilities and work to fund individual programs for those counties; and so the State has combined, in an attempt to fill the gaps, with the counties that already had local programs; he feels Brevard County is fortunate enough to take on this responsibility and protect the Lagoon and Brevard's water sources.

Commissioner Barfield stated that he understands responsible parties, and that this is how it has to get done; and this is out of Resource Conservation Recovery Act that was enacted many years ago, and there are a lot of other requirements; most importantly he wants to make absolutely sure that nothing else is dumped into the Indian River Lagoon, which is what this program does; and he is in favor of this.

The Board accepted the Grant Agreement Amendment between Brevard County and the FDEP to provide petroleum contamination site clean-up related services in Brevard, Indian River, St. Lucie, Martin, and Okeechobee Counties; authorized the County Manager or designee to execute future contract amendments and annual renewals; authorized the County's local program manager to execute task assignments consistent with the contract; and authorized any necessary budget change request to provide adequate staffing, operating budget and acquire the necessary capital items to meet contractual obligations.

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

**ITEM II.A.2., RESOLUTION, RE: SHORE PROTECTION PROJECT OF LONG RANGE BUDGET AND STATE COST-SHARE REQUEST**

Mike Daniel stated that he is addressing the mid-reach portion of this Project and its effect on a living reef; the reason he got involved with conservation in Brevard County is because he has been surfing and fishing on these beaches for 40 years; the natural reef outcropping that is in



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this area is part of the Anastasia Formation, which is the limestone backbone of Brevard's Barrier Islands, have been there for a long time and are not the result of any recent erosion; and since the 1960s surfers have enjoyed the waves in this area, and all of the world's best surf breaks are on fixed bottoms and this is Brevard's little piece of it. He went on to say the State previously ranked this project very low, because the waterline in this area is moving seaward causing the beach to become wider without funding for this Project; he added that the mitigation that is proposed will not work, it will be buried; in the comment letter in Appendix K, the U.S. Environmental Protection Agency (USEPA) called this the premiere marine community in this area; he commented on the marine life that inhabits the reef, and the first thing that the extra material that will be put on the beach will do is fill in the ledges of the reef; and that this reef also offers an academic element for students that go out during low tide when the reef is exposed. He went on to state that this money could be spent elsewhere, such as convention center or funding for lifeguards.

Commissioner Anderson commented that he has always fought for the State to use the Tourism Development Council (TDC) money to fund lifeguards, but it is not allowed. Mr. Daniel noted that TDC was formed at the same time as Florida 161 was passed, which is the mechanism that funds the dredging projects.

Commissioner Infantini stated that she would also like to be able to fund the lifeguards out of the TDC funds; the South beaches are always packed with people and there are no lifeguards on some of those beaches, and she believes the Board should revisit this issue because she believes those beaches need lifeguards; and she believes the money should be used to dredge the Indian River Lagoon. Commissioner Smith commented that he would like to see more lifeguards and the dredging of the Lagoon as well, however, the TDC money can only be spent on certain things, and unfortunately that does not include funding for lifeguards and Lagoon dredging; he added that he would like to hear from staff why the Board should approve the Shore Protection Project.

Virginia Barker, Natural Resources Management Director, stated that this project has been in the works since the early 1990s; and there are rocks in the near shore that need protecting, but there loads of development and recreational opportunities on that beach that are under the threat of erosion; the Natural Resources Management Department (NRMD) has been working the with Army Corps of Engineers for several decades trying to figure out the best way to proceed, with the best benefits to the community and with the least cost; and the rock reef community is very important, it is designated as a central fish habitat, and the NRMD has worked very hard to minimize the impact to that resource and mitigate for the impacts that cannot be avoided. She added that 90 percent of the rock reef that Mr. Daniel's is trying to protect will be protected under what the NRMD is proposing; up to ten percent will be, at least, transitionally buried; the three acres that will be sometimes buried, will be mitigated with five acres of mitigated reef construction in the near shore, in water approximately 15 feet in depth; and through the observation of a number of marine animals, the NRMD feels optimistic that the mitigation design is going to perform quite well, much better than the mitigation reef that the public is familiar with, that has been constructed during other projects, and the NRMD is breaking new ground. She went on to say that the seaward line of the beach has progressed out a couple of feet over the past decade, and at the same time the dune has eroded back, and the way these systems work is that sediment supply is stored in the dune and when storms come, the sand is eroded out of the dune and onto the shoreline; and during the 2004 hurricanes the dune eroded and four houses and a swimming pool were lost, in this mid-reach area. She added that the erosion threat is real, and this Project is a minimum beach width, and a lot of dune restoration work to try to hold the line and provide a sandy beach for recreation, and turtle nesting, with minimal impacts to the rock reef.

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Chairman Fisher asked for clarification regarding the TDC money being used for certain things and if a convention center would fit into that category.

Stockton Whitten, County Manager, responded that there are five categories of uses associated with the five pennies, and he believes a convention center is under the fourth cent.

Commissioner Smith stated that he was taken by the fact there is \$7.8 million of TDC money that is going to be used to enhance tourism, which building up and protecting beaches will certainly do; \$7 million of State funds that will be matched with the TDC money, for a total of approximately \$16 million, and the federal max is \$16 million; and he added that he understands that tax money comes from the taxpayers, and to say that it will not cost taxpayers anything would be a misnomer, however, this money is already collected, and he is in favor of this Project. He asked Ms. Barker to address Mr. Daniel's comments regarding the Green Turtles. Ms. Barker responded that the Green Turtle population is very important to the community and is expanding exponentially, and many of the juvenile Green Turtles do use the rock reef habitat; and one thing that was important in designing the mitigation reef was to include ledges and holes that are the appropriate size for these turtles to use. Commissioner Smith inquired about the number of Green Turtle nests now, compared to the past. Ms. Barker responded that the Marine Turtle Research Group has been monitoring nesting on Brevard County's beaches for approximately 30 years, and for about the first ten years there was an average of about 50 nests per year; last year there was a high of about 20,000 nests, and this year has yet to reach the peak of the Green Turtle nesting season and there are currently approximately 10,000 nests; and she reiterated that there has been a tremendous exponential growth in sea turtle nesting success; and researchers contribute that growth to conservation measures that have been put in place approximately 25 years ago. Commissioner Smith asked if Ms. Barker could also address Mr. Daniel's concern about the wave structure and the way the sand will be deposited. Ms. Barker responded that the design of the beach restoration Projects is to work with nature's design, and build a shape of beach that is comparable to what is here already, just sifted seaward slightly; and the sandbars are expected to remain, and for the rock reef to be extended back slightly; and it is very difficult to look at surf impact, but based on the models available today, there is no anticipated impacts to surf.

Commissioner Barfield commented that the Board has to put the money up first, through the Tourist Development dollars, to receive the Federal or State money; if the Board does not put that money up it will not receive any other money; and that is how it works on a number of different programs.

The Board adopted Resolution 15-105, supporting the Brevard County Shore Protection Project; requested State grant cost-share funding, matched by Federal funds and local option tourist tax that is dedicated to the Beach Improvement Fund for shore protection projects; authorized the County Manager or designee to execute contracts and task orders to secure grant funds and accomplish work approved under grants; and authorized necessary budget change requests.

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

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**ITEM II.A.3., INTERLOCAL AGREEMENTS WITH THE CITY OF TITUSVILLE AND THE CITY OF PALM BAY, RE: LOCAL REGULATION OF BREVARD COUNTY CERTIFIED CONTRACTORS, STATE CERTIFIED CONTRACTORS, AND UNLICENSED CONTRACTORS**

The Board tabled consideration of the Interlocal Agreements with the City of Titusville and the City of Palm Bay, for Local Regulation of Brevard County Certified Contractors, State Certified Contractors, and Unlicensed Contractors.

**ITEM II.B.3., ADDENDUM TO CONTRACT WITH THE LIBRARY CORPORATION (TLC), RE: INTEGRAED LIBRARY SYSTEM (ILS)**

The Board tabled consideration of the Addendum to Contract with The Library Corporation (TLC), for Integrated Library System (ILS).

**ITEM III., PUBLIC COMMENTS**

Anita Unrath commented that she read in the newspaper about a new housing development with approximately 1,500 units; she stated that she does not understand the traffic neutral expression, because she believes that with the addition of 1,500 houses there will be more traffic; she believes that the County needs money to keep up its parks, schools, and roads; she offered suggestions on how that money could be raised by stating that she does not believe that the property tax needs to be raised, by implementing a half penny sales tax on the roads, and raising impact fees for the schools; and regarding the 114 acres, concerned citizens are getting together and having meetings, and reaching out to other neighborhoods, other non-profit organizations, universities and schools to come up with a great plan to present to the Board.

Charles Tovey stated that it was brought to his attention that the city bus employees have not had a raise six to eight years; and that he does not understand why there is no money for roads, but there is millions of dollars to give away to corporations, economic development councils, and beaches; he believes that the County needs to manage the taxpayers money better, and stop giving it away; and there used to be two stop signs on Roberts Road that are now gone, and it is a safety hazard.

Lisa Warren stated that she understands a lawsuit has been launch against the Board with regards to the Invocation Policy, that was formally enacted one week ago, to maintain the practice of opening Commission Meetings with exclusively Judeo-Christian prayers; and basically this policy tells all non-Christians to go to the back, because the front of the meeting has been reserved for the Board's own kind; she asked what the decision to formalize the Policy is going to cost the taxpayers of Brevard County, and how much the citizens of Brevard are expected to pay to defend the discrimination charges and the Board's defiance of the constitutional law; and the Board claims to be upholding a long standing tradition, however it was once tradition to exclude women and African Americans from governmental processes, and the new codified tradition that is being defending is just as discriminatory. She asked what is the fiscal, or tangible, return on the expenditure, it cannot be considered an investment; and how do the actions of the Board benefit Brevard County residents whose money will be spent to defend an indefensible lawsuit; she stated that at a previous meeting, the Board mentioned that the County has a short bowl of approximately \$9 million, which is why the Board is selling publicly held land; she estimated that it will cost approximately \$150-200,000 in legal expenses that the Board will incur defending this new Policy; and she urged the Board to disclose and justify a different amount if it had one, because this estimate is equivalent to a five, or more, year salary for a Fire Fighter, EMT, Medic, or Emergency Services Dispatcher; she reiterated that the

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money needed to defend this lawsuit could be spent elsewhere. She concluded by imploring the Board to treat everyone equally and abandon the newly codified Policy, and County taxpayers will not have to spend a dime defending the Board's discriminatory traditions.

**ITEM IV.A., RESOLUTION, RE: PETITION TO VACATE PUBLIC UTILITY EASEMENT - MISSILEVIEW AVENUE - PINEY WOODS - DIANA A. LOCKLIN**

Chairman Fisher called for a public hearing to consider a resolution vacating a public utility easement.

John Denninghoff, Public Works Director, stated that this is a vacating petition by a property owner that owns two lots, the home has been constructed over the common lot line, which includes the side lot easements; the owners have also constructed a number of other facilities within the side and rear lot easements that exist for utilities and drainage purposes. He stated he believes the owners are in the process of selling the property, in that process, the property title needs to be cleared, including those easement encroachments; in order to do so they are starting out with a petition to vacate, and followed by obtaining variances for those facilities; and Public Works has not received objections to vacating requests and following approval, the owners will then appear before the variance board.

There being no further comments or objections, the Board of County Commissioners, in regular session on July 21, 2015, adopted Resolution No. 05-109, vacating a portion of public utility easements at Lots 3 and 4, Block B, plat of Piney Woods in Section 07, Township 25 South, Range 37 East.

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

**ITEM IV.B., RESOLUTION AND APPLICATION FROM THE VIERA COMPANY FOR DEVELOPMENT ORDER AMENDMENT, RE: VIERA DEVELOPMENT OF REGIONAL IMPACT (DRI)**

Chairman Fisher called for a public hearing to consider a resolution and application from The Viera Company for a Development Order Amendment.

Robin Sobrino, Planning and Development Director, stated that this is request by The Viera Company to modify the Development of Regional Impact (DRI) Order, as part of the Development Order there is a menu of land uses that are permitted to be developed by The Viera Company; the development order provides for flexibility, that it is recognized the build out date for DRI is so extended that it builds in flexibility to modify the mix of uses over the life of the DRI; and in this particular DRI that is governed by a transportation equivalency matrix, which says if a person has a certain type of land use, it is expected to generated x number of trips associated with each incremental unit of the land use, and by the same virtue, if down the road, it was desired to swap it out for different land use, it was an equivalency of how much of a different type of land use a person would be allowed to have, that would have the identical traffic impact; and in this case The Viera Company is requesting that in lieu of building nearly 400,000 square feet of office space, instead wanted to recognize the demand for senior housing in this area, and also additional residential units and based upon the equivalency matrix they are

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proposing, a number of units that would be identical in trip generation to what the 400,000 square feet of office space would be; additionally there would be eight hotel units.

Todd Pokrywa, Senior Vice President of Land Use Planning and Development for The Viera Company, stated that this request is simple, it is being requested to process a Land Use Exchange consistent with the terms of the approved Development Order; and the Development Order provides exchange ratios between different land uses, so that there would be flexibility without increasing the impact on the transportation network. Mr. Pokrywa made reference to a Transportation Framework Analysis map; he stated that this request does not change the geography of any of the uses, the master development plan is unchanged; it is an exchange in the development program in terms of the numbers; and what was recently approved when The Viera Company amended the DRI in 2009, was the addition of 11,000 acres; and a master plan is available to the public at the Discovery Center. He added that when the DRI was amended in 2009, the traffic mitigation associated with phase three was identified; which then identified approximately \$40 million in identified improvements that were associated with phase three development that was approved; each of those roadway improvements were listed in the Development Order and the timing was also identified, as to what needed to be funded by The Viera Company; and the roadway requirements in the Development Order are not being changed; The Viera Company is responding to the market, and by doing so that provides the company with the capital that is necessary to build the infrastructure; The Viera Company cannot proceed with phase four until mitigation is identified and the Development Order is amended by the Board, if there are level of service issues; and the development that is in the last column of the development program cannot proceed until other needs are evaluated, in terms of improvements to the roadway network. He noted the infrastructure is required, by law, to be built concurrent with the impacts of development, and that is what The Viera Company is doing; he added that the DRI Development Order includes four phases; The Viera Company has approval in terms of the list of roadway improvements associated with the development through phase three; and the total development includes approximately 30,000 residential units, approximately seven million square feet of non-residential development, 1,000 hotel rooms, and ancillaries. He added that to date approximately one third of the residential has been developed, and 40 percent of the non-residential, this represents approximately 10,000 residential units in over three million square feet of office and commercial uses; there are approximately 300 businesses in Viera today, that represents over 9,000 jobs; Viera is a top 15 Master Plan Community in the United States, and was ranked the sixth best-selling community in Florida by John Burns Real Estate Consulting; he added that this is a minor amendment to the Development Order that is specifically aimed to correct typographical errors in the Master Development Program and process a land used exchange consistent with the transportation equivalency matrix that is part of the existing and approved Development Order; Condition Four of the Development Order allows conversion in accordance with the matrix, that is exhibit four; and the Development Order contemplated such exchanges to provide flexibility without increasing any impacts, the exchange does not increase traffic as the matrix included specified exchange rates for converting uses, such that the conversion is traffic neutral, therefore the exchange does not result in any significant or adverse traffic impact, nor does it reduce any open space or impact any identified conservations areas. He added the request will help facilitate land that is currently under contract to provide diversity of housing types; The Viera Company's request is in conformance with the provisions of the Development Order, it has been reviewed without any objections by the Florida Department of Economic Opportunity, the Florida Department of Transportation, the Regional Planning Council, and Brevard County Staff; and that in addition the Local Planning Agency recommended approval. He concluded by respectfully requesting that the Board approve the request from The Viera Company to amend the Viera DRI Development Order.

Jason Stanley expressed his support for the Board in approving this amendment; he stated that there are two needs that need to be satisfied, they are housing and jobs; and currently there are

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2,336 active single family detached units for sale, and in the past six months 6,981 units have been contracted; and in regards to jobs, the National Association of Homebuilders research reflects that for every new house that is built, it created three jobs; he added that he believes that the exchange of office for residential units would not only help the impact fees that homebuilders are going to pay and the tax base. He added that studies show it will be traffic neutral, and he is in support of this request.

Ronda Witt stated that she is unsure if she is in support of this request or if she is against it, because she does not have enough information, and she is unaware if the Board has enough information; she added that she does understand that the basis for this exchange has to do with traffic at peak hours, but it does not appear to address what the tax differences would be, or the impact it will have on the schools that are already overcrowded; The Viera Company has done many things very well, but one thing that The Viera Company has not done well is communicate with the residents; and she has advocated many times for a resident advisory committee so that the residents may have some input. She stated she believes that more is not always better, and she understands that the County wants to develop, but development needs to be wise; and increased demand should not always immediately be recommended without a lot of foresight and study. She asked what will happen to the schools, because half of these extra homes are going to be with families with children; and with regards to all of the extra traffic, and it is true that The Viera Company is building more roads, but Brevard County is not taking care of the roads it has now, and eventually these roads will become the responsibility of Brevard County taxpayers. She advised the Board that she supports impact fees on new construction; and The Viera Company sold this as a live, work, play and if there is not a lot of office space, she question where people will work.

Bob Goldstein, stated that he and his wife did stop at the Discovery Center during their move from Miami, and thought Melbourne was fantastic; and so he looked at what The Viera Company was planning, and what Lanier was planning, and decided that this area was great. He added that it is phenomenal that the Board recognized small businesses groups, and that what Brevard needs is more small business groups; he asked why take away 400,000 square feet of possible small business groups; The Viera Company is already building 30,000 homes, why do they need 1,700 more, it is jobs that are needed; and he stated one of the promises in the Discovery Center is that there will be a lot of stores, and in addition to The Avenues, there has only been a few stores built. He added that with regards to the impact studies, the revenue numbers is simply another word for profit, and he does not mind businesses making profit, as he owned his own business; and The Viera Company needs to think of businesses outside of real estate, and it would nice to get some industrial business in this area, because that is the businesses that employ people and pays a lot of money for taxes, and businesses do not have homestead exemption or portability. He noted in regards to traffic that there will always be more traffic when there are more homes; and Brevard does not have to go by the State standards, because they are minimum standards, Brevard should have better standards; he added that with school impacts, it is known that it will cost more money, but the impact fee will not last long; and in Heritage Isle there is an impact fee, and so the residents are paying part of the \$40 million; he asked the Board if it knew that The Viera Company does not want to tell the residents where the new homes are going, and asked that the Board please know before it is voted on.

Mr. Pokrywa stated that the evaluation of traffic is required by the State and other regulatory agencies, including the County, to be looked at in terms of peak hours, and that is what was approved and embedded in the Development Order, in terms of the impacts when they are evaluated for mitigation purposes, as well as for trading between land uses; and so there are different ratios, and it is carefully evaluated as to how many square feet equals how many units, so that the net effect is neutral in terms of impact. He added that in terms of the schools, The Viera Company has worked very well with the School Board in providing sites for the existing schools and future schools; five of six school sites have been provided for the existing schools

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in Viera, and there is an additional site that has been committed also; The Viera Company is currently working with the School Board on four additional sites, which is a total of ten; and in terms of the Discovery Center and Sales Center, The Viera Company has its Master Plan map available at those centers; and he reiterated that Viera is a live, work, play community, and has approximately 300 businesses that represent over 9,000 jobs. He added that the trading is with respect to phases two and three that have been identified in terms of improvements required, phase four will provide additional square feet in terms of office and commercial development, and it will provide approximately \$1,397,000 square feet of future office; and there is also future retail in the approximate amount of \$1,182,000; and The Viera Company has also taken a look as to what is generated in terms of the capital outlay from the 2014 tax bill, with a reduction in general office, and with the increase in residential units that is \$591,345; this is the money that is associated with schools; and the new units that are not age restricted would also generate approximately \$3.5 million worth of new school impact fees.

Commissioner Infantini stated that at first she was concerned about switching from commercial to residential, and that Ms. Sobrino made a good point, that when these plans are put in, they are so many years out as far as the planning; and she has seen The Viera Company do a very good job combining and integrating the commercial aspect with the residential aspect; and she is in favor of this.

There being no further comments, the Board adopted Resolution No. 15-110, amending Development Order to the Viera Development Regional Impact.

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

**ITEM IV.C., ORDINANCE, RE: ECONOMIC DEVELOPMENT TAX EXEMPTION FOR OAKRIDGE GLOBAL ENERGY SOLUTIONS, CORP.**

Chairman Fisher called for a public hearing to consider an ordinance for tax exemption for Oakridge Global Energy Solutions, Corp.

Stockton Whitten, County Manager, stated that this is seeking approval for an ordinance establishing a tax exemption for Oakridge Global Energy Solutions; the company is proposing the creation of 1,000 new jobs with an average wage of \$50,075, and invest \$270,000,000 in new capital expenditures; and the Economic Development Commission (EDC) has made a recommendation that Oakridge Global Energy Solutions receive an abatement or exemption of taxes at 80 percent for eight years.

Commissioner Infantini stated that she has been made aware of litigation by a former employee with Oakridge Global Energy Solutions, and that this employee is due back wages, and provided proof of that claim; and she has an enormous concern that a company with only 25 employees has litigation. Greg Weiner, EDC, asked if the suit had been filed, where it was filed, and when it was filed. Commissioner Infantini replied yes, it was filed with Brevard County Clerk of Courts, and was filed on March 17, 2015. Mr. Weiner responded by stating that he was not aware of this suit, but is aware of two separate suits, one of which was filed by a consultant through a subsidiary in 2012, which has been dismissed, he added that he did not know the terms of that suit; and he has spoken with the president of the company and is unaware of

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whether or not the president is aware of this new suit. Commissioner Infantini revealed that the president is aware of it. Mr. Weiner added that he spoke with the president only moments prior to this public hearing, and the president did not seem to be aware of the suit in question; and he asked Commissioner Infantini to clarify what the company is being sued for. Commissioner Infantini responded that the suit is for back wages. Mr. Weiner asked how much in back wages is the suit for. Commissioner Infantini replied that she is uncertain of the amount; and that she is concerned how the president of the company is unaware of the suit, if he is in fact unaware of it. Mr. Weiner commented that companies get sued all of the time, rightfully and wrongfully so; he stated that there was a suit that the company went through, a Pennsylvania sales representative decided to sue the company because the company opted not to pay for a first class airline ticket; he commented that this is not an uncommon occurrence, that employees get terminated and then angry, and then sometimes sue for back wages; and given that this suit has not yet been adjudicated, he is unsure of the implications in this case. Commissioner Infantini added that since this Item is not time sensitive, and this company has no money, and according to the balance sheet, the company has negative assets; she suggested that the Board take a look at the litigation. Mr. Weiner responded that the company has \$22,000 in the balance sheet, and given that, asked Commissioner Infantini to explain the LaConch transaction. Commissioner Infantini responded that she has not been following the company; she has only done a limited amount of research. Mr. Weiner added that this is a small part of what the company does, the company recently provided a capital loan to a Swiss company called LaConch, which trades on the Swiss Exchange, and the loan was repaid and converted into equity in Oakridge, and Oakridge now owns 50.1 percent of a publicly traded Swiss firm; and his point is that when one looks at the balance sheet, this was something that the company would have seemed incapable of doing, which leads to the related point that the analysis of the likelihood of a successful outcome of these types of transactions goes far beyond the balance sheet. He added that this company has gone through a significant metamorphosis, the current president and CEO has been in control of it for two years, and it was formed in approximately 1987 out of the Oakridge Labs, the company is in possession of a huge amount of technology, and up until recently, the company seemed to enjoy the pursuit of technology instead of profits; he also added that this company has a real and competitive technology, and LaConch just won a contract in Europe to power the first and largest, totally electric ferry; and so there are a lot of things happening with this company. He added that one source of concern is that any time a company goes from a reasonably small employment base to 1,000 employees, it is challenging, but he knows some reasons for it, charting that type of growth; and he knows the company, assuming the choose to expand in Brevard, will be in control of an excess amount of 300,000 square feet, and is going sign a lease, and install equipment and hire individuals; and it may be challenging, but not impossible; he also reminded the Board that this company has not asked for any money, only a relief in taxes; and if the company does not deliver on its promises, the taxpayers will in fact be nothing.

Commissioner Anderson stated that this program was passed by over 70 percent of the voters in the last election; that the whole idea behind this program it to at least have tools to offer companies to give them an incentive to stay, relocate, or expand in Brevard County, and nothing is given if the company does not perform the benchmarks that were set; that is per Florida Statute in the Ordinance, and the Board resends tax abatements all of the time, and it is a no risk deal; he motioned for approval.

Commissioner Infantini stated that many of the voters do not realize that when a tax abatement is placed on the Agenda, the company only has to employ ten people, that is what the Ordinance says; and so, companies can come in a promise to employ 1,000 people, but are only required, according to Florida Statue, ten people. Commissioner Anderson clarified that ten is the minimum, and that the application submitted by each individual has different benchmarks. Commissioner Infantini stated that she would like to see the Ordinance say that the company will employ 500 people before there is a dime; and she spoke with Mr. Whitten regarding



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changing the wording, because legally the Board has to abide by what is stated in the Ordinance. Mr. Weiner stressed that a person cannot say things that fundamentally mislead; the Ordinance states that in order to make the application, the applicant must have ten; and if 1,000 jobs are stated in the application, and only 20 positions are filled, the deal is terminated. Commissioner Infantini recalled Sun Energy and the bogus claims, and for that reason she would like to see this placed in writing. Commissioner Anderson asked Commissioner Infantini if she had a copy of the application, and stated that it is in writing, in the application. Commissioner Infantini replied that she wants to see it in the Ordinance that the Chairman signs; and she referenced Florida Chapter 196.012.

There being no further comments, the Board adopted Ordinance No. 2015-19, granting an economic development ad valorem exemption to Oakridge Global Energy Solutions. Specifying the items exempted; providing the expiration date of the exemption; finding that the business meets the requirements of Chapter 196.1995(8) F.S.; providing for proof of eligibility for exemption; Oakridge Global Energy Solutions; providing an effective date.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</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, Curt Smith, Andy Anderson
<b>NAYS:</b>	Trudie Infantini

**ITEM IV.D., ORDINANCE, RE: ECONOMIC DEVELOPMENT TAX EXEMPTION FOR ERCHONIA CORPORATION**

Chairman Fisher called for a public hearing to consider tax exemption for Erchonia Corporation.

There being no comments, the Board adopted Ordinance No. 2015-20, granting an economic development ad valorem exemption to Erchonia Corporation; specifying the items exempted; providing the expiration date of the exemption; finding that the business meets the requirements of Chapter 196.1995(8) F.S.; providing for proof of eligibility for exemption; Erchonia Corporation; providing an effective date.

<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

**ITEM IV.E., PUBLIC HEARING, RE: ADOPTION OF RECOMMENED FY 2015-2016 AD VALOREM MILLAGES**

Chairman Fisher called for a public hearing to consider adoption of recommended fiscal year (FY) 2015-2016 ad valorem millages.

Tom Rosenberg, Budget Office Director, stated that 35 days subsequent to a property evaluation certification on July 1, by Florida Statute the Board must submit to the property appraiser and tax collector tentative millages, so they can be submitted on the trim notices that

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are mailed out on approximately August 24, and so by Statute, prior to August 4, the Board must approve 20 operating millages and five debt millages; and this is a submission for those recommended millages that Staff has provided.

There being no further comments, the Board approved the FY 2015-2016 recommended Millages for the purpose of notification to taxpayers by the Brevard County Property Appraiser; and directed the County Manager to complete the Florida Department of Revenue's Certifications of Taxable Value, Forms DR-420.

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

**ITEM V.A., APPROVAL, RE: SALE OF SURPLUS REAL PROPERTY BY PRIVATE SALE AND BY BIDDING PROCESS**

Teresa Camarata, Central Services Director, stated that this Item was tabled at the previous Board meeting; it is a request to dispose of surplus properties by either the private sale or bidding process; table one includes 135 parcels that would be offered by private sale to an adjacent property owner, these are small parcels that are only valued under \$15,000 or insufficient size to be issued a building permit; table two includes 25 parcels that would be offered by auction, three parcels have been removed, including two beach and riverfront, the boat ramp, and one has been added, that is the old Mather's Restaurant property; and before offering any of these for sale, the feasibility of transferring ownership will be investigated to insure they can be legally conveyed, and the revenue from sales would be returned to the general fund and the property reinserted on the tax roll.

Chairman Fisher asked if the property on U.S. 1 has been removed. Ms. Camarata replied that it has not. Chairman Fisher then asked if this property continued to stay on the list, would the funds from that go into the general fund or go back into the management of beach and riverfront property. Mr. Whitten responded by saying that it would be the decision of the Board.

Commissioner Barfield stated that beach and riverfront was by referendum that was out when the property was purchased; and he would like to make a motion that the Board removes all beach and riverfront funded properties.

Mike Daniel stated that it sounds as though the Board is doing the right thing; he stated that there is Comprehensive Plan language in Section 13.9, the County should not vacate, diminish or otherwise impair publicly owned pathways, sidewalks, roads, parking areas, docks, or boat launching facilities and other access points that are currently used or susceptible to use by the public to access the shorelines, unless specific findings are made, demonstrating that the action is necessary, and suitable mitigation measures are or will be in place, and only after a public hearing and decision by a super majority of the Board; and he added that with this in mind, any beach and riverfront land should be removed from the list; and there is also a parcel in Cocoa Beach that is used by the County for the federally mandated dredge and fill beach projects. Chairman Fisher commented that this parcel has been removed from the list. Mr. Daniel remarked that it appears that the Board is doing the right thing; he added that there are a lot of these very small pieces that are valued at \$250 per acre, and he understands they are small

wetlands properties that are in the flood plain in the Saint Johns; he asked for clarification on this. Ms. Camarata advised that there are some that are in the wetlands, and Central Services will look at every parcel before any of them are advertised for sale. Mr. Daniel added that he believes the fact that these areas are in County ownership is a good thing, and that should not change; he asked if the Board is going to vote on this Item as it currently stands, or if these properties are going to be removed. Chairman Fisher responded that there has not been a motion yet, but that a possible motion is to remove the beach and riverfront, with the exception of one property, and for any other piece, there will be more research done to look at the title, the deeds, and other things to make sure it can legally be sold and that it makes sense to sell it; and so it will come back to the Board before any final decisions are made. Mr. Daniel implored the Board to accept Commissioner Barfield's recommendation.

The Board approved advertisement of surplus parcels of real property for sale private sale or by the bidding process, pursuant to Florida Statutes 125.35(1)(a), and the Code of Ordinances, minus the beach and riverfront property.

<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 V.B., STIPULATED FINAL JUDGEMENT IN THE AMOUNT OF \$16,500, RE: ATTORNEY FEES OF BREVARD COUNTY V. WALTER E. PLATT, ET AL, 05-2013-CA-72132, PARCEL 102.2 (HAMMER, RICHARD AND RHONDA)**

Scott Knox, County Attorney, stated that this is a stipulated settlement agreement on attorney's fees for the Hammer piece, which has already been settled at \$70,000, this is for \$16,500.

The Board approved Stipulated Final Judgment for Attorney's fees in the amount of \$16,500 for Brevard County v. Walter E. Platt, et al, 05-2013-CA-72132, parcel 102.2 (Hammer, Richard and Rhonda).

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

**ITEM VI.A.1., FINAL PLAT AND SUBDIVISION INFRASTRUCTURE CONTRACT, RE: STROM PARK PHASE 5, 6, AND 8 - THE VIERA COMPANY**

Robin Sobrino, Planning and Development Director, stated that this is a final plat request for Strom Park, Phases five, six, and eight.

The Board granted final plat approval, and executed Subdivision Infrastructure Contract, subject to minor engineering changes as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

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

**ITEM VI.A.2., PRELIMINARY PLAT AND FINAL ENGINEERING APPROVAL, RE: ADELAIDE SUBDIVISION - THE VIERA COMPANY**

Robin Sobrino, Planning and Development Director, stated that this is a preliminary plat and final engineering approval for a new subdivision that will be built in the Northwest corner, by the I-95 and Fiske Boulevard. Interchange, it is currently the most Northwest corner of the Viera Development of Regional Impact (DRI) Order.

The Board granted preliminary plat and final engineering approval for the Adelaide Subdivision, subject to minor engineering changes, as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

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

**ITEM VI.B.1., BOARD DIRECTION, RE: BUS SHELTER ADVERTISING IN UNINCORPORATED BREVARD COUNTY**

James Liesenfelt, Transit Services Director, stated that this Item is to provide Staff direction for the bus shelters in the unincorporated area of Brevard County; as the Board is aware, Transit Services has a contract with 20/20 media to provide the shelters in the unincorporated area, 20/20 builds the shelters, sell advertising, and maintain the bus stops; 20/20 has had the contract since 2000 and have built approximately ten shelters in that period of time; at the same time the ridership has gone up approximately 700 percent, and the last shelter that was built was in 2006; Transit Services sent a letter to 20/20 on June 11, notifying them of the violations to the contract, and have not yet received an official response; He spoke with Joel Davis, 20/20 Principal, who was in disagreement of this, and argued that a response was sent; and the current contract is up for renewal in late August, Transit Services is asking the Board to terminate the contract and approve option one, which would allow Transit Services to issue a Request for Proposal (RFP) to find a vendor to build shelters, with advertising in the unincorporated area, and if so, to invite any of the cities to join the program.

Stockton Whitten, County Manager, asked to include the County Manager designating who will be placed on the selection committee and negotiating committee.

The Board approved Option 1, to direct stall to prepare and issue a Request for Proposal (RFP) to procure a bus shelter advertising program in which a new private vendor will build and maintain shelters using advertising revenue generated by the shelters in the unincorporated areas of the County and include municipalities as an option in the RFP. This option will require staff to prepare a RFP according to the procurement requirements of the Federal Transit

Administration (FTA) and will include well-defined performance standards that were not included in the existing bus shelter contract.

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

**ITEM VI.C.1., PERMISSION TO ADVERTISE INVITATION TO BID AND AUTHORIZATION TO EXECUTE THE RESULTING AGREEMENT(S), RE: CELLULAR COLOCATION LICENSEE(S) AT THE MELBOURNE BEACH WWTP TOWER**

Kimberly Prosser, Emergency Management Director, stated that the County owns a cellular tower at the Melbourne Beach Waste Water Treatment Plant (WWTP), Emergency Management wants to put space on that tower out for bid.

The Board approved advertisement of an Invitation to Bid for future cellular colocation licensee(s) at the Melbourne Beach WWTP Tower, and authorized any execution of resulting agreements, subject to approval by the County Attorney's Office.

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

**ITEM VI.F.1., CITIZEN REQUEST BY NATHAN CRAWFORD, RE: ELIMINATE ALL STYROFOAM SALES AND USE IN BREVARD COUNTY**

The Board took no action on a citizen request by Nathan Crawford to eliminate all Styrofoam sales and use in Brevard County.

**ITEM VIII.C., REPORT, RE: TRUDIE INFANTINI, DISTRICT 3 COMMISSIONER**

Commissioner Infantini stated that she and Commissioner Barfield attended the ribbon cutting for Space Coast Credit Union, they are going to be expanding, and it was a really great, well organized event; and they are hopefully going to be creating 300 jobs, and she is unsure of what the tax abatement will be for that, but she is very happy about Space Coast Credit Union expanding in Brevard. She added that the Board agreed to block off a boat ramp, and maintain a dock on Mockingbird Lane; prior to making improvements to the dock Brevard County had given the land to the Water Management District; and the Water Management District is not excited about making improvements to the dock, and have agreed to put this issue on the Agenda for their meeting, if the Board would be willing to take back the property so that the County can make the improvements that the Board previously approved; and she is looking for approval from the Board so that St. Johns can go to their group and transfer the property over in a quit claim deed back to Brevard County.

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Chairman Fisher stated that he is unsure if there is enough information, and asked for clarification regarding the circumstances of the dock, the property, and the views of the residents. Commissioner Infantini stated that only one neighbor was unhappy, but all of the other neighbors were in support of the improvements of the dock, however the land had been donated to the Water Management District and improvements were not made; and now the Water Management District has agreed to give the land back so that improvements can be made to the dock. Chairman Fisher stated that he would like for staff to take a look and research this issue before he can be supportive of it.

There being no further comments, the motion to approve taking back the property on Mockingbird Lane failed.

<b>RESULT:</b>	<b>DEFEATED [2 TO 3]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Trudie Infantini, Curt Smith
<b>NAYS:</b>	Robin Fisher, Jim Barfield, Andy Anderson

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

Commissioner Anderson asked for an update on an easement that was to be reserved for the Airboat Association to lease.

**ITEM VIII.F., REPORT, RE: JIM BARFIELD, DISTRICT 2 COMMISSIONER**

Commissioner Barfield stated that he attend a ribbon cutting for a new launch pad at Kennedy Space Center; the launch pad is set up for smaller launch vehicles, which there are very few areas in the Country to do that; the federal government put up the money to build this launch pad; after speaking with a lot of people there, it is interesting to see that probably in approximately five years there will be five manned flight systems putting people in space, and considering now there are zero; and so a lot is going on at Kennedy Space Center, and it is all good and it is commercial.

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

Chairman Fisher stated that he wanted to make an appointment to the Community Development Block Grant Advisory Board. He added that USSSA is coming for meetings all day, with various departments, on July 23, to discuss the Memorandum of Agreement being converted into Contract form.

There being no comments, the Board acknowledged the appointment of **Art Edwards** to the Community Development Block Grant Advisory Board.

July 21, 2015

<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

Upon consensus of the Board, the meeting adjourned at 11:35 a.m.

ATTEST:

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

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SCOTT ELLIS, CLERK