

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 July 12, 2016 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

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

**INVOCATION**

The invocation was given by Chaplain Chip Hanson, Brevard Veterans Council, and Veterans Memorial Center.

**PLEDGE OF ALLEGIANCE**

Commissioner Smith led the assembly in the Pledge of Allegiance.

**MINUTES FOR APPROVAL**

The Board approved March 31, 2016 Workshop Meeting Minutes, April 19, 2016 Regular Meeting Minutes, May 3, 2016 Regular Meeting Minutes, and May 26, 2016 Zoning Meeting Minutes.

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

**ITEM I.A., ACKNOWLEDGEMENT, RE; UF/BREVARD EXTENSION 2016 4-H YOUTH TROPICANA SPEECH CONTEST WINNERS**

Andrea Lazzari, UF/Brevard County Extension, 4-H Youth Development Agent, stated she is with Linda Seals, UF/Brevard County Extension Services Director, and that the goal of the 4-H is to provide youth opportunities to get the knowledge and life skills necessary to be productive, responsible citizens and leaders; here in Brevard County they work to achieve this goal through an abundance of programming including poultry clubs, equestrian clubs, summer camps, gardening activities, after school programming, and much more; today they are here to present

July 12, 2016

one of the winners of the Brevard County 4-H Tropicana Public Speaking Contest. She added this educational program is designed to give students experience in the preparation and delivery of a speech, and is incorporated into teachers classes and curriculum throughout the County. She advised with the guidance of their teachers, participating students work on a speech of their choice, which is then judged at the school and County levels; this year's fifth grade winner is Leah Shleffer, from Audubon Elementary, and she will present her speech entitled "*American Dream*".

Leah Schleffer presented her speech to the Board.

Ms. Lazzari informed the Board that the sixth grade winner was Elie Sheets, Indian Harbour Montessori, but was not able to attend the meeting today. She thanked the Board for its time this morning, and for its support of 4-H programming like the 4-H Tropicana Public Speaking Contest; programs like this are invaluable in creating educated and responsible future leaders in the youth of Brevard County.

The Board acknowledged the winners of the 2016 Tropicana Speech Contest.

**ITEM I.B., RESOLUTION, RE: PROCLAIMING THE MONTH OF JULY 2016, AS PARKS AND RECREATION MONTH IN BREVARD COUNTY**

Jack Masson, Parks and Recreation Director stated they are excited once again to be recognized as a department and a profession; Parks and Recreation was first recognized by the National Parks and Recreation Association a number of years ago, highlighting the activities that they do and perform on a daily basis, not just in the month of July; and this morning he does have a group of team camp participants. He added they operate 41 camps in the summer; they are in the eighth week already, and in that eight weeks, they have served 303,000 children from ages five to fourteen; and it takes a lot of gumption to continue on, because there is so many other things like the games and the girls and whatever else, but he appreciates them participating.

Chairman Barfield read aloud the resolution.

The Board adopted Resolution No. 16-088, recognizing the month of July 2016 as Parks and Recreation month.

Mr. Masson introduced the Counselors for the Parks and Recreation Camps.

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

**ITEM I.C., PRESENTATION, RE: RECOGNIZING PARKS AND RECREATION EMPLOYEE, EDDIE REININGER, FOR HIS HEROIC ACTIONS IN HALTING A PURSE SNATCHER**

Stockton Whitten, County Manager, stated during his short tenure as County Manager, he has had the pleasure of doing a number of these; he is so proud to be here as the County Manager, and presenting an Excellence in Action Award for Eddie Reininger. He added Mr. Reininger is a

July 12, 2016

Parks Equipment Mechanic for South Area Parks Operations, was driving by the Walgreens on Wickham Road on his day off; he witnessed a woman lying on the ground, and a man fleeing on a bicycle with a purse; he chased after the robber, shoving him off of his bicycle, recovered the purse, and returned it to the woman. He noted Mrs. Sparks is here today; in addition to recovering the purse, he positively identified the suspect, aiding in his arrest; Mr. Reininger demonstrated selflessness and compassion for a robbery victim by intervening without regard to his own personal safety; his actions reflect favorably upon him, and Brevard County; and he clearly deserves recognition as Brevard's best. He congratulated Mr. Reininger on a job well done.

The Board acknowledged presentation recognizing Eddie Reininger for his courageous efforts in stopping a purse snatcher on April 15, 2016.

**ITEM I.D., RESOLUTION, RE: PROCLAIMING THE WEEK OF JULY 17-23, 2016, AS PRETRIAL, PROBATION, AND PAROLE SUPERVISION WEEK**

Rachel Anderson thanked the Board for the recognition; and introduced Samantha Eastman, Cocoa Office Manager, Officer Robert Ellis, Melbourne Office, Officer Donna Bolton, Cocoa Office, Officer Nicole Oganlari, Melbourne Officer, Officer Roamer, Melbourne Office, Officer Costellate, Melbourne Office, Chris King, Melbourne Office Manager, Charles Colon, Melbourne Office, and Kimber Headen, Deputy Circuit Administrator, Circuit Office. She added she is honored to have a few moments before the Board to recognize the tremendous efforts that the Brevard County State Probation Officers do on a daily basis; they monitor over 4,500 felony offenders living in Brevard County; the oftentimes work seven days a week, 24 hours a day, supporting the mission of the Florida Department of Corrections. She went on to say these officers work to provide a continuum of services to meet the needs of those entrusted in their care; in doing so, they make referrals to all of the social service agencies in the County to assist the offenders to match them up with their needs, whether it be drug treatment, anger management, batterers intervention program, whatever the needs are; and they monitor the progress of the offenders and compliance with the conditions and if necessary they report these violations to the Circuit Court to address them. She advised their staff volunteer and facilitate Thinking For Change classes throughout the County, they have on-site GED classes in the Cocoa Office, they have Goodwill job clubs going on monthly; they have coordinated job and career fairs, and their staff works very hard matching the right employer with an offender to get them to be productive members of society. She added the officers also work in the community on a monthly basis, making thousands of home, personals, employment, personal, and treatment contacts to make sure that everybody knows who is on probation and to make sure they are complying with their court orders. She informed the Board that their staff works to create a safe and professional environment; they work hand in hand with local law enforcement partners conducting compliance initiatives to ensure that the probationers are following the order of the court, and complying with the conditions of supervision; their hope is to reduce victimization, safer communities, and an emphasis on the premium of life. She pointed out their agencies vision is inspiring success, transforming one life at a time, and their staff does this each and every day with the efforts they put forth in assisting these offenders and trying to become productive members of society. She commended, applauded, and expressed appreciation all of the hard work and dedication of the staff in Brevard County; there are about 100 staff, including the support staff that keep the ball rolling and make this operation work for them. She went on to say the support staff, officers, and supervisors demonstrate dedication, commitment, service and quality of work to the citizens of the State of Florida. She thanked the Board for its time and recognition.

Commissioner Anderson read aloud and the Board adopted Resolution No. 16-089, proclaiming the week of July 17 through 23, 2016, as Pretrial, Probation and Parole Supervision Week.

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

**ITEM I.E., RESOLUTION, RE: RECOGNIZING JANET SEIGLER CAMPBELL, IN MEMORY OF HER LIFE OF STRENGTH AND SELFLESS SERVICE**

Commissioner Fisher stated this is after the fact, during the break, his office presented this Resolution to her family; and asked the Board to go ahead and approve the Resolution, as written.

The Board adopted Resolution No. 16-090, recognizing Janet Seigler Campbell for her life of strength and selfless service.

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

**ITEM I.F., RESOLUTIONS, RE: RECOGNIZING BOY SCOUT TROOP 224**

Kevin Howard, Troop 224, Suntree United Methodist Church, stated they are happy to be here; each summer they arrive with a new crop of very successful Eagle Scouts; the boys that are stepping up have all successfully completed many requirements including skills, learning, leadership, management, culminating an Eagle's project, and becoming Eagle's themselves. He added the Eagles before the Board are Zachary Elmer, Brennan Wooden, Mitchell Shafer, and Kevin Fee. He inquired if the boys could say a little about their project.

Commissioner Smith responded yes, and read aloud the resolution.

The Board adopted Resolution No. 16-097, recognizing and commending Boy Scout Troop 224.

Zachary Elmer stated his project was to help local elementary children in the community where he lives in Avalon Park; and in the end he collected over \$600 worth of school supplies to be distributed to children in need around the area. He explained coming from a family that has had financial struggles in the past, this project meant something to him, to help other children in a similar situation as he was in elementary school.

Mitchell Shafer stated his project was rebuilding the Viera Wetlands Kiosk; the Kiosk was getting old and it was not in a good location; the information that was on it was not easily seen; and it is not like a normal kiosk, it is 21 feet long. He added it took a lot of hard work, people to donate materials, and help; everything was 100 percent donated; and it took about four weekends to build.

July 12, 2016

Brennan Wooden stated he decided to do landscaping and beautification of the northern courtyard of Suntree United Methodist Church, which is the home of Troop 224; they are so kind, they let the Troop stay there and have their meetings every Tuesday during the school year; and they owe a lot to them. He added the church also lets them house their trailer there, as well as their camping equipment; he noticed the courtyard needed some care and love in the area; there is a huge fountain, and two massive areas that he planted flowers. He explained it was re-mulched and he cleaned up the bushes around the area.

Kevin Fee stated he did his project at Oars and Paddles Park, which is down by Indian Harbour; the boathouse there has been overflowing with boats; the bowery has reached its maximum capacity; and his project was to help organize and construct a retractable boat lift. He advised this was done with pvc pipes, pulleys, and rope, so it could lift the boat up to the ceiling, put them on the rack, and tie it off; planning took months; constructing the project took two or three weeks; and this was to help the rowing community.

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

**ITEM I.G., RESOLUTION, RE: RECOGNIZING PASTOR MAJOR ROLLINS**

Commissioner Barfield read aloud, and the Board adopted Resolution No. 16-098, recognizing Pastor Major Rollins for his distinguished service to his church and the community, and congratulates him on his installation as Pastor at Mt. Tabor Primitive Baptist Church.

Pastor Major Rollins, Mt. Tabor Primitive Baptist Church, stated he is excited about being here, and thanked the Board for this recognition and honor for this Resolution; he is especially grateful to Mt. Tabor for their years of service to the community; and he is just getting here. He thanked the members that are present this morning, and he looks forward to being more involved in the community with the Minister Alliances, and he worked as a substitute teacher in Duvall County; he just started his application for Brevard County, he looks forward to doing that; and to network with the churches in the community to encourage education and meeting the needs of the community they are involved in. He introduced the members of the church Linda Howard, Musician, Barbara Thomas, Choir member, Betty Daily, Usher, and Gwen Rollins, Wife.

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

**ITEM II.A.1., APPROVAL, RE: MEMORIAL MEDICAL CENTER PARCEL - NO FURTHER ACTIONS WITH CONDITIONS (PARCEL ID: 21-35-28-00-00760.0-0000.00)**

July 12, 2016

The Board approved the placement of a deed restriction on the referenced Memorial Medical Center parcel upon final review by the Florida Department of Environmental Protection (FDEP) Office of General Council, County Attorney's Office, and Risk Management; approved allowing legal advertisement of the proposal to establish the restrictions; and authorized the Chairman to execute the final agreement between FDEP and Brevard County.

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

**ITEM II.A.2., APPROVAL, RE: FEGUER PROPERTY - NO ACTION WITH CONDITIONS (PARCEL ID: 21-35-28-00-254)**

The Board approved the placement of a deed restriction on the referenced Feguer Property upon final review by the Florida Department of Environmental Protection (FDEP) Office of General Council, County Attorney's Office, and Risk Management; approved allowing legal advertisement of the proposal to establish the restrictions; and authorized the Chairman to execute the final agreement between FDEP and Brevard County.

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

**ITEM II.A.3., APPROVAL, RE: WARING PROPERTY - NO FURTHER ACTION WITH CONDITION (PARCEL ID: 21-35-28-00-00257.0-0000.00, WESTERN PORTION OF PARCEL ID: 21-35-28-00-00256.0-0000.0, AND SOUTHERN PORTION OF PARCEL ID: 21-35-29-00-00009-0000.00)**

The Board approved the placement of a deed restriction on the referenced Waring Property upon final review by the Florida Department of Environmental Protection (FDEP) Office of General Council, County Attorney's Office, and Risk Management; approved allowing legal advertisement of the proposal to establish the restrictions; and authorized the Chairman to execute the final agreement between FDEP and Brevard County.

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

**ITEM II.A.4., AGREEMENT WITH UNIVERSITY OF CENTRAL FLORIDA (UCF), RE: SHORELINE SURVEY AND MAPPING IN THE INDIAN RIVER LAGOON (IRL)**

July 12, 2016

The Board authorized the Chairman to execute a Memorandum of Agreement (MOA) substantially in the form of Attachment A, subject to County Attorney and Risk Management final approval; authorized the County Manager, or his designee, to execute future amendments, as required, to implement the work approved under the Department of Environmental Protection (DEP) Agreement #CM714; and authorized any necessary budget changes requests.

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

**ITEM II.A.5., EXECUTION AND RELEASE OF HOLD HARMLESS AGREEMENT, RE: KNIGHT ENTERPRISES AND BREVARD COUNTY MOSQUITO CONTROL DISTRICT**

The Board executed the Release and Hold Harmless Agreement between Knight Enterprises and Brevard County Mosquito Control District, substantially in the form of the attached contingent upon County Attorney and Risk Management approval; and authorized the County Manager, or his designee, to execute future agreements under similar terms, subject to the approval of the County Attorney's Office and Risk Management.

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

**ITEM II.A.7., PERMISSION TO BID, AWARD, AND EXECUTE LEASE AGREEMENT, RE: 128+/- ACRES TO BE USED FOR CATTLE GRAZING**

The Board granted permission to bid and award to the highest bidder; authorized the Chairman to execute a lease agreement for the purpose of cattle grazing; and in accordance with Florida Statute 125.35(1)(a), the Board is expressly authorized to sell and convey any real or personal property and to lease real property belonging to the County, whenever the Board determines that it is to the best interest of the County to do so.

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

**ITEM II.A.8., APPROVAL, RE: RENEWAL OF POLICY BCC-45, INITIATION AND DEVELOPMENT OF NEW OR AMENDED ORDINANCES**

July 12, 2016

The Board approved the renewal of Policy BCC-45, Initiation and Development of New or Amended Ordinances.

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

**ITEM II.A.9., APPROVAL, RE: RENEWAL OF POLICY BCC-51, ZONING ACTIONS AND FINDINGS OF FACT**

The Board approved the renewal of Policy BCC-51, Zoning Actions and Findings of Fact.

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

**ITEM II.A.10., APPROVAL, RE: RENEWAL OF POLICY BCC-52, APPROVAL OF BINDING DEVELOPMENT PLANS**

The Board approved the renewal of Policy BCC-52, Approval of Binding Development Plans.

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

**ITEM II.A.11., APPROVAL, RE: RENEWAL OF POLICY BCC-82, CONTINUED USE OF TEMPORARY RESIDENCE AFTER ISSUANCE OR CERTIFICATE OF OCCUPANCY**

The Board approved the renewal of Policy BCC-82, Continued use of Temporary Residence after Issuance of Certificate of Occupancy.

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



July 12, 2016

**ITEM II.A.12., BINDING DEVELOPMENT PLAN, RE: ELINOR GARRISON (FATHER EDWARD SORIN REAL ESTATE TRUST)**

The Board executed Binding Development Plan Agreement with Elinor Garrison for property located on the southeast corner of Winslow Circle and Azure Lane in Cape Canaveral area.

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

**ITEM II.A.13., BINDING DEVELOPMENT PLAN, RE: BRAVEHEART PROPERTIES OF BREVARD, INC**

The Board executed Binding Development Plan with Braveheart Properties of Brevard, Inc. for property located on the West side of Sandpiper Dr., at 222 Flamingo Dr., Cocoa.

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

**ITEM II.A.14., FINAL PLAT AND CONTRACT APPROVAL, RE: TRASONA PHASE 3 SUBDIVISION - THE VIERA COMPANY**

The Board granted final plat and contract approval for Trasona Phase 3 Subdivision, subject to minor engineering changes as applicable, and developer responsible for obtaining all other necessary jurisdictional permits; and authorized the Chairman to sign the final plat and Contract for the Project.

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

**ITEM II.A.15., WAIVER OF PARKING REQUIREMENTS, RE: ARTISTRY AT VIERA - STANTEC CONSULTING SERVICES, INC**

The Board approved a waiver to Section 62-3206(d)(7) to reduce the required 570 parking spaces down to 531 spaces for Artistry at Viera.

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

**ITEM II.A.16., RESOLUTION AND LARGE HANGAR LEASE AGREEMENT, RE: AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE TO EXECUTE**

The Board adopted Resolution No. 16-099, approving the large hangar Lease Agreement; and authorized the County Manager, or his designee, to execute Board-approved hangar lease agreements, ratifying all current lease agreements, and providing for an effective date.

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

**ITEM II.B.1., APPROVAL, RE: NAMING THE NORTH PAVILION AT MITCHEL ELLINGTON PARK**

The Board approved the Naming of the North Pavillion at Mitchell Ellington Park as, "Aneta Ott Pavillion".

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

**ITEM II.B.2., RATIFICATION RESOLUTIONS AND LEASE AGREEMENTS, RE: PROGRESSIVE ACTION SOCIETY, INC., TITUSVILLE AREA MODEL RAILROAD CLUB, INC., AND SHINING STARS LEARNING CENTER AT THE GIBSON COMPLEX AND GYM**

The Board ratified the Resolutions and Lease Agreements for Titusville Area Model Railroad Club, Inc., Progressive Action Society, Inc., and Shining Stars Learning Center for the usage of building space at the Gibson Complex and Field.

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

July 12, 2016

**ITEM II.B.3., TWO INTERLOCAL AGREEMENTS WITH THE CITY OF TITUSVILLE, RE: FISCAL PARTICIPATION IN THE CONSTRUCTION OF A SPLASH PARK AT SAND POINT PARK; AND PERMISSION TO CONSTRUCT A BMX TRACK AT MARINA PARK**

The Board executed Agreements with City of Titusville for fiscal participation in the construction of a Splash Park at Sand Point Park and permission to construct a BMX Track at Marina Park; and approved all necessary budgetary documents related to this action.

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

**ITEM II.B.4., RESOLUTION AND LEASE AGREEMENT, RE: THE CHRISTIAN LIFE CENTER OF TITUSVILLE, INC.**

The Board adopted Resolution No. 16-100, and executed Lease Agreement with The Christian Life Center of Titusville, Inc. for the usage of building space at the Gibson Complex and Field, contingent upon The Christian Life Center of Titusville, Inc. meeting all insurance requirements as outlined in the Agreement.

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

**ITEM II.C.1., RENEWAL OF EXISTING AGREEMENT WITH PFM ASSET MANAGEMENT, LLC, RE: INVESTMENT ADVISOR SERVICES**

The Board executed an Amendment to the Investment Management Services Agreement with PFM Asset Management, LLC which renews the existing Agreement for one year.

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

**ITEM II.C.2., APPROVAL, RE: REVISION OF POLICY BCC-26, ACQUISITION OF CONSULTANT PROFESSIONAL SERVICES**

The Board approved the Revision of Policy BCC-26, Acquisition of Consultant Professional Services.

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

**ITEM II.C.3., RESOLUTION, RE: ADOPTION OF BREVARD COUNTY’S COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP)**

The Board adopted Resolution No. 16-101, Revising the CEMP, in accordance with Florida Statute 252 and Florida Administrative Code 27-P; and proclaiming the CEMP is the official document to guide emergency planning and response within Brevard County.

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

**ITEM II.C.4., INTERLOCAL AGREEMENTS WITH MUNICIPALITIES IN BREVARD COUNTY, RE: OUTLINING ADDRESSING REQUIREMENTS FOR PUBLIC SAFETY PURPOSES, AND PROVIDING THE ABILITY TO TRANSFER ADDRESSING RESPONSIBILITIES TO THE COUNTY FOR AN ANNUAL FEE**

The Board executed Interlocal Agreements with Municipalities for Outlining Addressing requirements for Public Safety purposes; and approved the Interlocal Agreements with 14 of the 16 Municipalities.

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

**ITEM II.C.5., APPROVAL, RE: PURCHASE OF ONE REPLACEMENT AMBULANCE**

The Board approved the purchase of one replacement ambulance from Wheeled Coach Industries, an approved vendor selected through a competitive bidding process (Florida Sheriff’s Bid #16-VEF12.0, specification 1) completed by the Florida Sheriffs Association, Florida Fire Chiefs Association, and Florida Association of Counties.

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

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

The Board approved the Budget Change Requests.

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

**ITEM II.D.2., APPROVAL, RE: CERTIFICATIONS OF LOCAL OPTION GAS TAX (LOGT) PERCENTAGES ALLOCATIONS**

The Board certified the revenue percentage allocations; and authorized the Clerk's Finance Department to submit the allocations to the Florida Department of Revenue (DOR).

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

**ITEM II.D.3., ACKNOWLEDGEMENT, RE: FY 2017 PROPOSED BUDGET FOR BAYTREE COMMUNITY DEVELOPMENT DISTRICT**

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

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

**ITEM II.D.4., ACKNOWLEDGEMENT, RE: FY 2017 PROPOSED BUDGET FOR MONTECITO COMMUNITY DEVELOPMENT DISTRICT**

July 12, 2016

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

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

**ITEM II.D.5., ACKNOWLEDGEMENT, RE: FY 2017 PROPOSED BUDGET FOR VIERA STEWARDSHIP COMMUNITY DEVELOPMENT DISTRICT**

The Board acknowledged receipt of the FY 2017 proposed budget for Viera Stewardship Community Development District.

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

**ITEM II.D.6., ACKNOWLEDGEMENT, RE: FY 2017 PROPOSED BUDGET FOR HERITAGE ISLE AT VIERA COMMUNITY DEVELOPMENT DISTRICT**

The Board acknowledged receipt of the FY 2017 proposed budget for Heritage Isle at Viera Community Development District.

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

**ITEM II.D.7., ACKNOWLEDGEMENT, RE: FY 2017 PROPOSED BUDGET FOR VIERA EAST COMMUNITY DEVELOPMENT DISTRICT**

The Board acknowledged receipt of the FY 2017 proposed budget for Viera East Community Development District.

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

**ITEM II.D.8., ACKNOWLEDGEMENT, RE: RECEIPT OF FY 2014-2015 CITY OF MELBOURNE COMMUNITY REDEVELOPMENT AGENCY ANNUAL REPORT FOR FISCAL YEAR ENDING SEPTEMBER 30, 2015**

The Board acknowledged receipt of the Fiscal Year 2014-2015 City of Melbourne Community Redevelopment Agency Annual Report for the Fiscal Year ending September 30, 2015.

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

**ITEM II.D.9., ACKNOWLEDGEMENT, RE: RECEIPT OF ANNUAL AUDITED FINANCIAL STATEMENTS OF THE TITUSVILLE-COCOA AIRPORT AUTHORITY FOR FY 2014-2015**

The Board acknowledged receipt of the Annual Audited Financial Statements of the Titusville-Cocoa Airport Authority for Fiscal Year 2014-2015.

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

**ITEM II.D.10., AUDIT COMMITTEE'S ACCEPTANCE, RE: PURCHASING CARD, ECONOMIC DEVELOPMENT COMMISSION-GRANT COMPLIANCE, PUBLIC WORKS-ROAD CONSTRUCTION MONITORING ASSISTANCE, ROAD AND BRIDGE IMAINT AUDIT REPORTS, AND THE ACCOUNTS PAYABLE AND CASH RECONCILLIATION CYCLE AUDIT REPORTS**

The Board accepted the Audit Committee's Purchasing Card, Economic Development Commission-Grant Compliance, Public Works-Road Construction Monitoring Assistance, Road and Bridge iMaint Audit Reports, and the Accounts Payable and Cash Reconciliation Cycle Audit Reports.

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

**ITEM II.D.11., PERMISSION TO APPLY AND ACCEPT, RE: FY 2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT-LOCAL SOLICITATION**

July 12, 2016

The Board granted permission to apply for and accept the FY 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) for Local Solicitation; and authorized the Chairman to execute the necessary grant documents and budget adjustments.

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

#### **ITEM II.D.13., APPROVAL, RE: BILLFOLDER**

The Board approved the Billfolder as submitted.

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

#### **ITEM III., PUBLIC COMMENTS**

Sara Ann Conkling stated that on June 16, 2016, she was in a car accident in Titusville; as a result of the accident she is now in physical therapy; and the young man who is working on her neck, is a student of Eastern Florida State College, where he is hoping to become a physical therapy aid. She continued that he uses the bus to get to work; and because he uses the bus he has enough money to pay for his tuition, books, housing, food, and all the things young people seem to need. She asked the Board, on behalf of Mitchell, to please consider adding more money to this year's budget for public transportation; she knows several members of the Board have shown an interest and have asked Jim Liesenfelt, Transit Services Director, to work up some alternative scenarios; and she just wants the Board to know that whatever they are able to do is much appreciated and that it will help people who desperately need to get to work. She continued that Melbourne, Florida has already had seven heat records broken this summer; as a result of the heat she would also like to get the citizens off the street and into an air conditioned bus; and that can only happen if there is more service. She stated that she was only here to remind the Board to please not forget during the budget hearing on Thursday, and the Board will be hearing from a lot of people on Thursday. She went on to thank the Board for taking care of the citizens of Brevard County.

Charles A. Tovey Jr. stated that he must be redundant, because of people's memories and that is why he goes on public record to speak, because all of these issues have been addressed. He commented that he has information that was previously given to the Board; and to excuse his preparation he thought there were more public speakers ahead of him, that is another issue. He noted in the picture, that was provided to the Board, that was him right after paying off his student loans, his debt to society; he got engaged and his fiancée is still waiting in his apartment in Manila; and that he went and bought a piece of property at 2555 Roberts Road to start his family. He continued that he gave the Board a copy of his



July 12, 2016

family heritage, and the name Charles, on his grandfather, that is his name too and his birthday was July 4, and he has the video of the spectacular fireworks over his house every year. He stated all these issues that he has addressed are not going away; he now has more video cameras and more stuff; and it is for the record, that no one can do anything about it and no one has. He went on that his property has been destroyed; he has been raped in his right to live in his heritage; and that he is not going to be happy. He commented that everybody is like, 'have a nice day and good morning', however it is not a good morning; this should have never happened to him; and he is not going to go away, the Board will have to murder him. He continued that he has already been dead a few times and that being dead is not a problem; and he had goals in his life and does certain things to reach those goals. He stressed it is just like when going on vacation, it is planned for; just like going to college and having a family; and he plans on going to heaven and there are certain requirements, it is not what he believes, it is what he knows. He continued that just like going to the moon and asked the Board if it believed it or if they knew it, what is the evidence, and replied it is hearsay and his is two thousand years old. He stated that is what he stands on; his ancestors started this County, they were here first; and questioned what kind of recognition does he get as a human being. He commented that at twenty years old he wanted to move to Pineda, away from everybody and what happened, Palm Shores moved right in, and where it came from was the Economic Development Council. He added that he is a black bear; has Post Traumatic Corruption Stress Disorder (PTCSD); and he will never be the same. He stated he has been traumatized and he is scared to walk out of his house any time he sees a police officer or any kind of government agency.

**ITEM IV.A., RESOLUTION, RE: PETITION TO VACATE PUBLIC DRAINAGE EASEMENT - KINGS ROAD - "REPLAT OF PORT ST. JOHN VALLEY CAMP SITES, INC." -COCOA - STEPHEN AND DIANA TROUT - JEFFREY AND SUSAN DELOCHE**

Chairman Barfield called for a public hearing to consider petition to vacate public drainage easement on Kings Road.

John Denninghoff, Public Works Director stated this is a petition to vacate a public drainage easement in the vicinity of Lake Poinsette in west Cocoa; it is a common lot line between two properties owned by the same person; and there are no objections to the petition.

There being no further comments or objections, the Board adopted Resolution 16-103 to vacate public drainage easement - Kings Road - "replat of Port St John Valley Camp Sites, inc." - Cocoa - Stephen and Diana Trout - Jeffrey and Susan DeLoche.

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

**ITEM IV.B., RESOLUTION, RE: PETITION TO VACATE PARTIAL PUBLIC UTILITY AND DRAINAGE EASEMENT - "PORT ST. JOHN UNIT EIGHT" -COCOA - JUSTIN STEVENS**

Chairman Barfield called for a public hearing to consider petition to vacate partial public utility and drainage easement in Port St. John Unit Eight.

July 12, 2016

John Denninghoff, Public Works Director, stated this is a petition to vacate a public utility and drainage easement on common lot lines in the Port St. John subdivision in District 1; there has been no objections to the petition.

There being no further comments or objections, the Board adopted Resolution 16-104 to vacate partial public utility and drainage easement - "Port St. John Valley Camp Sites, Inc." - Cocoa - Justin Stevens.

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

**ITEM IV.C., RESOLUTION, RE: PETITION TO VACATE PART OF AN UNNAMED 20.0 FOOT WIDE PUBLIC RIGHT-OF-WAY - PLAT "SHERWOOD FORREST" - MERRITT ISLAND - RUTH LITTLE**

Chairman Barfield called for a public hearing to consider petition to vacate part of an unnamed 20.0 foot wide public right-of-way in the Plat of Sherwood Forrest.

John Denninghoff, Public Works Director, stated this is a petition to vacate an un-utilized public right-of-way between two parcels that are owned by the same person, they have petitioned to vacate it; there is nothing planned for, or currently using the right-of-way; and there is no objection to the petition.

There being no further comments or objections, the Board adopted Resolution 16-105 to vacate part of an unnamed 20.0 foot wide public Right-of-Way - Plat of "Sherwood Forrest" - Merritt Island - Ruth Little.

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

**ITEM IV.D., ORDINANCE, RE: AMENDING SECTION 62-102 TO CREATE AN ADMINISTRATIVE APPROVAL PROVISION FOR THE DIVISION OF A PARCEL OF LAND INTO A MAXIMUM OF TWO FLAG LOTS**

Chairman Barfield called for a public hearing to consider an ordinance amending Section 62-102 to create an administrative approval provision for the division of a parcel of land into a maximum of two flag lots.

Robin DiFabio, Planning and Development Director stated this is the flag lot ordinance that has been prepared and brought back to the Board, at its direction, and will reinstate the provision for the ability to obtain flag lots as an administrative approval outside of the minor subdivision requirements.

July 12, 2016

There being no further comments or objections, the Board adopted Ordinance 16-011 amending Chapter 62, "Land Development Regulations", Code of Ordinances of Brevard County, Florida; amending Article VI, Section 62-102, to provide an administrative procedure for the division of up to two flag lots; providing for conflicting provisions; providing for severability; providing for area encompassed; providing an effective date; and providing for inclusion in the Brevard County Code of Ordinances.

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

**ITEM IV.E., RESOLUTION AND EXCHANGE AGREEMENT WITH HOLY TRINITY EPISCOPAL ACADEMY, INC., RE: PINEDA CAUSEWAY GRADE CHANGE PROJECT**

Chairman Barfield called for a public hearing to consider an resolution and exchange agreement with Holy Trinity Episcopal Academy, Inc.

John Denninghoff, Public Works Director, stated this item is a part of the Pineda Overpass Construction Project, which by way of reminder, is a project that is principally funded by the State to get a grade separated overpass across the railroad tracks for the Pineda Causeway; a piece of property was previously purchased on the East side of the Holy Trinity Preparatory School property; and this would be last of the right-of-way needed for this project. He commented the proposal is actually an exchange of a combination of a vacant parcel of land that the County owns that is on the west side of Holy Trinity; some cash in exchange for all of the rights; and for some property that is needed for the road project. He added the total cost for the County is \$185,000 and the exchange of the property is a 1.1 acre remainder piece of property that had been acquired for the Pineda Causeway Extension in 2003.

There being no further comments or objections, the Board adopted Resolution No. 16-105, and executed Exchange Agreement with Holy Trinity Episcopal Academy, Inc. relating to the Pineda Causeway Grade Change Project, including the exchange of HTP property rights for vacant, County-owned property, and a cash payment to HTP.

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

**ITEM V.A., RESOLUTION, RE: DENYING REZONING REQUEST FROM SEU TO AU, FOR MARK AND KATHLEEN NATHAN**

Scott Knox, County Attorney, stated that this is a resolution denying the rezoning request involving Mark and Kathleen Nathan, the Board has heard it before; the law requires staff to come back the Board with written findings and written denial; and this is that resolution.

July 12, 2016

The Board adopted Resolution No.16-107, setting forth the Findings of Fact and Conclusions of the Board pertaining to the denial of rezoning request from SEU to AU on property north of the Pineda Causeway and west of South Tropical Trail.

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

**ITEM V.B., BOARD APPROVAL, RE: TAKE LEGAL ACTION AGAINST ERIC AND AMANDA OBLOY**

Scott Knox, County Attorney, stated that the Board is familiar with the Obloy case that was filed several months ago; the County pinned an injunction against the use of 11 acres of property for purposes that were inconsistent with agricultural zoning; and since the time that Injunction was issued the legislature has acted in broadening the definition of agritourism to allow certain uses that were not permitted before the legislature changed the law. He continued that since that time he has discovered that there is a brochure that Mr. Obloy and his wife have put online indicating that they are going to hold an Indian River Lagoon Family Festival on the property and that particular event requires a special event permit; Mr. Obloy has indicated that he is not going to obtain a special events permit because he does not believe it is required under the law, that now allows him to apparently do whatever he wants to do on the property and feels this festival falls on the heading of that agriculture, which the County does not agree with; therefore, he has gone ahead and filed an Amended Complaint because he intends to hold this event on July 23 and there is no way to get to a court before July 23 unless they actually filed a complaint, so that was done with the idea that he would come before the Board to ask permission to continue with this effort to enjoin the festival unless a special permit is obtained and if Mr. Obloy chooses to do that, then the County can dismiss the complaint again.

Eric Obloy stated the House Bill 59 that was passed states that a local ordinance can not be enforced. He continued on how he has a 50 percent water, fish farm on his property and that there was an incident where a guy hit the wrong switch at one of the Counties pumping stations and that all goes into his property, it seeps up through the ground. He noted that he is trying to raise money to do something good and everybody wants to stop it; that it is all paid for out of his own pocket; and the homeowners that are in the area have a State form to sign when they bought their property letting them know that area was farmland and he will provide them with copies, if they like. He stated that he has been told by citizens of Brevard County that they are the best thing that happened to Brevard County; he has also been told they are the worst thing; and that he heard the Board today tell the Cub scouts not to back down and he is never going to back down, ever, and that he will soon have his boat ramp. He went on to say on to let the Board know If the County wants his land they can buy it, it is for sale; that Scott Knox, County Attorney, stepped ahead of his own system and the rules, there again the County breaking the rules; and that the County did not even contact him, to let him know to be at today's meeting. He noted that the County attorney states this will cost the County money because they are breaking the rules.

Attorney Knox commented that the Board is well aware of what is on the Agenda.

Mr. Obloy replied as it does warn them that this could cost them money.

July 12, 2016

Attorney Knox stated it could if the County loses.

Mr. Obloy stated that is not what it says.

Attorney Knox commented he does not think that will happen.

Commissioner Infantini questioned what does it say at the end of the last paragraph.

Mr. Obloy commented it is the last paragraph on the second page.

Commissioner Infantini stated there is potential liability in pursuing the injunction namely if the court determines the Obloy's were wrongfully enjoined; the County could be responsible for the costs of any canceled vendor contracts or cost incurred due to the injunction of the special event; and that these cost are presently undetermined and could be mitigated by the Obloys if they were not to get a special event permit prior to hosting this event. She questioned if the County monitors all events that might happen so that they can proactively file for an injunction in the event that they do not follow through; she commented that she does not ever remember in her seven and a half years, the County taking such drastic initiate to file an injunction just to make sure a special event for the Lagoon could be stopped; and she asked if Attorney Knox could provide when the last time was that an injunction was filed to stop a special event.

Attorney Knox replied that the injunction filed on this case before and that there is an injunction right now on this property.

Commissioner Infantini questioned when the last time was that the County preemptively took action prior to coming to the Board so that they could prevent an event that was going to do something to benefit the community.

Attorney Knox commented that the Board authorized an injunction months ago and this event would be a violation of that injunction, a continuation of the same injunction proceeding.

Commissioner Infantini stated that the County is trying to prevent a Save the Lagoon event being hosted by Mr. Obloy on his own property. She noted that it appears that Chapter 2016-14, of the HB 59 Bill that was passed states this shall take effect July 1, 2016, and she thinks the County may be wrongfully enjoining Mr. Obloy, and is not really comfortable pursuing this injunction.

Attorney Knox stated he does not think it is wrongfully enjoining Mr. Obloy because in the very bill that Commissioner Infantini just read from states the County has the authority to regulate areas in which there is substantial impact on budding residential properties, which is what he feels is taking place.

Mr. Obloy noted there are a lot of old State farm laws that no one looks at any longer and he is just trying to bring back old fashion, where people say "yes sir, yes ma'am"; the County looks at him as though he is a common criminal; and he requested that the neighbors talk to each other instead of fighting with him. He informed the Board that the new neighbor, who just moved in, loves the fact that there is a petting farm behind his house. He continued that there are people who live in the woods off of Sea Ray Drive, there are meth labs that the County approves of, and a fish farm and petting farm is what the County chooses to fight. He went on that the County would not acknowledge that his property was a farm until the tax appraiser called to get the County to back off and the last two magistrate meetings were won due to farm regulations.

Attorney Knox stated that may be as far as the administrative determination of the tax exemption; however, Mr. Obloy lost on the injunction, there is an injunction in place.

July 12, 2016

Mr. Obloy commented that Judge Harris knows the County set him up to not be at the first hearing.

Commissioner Infantini pointed out to the viewing public that Mr. Obloy had no idea, and Brevard County never informed him, that he was going to be on the Agenda for discussion, and that the County was going to be seeking to enforce an injunction. She continued that her office staff contacted Mr. Obloy yesterday to inform him, he was a topic of conversation, otherwise, he would not have been here to defend himself, and she stated she is not comfortable with that.

Chairman Barfield stated just for clarity, the brochure for the event reads as follows: "it is an all day event on Saturday July 23, 2016; location is Adventures in Paradise Wild Life Refuge, 165 Gator Drive, Merritt Island, FL; the price is \$10.00; categories-festival; come join us for a day of fun with live entertainment, food trucks, local breweries, local vendors, farm games, bounce houses, and fishing camp for kids, plus enjoy our petting farm at no additional cost; proceeds will go to benefit restoration efforts of the Indian River Lagoon; and the Guest of Honor will be Trudie Infantini, District 3 County Commissioner".

Betsi Siddall stated she is greatly impacted by the Obloy's presence in her community. She stressed that ever since the Obloys arrival to the neighborhood, 16 months ago, she has been dealing with a nightmare; the neighborhood is overwhelmed with traffic, strangers, busses, tour vans, box trucks, and a Pepsi semi that makes regular deliveries, all of whom are invitees of the Obloys; they use the neighbors private driveways, ride across their lawns to turn around, because they missed the Obloys driveway; they speed and in general, have little respect for others property; and now the Obloys are planning to host a festival purportedly to raise funds to benefit the Indian River Lagoon Restoration, which will be held at 165 Gator Drive where there is currently an injunction and fines for non compliance of County Codes, that continue to accrue. She stated she is not opposed to any event that helps the local environment, especially the Lagoon, however, she is opposed to an un-permitted event in a residential neighborhood that lacks infrastructure to support such an event. She commented that the event will not only bring chaos to the neighborhood and disrupt her life far beyond what is currently endured, but also it endangers the health, safety, and welfare of both the neighbors and festival attendees, due to limited access to the property and the cars that will be parked along the narrow streets. She went on to say that the festival could easily be moved to a suitable location. She continued that the Obloys have made it clear, they have no regard for the laws, Ordinances, and Codes of Brevard County, nor for their neighbors, and the negative impact they have placed upon them. She asked the Board to approve the County's request to take further legal action regarding the Obloys. She then stressed to Commissioner Infantini that given her position as a member of the Board, the highest level of government in Brevard County and the ongoing situation at 165 Gator Drive that her participation in an un-permitted event of this location, hosted by individuals who are suing the County, is deeply disturbing; and if Commissioner Infantini truly deems it acceptable to have such an event in a residential area, she encouraged her to have it in her own neighborhood.

Commissioner Infantini commented that she does not hold anyone guilty until determined by law; currently there are two differing opinions and she always tries to have an open mind; and she will not convict Mr. Obloy of anything until the judge rules.

Patti Laissle stated that her once bucolic neighborhood is under siege by people who can not figure out where to turn to find Adventures in Paradise; they drive along looking like burglars casing the neighborhood; they turn around in their driveways, make u-turns on their lawns, wander the road waiting for the place to open, and speed; and the influx of cars is staggering. She continued that the neighborhood was once quiet and secure and now the residents are on display like animals at the Brevard Zoo. She noted that a hay ride that was supposed to be

July 12, 2016

conducted on Adventures in Paradise's property, was driven through the neighborhood on County roads like it was Mr. Obloy's private game preserve; the equipment involved in this hay ride, a tractor and wagon, which are probably farm vehicles and not licensed to be on the road; however, that is now the life in this neighborhood. She commented the reason people cheat and lie is because it is easier than asking for permission; it suddenly occurred to her that somehow that must be Adventures in Paradise's mission statement; and what she sees is the Obloys going ahead with various activities despite lacking permits, common sense and concern for the community. She stressed that the community is going to experience a Save the Indian River Lagoon Family Fun Fest on July 23, at Adventures in Paradise, a worthy cause; however, food trucks, local delivery trucks, and probably a couple hundred people, potential cars and drivers, and no permits applied for by Mr. Obloy; and another do first, and ask for permission later situation. She asked the Board to hold the Obloys accountable and help rectify the problems in the neighborhood.

Carol Stevens noted that in an interview, Commissioner Infantini stated she moved to Brevard County for the safe environment and the relaxing atmosphere. She stated she also moved to Brevard County 24 months ago for those same reasons; she knew that area was farm land; but she did not plan on this. She mentioned her father owned a cattle ranch and they never interfered with their neighbors like the Obloys are doing. She continued that the Indian River does need help; she does not mind the event; and that it is the location she has a problem with, and feels that it should take place on the Indian River. She stated she found online that, as of yesterday, 148 tickets have been sold; over 1200 people are interested in going to this event; and asked the Board if it knew what that would do to this neighborhood, with one way in and one way out. She went on to say that there are approximately 12 houses on this street and with no other outlet. She noted it has gotten better and she thanked the Board and Attorney Knox for everything; the residents still have their driveways blocked at times; and she still has to ask people to move so she can get into her own driveway. She pointed out that she never thought this would happen with the home she fell in love with and is ready to call it quits. She explained that before she built her pool, she asked the neighbors what she could do to make it easier on them; she went to her contractors and told them the rules to make it less evasive; and she applied for the permits. She stated that Mr. Obloy moved onto farm land that is in a community; she has no problem with farming that produces; and she asked what the Obloy's are producing. She reiterated that she has nothing against this project and if Commissioner Infantini wants to speak at the event that is fine, just put the event in her own yard.

Commissioner Fisher asked Ms. Stevens to point out where she lives on the map she provided to the Board and where people would park at this event.

Ms. Stevens noted that there is nowhere for that many people to park.

Commissioner Fisher agreed that it would be difficult to hold that event in this residential neighborhood.

Ms. Stevens commented that she would attend the event if it was at a park, but she cannot support this.

Commissioner Infantini advised that she did move to Brevard County for the quality of life that she was able to provide her family; however, Ms. Stevens moved next to the farm land, it was choice, not forced on her. She stated she is not unsympathetic, and does not know if she would prefer that to be her neighbor or not; however, she does not believe that she has a right or responsibility to restrict what somebody does on their farm land, whether it is next to somebody or not. She commented that there are laws that state what Mr. Obloy is permitted to do on his land and she is just trying to uphold those laws; if she believed he was breaking the law, then she would work to stop it.

July 12, 2016

Ms. Stevens stated that it was not there when she moved in, and had it been there, she would not have bought it.

Commissioner Infantini stated it may not have been a working farm and not operating as a farm at the time, but it was there.

Ms. Stevens pointed out this is totally different; this is not a farm; and she asked Commissioner Infantini to come spend a couple weeks in the neighborhood to see what the community is dealing with. She stated for Commissioner Infantini to have the event at her house on the river.

Commissioner Infantini replied she is not on the river.

Ms. Stevens commented the article stated she lived on the river.

Commissioner Infantini stated she used to live on the river; now she lives in a little tiny house in West Melbourne.

Ms. Stevens questioned if her neighborhood would want this in their neighborhood.

Charles A. Tovey, Jr., stated that everybody's neighborhoods are having problems, and this has been a problem in collective society. He went on to say if it is zoned farming, then Mr. Obloy can farm, whether it be ants, or solar, under the criteria that is set out for him. He went on that the asphalt plant, they chose to build the condominium there and are going to have to suffer their choices. He stated where he lives has totally changed, it is not the happy little green acres that he moved to with no traffic, it is now semi-trucks, gunshots, and traffic. He commented that people have a right to run a business, however, when it egresses him and his property, that is when he stands out; the problem is that people take rights that are not theirs. He went on that it is a farm and has been a farm for how many years; the man bought the property and his life, liberty, and pursuit of happiness to have his farm under the criteria; but what is going to happen, just like with himself, permanent jurisdiction of his property. He stated it is all for the Economic Development Council, what the County can do and how much money they can get out of the tax payer to pay for the budget. He asked about all of the monies that are in the budget, and what happens to it; he stated the roads are being neglected, the citizens' rights are being neglected all so the County can boost up the Sheriff's Office, Marshall Laws, the shooting gallery in Rockledge and the Economic Development Council. He stressed that he has two cats left out of 18; semi-trucks and people are destroying everything he has all because they have the right to and he cannot do anything about it. He stated that he had called the Sheriff and nothing was done about any of it; he has it on video and has addressed it with the Board and everybody he can; and they cannot do anything about it. He stated Mr. Obloy is an American citizen who worked hard for his family to have a farm and to live in peace then somebody comes along and says he cannot have this and that. He continued once someone gives in, then people keep taking and soon no one will be allowed to speak on their own property; law diminishing returns, it is never enough, just like shaving or cutting your grass, the more it is done, the more it has to be done. He stated there has to be an end, a line drawn between the citizens and the government, and the right to live, to peace, and to happiness. He stated it is not about his right to live or what he wants, it is about the County's rights and their jobs; he asked what about his cats and his family; and he stated that does not matter as long as the County gets its tax dollars. He explained that he did not have time to look for a motion to dismiss all his fines and fees; that he has the right to defend his property; and the Board let the County destroy it all, and the same thing is happening to these other gentlemen and all over the County, the State, and the Country. He stressed that people are dying and committing suicide because of the attacks on their rights; that his rights are not going to change and the County will have to get rid him, because he stands his ground, as a sovereign citizen. He stated that the County will have permanent



July 12, 2016

jurisdiction over his house and he is waiting on his special rules and regulations to live by in this County; if he does something that the County does not like, he gets attacked; and the County does not stop until it gets its way.

Commissioner Anderson questioned Attorney Knox if it is his opinion that the proposed event is not in accordance with the agri-tourism legislation that was passed.

Attorney Knox stated his office does not think it is, because the last sentence of the law F.S.570.85 reads, "the subsection does not limit the powers and duties of the local government to address substantial off site impacts of agri-tourism activities"; despite what has been heard today, there have been some substantial off site impacts that need to be addressed, which is typically done through a special events permit; and Mr. Obloy has indicated that he is not going to apply for the permit; therefore, the County moved forward with the continuation of the injunction for this particular event. He continued that this event involves activities that are not typically involved with farming such as bounce houses and beer sales.

Commissioner Anderson asked if someone had five acres in unincorporated West Melbourne and wanted to throw a huge country concert, is it the County's opinion that it would require a special events permit, because of the impact of the surrounding area and properties.

Attorney Knox replied yes.

Commissioner Infantini asked Mr. Obloy if he would be willing to obtain or apply for a special events permit. She questioned how the residents in that community knew this Item was on the Agenda, when Mr. Obloy was not informed; and who was in charge of informing the residents that this was going to be on the Agenda, and not inform the person that the Board is trying to criminalize.

Commissioner Anderson stated he had one of the neighbors visit with him yesterday and he informed them that it was on the Agenda, so he does not know if he was the source of that information.

Commissioner Infantini advised that is not likely.

Mr. Obloy questioned how he was not notified.

Commissioner Anderson responded that he had a conversation with one of Mr. Obloy's neighbors and had informed the neighbor it was on the Agenda.

Mr. Obloy stated he would gladly apply for a permit and that it was not the topic of the conversation he had with the County; the conversation was about grape vines and growing grapes. He went on to state that the hay ride was with the kids in the neighborhood; he was proud of his 1946 John Deere tractor; and yes it is legal to drive down the road. He continued that the cars will park on his property in the pasture.

Chairman Barfield asked if he would apply for the permit.

Mr. Obloy replied that was not a problem.

Chairman Barfield commented that Mr. Obloy was notified on June 30 in a letter with the application form and instructions to complete the form; therefore, he should have everything he needs to apply for the permit.

July 12, 2016

Commissioner Infantini stated her point is that the County is preemptively filing an injunction stating that he is not filing for a permit before the event even happens and she is not comfortable with this proceeding.

Chairman Barfield stated he is concerned that there is no way of knowing what the impact of public safety and public health would be at an event like this. He questioned how will the restroom facilities be intertwined; how many people are expected to be there; and what are the controls for public safety, what is the emergency egress, what if someone is injured there, is there safety involved. He continued to question what are they selling, will the food be safe, is it being cooked there and is there refrigeration; there are so many different issues; and that the only way to know is through the permit inspection.

Attorney Knox repeated that the Board authorized the injunction several months ago. He stated the County filed the injunction and were told to pursue preventing the activities that violated the agricultural regulations that apply to that property; this event violates the agricultural restrictions even under the state law as it is written; therefore, the County continued to move forward with the injunction as they had prior authority by the Board to do that. He continued that it was brought before the Board today so that they would know what was going on; if the Board wants to stop the injunction then he will; and if Mr. Obloy is going to apply for the permit, then that is fine, however, he indicated that he was not going to do that and that is why he proceeded with the injunction.

Commissioner Smith stated he would like to make a motion to pursue the legal action against Mr. Obloy subject to him filing for a special events permit and subject to the permit being approved; that it is time to move forward as this is an extension of an action that the Board took several months ago; and that he feels this is all about maintaining order in the County. He went on to explain that it is not up to Mr. Obloy to decide what the rest of the County should or should not believe, think, or do; the Board is there for a reason, to protect everybody's right including Mr. Obloy to live peacefully; and if his neighbors think that it is not a good idea and the law as it is written does not think it is a good idea, then Mr. Obloys opinion is a minority and the bottom line is that he must live by the rules.

Commission Fisher seconded the motion due to Mr. Obloy bringing food trucks and other things into a residential neighborhood, and disturbing the neighbors' lifestyles for his own personal gain.

The Board granted permission for Scott Knox, County Attorney, to continue pursuing the necessary legal action against Eric and Amanda Obloy, subject to the Obloy's filing for a permit, and subject to the permit being approved for the property owners of 165 Gator Drive, Merritt Island.

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

**ITEM VI.A.1., PROJECT AGREEMENTS WITH THE DEPARTMENT OF THE ARMY, RE: CONSTRUCTION OF THE BREVARD COUNTY SHORE PROTECTION PROJECT NORTH AND SOUTH REACHES, AND MID REACH**

July 12, 2016

Virginia Barker, Natural Resources Management Director, stated this Item is a new Project Cooperative Agreement with the Department of the Army for construction of the mid reach portion of the Brevard County Shore Protection Project and to amend the prior Project Cooperative Agreement with the Army Corp of Engineers for the north and south reach portions of the Shore Protection Project.

Commissioner Smith stated he had received several emails from concerned citizens about this project and that he understands a lot of thought and study has gone into it. He noted that there is an off shore reef that small fish and baby turtles claim as a habitat; if this project were to move forward, it would jeopardize that reef and the future of those marine mammals, reptiles, and fish who continue to grow there; and it might even close it down altogether. He questioned Ms. Barker what her thoughts were.

Ms. Barker replied there are rock free reef resources along this section of Brevard County beaches; the County has been trying to pursue shore protection along the mid reach since the mid to late 1980s; and for nearly three decades prior Commissions had taken multiple actions to pursue projects along the shoreline. She continued that in 1995 the mid reach section was removed from the Request for Federal Shore Protection assistance because there was no way to address the rock reef impasse at that time; after initial construction of the North and South reaches in 2000 to 2003, Natural Resources worked again with the Army Corp of Engineers on the environmental issues in the mid reach area on how to provide adequate protection to those rock resources; and that the shorelines were mapped on multiple occasions. She stated that the department worked to balance shore protection needs of the community with the resource protection requirements designated for the central fish habitat, and the balance that has been developed with the agencies, is to avoid and protect 90 percent of the rock resource and bury 10 percent which equates to just under three acres. She stated that in order to offset the negative impacts of burying up to three acres, they plan to mitigate by constructing of 4.8 acres of new mitigation reef; the very first action that the Army Corp will take, if the Board approves this item today, is to bid out the construction of that mitigation reef on July 25th; and the reason it took so long to get to where they are today, is because the rock reef is not like a normal South Florida or Caribbean reef, it is a flat tabular surface of coquina rock, therefore, they had to develop a new mitigation technique or design which has been completed and approved by the agencies. She added that the project being proposed has been through all the environmental hurdles, assessments, impacts statements, National Environmental Protection Organization (NEPO) review, and they believe it is the balancing act between shore protection and resource protection.

Chairman Barfield stated the Board has received several emails asking to use the tourist development dollars on the Indian River Lagoon instead of the beach restoration project; it is important to understand the background before the speakers start; and he asked for an explanation as to what the money can and cannot be used for.

Eric Garvey, Tourist Development Director, stated the local funding source for this project is the Tourist Development Tax and that State Statute gives restrictions on that funding; it is generally understood that it can be used for shoreline enhancement for tourism purposes and the local tax plan defines that 25 percent of local tax can be used for beach restoration and erosion control; and it is being met with State and Federal Funds that are also designated for shoreline protection.

Commissioner Infantini commented that Florida Statute 125.0104 states the money can be used for restoration clean up or restoration of inland lakes and rivers to which there is public access and that with the majority plus one vote, can change the current plan of spending, and how the Board has agreed to spend the Tourist Development dollars that are collected. She continued that she is not a big proponent of destroying something and then mitigating it to build something

July 12, 2016

else up; she is not in favor of binding County Commissioners for the next 50 years, locking them in because according to State Statutes, once the Commissioners are committed, those funds are pledged for the next 50 years and County Commissioners coming forward cannot change something that a prior Board has pledged; and she cautioned the Board to read the Statutes to understand what is allowed. She noted she would rather divert the money to the Lagoon before spending it on beach restoration.

Scott Knox, County Attorney, commented that there is an open question whether the Indian River is an inland river; he spoke with Ms. Barker to ask what is the definition of an inland river; and he believes the Indian River is considered a Lagoon in the scientific parlance as opposed to a river which is a flowing water body.

Ms. Barker commented as part of the project cooperative agreements, the County is required to provide a financial plan to the Army Corp of Engineers on how it plans to fund 50 years of agreements, 50 years of not just initial construction but of maintenance, so part of the schedule in the Agenda packet is how the Tourist Development Tax is able to provide the local match for not just initial construction but for maintaining the shoreline for the next 50 years. She went on to state that the Indian River Lagoon is actually an estuary; the State Statute talks about physical preservation of the beach shoreline or inland lake or river; therefore, she questioned if water quality projects meet the test of physical preservation and stated sand nourishment is obviously physical activity.

Commissioner Infantini stated the Board is looking for a reason not to use the money on the Indian River Lagoon.

Chairman Barfield disagreed that Commissioner Infantini's statement.

Commissioner Anderson asked if the other governmental funds that are leveraged through the tourist tax are specifically targeted for the beach restoration protections and if the County were to use it for the Lagoon would that be a whole new process that could take another eight to 10 years; and if the Board is unsure whether they could leverage the money for the Lagoon.

Ms. Barker stated that the Federal funds are in the Army Corp's work plan for shore protection projects; there is no federally authorized Indian River Lagoon cleanup project that the monies could be diverted to; and the State funds are specifically for the Mid-Reach Shore Protection Project as described in the agreements.

Commissioner Anderson asked who is responsible for repair of the beaches, dunes, structures and A1A, in the event of a storm or high surge and the erosion associated with it; what funding source would that come from; and if the Board does not approve this and the County had a an event that washed it all away, and put houses in danger, who would be the responsible party for mitigating that.

Stockton Whitten, County Manager, replied that Federal Emergency Management (FEMA) always provides a certain percentage, the State picks up hopefully a certain percentage, and the County's Tourist Development Tax picks up the remainder.

Commissioner Anderson questioned if a re-nourishment or cautionary type project would cost far less than the reconstruction after a storm event.

Ms. Barker agreed. She stated that was seen in the North and South Reaches and after the hurricanes of 2004 and 2005, and Hurricane Sandy, the damages done in the North and South Reaches where there is a healthy shoreline protection project versus the structures, the houses that had fallen onto the beach, and the mom and pop hotels that had crumbled under the

July 12, 2016

eroding dune onto the beaches in the areas that did not have a Shore Protection Project constructed yet.

George Rosenfield stated that Florida beaches are built on Virginia sand. He commented that the Lagoon needs to be cleaned up by removing the septic tanks that were put in place 70 years ago. He continued that the Board is being asked to consent to spending \$551 million over 50 years on beach nourishment by the U.S. Army Corp of Engineers; some years ago another allotment of money was committed for the same purpose; and in between times more money was also spent. He recalled that in the past millennia the long shore current along the Atlantic coastline had been southward bound; he stated there is no reason to believe it will not continue as this current has been transporting sand southward with which waves have deposited sand to East Coast Florida shores, sometimes accretion and sometimes decretion; and it even created the barrier islands. He went on to state when Port Canaveral Jetty was built, it stopped the natural sand transport and it now builds up north of the Jetty; he had asked for construction of a sand bypass system to be built under the Port Canaveral Jetty to continue the sand movement, in a past meeting; and now he is repeating such request. He noted that a series of underwater arches would allow the long shore current and the carried sand to pass through, while the Jetty's super structure stops the wave action across the Port entry channel; he estimates the cost to be a lot less than \$551 million over fifty years, possibly \$50 to \$100 million over ten years; and he stated there was an old Federal Government Report on the beach erosion of Brevard County from before the 1950s and some of the beaches in the Patrick Air Force Base region were decreting while further South they were accreting. He continued that he is sure the County Engineering Office has a complete history of the Brevard County beaches and requested the money for the Army Corp of Engineers be put to study this suggested sand bypass system or something similar and do away with the continuous manual labor of carrying sand from North of the Jetty to the mid-reach.

Mike Daniel stated it is improper to lump the mid-reach project with the north and south reach; mid-reach has been removed from these projects and should remain isolated from them; and north reach is 100 percent Federally funded because of Applegate vs United States law suit. He asked if there are any local funds going into the north reach.

Mike McGarry, Beach Project Coordinator, stated design and permitting funds go into the project but not construction.

Mr. Daniel stated because of Applegate vs. The United States the north region does not have a need for local funds; the mid reach was removed from the Shore Protection Project 20 years ago; and he feels it should remain on its own. He questioned if the mid-reach protection project is a higher priority than the Indian River Lagoon, and commented that the Florida Department of Environmental Protection (FDEP) has 30 years of data reporting that this section of beach is getting wider; and asked if Florida has ever done a beach project on a beach that is getting wider. He noted the citation for that information came from the FDEP report that was a project assessment from Fiscal Year 2013/2014. He stated that this does not affect Brevard County's tourism of beaches; the alternative, is cheaper dune fill projects; and that there was a dune fill project less than two years ago. He continued that this project always ranked very low and the County did a great job of lobbying the State to get it moved up into funding for this year and suggested that the Board do a similar type of effort, or consider voting on rededication of the Tourist Development Council (TDC) money, lobby the State to change the law so that this money can be used for the Indian River Lagoon, which he feels should be a much higher priority. He noted at the meeting in April, the TDC expressed the willingness to use TDC funds for projects for the Indian River Lagoon, so the Board should take it a step further to make it easier on the TDC; if the Board had put that kind of effort into the Indian River Lagoon restoration projects over the last 20 years, the Lagoon may not have a lot of the issues that it currently does today; and he stated that Brevard County has misplaced its priorities all along.

July 12, 2016

He continued that the 1943 aerials clearly show the reef is not exposed because of erosion. He stated that Representative Bill Posey can only bring home so many dollars from Washington D.C., to argue that this is somehow free money that is not in the same pile as what we would get from the government for the lagoon projects is incorrect; and there is a limited supply money in Washington D.C. and anything that is thrown away or washed away is contributing to Federal debt. He went on that all these projects go through Brevard National Resources, the FDEP, and local funding. He stated that evidence suggests that the mitigation reefs are going to fail, the long term test panel was buried after 300 day, and that they are unproven experiments. He informed there are a lot of fishery issues, that this is a habitat area of particular concern, in addition to the essential fish habitat classification; the pure review of this project seriously questions the storm benefits, which are the basis of the cost benefit analysis for this project, which he feels needs to be redone; and suggested the Board take into consideration, vote no, or table it for today.

Philip Stasik stated he is speaking on behalf of the Space Coast Progressive Alliance and stands in support of the Surf Rider Foundation. He requested the Board think twice about dedicating this money; he knows there is a question of how the money can be allocated, money sourcing, the rationale of using money on the beach versus the desperately ill Indian River Lagoon; and he believes that it makes more sense to reallocate some, if not all, of the money toward mitigation of the problem with the Indian River Lagoon. He continued that while on vacation with his wife in England, the people they had stayed with asked if Brevard County was where all the fish were dying; and he commented that if people in England are talking about the fish dying in Brevard County, that it is going to have a serious impact on tourism. He stated that he believes the Board has the authority to make some choices about how this money is used and where it will be used; he feels the Board cares deeply about the Indian River Lagoon; and he asked if there is any way the County can use some of those funds to assist in clean up of Indian River Lagoon. He informed the Board that Space Coast Progressive Alliance have a great deal of respect for Ms. Barker and the entire team; that they know what they are doing; and they could possibly advise the Board on ways to help the Indian River Lagoon.

Josh Pause stated that he had a meeting about a week ago on how to help the Indian River Lagoon, and as a member of the Brevard Indian River Lagoon Coalition, he spends all of his free time trying to help bring solutions and people together to help solve the problem; however, he does not understand why this money cannot be used for the Indian River Lagoon. He continued that if people from England are talking about the fish kill in Brevard County, that it will greatly impact Brevard County's tourism; and it is apparent that the beaches to the south are much worse than the beaches here. He went on to say that he does not understand why Brevard is planning on spending \$500 million to dredge a beach that has been getting larger by itself, through natural processes, knowing perfectly well that next time there is a big storm, it will wipe out everything that this project does, and the County will need FEMA funds or some other way to repair it. He stated that a better use of the money would be to divert it to help the Lagoon, otherwise, it will literally be washed away in the ocean. He commented that it sounds like a lot of contradiction between County staff on what the funds can or cannot be used for; and he requested the Board to be 100 percent sure that those funds cannot be used for the Indian River Lagoon, which clearly affects tourism, the bottom line, property values, and the community.

Courtney Barker, Satellite Beach City Manager, stated the City of Satellite Beach is very happy to see the project to this point, and thanked everyone involved in getting it there. She continued that the Board has supported this project for many years and she feels her City has done more than most cities have in terms of sustainability and Lagoon restoration projects over the years. She stated that the Lagoon needs a long term dedicated funding source, not crisis funding. She noted that it has been twelve years since there has been a hurricane in this County; she stated she can assure the Board that the next time a storm event occurs all the money, if moved to the

July 12, 2016

Lagoon, would be moved right back over to the beach restoration projects, because that is how government works, they are very good at responding to crisis; and she feels the Board should stick with the plan and focus on the beach re-nourishment projects, and focus on creating a dedicated funding source for the Lagoon. She stated if the County wanted to use the TDC funding, then it should look into adding to it, for the Lagoon, which was discussed at the last beach committee, not diverting funds from the beaches to the Lagoon, it should not be choosing between the two. She stated she also wants people to understand it is very disingenuous to say \$500 million could be available for the Lagoon because it is absolutely untrue; what would be available for the Lagoon, if the Board chooses to move the money, would be the local match of about \$69 million, not \$500 million; and she noted that \$500 million is the State and Federal match, and that the Federal Government is going to move the money to another State or County for their beach restoration projects, if the Board decides not to use the money for the mid-reach project, because that is what the money is for. She asked the Board to move forward with this project and thanked the staff of the beach re-nourishment project.

Michael Corn stated that he spends time at the beach every day and feels it is a fine beach, however, he could not say the same about the Lagoon; there is nowhere to go to enjoy that body of water; a boater would not want to put his boat in that water, no person standing at the edge of the Lagoon, would want to go in that water; and he stated that he has read that the pollution in that water is 40 percent human waste. He commented that the County has limited resources to pick and choose from and he requested the Board direct its attention to the most urgent matter, which he considers to be the Lagoon. He continued that the Gulf Coast has regular re-nourishment projects with the sand from Clearwater Beach to St. Pete for years; the sand is picked up from Tampa Bay outlet, brought back north on barges, and dumped back on the beach, then it goes back down; same thing that is going on here, just on a different scale, the sand is picked up from Canaveral, brought south in a barge, and dumped on the beaches; and the same thing happens in Virginia Beach and south of here. He went on that some places have built pump stations, although he has never heard of that really being considered as an approach, other than taking it by barge, as opposed to creating a perfect flow of sand on the beaches, so the sand coming off the mid-reach and ending up at the sand bar in Sebastian Inlet, and the sand from Sebastian Inlet ending up in Palm Beach, and then somehow ending up in the Keys. He stated that it is going to happen, the sand at Brevard County Beaches is now from Virginia Beach. He commented the County is planning to place sand on the beaches forever, which allows the County to kick the real difficult solutions down the road and ignore them.

James A. Savage stated that he has surfed this area since he was 12 years old. He commented that the mid reach area is a treasure; it houses some of the best surfing breaks in the State if not the entire east coast of Florida; and without a doubt, the project being proposed will destroy that public resource and those reefs that create that surfing environment. He noted that every day that he is at the beach, he sees the wildlife and this project will imperil those resources; he has enjoyed that section of the beach with his children and family nearly every day, for his entire life, it is the same beach; therefore, he feels there is no need for this project, that it would be a complete waste of money. He continued if a hurricane like in 2004 were to hit, whatever sand that would be dumped on that beach is going to be washed away, not solve the problem, it is a band-aid solution and waste of money, even if it is just local revenues. He asked the Board to do the right thing for this County, whether or not the funds can be diverted, he sees no reason why the County could not get local tax dollars to pay for the Indian River Lagoon Restoration, it is a critical need for this County; to change the rules to allow the funding to go to something that is needed; and to separate the mid-reach from the other two zones, it needs to be addressed separately. He continued that from his own personal observations of over fifty years spent on that beach that this beach does not need the money, save it, earmark whatever is possible, and divert those funds to the Indian River Lagoon, which is the critical need. He relayed to the Board that the Lagoon is no where near what it was. He added that he is here to discuss the mid-reach

July 12, 2016

and he believes that this project will destroy what he calls a public treasure. He asked the Board to do the right thing and weigh the comments that have been heard today.

John Robson commented there are two places on the face of this earth that are renowned for their polluted waterways, Rio De Janeiro, Brazil, and Brevard County, Florida. He asked the Board if any of them are for reckless, willful spending of the tax payer's funds; he stated that asking the Board to spend over half a billion dollars, tie down the Brevard County Commissioners for the next 50 years, to prevent against something that the State says is not happening is beyond a reasonable thought. He continued that the beach is gaining sand; the State says none of the structures on that beach need protection, they are not endangered; and the buildings are fine, so spending half a billion dollars to add sand to a beach that does not need it and to protect buildings that are not endangered is beyond reasonable thought. He went on that the reef where locals and tourist get to enjoy watching the beautiful fish and other wildlife is the 10 percent that will be covered in sand. He stated that the Board is very intelligent and would not spend half a billion dollars to protect Brevard County from a Zombie Apocalypse; and he questioned why would it be considered to spend that same amount of money and bind the County Commission for 50 years for something that is not happening and is no projected to happen. He commented that he hoped the Board would consider the long term effects, see what really needs protecting in Brevard County, and what can be passed on at the present time.

Chairman Barfield requested Mike McGarry, Beach Project Coordinator, to explain about the sand that comes up, and how the beaches are getting wider, and over how many years.

Mr. McGarry explained that the Department of Environmental Protection did an analysis for a 30 year period that ended in 2010, where that information was drawn from; between 2004 and 2010 Brevard County had taken extraordinary action on that shoreline to place sand and restore the dune a number of times; by the State's own protocol for the ranking process, they excluded the years where beach nourishment happened because that is human action preventing beach erosion; and in more recent erosion analysis by the State, removing the years since 2004, since the County has been actively maintaining the shore line, they determined an erosion rate of the main high water line to be three tenths of a foot per year, however, during the years since 2004, the main high water line has been stable and in fact has advanced a little bit, but the dune line has continued to suffer severe erosion, and the State acknowledges that as well.

Mark Shatzis, President of the Barrier Island Preservation and Protection Association, stated it does not make a whole lot of sense. He continued that tourism is a myth with sand; in Miami Beach in 1980 the largest sand restoration project ever in the history of the world was done; tourism dropped from 1980 to 1992 precipitously, so there is no correlation between sand and tourism; tourism turned around when the economy turned around; when tens of millions of dollars went into advertising and promotion and the art deco hotels were restored as they are the largest grouping of art deco in the world, so it became a destination point; and that is what drives tourism. He went on that the relationship with tourism, Miami Beach being the model, has 10 times the density of Brevard County; Miami beach has two and a half times the revenue per rate, per room as Brevard County; and the area of Miami Beach being talked about is one tenth the size of the 7.8 miles of beach being talked about in Brevard County. He stated that doing the math, Brevard has to provide an economic benefit of 250 times to equal the benefits of Miami Beach. He questioned what does the Board really know, and asked what is the growth rate of critically eroding beaches, what are critically eroding beaches, how are they defined, do they have an understanding of wind models or templates of the reef itself, what are the astroprojections on the 50 year contract that was written south of the inlet in 2002, now 15 years in, and how many of the Board know Marty Smithson. He went on that Mr. Smithson is the Director of the Sebastian Inlet Taxing District; he has been there since that contract was written; he can give a dozen different things that he would have done differently, had he known what he knows now; and he being the person who wrote the only 50-year contract for sand in the whole



world, has not been contacted. He asked the Board if it knows anything about the level of accuracy of the Army Corp of Engineers, and commented that it is only a two percent accuracy and if they understood what any of this means. He stated the science does not make any sense, in Nantucket there are \$20 million houses that are falling into the ocean, because the billionaires cannot afford to put enough sand on the beach to stop their \$20 million house from falling into the ocean; and Miami Beach is a perfect example, it is underwater approximately two days a week on average. He continued the County is going to spend \$550 million, \$268 million of State and local money to benefit three percent of the population of Brevard County, 10 percent of the ocean front on a critically eroding beach, when all the beaches are going to be critically eroding. He commented that Sebastian has its own dump of sand, so their cost of sand is going to be 50 percent of what the County's cost for sand will be, at a time where commodities are very cheap; interest rates are very low, when the interest rates go up, sand prices will go up; the County will be spending at a 2.65 percent interest rate, inflation, \$3.564 billion on the entire beach in Brevard County because they all are going to become critically eroded; and there will be a three foot rise in sea level over the next 50 years, three feet is going to submerge everything that the Board wants to put sand on the beach for and that is only taking a 2.65 percent interest rate. He stated if it rises to four percent, the number rises to \$5.8 billion and at five percent the number rises to \$8.4 billion. He continued there is an issue of legal risk; Ms. Barker stated that they have balanced this and it is possible it could be a take if it goes to legal court; and it will be a substantial take for Brevard County. He asked the Board to look at the history, and commented there are three hotels on this beach that constitute the use of tourism, three hotels which is approximately 1,500 feet, 41 thousand feet of linear beach is to be poured for 1500 feet of tourism, therefore, the County plans to spend \$551 million dollars for .3 percent of the beaches in Brevard County, to cover three hotels of tourism.

Laurilee Thompson stated she is the chairperson of the Beach Committee for the TDC and is committed to doing everything she can to help the Indian River Lagoon, however, this is not the place to take the money from. She went on that she has been on the TDC for 16 years and when she first started hearing about the beach re-nourishment and the millions of dollars being spent, she thought it to be the worst use of money that she had ever heard of; but as she got more involved with other committees for the County, she can understand the value of the barrier island properties, as far as ad valorem taxes that are collected, what it means to the County budget, and it makes sense why those properties on the barrier island are protected. She commented this project has been in the works for 10 or 12 years, they asked and received Federal and State monies, invested some of their own money putting the plan together, and will be investing more of their own money over the life of the project; there has to be a 50-year plan to get the money; and now that they have gotten the assurance from these government entities, it would not be right to move the money to the Lagoon now that the project is ready to start. She continued the money is there for the beach; there is no guarantee that it can be moved over to the Indian River Lagoon, so only about \$3 or \$4 million of the TDC money could go towards the Lagoon Restoration, the whole \$550 million is not guaranteed for Lagoon Restoration, only the part the TDC collects; and so it seems foolish to her to jeopardize the guarantee of the money and to irritate the actual entities that could fund future Lagoon Projects, once a plan is put together with a long term funding mechanism. She stated what is happening in the Lagoon is tragic for the local fishermen who cannot make a living doing what they have been doing for generations. She went on that taking money from one disaster for another is not going to work, there needs to be a dedicated source of funding for the Lagoon and a request for matching grants from the Federal government and the State; however, taking this small revenue amount from the TDC's Beach Re-nourishment Project is not going to help in the long term with the Lagoon. She commented that her family rented a home on New Smyrna Beach for family vacations for years and she had watched that beach disappear from in front of that home; the homes that are north of the Canaveral National Seashore now have huge boulders in front of them; and at high tide the stairways stop right into the surf, there is not space put a towel down on the beach. She continued that the changes in sea level can be seen at the Lagoon, it is very

July 12, 2016

different from when she was a child; and the County is looking at jeopardizing \$551 million that can be used for trying to postpone the effects of the sea level rise, when future issues can be dealt with as they arise. She stated she does not envy the Board for the decision it has to make; however, this project has been in the works for 10 plus years; and she does not want to jeopardize any future funding for the Indian River Lagoon by the Board changing its mind now, on this project.

Ronaldas J. Jurgutis stated citizens, residents, condominium projects, and hotels have pledged right-of-ways and given up property for this re-nourishment project; this project has been in the works for a long time; and the beach properties are now sustained. He continued that this is a costly, 50-year project; however, the tax revenues from those who live on the beach, will go to help the Lagoon issue. He added the community cares about the Indian River Lagoon and once the beach is taken care of for the next 50-years, additional funds will be contributed through tax dollars to sustain the Lagoon. He continued that the surf has been better since the last re-nourishment project; there should not be any pitting the east side of the island against the west side, people need to work in concert together; and tax revenues are going to rise, then there will be funds available for the west side. He commented that it is nonsense to say that there are only three hotels on the beach and to look at the demographics of what beach homes contribute. He continued that it is an inspiration to hear children telling their parents how they want to live on the beach when they grow up. He stated there is a guaranteed way to take care of it now and for the next 50-years; not to squander the money away; and if something is being delayed then to come up with another solution over the next 25 years.

Tuck Ferrell commented the beach and the Lagoon are equally important and need to be addressed; the money from the Federal and State government needs to be used before Brevard County loses it; and the County has lost money in the past for not acting quick enough. He stated this project has gone on for a very long time and is a difficult situation. He went on that the sand moves around; Brevard County does not have the living reefs that are further south, but does have rock ledges with turtle grass on them, and the sand covers up things in the oceans, naturally then washes away when storms come through. He continued that a lot of work has been put into the beaches; people say there has been accretion but he feels there is accretion because of the all the sand that had been placed on the beach after the hurricanes. He continued on about the permitting for the mid reach to keep the houses from falling into ocean, and the County losing that tax base is a big part of it. He stated the Lagoon is important too; different issues need to be worked on; however, pitting one against the other is not the way to handle it. He stated it is a two edged sword; the beaches are a quality of life issue and the way to solve that problem would be to close the inlets because of the natural flow of the sand from north to south; however, if the Inlet were to close, the river would not flush, the flushing action of the inlets helps the river. He relayed the Board that the biggest problem with the river is the run off and muck and he thinks the County needs to find a way to disperse the water and hold it to the west.

Mark Ryan, Indian Harbor Beach City Manager, stated the City Council for Indian Harbor Beach has not addressed the issue whether to redirect the funds to the Indian River Lagoon clean up and that he is speaking today as a City Manager with no direction from the Mayor or City Council. He commented the Lagoon is a major priority for the County and the cities; they both want to do what ever is possible to clean up the Lagoon; and that his community has already purchased 3.3 acres of prime commercial property, taking it off the tax roll, to build a major stormwater facility to clean the water before it goes into the Lagoon. He continued that the dollars being discussed are tied by statute as to how they can be utilized, and Attorney Knox, should be able to guide the Board as to whether those TDC dollars can or cannot be redirected to the Indian River Lagoon; in 2004 during the hurricanes Indian Harbor Beach and Satellite beach did incur a significant amount of damage to homes, roads, and parks and that this mid reach project is trying to keep an event like that from happening again; and there is only five or

July 12, 2016

six million dollars that the County has control of, versus the \$550 Million from other agencies that the County does not have control of.

Dale Abrahams stated she supports both components, one being mitigation and the other being the sand of this project. She noted that after the 2004 hurricanes she had used a ladder to get to the beach because the storm created a six foot drop while the house next to hers fell into the ocean; and she feels that this project is important for property owners and tourists. She continued on that she has one concern and that is people walking on the reef section which is currently covered with sand, and believes it should be preserved; she cares about the Indian River Lagoon and thinks it needs to be addressed, however the money coming from congress should be utilized on the beach re-nourishment project. She went on that a lot of the municipalities are doing things to improve the run off and other issues concerning the Lagoon like the fertilizer rules have been implemented. She stated that a lot of the residents are paying high property taxes and it would be great if some of that money were to be delegated towards the Lagoon.

The Board recessed at 11:53 a.m reconvened at 12:08 p.m.

Commissioner Fisher stated there is a misunderstanding of the \$500 million; the break out of the dollars is \$272 million appropriated by Congress and the Army Corp of Engineer's deal, and is spent based only on what Congress says it can be spent on; and the way Army looks at it is as though there will be more storms, eventually FEMA will bail everybody out, and the benefit would be three to one, if the County were to spend \$272 million up-front protecting shorelines, it would avoid spending \$900 million on FEMA cost down the road. He continued that \$112 Million is State funded, who get their grants by what the Federal side does; therefore, \$384 million of the \$500 million is coming from outside sources; and if the State and Federal money is not accepted, it does not go back in the pot for later or for debt reduction, it will be spent on areas that are willing to accept and match those dollars. He went on that \$3 million of TDC funding is bringing \$400 million back into Brevard County versus going somewhere else; the County's best programs come from dedicated funding, solid waste is an example of a successful project with a dedicated stream of revenue; and the TDC dollars are generated from beach fronts and hotels, so one quarter of the pennies come from there. He continued that the Army and Congress have stated what they will match and how they are going to do it; the Lagoon is a serious issue and needs dedicated funding sources; and he believes that the funding sources dedicated for the beach, should be used for the beach, it is an economic driver to the economy and a huge asset.

Commissioner Smith commented that the funding is only available for the beach; the Board cannot ask the Federal Government or the State to use the money for the Lagoon; the TDC money cannot be used for the Lagoon; and he suggested anyone who is for the using this money to help the Lagoon, to call their Legislators. He went on that he has been asking the legislature to allow the use of TDC monies, however, tourist dollars are only to be used for tourist things, although everyone knows the Lagoon attracts tourists. He continued that the Natural Resources staff have studied this issue for up to thirty years; they wish to commit extraordinary efforts to complete this project; and he feels that their efforts should be realized. He stated he is on the Indian River Lagoon Council and that the Director of the Indian Lagoon Council will be in Washington D.C. this week to speak with politicians about funding for Lagoon projects; he was there six weeks ago and met with Senator Marco Rubio, Senator Bill Nelson and the Army Corp of Engineers, therefore, work is being done to fix the Lagoon; however, it is not something that is going to happen over night. He commented that the Council has done a lot; they got State Legislators and the Governor to obtain roughly \$80 million in the last three years for dredging projects; they are currently

July 12, 2016

working on other projects throughout Brevard County totaling most of that \$80 million; so they are doing a lot for both the Lagoon and the beaches; and he is in favor of this project.

Commissioner Infantini stated the County had missed the boat to declare a State of Emergency when the fish kill happened for fear that the Governor would be upset with them; the Governor was not upset with St. Lucie County when they requested a State of Emergency to clean up their slime, which has now penetrated Brevard County; and she stated that Brevard County has already missed out once. She stated she just had a conversation about West Virginia; she asked if it would be all that bad if Brevard County turned down money that was not needed and it went to West Virginia; why would this County want to gorge the shoreline, the budget, and bind County Commissioners for the next 50 years just to receive free money, money that could be used more efficiently somewhere else; and she stated she is not in favor of this project. She stated she feels this project is a bad idea and is unhappy with destroying that ten percent of the reef; and she motioned to deny and not accept this offer. The Motion died due to lack of a second.

Commissioner Fisher motioned to approve the plan.

Chairman Barfield stated there is no doubt that there is an issue with the Indian River Lagoon and he wishes he had the foresight years ago, when there was a sustainable funding source to address the Indian River Lagoon, to look at the years ahead. He commented that the County has the funding for the beach re-nourishment, that it is not just for building up the beach line, it is for prevention purposes and deterioration of A1A, and all the way through. He continued that the Indian River Lagoon needs the same thing; the County is working on that, they do get some funding; however, it needs a sustainable income, a funding source with matching funds. He went on that St. Lucie County's problem is a single source issue and the fault of the Federal Government for dumping water from Lake Okeechobee, it is an immediate need, however, it is something that can be stopped and diverted immediately; Brevard County's issue with the Lagoon has occurred over the years, caused by a number of things, some of it is not even known yet; and he is in favor of the plan for the beach re-nourishment, it is not going to take any monies from the General Fund, but will cost the TDC about \$3.2 million per year for the needed protection.

Commissioner Smith reiterated that there will be no money coming from property taxes to fund the project.

Commissioner Fisher added that five cents is being paid from the TDC for beach re-nourishment.

The Board approved the Brevard County Shore Protection Project Mid Reach Plan; authorized the Chairman to execute Project Partnership Agreement with Department of the Army for construction of the Brevard County Shore Protection Project Mid Reach Segment with County Attorney and Risk Management approval; authorized the Chairman to execute Amendment No. 2 to the Project Cooperation Agreement with Department of the Army for construction of the Brevard County Shore Protection Project, with County Attorney and Risk Management approval; authorized the County Manager, or his designee, to approve payment of non-federal cost share as required; and approved any necessary budget change requests.

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

**ITEM VI.A.2., APPROVAL, RE: MOSQUITO CONTROL TENTATIVE DETAILED WORK PLAN BUDGET FOR FYI 2016-2017**

The Board executed the Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, Detailed Work Plan Budget for Arthropod Control, for the Fiscal Year beginning October 1, 2016, and ending September 30, 2017, qualifying the Brevard Mosquito Control District as a State Certified Program.

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

**ITEM VI.C.1., APPROVAL, RE: RENEWAL OF CONTRACT FOR E-911 SYSTEM**

Commissioner Infantini states this is for approval of a renewal of the E911 system and it is to approve up to five one-year contracts with AT&T and she is not in favor of this, she would like to go out to Request for Information (RFI); she liked AT&T but she thinks that the Board needs to get some new information; and it is not allowed to mix and match packages or components with AT&T products so then that locks it into just sticking with AT&T without going out to see if there is a newer, better technology out there that could more efficiently deliver the system long term. She noted this system was last updated, the E-911 system, it was upgraded and completed in October 2012, and she is being told that it is already obsolete; she thinks that the Board should look at technology and consider getting an RFI rather than waiting until the contract is up; and she would like to do an RFI to get more information from other vendors to see if there is new technology moving forward that would help out with the taxes.

Kimberly Prosser, Emergency Management Director, explained the E-911 Network is a single source purchase because AT&T owns the network; the components that would go on that Network have to be through AT&T; as was mentioned, the life span of the equipment is five years and that is why it does need to be updated; and if the Board switched the way it is doing this from owning the equipment on the AT&T Network to leasing the equipment from AT&T, it will save \$1.7 million over the five year period.

Commissioner Infantini stated that was what she was talking about; she wants to consider using a different network, finding out what the costs are; she does not know what the costs are; and perhaps Ms. Prosser knows what the cost is to switch the network. She added she would love to see the other estimates out there; she is not aware of the Board getting estimates from any other Network providers.

July 12, 2016

Ms. Prosser stated there is a representative from AT&T present that might be able to answer Commissioner Infantini's question about the network.

Commissioner Infantini stated she does not think they can answer her question, because she is trying to find out what other networks have; the Board already knows what AT&T has and that is what it are purchasing and she thinks it is a very good product, but she would like to find out what other vendors have; and she inquired if it was critical that this is approved today, so that the Board could go out and discuss with other vendors. She explained she would like to put this off for two weeks.

Stockton Whitten, County Manager, stated he needs to get clarification; and he inquired if being this is single source, if the Board did away with AT&T it would have to go to a different system or upgrade the current system, and if the network would have to be replaced or upgraded.

Ms. Prosser replied affirmatively.

Mr. Whitten stated to clarify, AT&T equipment rides on an AT&T network

Ms. Prosser stated that is correct, it is not replacing that part.

Mr. Whitten inquired if the Board was maintaining the network, but replacing the equipment.

Ms. Prosser stated that is correct, if they were to go back out to RFP, they would rip out the entire infrastructure and basically start again; and that is not what they are doing here.

Mr. Whitten stated there would be cost to replace the network infrastructure, in addition to the system, and he thinks as the Board look at the wisdom of entering into this renewal, he thinks it needs to talk about the cost efficiency of doing that; that is a discussion that probably needs to be sort of developed in terms of this discussion because as he understands it, the Board is basically leasing the latest equipment in the market place, although AT&T equipment at the same cost that the Board replaces, purchased the system five or six years ago, and to just explain that a little bit.

Ms. Prosser advised if the Board were to purchase the newer equipment now, it would cost \$7.7 million dollars, however, if it goes to the leased equipment that will cost approximately \$6 million dollars, so there is \$1.7 million in proposed savings.

Commissioner Infantini stated what she is trying to find out is, and she does not know the answer to this, if any other network providers can come in, sometimes companies come in and if the Board were to switch over to their product, for instance, it is just like if someone went to the store to buy a computer and a printer, they will sell you the printer for really cheap, but go ahead and put some toner in it. She added that is where they are going to make the money, so what she was trying to find out is if perhaps there is another network provider other than AT&T, she does not know this to be true, but if there is, they may be able to set the Board up with a network for a very low cost provided that every year annually it goes and uses their equipment; and she just said it was a consideration and maybe it can vote on this for a one year time with a contingency instead of having up to five one-year contract renewals. She added she would like to do it just for one year so it can go out and see if there is anything else out in the market before it locks in.

Ms. Prosser stated if the Board would like staff could do an RFI at some point during this five-year renewal period and look into that because this is not for a one five-year contract, it is for five one-year contract renewals.

July 12, 2016

Commissioner Infantini stated she would like to motion to accept this; and suggested that rather than just automatically doing this, if the Board could add to the motion that it will go out to RFI to see if there is any other solutions out there going forward to see if there is any other network solutions other than AT&T that may save the Board money.

Commissioner Fisher stated it is a one-year contract so they definitely have the option to do that.

The Board approved a one-year Contract renewal with AT&T for the E-911 System; and authorized the Chairman to execute the contract; subject to approval by the County Attorney's Office and Risk Management, with a contingency that a Request for Information (RFI) be completed within that year to see if there are other solutions that may save the County money.

**ITEM VI.D.1., ACKNOWLEDGE AND REJECT OFFER OF JUDGEMENT, RE: BREVARD COUNTY V. B. WEST TOWNHOUSES, LTD., CASE NO. 05-2013-CA-025677**

Scott Knox, County Attorney, stated this is a staff recommendation to reject the Offer of Judgment, filed by B. West Townhouses in the amount of \$58,240; and make a counter offer of \$42,000, which would have the effect of cutting off and additional costs to the appraisers or expert witnesses in the future.

The Board approved Option 3, to reject the Offer of Judgment from B. West Townhouses, Ltd.; and authorized a counter offer in the amount of \$42,000.

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

**ITEM VI.D.2., ACKNOWLEDGE AND REJECT OFFER OF JUDGMENT, RE: BREVARD COUNTY V. AMY FINEBERG, ET AL**

Scott Knox, County Attorney, stated this is another Offer of Judgment made for \$78,450, on a Hall Road condemnation; staff is recommending rejection of that offer, and a counter offer of \$62,000; and that would have the effect of cutting off and additional costs to the appraisers or expert witnesses in the future.

The Board approved Option 3, to reject the Offer of Judgment from Amy Fineberg; and authorized a counter offer in the amount of \$62,000.

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

**ITEM VI.D.3., BOARD CONSIDERATION, RE: OPTIONS FOR REPRESENTATION OF THE COUNTY, INCLUDING RETAINING OUTSIDE COUNSEL, IN THE CASE OF RICHARD**

July 12, 2016

**PIERCE, AN INDIVIDUAL, AND BREVARD COUNTY PROFESSIONAL FIREFIGHTERS, LOCAL 2969, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, INC., A FLORIDA NON-PROFIT CORPORATION V. BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, A HOME RULE CHARTER COUNTY OF THE STATE OF FLORIDA**

Scott Knox, County Attorney, stated the Firefighters have sued Brevard County to try to invalidate the Charter Cap on revenues that the Board deals with every year; staff is recommending that it retain outside counsel to represent the County on that issue, since his office has opined in the past that it felt that the Charter Cap was un-constitutional as well. He added the person staff is recommending is Carolyn Ansay, staff has spoken with her, she indicates that she is checking to make sure she has no conflict, and she will let staff know by tomorrow whether she does or not. He noted she requires \$290 per hour to cover the case; the reason staff recommended her is when the Charter Amendment came up, back in 2008, she was one on the legal panel that reviewed the Charter Cap, and she was one of the two votes that indicated that she felt that the Charter Cap, as presented at that time, was constitutional. He went on to say staff felt that she would be a good option if the Board would like to go forth with it.

Commissioner Smith stated he sits on another board that uses Carolyn Ansay for an attorney; and he inquired if there would be any conflict there. Attorney Knox responded Ms. Ansay is checking that out with the Florida Bar Association.

Commissioner Fisher stated his concern is about spending \$290 an hour; he is not sure how many hours this lawsuit would take, but his concern is that something similar to this was challenged, something that was constitutional, before the Charter Cap; and he believed the Charter Review Committee Attorney had been paid to look at the issue. He added the attorney may have said that it might be un-constitutional; now the Board is going to spend a lot of money defending something that a couple attorneys have already questioned; he would rather do it in house, if it needs to be defended at all; and he is not supportive of obtaining outside counsel to defend something that a couple of attorneys and other people have said is un-Constitutional. He added the Board has already lost a similar case like this before; and he inquired if Attorney Knox could refresh his memory.

Attorney Knox stated that was Ellis vs. Burke, and in that case, one of them was raising the issue as to whether or not the Charter Cap was constitutional; Mr. Ellis was party to the suit, and he defended it; the County sat back and watched what happened.

Commissioner Fisher inquired if it was Scott Ellis, Clerk of Court. Attorney Knox replied yes.

Commissioner Fisher further inquired if he was sued because he was the Clerk of the Court, or because he was a County Commissioner.

Attorney Knox replied he is not sure why he was sued, he supported the Cap, and there was a controversy between the parties, and that is how it all came about. He added the third party filed the suit, and they named Mr. Ellis as a party.

Commissioner Fisher inquired if Mr. Ellis was siding with the County.

Attorney Knox replied affirmatively.

Commissioner Fisher inquired if Ms. Burke was the citizen that challenged this. Attorney Knox stated that is correct.



July 12, 2016

Attorney Knox stated in this case it is the Firefighters suing the County because the County is responsible for implementing the Special Act, which required a referendum on the Charter Cap to replace the old Charter Cap; and the original reason that the first Charter Cap was thrown out was because it was inconsistent with State law, because there was no law authorizing it; and the difference now is that there is a Special Act authorized, and that is the issue as whether or not that Special Act is constitutional, and whether or not that Charter Cap under that Special Act is constitutional. He advised the circumstances are a little different, but that makes for a different lawsuit.

Commissioner Infantini stated she would not like to see the Board defending itself over another division of its own County; she believed it was prudent to get outside counsel, so there the Board does not have its own counsel trying to defend against another division of the County. She stated she did not think the Board was supposed to do that.

Attorney Knox stated that is why he is present.

Commissioner Fisher inquired if the Firefighters are not using inside counsel.

Attorney Knox stated no, they are using outside counsel.

Commissioner Fisher inquired if the outside source was representing the County. Attorney Knox replied it is actually the Union that is filing the suit, as well as some individual Firefighters, so there is a little difference in the sense that the Board does not represent the Union, but it does represent the Fire Services Department.

Stockton Whitten, County Manager, stated in terms of the attorney that is being recommended, she has already stated her previous legal position; he does not think that has changed, and her opinion is out there; there is a Charter Attorney opinion; and he does not know that a submission of both of those to the Court would not suffice on behalf of the Board.

Commissioner Fisher concurred. He added he thinks Attorney Knox could do a great job, or him and his staff. Attorney Knox stated he could defend it and he could probably beat them, and the Board would still have a Charter Cap.

Commissioner Infantini stated she would like to keep Attorney Knox on the case.

Mr. Whitten stated his suggestion was not Attorney Knox defending it, it was that when this provision was first proposed, there are opinions from these attorneys, there are also opinions of the Charter Review attorney.

Commissioner Fisher stated so, Mr. Whitten would like to submit those to the judge and let the court decide it.

Attorney Knox stated unfortunately, that is not what happens.

Commissioner Infantini stated she is hopeful that the Commissioners that are for less taxes and smaller government will support her in not doing that very thing that Mr. Whitten just recommended.

Commissioner Anderson stated he would like to hear Attorney Knox's opinion.

Attorney Knox stated the way this came up is the Firefighters filed a suit; the County has been named the Defendant in the suit, so it is in the posture of defending the Cap; and staff can raise the issue to the Judge as to whether, since there were two opinions in the past, that could be

July 12, 2016

brought into the case, but the nature of the case is what the Firefighters are saying, which is that the Cap is un-constitutional. He added that would mean the County would have to the position that it is, unless it decides to play dead and roll over, which is not the thing to do at this point.

Commissioner Fisher stated he would like the judge to decide it, since it has already been brought into question, let the judge decide whether or not it is un-constitutional.

Attorney Knox stated someone has to take a position on each side, that is the problem.

Commissioner Anderson stated it is not apples to apples; the first lawsuit dealt with that there was no enacting legislation; and this lawsuit says there is an enacting legislation, but the legislation is un-constitutional.

Commissioner Fisher stated at the end of the day his concern is the Board has a Police Union that the Sheriff's Department just negotiated a three year, three percent pay increase; which with everything going on with law enforcement, he could argue all day long that they deserve more than that; and there are Firefighters that are probably looking at that contract and saying there is no way the County can financially continue to give raises, and continue to do the things it is required to do if it keeps the Charter Cap. He added then there is the every day normal employees that are entitled to some type of pay increase as the County moves forward, and the Board could end up with a situation like this year, where there might need to be a super-majority to pass the budget, even though it will be spending less that it did the year before because of roll back and all of those other things; and ti restricts the hands of this County to move forward. He noted it is time to have a court to decide whether it is constitutional or not; this is the only County in the State of Florida that has this restriction; and he does not think it is fair.

Chairman Barfield stated it is the Board's Charter, the Board needs to defend the County itself, it was brought in by the voters, and it is the Board's responsibility to defend it the best it can. He believed it should be defended in house because it is the County Attorney's that know it inside and out; he also thinks the Charter Attorney Review that needs to come into play as well, but the courts have to decide this; and he thinks the Board needs to move forward. He added it is going to come up again, they way the Board is constrained with the Charter, with the way things are going up, it is not conducive to a Consumer Price Index (CPI).

Commissioner Fisher stated his motion was that if the Board could not use the two attorney's opinions that have already been provided to the court, then there needs to be some other legal representation on it; and rather than pay someone outside, he would like to see Attorney Knox defend it.

Commissioner Infantini stated it is a blessing to everyone watching that there is a tax cap, that the Florida Legislature put in the Special Amendment, so that Brevard County could have a tax cap. She noted without that, there may soon be a new stadium in Titusville for \$25 million; a mall in Titusville for \$6 million; and the spending will not stop without a cap, and she is just letting the citizens know. She went on to say the citizens should want the Board to fight this vigorously, because for the people that ran on a platform, which four of the Commissioners ran on a platform of less government, less spending, and the Board needs to prevail in this lawsuit.

Commissioner Anderson stated no matter how one feels about any stadium, the Charter Cap has nothing to do with it; that is ad valorem taxes and tourist tax; and he inquired if the enabling legislation is specific to Brevard County.

Attorney Knox replied yes.

July 12, 2016

Commissioner Anderson stated that was interesting and that does not seem Constitutional in its face; if they are going to do it, it needs to be done Statewide.

Commissioner Fisher stated if the State thinks it is good enough for Brevard County, it should be good enough for the other 66 counties.

Commissioner Anderson stated the Board will see 67 counties come at it.

Commissioner Fisher stated Commissioner Infantini seems to always want to put the Board at a disadvantage, but if it is a State act and it is good enough for Brevard County, then it should be good enough for the other 66 counties, too.

Commissioner Anderson stated he is okay with fighting it in house; if the voters voted it in, however, somehow during this process, the Board needs to force the legislature's hand to make it a State wide issue.

Commissioner Smith stated he is not real keen on spending \$290 or \$300 an hour for outside counsel when the Board has perfectly good representation in house; he understands that Attorney Knox is on record as to being opposed to the Charter Cap, but surely he can find someone else in the County Attorney's Office to handle this.

Attorney Knox stated if the Board directs the County Attorney's Office to do it, it will do it zealously, and it will defend it to the best of its ability. He added he believed as it stands right now, it can be beaten, and he will do that if that is what the Board wants.

Commissioner Anderson inquired if during this process there is a way for the Board to seek a remedy to this being Statewide through a lawsuit.

Attorney Knox stated the lawsuit should, if it properly done, cover the issue as to whether this should be a uniform procedure that applies to all counties, or whether Brevard County should be singled out differently.

Commissioner Anderson stated that is what he wants to see.

Commissioner Fisher inquired when Attorney Knox files, he is going to state that the rest of the State has the same rules as Brevard County.

Attorney Knox stated that would not happen in this particular special act; this special act applies specifically to Brevard County, that is what the legislature did, they passed one law that applied to Brevard County only.

Commissioner Anderson stated it denies the residents of 66 other counties to put in revenue caps on their commissioners; and he believed that Attorney Knox should reach out to his fellow county commissions to tell them what is coming down the line from the Board.

Attorney Knox stated that is going to have to be a legislative enactment, which means the general law would need to be changed.

Commissioner Anderson stated the Board has some high-powered lobbyists, that can get that changed.

Mr. Whitten asked Attorney Knox to explain to him why the previous opinion of Carolyn Ansay could not be submitted as the Board's defense of the constitutionality of the Charter; he added Attorney Knox has already opined in writing that the Charter is unconstitutional; and he does not

July 12, 2016

know that the Board putting Attorney Knox in the position of saying it is constitutional is a good idea. He added he was not suggesting the Board do it in house, he was suggesting that the attorney that Attorney Knox suggested the Board to hire, has previously opined on the constitutionality and to submit that as the Board's defense of it to the court and then let the matter be decided.

Commissioner Fisher inquired why that cannot be done. Attorney Knox stated being that when she opined the comment, the special act was in effect, and he does not think she addressed the special act, that is a different issue.

Mr. Whitten stated it was for the Charter provision that is in place today.

Attorney Knox stated yes, but he does not think she addressed the issue of the special act.

Commissioner Infantini stated not once but twice, the voters asked that the Board be bound by a tax cap; she reiterated not one time, because then the Board went and fought that; and it fought what the voters wanted.

Commissioner Fisher stated it did not fight.

Commissioner Infantini argued it did; the Board is trying to fight it again; and two times the voters of Brevard County have said they want a tax cap. She noted the citizens want to tie the Board's hands because idle hands get mischievous, and they are trying to keep the Board's hands within reach, so that it stays doing what it said it would do.

Commissioner Anderson inquired if Commissioner Infantini would agree that every municipality in this County and every county in the State, the voters should have that same ability.

Commissioner Infantini stated no, because this County cared enough to take it to the legislature.

Commissioner Anderson stated right now, voters in other counties cannot vote on the same thing, which is unfair to them, and ties their hands as citizens.

Commissioner Infantini stated that is their problem, let them work it out; Brevard County has solved its problems by going to the legislature.

Commissioner Anderson stated Brevard will work it out for them because he thinks what it will do is fight to make it State wide; and he does not know why anyone would have a problem if they are a fiscal conservative, they are fiscal conservative for everyone.

Commissioner Infantini stated she is not in it for everybody, she is not elected by everybody, she is here to represent Brevard County, and no other county; no one else comes here and says they want her to be their commissioner.

Commissioner Anderson noted he would like to give the other counties the opportunity to vote on the same thing; and he would like to make sure that however the legislature is fought, it is done on the ground, and presented to the Supreme Court that it is uniform across the State for every County, and every municipality to give those voters the right to vote on a charter amendment similar to Brevard County.

Commissioner Infantini stated that is not the legal argument, the legal argument is if it is constitutional.

July 12, 2016

Commissioner Anderson stated that is correct, but he would also like to argue that if it is constitutional, then it has to be uniform; and he is pretty sure the Supreme Court would see it the way he does.

Commissioner Infantini stated no, there are other laws on the books that are not for, that do not encompass every other county.

Commissioner Anderson argued if the Board is fighting it, then it is up to the Board, present opinions or whatever, he would like to put either the stipulation that the Board go after those grounds and how to do it; or in the legislative priorities next year, have the lobbyists make it uniform across the State.

Chairman Barfield inquired if some of this should be done at Executive Session.

Attorney Knox stated the Board can talk about it in Executive Session; and one other thing the Board can think about is negotiating a cap on the fees; and he does not think this is going to be a \$100,000 case, because it is pretty much a legal issue and the judge will decide it right away.

Mr. Whitten inquired what the motion on the table is.

Commissioner Fisher replied it was originally to have Attorney Knox defend it, then Mr. Whitten came up with the suggestion of letting Ms. Ansay's opinion become the findings of fact for the County, and he was comfortable with that, but somehow he felt that Attorney Knox thought that was not enough.

Attorney Knox stated that is not enough; the way lawsuits generally work is there is an adversarial relationship with the other side; and what the Board is basically asking him to do is to say here is an opinion from one attorney, and here is an opinion from another attorney, and to tell it what is right. He advised the Board is supposed to be defending it.

Motion by Commissioner Fisher to attend an Executive Session at some point near in the future and have this discussion.

Commissioner Infantini expressed to the Board she will not attend an Executive Session; the Board can go ahead and talk; and she wants this out in front of the public. She added she would like the public to know that the Board is trying to override not one, but the Board's second referendum to put a tax cap on Brevard County; and the Board wants to talk about it privately, so the citizens do not know what the Board says.

Commissioner Anderson stated he would like to give every citizen in the State of Florida the same right, and he thinks that is a great thing; and that is the libertarian side of him.

Commissioner Fisher stated what he is trying to do is make sure the public understands is if they would like roads repaired, they want law enforcement to be protected and paid adequately, they want a County similar to other counties, then the Board needs to have a serious discussion about it, because it will not get done any other way.

Chairman Barfield inquired if the Board would like to do this Thursday.

Commissioner Anderson stated the Board can do an Executive Session on Thursday.

Attorney Knox pointed out he is asking for official authority to advertise an Executive Session for Thursday.

July 12, 2016

Commissioner Anderson inquired how many days he needs to advertise.

Attorney Knox stated one.

Commissioner Fisher stated he takes all his other motions off the floor.

Commissioner Anderson stated he thinks this is very important, there is a city charter going on and this has been brought up in the City of Palm Bay; he does not think they are aware that they need special legislation; and they are trying to review commission, too, to put in front of the voters; and he would like to get this going.

Mr. Whitten stated for clarification, even if this Charter is ultimately declared unconstitutional, Brevard County is still like any other county in the State, in that there is an existing cap from 1972 or 1974, that applies to the cities and the County, which is a 10 percent cap; and Brevard County still has a cap on its revenue, unlike any of the other 66 counties, even if this went away.

Commissioner Fisher stated that is a double whammy.

Attorney Knox stated he thinks the Board should talk about that at Executive Session.

The Board authorized an Executive Session on Thursday, July 14, 2016, after the conclusion of the Transportation Planning Organization (TPO) meeting which will be sometime between 9:00 a.m. and 12:00 p.m., in the County Manager's Conference Room, Third Floor, Building C, 2725 Judge Fran Jamieson Way, Viera, for the purpose of discussing strategy related to litigation in Richard Pierce, an individual, and the Brevard County Professional Firefighters, Local 2969, International Association of Firefighters, Inc., a Florida Non-Profit Corporation v. Board of County Commissioners of Brevard County, a Home Rule Charter County of the State of Florida, Case No. 05-2016-CA-032836-XXXX-XX.

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| <b>RESULT:</b>   | <b>ADOPTED [4 TO 1]</b>                               |
| <b>MOVER:</b>    | Robin Fisher, Commissioner District 1                 |
| <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 VI.E.1., ACKNOWLEDGEMENT, RE: FY 2014-2015 ANNUAL FINANCIAL AUDIT REPORT FOR THE HERITAGE ISLE AT VIERA COMMUNITY DEVELOPMENT DISTRICT**

Stockton Whitten, County Manager, stated Item VI.E.1. is just the Annual Financial Report for Heritage Isle's Community Development District and it is on New Business because staff received it late.

The Board acknowledged receipt of the FY 2014-2015 Annual Financial Audit Report for the Heritage Isle at Viera Community Development District.

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

**ITEM VI.F.1., ACKNOWLEDGEMENT, RE: BREVARD COUNTY COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2015**

Stockton Whitten, County Manager, stated this is the Annual Financial Report, Mark Peterson was present here earlier, and he does not see him now; he can tell the Board he does not think there is anything to note beyond what staff has noted on the summary, explanation, and background.

The Board acknowledged the Brevard County Comprehensive Annual Report for the Fiscal year ending September 30, 2015.

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

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

Stockton Whitten, County Manager, stated on Thursday he will present to the Board the tentative budget proposal for the 2016-2017 Fiscal Year; he will try to get those documents today, but on Thursday, he is simply going to tell the Board what is in the document. He added he is not asking for any actions of the Board; he will just give a very broad and/or, if necessary, detailed overview of what is in that proposal.

Commissioner Infantini stated she does not want the budget book given to her just before she goes to a meeting; she needs time to research it and analyze all of the changes, and the differences from last year, so she does not want to have a budget workshop where people ask the Board questions, and the Board had received it the night before; and she was up until three in the morning trying to go through it again. She added she does not think that is fair to the Board; whatever he has, he has, and she would like the book now; and to have just two days to go over a book is completely unfair.

Mr. Whitten stated he is simply saying here it is and here is what is in it; there is no formal acceptance required; the Board does not have to have a workshop; and the Board can hold off until the millage hearing, and that will give her two weeks to review it. He advised he is going to tell the Board what is in it; he is going to hit the highlights for it; and the Board will see, within the budget, there is an actual year, a current year, and a proposed year. He added with the variances highlighted within each department; and he does not think that there is a whole lot for her to study up on for Thursday.

Commissioner Infantini stated she does not need a Budget Workshop to just be handed a book; she can look at a book herself; she is not comfortable having a workshop; and she inquired why

July 12, 2016

it is called a Workshop when he is just handing something out. She added there is no way the Board can be prepared to have any defenses or discussion on that topic; and she would never ask him to come to a meeting unprepared.

Commissioner Anderson stated he is fine holding off until the millage hearing.

Commissioner Fisher inquired if he does not want to have any Workshops.

Commissioner Anderson replied to just give him the budget book and he will discuss it that night; and there can be individual briefings between now and then.

Mr. Whitten stated he is fine with that.

Commissioner Anderson stated he does not know what the other three think, but that is where he is at.

The Board cancelled the July 14, 2016 Workshop; and directed staff to provide the budget documents and have individual briefings with each Commissioner, and to have discussion at the Regular/Tentative Millage meeting on July 26, 2016.

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

#### **ITEM VIII.C., ROBIN FISHER, DISTRICT 1 COMMISSIONER**

Commissioner Fisher stated if someone is on a Delta Airline, the *Delta Skyline* magazine has a story about Brevard County and the Space Program; Titusville is featured in it, and it is the Sun, Space, and the Sea; and someone instant messaged him on Facebook said that the magazine was talking about Brevard County in a positive way.

Commissioner Anderson stated a couple issues were about Melbourne and Melbourne Beach.

Commissioner Fisher stated May, June, and July it has been different features of Brevard County; and it is positive things that Brevard is being showcased for; and he appreciates the Commissioners that continue to leave the County to bring support and awareness to Brevard County.

#### **ITEM VIII.E., ANDY ANDERSON, DISTRICT 5 COMMISSIONER**

Commissioner Anderson stated he was approached, and he does not know if any of the other Commissioners were, something near and dear to his heart, that there is an ability to buy an existing landfill next to the Sarno Road Landfill that may mitigate some of the issues with the proposed landfill on US 192. He inquired if that is something that needs to be discussed in Executive Session.



July 12, 2016

Scott Knox, County Attorney, stated the Board does not have to, but it falls within the ambit of what is being discussed at the administrative level in the administrative litigation going on; and the Board could if it wanted to.

Commissioner Anderson inquired if there would be another Executive Session on the Landfill any time soon.

Attorney Knox stated he does not know.

Commissioner Anderson stated he is going to hold off because the Board is under litigation; to let him know if there is one; and he will discuss the information with Attorney Knox to see if he can bring it back to the Board.

**ITEM VIII,G,, JIM BARFIELD, DISTRICT 2 COMMISSIONER/CHAIRMAN**

Chairman Barfield presented a video on the Veteran's Memorial Center; on July 1, 2016, there was a ribbon cutting ceremony there; and less than a year ago, \$1.5 million went into this project from the State, another \$150,000 from the Tourist Development Council (TDC); and this is an amazing facility. He added they are working to move the museum in to the new part; and the Grand Opening Ceremony will be on Veteran's Day, November 11, 2016; and he invited everyone to be there. He noted it is an amazing place; if one gets a chance, to go look at it.

Commissioner Anderson stated it is amazing what Brevard County does; he is a veteran, and is appreciative of everything this community does for veterans; and the facility in Merritt Island is second to none. He added Palm Bay has a Veteran's Resource Office that augments the County's resource officer; they are doing a stand alone building at Veteran's Park in Palm Bay that is all veterans. He advised they are leveraging help from the VA work study program, so they are getting free employees, so the money that the Board provided in the beginning is leveraging two employees at no cost to Brevard County taxpayers. He noted just what is going on up in District 2, and in the south end of the County, and Homes for Warriors, they are probably proud to be here.

Chairman Barfield stated there are over 70,000 veterans in this County and it is growing.

Upon consensus of the Board, the meeting adjourned at 1:02 p.m.

ATTEST:

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JIM BARFIELD, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

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SCOTT ELLIS, CLERK