

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 October 18, 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 provided by Pastor David Lindemer, Pineda Presbyterian Church, Melbourne.

PLEDGE OF ALLEGIANCE

Commissioner Fisher led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved the August 23, 2016, Regular Meeting Minutes.

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

ITEM I.A., RESOLUTION, RE: PROCLAIMING THE MONTH OF NOVEMBER 2016 AS PUERTO RICAN HERITAGE MONTH

Chairman Barfield read aloud, and the Board adopted Resolution No. 16-186, proclaiming the month of November 2016 as Puerto Rican Heritage Month.

A representative stated his thanks to the Board.

Sam Lopez expressed his appreciation to the Board for the Resolution.

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

ITEM I.B., RESOLUTION, RE: PROCLAIMING THE MONTH OF OCTOBER 2016 AS DOMESTIC VIOLENCE AWARENESS MONTH

Commissioner Anderson read aloud, and the Board adopted Resolution No. 16-187, proclaiming the month of October 2016 as Domestic Violence Awareness Month.

Michelle Flowers, Victim Advocate with the City of Titusville Police Department, expressed her appreciation to the Board for the Resolution.

Commissioner Infantini inquired if sometimes victims of domestic violence are going to court, they have a hard time getting some of the fees waived if he or she goes with a private attorney.

Ms. Flowers replied they always advise the victims to go through legal aid, as they will not be charged.

Wendy Fisher, Brevard County Association of Women Lawyers, stated they have been working with the task force and some Brevard County judges to put together a program for some of the attorney's to sign up to represent victims during these injunction hearings, because it is an issue making sure a lawyer represents them.

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

ITEM PULLED FROM CONSENT AGENDA

Chairman Barfield pulled Item II.A.3., Addendum No. 1 to Contract with Keep Brevard Beautiful (KBB) for Litter and Recycling Education, from the Agenda for discussion.

ITEM II.A.1., GRANT FUNDING REQUEST TO THE FLORIDA INLAND NAVIGATIONAL DISTRICT AND THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION, RE: FURTHER BREVARD'S DERELICT VESSEL REMOVAL PROGRAM

The Board granted permission to apply for the FIND and the FWC Derelict Vessel Removal Grant Funding; approved the legal venue as Leon County for the anticipated FWC grant agreement; authorized the County Manager to execute the subsequent grant contracts, if awarded and approved by the County Attorney and Risk Management; and approved any necessary budgetary actions.

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

ITEM II.A.2., FIRST AMENDMENT TO PROPORTIONATE FAIR SHARE MITIGATION AGREEMENT WITH THE CITY OF WEST MELBOURNE AND KB HOME JACKSONVILLE, LLC, RE: BUILDER TO REVISE THE DEVELOPMENT PROGRAM TO CONTRUCT 141 SINGLE-FAMILY RESIDENCES RATHER THAN 89 SINGLE-FAMILY RESIDENCES AND 110 TOWNHOUSE DWELLING UNITS

The Board executed and approved the First Amendment to Proportionate Fair Share Mitigation Agreement between the City of West Melbourne and KB Home Jacksonville, LLC; and authorized the Budget Office to execute any budget changes necessary to implement the proportionate fair share payment.

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., RESOLUTION, RE: CONVEYANCE OF CONSERVATION EASEMENT IN FAVOR OF ST. JOHN'S RIVER WATER MANAGMENT DISTRICT FOR MITIGATION DONATION ON COUNTY LANDS

The Board adopted Resolution No. 16-188, to convey a Conservation Easement in favor of SJRWMD for mitigation donation on County lands.

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., APPROVAL, RE: ENCHANTED FORST SANCTUARY MANAGEMENT PLAN UPDATE

The Board approved the Enchanted Forest Sanctuary Management Plan update under the Environmentally Endangered Lands Program Sanctuary Network.

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

ITEM II.B.3., APPROVAL, RE: TOURIST DEVELOPMENT COUNCIL (TDC) PROPOSED FY 2016-17 MARKETING AND MEDIA PLAN; TOURISM DEVELOPMENT OFFICE STAFF TO NEGOTIATE AND EXECUTE AGREEMENTS WITH VENDORS OVER \$100,000

The Board approved the TDC's proposed FY 2016-17 Marketing and Media Plan; authorized the Tourist Development Director and the County Manager, or his designee, to negotiate advertising rates and execute agreements with vendors; and approved staff to execute purchase orders to advertising vendors for ad placement and promotion costs over \$100,000, as recommended by the County Manager.

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., APPROVAL TO ACCEPT AWARD OF FEMA'S 2016 ASSISTANCE TO FIREFIGHTER GRANT (AFG) FIRE PREVENTION PROGRAM IN THE AMOUNT OF \$32,650, RE: PURCHASING 1,000 SMOKE ALARMS

The Board accepted award for FEMA's 2016 AFG Fire Prevention Grant for purchase of 1,000 photo-electric or ionization style smoke alarms, distributed by the Fire Prevention Section to be disabled, elderly, low-income families, and any other Brevard County citizen needing one.

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 Budget Change Requests, as submitted.

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., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

The Board appointed **Phil Barnes** to the Merritt Island/Beaches Advisory Board, with term expiring December 31, 2018.

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

ITEM II.A.3., ADDENDUM NO. 1 TO CONTRACT WITH KEEP BREVARD BEAUTIFUL (KBB), RE: LITTER AND RECYCLING EDUCATION

Chairman Barfield stated in March the County had a fish kill, and Keep Brevard Beautiful (KBB) helped tremendously with the cleanup of that; there was no mechanism to reimburse them for the expenses of plastic bags; and he would like to add a clause in the contract that gives the Board the general ability in an emergency situation that KBB can be used and be activated.

Euri Rodriguez, Solid Waste Management Director, stated currently the Waste Management Contract has a similar clause, it is not exactly the same, it would have to be adopted and changed a little bit by the County Attorney's Office in order to fit the circumstances, but he thinks that is what Chairman Barfield is seeking. He went on to say it is not emergencies as far as Federal Emergency Management Association (FEMA) is concerned, it would be other types of emergencies. He clarified by saying in these types of emergencies the Board would probably want to delegate the activation of the emergency, because sometimes staff cannot wait two weeks for the Board to meet again.

Commissioner Fisher stated he is trying to figure out the dynamics of how to add that clause; and he inquired if that is something to be added at a later point in time.

Chairman Barfield stated he was thinking it could be approved by the Board with a clause that gives the ability for the Solid Waste Management Director to negotiate additional services for cleanup for KBB to do in case of a fish kill.

Commissioner Fisher inquired what staff did regarding the fish kill this year.

Mr. Rodriguez replied the activities KBB had did not get reimbursed by the County.

Chairman Barfield stated he wanted to make sure the expenses get picked up somewhere.

Commissioner Smith noted the Board can state in instances of emergencies, that any expenses KBB incurs in the cleanup of the County in regard to that particular emergency, they would be eligible to be reimbursed for those expenses pertaining to that cleanup.

Commissioner Fisher inquired how the Board will know what the reimbursement amount is.

Commissioner Smith replied he would assume KBB would submit invoices to the County.

Mr. Rodriguez advised the Board currently there is no hourly rate for the cleanup; and his suggestion was that at the very minimum, the reimbursement should be based on costs.

Stockton Whitten, County Manager, stated there are two types of cleanups described in the Agreement, periodic cleanups and ongoing cleanups; the Board could add a section entitled 'Emergency and/or Requested Cleanups'; then the Board can authorize the County Attorney and staff to work with KBB to establish the language contained under that; it will be at a

October 18, 2016

negotiated rate for each event; and that will be applicable not only to Solid Waste Management, but to all County Departments.

The Board executed and approved Agreement Addendum No. 1 with Keep Brevard Beautiful (KBB) for Litter Prevention and Recycling Education dated May 28, 2013; approved adding a section to the Addendum of Emergency and/or Requested Cleanups; and authorized the County Attorney's Office to work with KBB to establish language contained under that, to be at a negotiated rate for each event, and to be applicable to All County Departments.

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

ITEM III. PUBLIC COMMENTS

Donald Plymel provided the Board with some photographs. He stated his wife and he were general contractors in Brevard County for 32 years; they had their own means of moving debris with a dump truck; and for 25 years they moved all of their own waste. He went on to say now they have to put it out by Lake Washington Road; there is only six feet between the road and the bike path; they have had the debris for over two weeks now; it was hauled out there about a week prior to the hurricane; and a person would think that Waste Management would come out and try to move that debris prior to the approach of a hurricane. He stated he was in front of his home about a year and one-half ago, and someone came by from Code Enforcement; they were asked by one of the County Commissioners to take a look to see what Lake Washington Road looked like; and the Code Enforcement representative could not believe the condition of the road. He stated he and his wife spend \$1,500 to \$1,800 a month on lawn maintenance, tree pruning, and removal of debris from their property out to the road; it is a beautiful area; and that is what the Board will see in those photographs. He pointed out those photographs are from his home, the estate next door, and a couple of others going toward Turtle Mound Road.

Commissioner Fisher inquired where the debris is from; and if it is normal, weekly debris.

Mr. Plymel replied affirmatively, they are from trees and plants; his home has a tremendous amount of Oak trees on it; and with the hurricane that went through, it took most of the leaves off of the trees.

Commissioner Fisher inquired if that was after the storm.

Mr. Plymel responded yes, after the storm; but they had about half of that material in the photographs was already out front to be hauled in by Waste Management prior to the hurricane.

Commissioner Infantini inquired if it is Waste Management's responsibility to pick up the yard debris; she stated she thinks part of the problem is they have a hard time determining what was out there pre-hurricane and post-hurricane; and apparently, post hurricane is FEMA's responsibility, and pre-hurricane would be Waste Management's responsibility. She added the pictures seemed to indicate this was pre-hurricane; and it would appear to her Waste Management would be responsible to pick those up.

October 18, 2016

Stockton Whitten, County Manager, stated the County is in debris removal as a result of the hurricane; to the extent that it is mixed in with hurricane debris, he thinks the hurricane contractors will be responsible for picking it all up.

Mr. Plymel inquired even though he called it in two weeks ago, a week prior to the hurricane.

Mr. Whitten stated to keep it clean in terms of FEMA approved contractors and reimbursement, he thinks the contracted vendors are going to have to pick this debris up; he does not think Mr. Plymel wants to leave it until after they complete their job, and then have Waste Management pick it up; and he would think the most expedient way to get rid of it is to have the hurricane contractors do the pickup.

Commissioner Infantini stated she thinks the problem Mr. Plymel may be running into is all of the grass between the road and sidewalk will die in the meantime; and there is an equity issue between how much was the responsibility of Waste Management pre-hurricane and now because of the hurricane, their inability to pick it up in a timely fashion, there is an issue. She stated she does not think it was all FEMA's responsibility because a lot of the debris was there before the hurricane.

Mr. Whitten noted there is no way to separate it; the County has the contracted haulers out there now; eventually they will get to it; they will probably be in debris removal for the next several weeks and months; and ultimately, they will get to it quicker than waiting on Waste Management.

Commissioner Fisher stated Mr. Plymel spends \$1,500 to \$1,800 a month to clear his property; and he has someone come in to remove the waste.

Mr. Plymel replied no, that is for lawn service, grass, edging, mowing, whatever, and removal of debris and trimming trees.

Commissioner Fisher inquired if when they trim the trees they put it out by the road.

Mr. Plymel responded they do most of it themselves, except for the tall Palm trees, a person comes in one to two days a week and works on those.

Commissioner Fisher inquired if the commercial guy removes any of the stuff off of the site.

Mr. Plymel replied no.

Commissioner Fisher stated typically when he has his trees trimmed, they take the product off-site and do not depend on Waste Management to do that.

Euri Rodriguez advised the Code specifies if a commercial contractor comes in, they are responsible for taking the debris to Solid Waste.

Mr. Plymel noted they actually do it in house; the person who works for them, use a wheel barrow and moves it to the front by the road. He stated they call Waste Management frequently, and will not get a response; when a person first calls they go to Phoenix; on a local level there are supervisors who answer; and he reiterated they have called them several times. He pointed out either their voicemail is full or they do not return telephone calls.

Commissioner Infantini stated she thinks Commissioner Fisher is correct; when she and her husband did their own trimming, they would haul it to the front of the street; but if they had a

October 18, 2016

professional come in and do the trimming for them, they were responsible for hauling it, so it would appear Mr. Plymel has a mixed bag where he paid someone and where he did it himself.

Mr. Plymel clarified by saying twice a year they have a tree trimming company come in and do the clipping of the Palm and Oak trees; this is not part of this; and this is all from the normal debris, not from trimming the trees.

Mr. Whitten stated it should be a fairly short meeting, so if Mr. Plymel would sit through and wait for Mr. Rodriguez's presentation that will come at the end of the meeting, it may provide him some clarification.

Charles Tovey inquired why he does public comment; he stated it was advice given to him by an elected official; and he just keeps on addressing the issue, and he has been given no help, not even a glass of water. He went on to say his public comments are being edited, and what he says only goes as far as the podium. He noted he is abnormal, he is distraught from all of the things; he will never be the same; he does not have time to sit up there in an orderly fashion and do these things; and the window of opportunity is closing. He stated he is looking for a last-minute reprieve on all of his fines, fees, and help in restoring his house through the Fire Department, Sheriff's Department, County Manager's Office, and all of the Commissioners; no one has offered him any help; they can work together to find a compromise where everyone is happy; but he bought his house and worked for life, liberty, and happiness. He stated people tell him what to do with his property and everything; that was his life, liberty, and happiness that was destroyed since 2005; and that was the year everyone came into their newly elected position agendas. He expressed his appreciation to all who successfully destroyed his life and rights to life, liberty, and pursue of happiness; once in a lifetime he has opportunities that may never happen again; but everyone has the gift of life today, and it can be changed tomorrow. He stated he is trying to look forward; he has been given no assistance, no nothing, and the Board wants him to carry the burden for other people who have attacked and aggress him his property and his rights to live; it is not right; and they left him for dead. He noted the way people are living during a hurricane that is how he has been living, because they ripped out his waterline, his electric line, they shoot at him, they beat on him, they take his property, and it is all okay. He stated he hopes he gets to see the Board again, and his door is always welcomed to friends if they are there to help him; no one has been there to help him or see how he is; and they have always been there to aggress him. He stated he is at lagoonman.com; and more will be revealed in the future. He expressed his appreciation to the Board for its time, and God bless everyone, even the adversaries.

Pam LaSalle stated she is against the Lagoon tax, she thinks the Board has more than enough resources; and she thinks there is no genuine oversight in this proposal, so she hates to see the Board get its hands on another \$300 million. She went on to say she wants to continue a discussion of Commissioner Anderson's absence from the budget meeting; the Charter states that all people who are present will be voting; and Commissioner Anderson was not present. She noted she read the Attorney General Opinion (AGO) that Scott Knox, County Attorney, sent; she had read it previously, which is why she asked Commissioner Anderson at the last meeting why he was not at the meeting, and he said it was none of her business; but as a citizen, she thinks it is her business, because the written rules, and she has done public record requests trying to determine if the Board has had procedures written up, and it does not seem to be found. She added she cannot find any discussion of Commissioner Anderson's absence; and what she is very concerned about is this is some kind of complication that is going to cost the citizens money down-the-road. She inquired if Commissioner Anderson is going to tell them.

Commissioner Anderson advised that is Ms. LaSalle's opinion; and if she has any other discussion, to please take it up with the County Attorney. He noted when he is on his personal

October 18, 2016

time, it is his personal time; he is not going to argue with Ms. LaSalle; she rants and raves about a lot of stuff; thank God he does not have to deal with it for much longer; and he reiterated if she has any issues, to take it up with the County Attorney or with the Attorney General who said it was okay. He went on by saying in fact, many counties do call in voting; it happens in almost every municipality in Brevard County; and it is legal.

Ms. LaSalle inquired if she has to sue the County over this if she thinks there is a problem; and she stated she cannot get any satisfaction. She stated what she was given it states that he may not be there due to extraordinary circumstances, such as illness; and if this Board did not decide, and based on Commissioner Infantini's response at her last public comment, this Board did not vote that he could be absent.

Commissioner Anderson advised he has no further comment.

Scott Ellis, Clerk of Courts, stated two weeks ago, the Board had a discussion on Project Zeus, more than 30 minutes after discussion, Project Zeus had still not been discussed, but other things were discussed, primarily when the Board brought up a representative of the Economic Development Commission, Greg Weiner; he thinks some of the things that Mr. Weiner discussed should be discussed; first being, the failure of BlueWare not being a financial failure; and they received \$7 million and did not have to do anything. He went on to say that is probably a financial failure; if he gave any of the Board Members \$7 million, he or she could have a very successful company; Mr. Weiner claimed there was no failure to vet, which is untrue, as the Clerk's Office has given the Board the report; and the EDC worked with BlueWare after they had failed their test of financials in Tallahassee, and redid the entire balance sheet so they could pass. He pointed out that is what created the incentives this Board did vote for; the comment about the contract, he thought was unusual; he inquired if the Board looked at this before he took a beating from the EDC about the Commission overseeing the contracts; and what is the Board doing about overseeing the contracts. He noted the answer to that is zero; the Board has done nothing; and he inquired if the County Attorney has issued an opinion if the Board can oversee the contracts.

Scott Knox, County Attorney, replied if Mr. Ellis is talking about the BlueWare contracts.

Mr. Ellis advised no; and he further inquired if Attorney Knox issued an opinion on any contract by a Constitutional Officer.

Attorney Knox responded no sir, nobody asked him for that opinion; but he can tell Mr. Ellis that right now the Constitutional Officers are separate and independent; and Mr. Ellis knows that as well as he does.

Mr. Ellis noted he was not present two weeks ago, all the mice were here, but he was not invited to the meeting.

Attorney Knox pointed out as the Clerk, Mr. Ellis already knows that; and he can sign his own contracts.

Mr. Ellis stated the Board allowed the EDC to come in and run open loop over top of other people that were not present; and if Attorney Knox knew that two weeks ago, he could have said it at that meeting.

Attorney Knox stated the point is the Clerk can sign and oversee his own contracts.

Mr. Ellis read aloud from the minutes, "After four years back and forth, the Clerk, Scott Ellis, has yet to come to the Commission to plus what appears to be a problem, a contract awarded

October 18, 2016

without the oversight of this group." He added, that is Mr. Weiner's words from the minutes; he did not see it addressed at all; the BlueWare contract was an illegal contract; it does not matter who had oversight, the contract was illegal; and that is why there are people awaiting felony charges. He advised the Board the EDC goes on, which is pretty good, for over 30 minutes; the Board let this guy come up and rant; he did not say a word about the project; BlueWare had 80 employees; and after the war broke out, they now have no employees. He inquired if it is okay to commit felonies and hire people as long as it brings jobs; BlueWare has no employees because they go busted; and he inquired if that is not severe enough to shut someone down. He went on to stated that he appreciated Commissioner Infantini's points as they were good, but on specific points here, not one of the Board Members said one word about what was being said by the EDC at this meeting; and in fact, Chairman Barfield was who brought him up to speak even though there was nothing on the issue.

Chairman Barfield pointed out Mr. Weiner had a comment card; and the public has a right to speak.

Mr. Ellis noted Mr. Weiner did not come to speak on the issue.

Chairman Barfield stated he had a comment card, said it was in relation to that, and that is why he came up.

Mr. Ellis stated he did not speak on that, he spoke on Project Zeus; the Board kept him going for 30 minutes; and he asked the Board to watch the tape. He went on to add Mr. Netterstrom came up for about three minutes and ready his speech, then it proceeded to be 30 minutes with Mr. Weiner, representing the EDC and the Board; that is what happened at the meeting; anyone in the County can watch the meeting, it goes on from 1:00 p.m. to a shade after 1:30 p.m.; and Project Zeus was discussed during that entire time. He stated the Board heard how he came in and wiped out those 80 jobs; he guesses he should have never talked to Florida Department of Law Enforcement (FDLE) about criminal activity; and then what was more bazaar, \$7 million gets looted by certain individuals, allegedly, and it was his fault. He noted that was fascinating as well; he guesses it was his fault there was the Sarno Landfill rip-off; and not one word was uttered from this Board, it let the man just keep on going.

Commissioner Infantini stated she had enough, frankly the Board did not let this man just keep going; continually she brought up the point, and she is tired of him saying none of the Board members stood their ground, as she did; she did not bring up every single point, he brought that up at the debates; and she is not going to take Mr. Weiner on about every single point he made. She went on to say she brought up the relevant criteria; and Mr. Ellis is ranting, the same things Mr. Weiner did. She pointed out in 2002 Mr. Ellis went to the Attorney General and the State of Florida to establish that in fact every Constitutional Officer had sovereign powers and the Board does not have any oversight over any Constitutional Officer; it is set up that way in the Constitution of the State of Florida; the Board has the Attorney General (AG) report on that; and that is why the Board cannot question the contracts. She went on by saying the Board cannot question the Sheriff, Property Appraiser, Supervisor of Elections, and Tax Collector; he or she is all on their own to be good citizens and good stewards of the money; and she has continually stood her ground and fought questions on the EDC.

Mr. Ellis stated he is sorry too, because some questions do matter; and he did not pursue an AG opinion for the benefit of the Clerk's Office in 2002. He stated the Board did not say anything about Mr. Weiner's comments about the activity about the jobs; the Board had a good discussion on the issue of incentives; the Board had good discussion on the issue of getting the money back; some of the Ad Valorem abatements get turned down every year; and he inquired if the County gets a claw back on those abatements.

October 18, 2016

Attorney Knox replied there is no claw back because there is nothing to claw back, they never get any benefit from it.

Mr. Ellis stated that is not correct, because some have been granted and made it, and then gone backwards.

Attorney Knox noted when that happens, if there is a claw back provision in the contract, they get the claw back.

Mr. Ellis inquired if there is a claw back in the Ad Valorem abatement.

Attorney Knox replied sometimes there are.

Mr. Ellis inquired when that was done.

Attorney Knox replied it has not been done as it had not needed to be used yet.

Mr. Ellis pointed out there have clearly been Ad Valorem abatements that have been turned off after they were turned on, and the County has not gone after them.

Attorney Knox advised there may be contracts out there that do not have it in there, in which case, they would have to come back.

Mr. Ellis asked if the County would ever do an Ad Valorem abatement that would not have a clause that if they fail to meet the standard, it would turn them off.

Attorney Knox responded not currently.

Chairman Barfield asked Mr. Ellis to please move on, as the Board has other business.

Mr. Ellis stated he will just fill out another comment card because the Board has not addressed why it brought Mr. Weiner up here for a 30 minute harangue.

Chairman Barfield advised there were questions; and he reiterated Mr. Weiner had a comment card.

Mr. Ellis noted there were not questions on that issue.

Commissioner Fisher stated he hates to put the County Manager on the spot, but he wants the public to understand the difference between a \$7 million contract that comes before the Board versus the Constitutional Officers; and he would like Mr. Whitten to advise the process the Board goes through for that.

Stockton Whitten, County Manager, stated basically the Constitutional Officers' procurement process is theirs; they may have competitive solicitations in place, and they may not, but that is the prerogative of a Constitutional Officer; the County has a competitive procurement proposal environmental; a \$7 million contract would have to be put into the marketplace to be competitively procured; and it would obviously be brought back to the Board for its approval. He noted the Constitution does not give the Board any authority to have any say so with regards to the Constitutional Officers procurement process.

Commissioner Fisher stated there are several meetings it goes through; and he inquired what the process is for a Request for Proposal.

October 18, 2016

Mr. Whitten responded if the Board has a \$7 million service, it would be put out on the street, out to the marketplace for proposals for well over one month; those are received and evaluated by a committee appointed by the Board, over the course of several meetings; they make a recommendation to the Board after a sort of cooling-off period; and there is a period where they can protest the recommended award. He went on to say once staff gets through that protest period, then the Board can either take the recommendation of the selection committee or determine what is in the best interest of the public; and holding a series of meetings to see what is in the marketplace, a series of meetings by a selection committee, coming to the Board for final selection, then actually going back to a separate committee to negotiate that contract, and then ultimately the contract will come back before the Board.

Commissioner Fisher questioned Mr. Ellis as to why he would not be in Tallahassee or somewhere fighting to get his process similar to the Boards so it can be vetted in public.

Mr. Ellis replied he has had one large project since he has been Clerk; and the Clerk went through the County's process when the Record Center in Titusville was built.

Commissioner Fisher inquired if Mr. Needelman went through that process.

Mr. Ellis noted Commissioner Fisher was asking what he had done.

Commissioner Fisher inquired if Mr. Ellis is the Clerk.

Mr. Ellis replied affirmatively.

Commissioner Fisher stated the last Clerk was able to sign a \$7 million contract without going through any public input or meetings; and he inquired since Mr. Ellis knows this can happen, why he is not in Tallahassee fighting to make sure nothing like that happens again.

Mr. Ellis pointed out the last Clerk has felony charges

Commissioner Fisher stated he does not care.

Mr. Ellis stated going to Tallahassee is not going to stop felony charges. He went on by saying he does not care if the Board has oversight of the contracts; that was actually discussed when he was on the Board 20 years ago; he has had one large contract since he has been Clerk; and the County oversaw the project. He stated the County oversaw the Moore Justice Center expansion, the Clerk contributed over \$1 million towards that; generally when they have large contracts, they have gone to the Board; but on smaller ones, the Clerk's Office have bid them. He advised he believes the Board can control the money if it chooses to be involved; and had the Board wanted to be involved with the BlueWare issue, it could have.

Commissioner Fisher stated his point is there are Constitutional officers who can sign million dollar contracts without public input; and he thinks the Constitutional Officers should have to go through the same process as the County.

Mr. Ellis stated he supports Ms. LaSalle's concept for an Inspector General empowered with those types of powers; he supports electing a comptroller; and he inquired if the Board voted for the Inspector General.

Commissioner Fisher reiterated the Clerk should have to go through the same procurement process as the County.

Mr. Ellis remarked the Board can do that now.

October 18, 2016

Commissioner Fisher noted it does not have the power to do that.

Mr. Ellis stated he has supported a comptroller and supports an Inspector General; and he inquired if the Board wants oversight, why it did not support the Inspector General to get that oversight.

Commissioner Fisher inquired why Mr. Ellis does not just adopt the County's procedures.

Mr. Ellis advised the Board that the Clerk's Office goes through the County; he is fine going through the County; and he is not the one who does million dollar contracts and not go through the Board.

Commissioner Fisher stated the Clerk's Office signed a \$7 million contract without any public input, and he wants to ensure it does not happen again.

Mr. Ellis pointed out it was a corrupt contract; and he would not like to see felonies happen again.

Commissioner Infantini stated the Constitutional Officers must all collectively agree to subrogate their powers to the Board; she doubts any one of the Constitutional officers will vote to do so; and it does not come from Tallahassee, it is part of the Charter. She went on to say it would have to go out to the voters to change the Charter if the Constitutional Officers do in fact want this to happen; and any of the Constitutional Officers could do the same thing as Mr. Needelman.

Attorney Knox stated this can be done through an interlocal agreement with each individual Constitutional Officer; the Attorney General is wrong when he says the County does not have any oversight by being able to call for an audit of the Constitutional Officers; there are provisions in the Statutes that does provide for that, but he ignored that entirely; and the Board would have to have that kind of a provision.

Mr. Ellis inquired if the Board has any other surprises between now and November with the EDC.

Mark Shantzis, President of Barrier Island Preservation and Protection Association, stated with the Home Rule discussion they were with the County; they were the organization that filed suit to declare it unconstitutional so that the County would not have to divest all of its public property; they are upset about the issue of Waste Management and the yard waste; and it is kind of like three strikes and a person is out. He went on to say in 2007, Waste Management and the Solid Waste Department decided they wanted to change an existing contract that increased their benefits, and the money they were being paid; for no reason the County addressed it and recommended it from the Solid Waste Department; and they as taxpayers have no idea why if the County had a contract that was lower, why it would be raised. He stated in 2013 Waste Management bid for the re-bid for the contract, was the higher bidder against Waste Pro; and the Board and Solid Waste Department recommended it. He pointed out Commissioner Anderson was against it, and Commissioner Fisher was for it. He stated now the County has said to Waste Management they did not have to haul waste; he was like the gentleman who came up earlier who was not getting his waste removed; and before the hurricane, he received a confirmation number, and a week later he called them asking them where they were. He inquired who is responsible for telling Waste Management to back off; are they still getting \$30,000 a day for hauling the yard waste that they are not hauling; is there a claw back clause in it; and if there is not a claw back, who wrote the contract. He stated the County has a liability; there are a lot of driveways people coming out with their children onto a

October 18, 2016

60-70 mile per hour road; and someone is going to have an accident. He noted the County is on notice, it is liable for the line of sight problem on S. R. A1A in the South Beaches.

ITEM IV.A., AMENDED FEE RESOLUTION, RE: DEVELOPMENT APPLICATIONS

Chairman Barfield called for a public hearing to consider amending the Development Fee Resolution.

Robin DiFabio, Planning and Development Director, stated this is an amended fee resolution for development activities, users of the County's system would be paying these fees; and the Board gave staff direction on September 27, 2016, to advertise the requested fee resolution.

Todd Pokrywa, The Viera Company, stated this is an admirable what County staff has done; he supports for paying for service if it is applied fairly and consistently; people in Brevard County are competing for opportunities locally, regionally, Statewide, nationally, and even globally; and predictability and certainty is paramount. He went on to say time is the enemy of every opportunity, Brevard County needs to be better at the permitting process than any other jurisdiction; otherwise, the County is risking the opportunities passing it by, and it will not even know about them; but these fees only address a portion of the process. He added, it is important to have greater certainty as it relates to knowing when a shovel can be put in the ground to capitalize on an opportunity in the County; beyond the development review service improvements that are tied to these fee increases, it is vital to address the steps that follow approval by staff; right now there is a lag represented by items required to be approved by the Board following staff approval; there are several different items that come before the Board, and many, if not most jurisdictions in Florida, do not have those items come before the Board; and it typically finishes with staff approval. He stated examples are preliminary plats, final engineering, and subdivision and construction plans; there can be situations where staff has approved those plans, the Board has its vacation in the summer, and it could be conceivably six weeks before there is Board approval; it is usually on the Consent Agenda; and rarely, if ever, are those particular items pulled from the Consent Agenda. He pointed out that time issue becomes a problem. He suggested to there be a re-evaluation of those items so they are approved at the staff level and do not have to come before the Board, because even following that approval, there needs to be review of engineering inspection fees, shop drawings, and scheduling of pre-construction meetings. He noted what is before the Board today in the resolution is certainly a commendable goal, a step in the right direction for Brevard County, but he would request that those items, preliminary plats, final engineering, and subdivision construction plans be approved at the staff level. He suggested that direction be given to staff to make whatever amendments to the Code that is necessary in order to realize that opportunity.

Commissioner Infantini stated she is looking at one page of changes, and the County is going from \$100 fee for preliminary engineering review to \$300, plus \$18 per lot, that is more than a 300 percent increase; there is a \$25 for final engineering, for address assignment, going from \$25 to \$50, plus \$5 per lot, and that is 100 percent increase; pre-plat final Public Works Engineering review from zero to \$500; and a waiver request from zero to \$250, and another one from \$120 going up to \$400. She pointed out that is more than a 300 percent increase. She stated the reason she is posing all of this is because the County picks and chooses companies it wants to give tax abatements to; the Board says it wants one person but another is not worthy of the request; but other companies the Board will not allow to receive this. She noted until the Board stops picking and choosing who gets tax abatements, to tell all companies they will have higher fees so the Board can give away money to other companies, she is not in favor of it. She advised the Board she is not in favor of the fee increases; they are unjustified at this time; and until the Board shows restraint on where it is spending money, proper vetting by the Economic Development Commission, it will kill future businesses from coming to Brevard County, the

October 18, 2016

regular mom and pop businesses, and the companies bringing in 500 new employees is having money thrown at them.

Stockton Whitten, County Manager, stated these are user fees; it is pretty telling when a representative of one of the biggest land and site developers in the County comes before the Board and says the fees are acceptable if the return of investment is his product gets to the marketplace sooner; and that is the thought process regarding this initiative. He stated for those users who use the system, the County needs to staff up; now it does not have the resources to get their product to the marketplace in a time they desire; and again, the trade off, and it is on the Agenda Report, is for site plan and subdivision approvals, the return investment is going from 117 days to 74 days. He noted these are not used for anything other than the resources and staff time that goes into their particular applications; and it is in its purest form, a user fee absorbed and paid for by the users of the process, but again, an investment by the users of the process, because it is a reduction in the time that it takes to review and ultimately approve their product and get it to the marketplace. He advised the Board he has taken down Mr. Pokrywa's other suggestions, staff will be looking at those, and they are doable, obviously, it will be brought back to the Board for its consideration; but this item was presented to the Building and Construction Advisory Committee, and they recommended bringing the item forward for the Board's consideration.

Commissioner Infantini stated the reason why the Building and Construction Advisory Committee said they were in favor of it was because they saw if they do not start accepting fee increases, it was already a done deal; the reason why there is only one individual here today in support of the fee increases, is because all of the little workers are out working, they are not paid to be at the Board meetings; and she respects Mr. Pokrywa, but this is his job to show up and interact with legislative bodies to help get things that will help his industry, she appreciates that, but not everybody is in the development business. She stated she and her husband built a little shop and it was a nightmare, and since then she has recommended permitting process changes; she found out the top software used by more municipalities in the State of Florida, and in organizations like the City of Orlando that were happy and had a much more efficient permitting process; she went through and vetted the companies; and then she made the proposal to the County Manager. She stated it went nowhere; that is something that could be done for perhaps \$1 to switch out the software to have a more expedited process, rather than all these additional user fees; and the faster process would get the property taxes on the County's tax roll much faster, and there would be no need to increase all the fees on the little guy. She apologized to the Board, but she is not in favor. She noted the software name was Amanda.

Commissioner Fisher inquired from an operational standpoint, the County Manager plans to staff up with these user fees, and it is not a profit center is it.

Mr. Whitten replied the software used by most municipalities is the software that the County is using; no one has ever brought to him a valid idea that was a process improvement of value added to the County and it did not go anywhere; he rejects the notion Commissioner Infantini brought to him something and he dismissed it out of hand; he reiterated the software the County has is the software that is used by most municipalities; it is a great product the County is making full use of; and to say Commissioner Infantini has explored the other software and it would have been value added to the County is just simply not true. He stressed to the Board this is user fees to the users of the system, it is not a profit center; and all of those fees go back into the system for software improvements, but basically, to do the reviews, to deliver the product to the marketplace.

Commissioner Fisher stated one of the things is when talking about going from 117 days to 74 days and those types of things, when doing contract work, what he hears from the contractors is they challenged the County on how fast they were able to get permits; part of the challenge is

October 18, 2016

the market is back and the County has not staffed up for it; concrete prices change; and with that 30-day window, a person can mess around and the concrete price can go up 10, 20, 30 percent on a big job.

Commissioner Infantini stated staff shot it down with armor piercing bullets; she watched the least objective evaluation meeting she had ever seen; and when she said she evaluated the software, she meant it was by customer response and satisfaction in the industry. She pointed out it is not as wide spread, but it is the one the customers are happiest with; and if Amanda was in place when it was recommended, the County would have already ramped up and not as much staffing would be needed because it would have the proper software as the majority of things would be done by the computer.

Mr. Whitten stated oftentimes people say to run the County like a business; he is sitting next to an elected official who is telling the Board that if a million plus dollar software was swapped out, in six months' time those losses would have been recouped and it would be more efficient; it is not the software most used in the industry; and the most productive in the industry is the one the County is using. He stated they get the argument all of the time about replacing SAP; SAP was purchased 16 years ago for a price that was far reduced; and to simply say to just turn one off and somehow magically get the dollars to acquire another that the day is made better, is just an erroneous assumption.

Commissioner Smith stated on most issues that come before the Board that require a vote he gets telephone calls from parties that are affected; he has not had one phone call pro or con from the building community on this issue; and he has to assume they would rather have speed than a reduced cost.

There being no further comments or objections, the Board adopted Resolution No. 16-189, establishing a Schedule of Fees for carrying out the responsibilities for processing development application and permits, and for performing development reviews and inspections; repealing in whole or in part certain existing Resolutions establishing Fee Schedules for development application and permit related activities; providing for severability; and providing for an effective date; and directed the County Manager to work with Todd Pokrywa, The Viera Company, regarding his request that the preliminary plats, final engineering, subdivision and construction plans be approved at the staff level, and for staff to make whatever amendments to the Code that are necessary.

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

ITEM IV.B., CONSIDERATION OF APPEAL OF KIMBERLY B. REZANKA, CANTWELL & GOLDMAN, P.A., ON BEHALF OF BAYTREE COMMUNITY DEVELOPMENT DISTRICT (CDD), RE: STAFF INTERPRETATION OF SEPTEMBER 8, 2016, SPACE COAST CREDIT UNION (SCCU) MARCH 17, 2015, BINDING DEVELOPMENT PLAN (BDP) (ORB 7326/PG 1611)

Chairman Barfield called for a public hearing to consider an appeal by Kimberly Rezanka, Cantwell & Goldman, P.A., on behalf of Baytree Community Development District (CDD) of the

October 18, 2016

staff interpretation of September 8, 2016, Space Coast Credit Union (SCCU) March 17, 2015, Binding Development Plan (BDP).

Kim Rezanka, Law Offices of Cantwell and Goldman, representing the Baytree Community Development District, stated she provided an appeal to staff interpretation, however, it was set rapidly, and the landscape architect that he identified in her letter as a witness is unavailable today, he is in Ft. Lauderdale at a Florida Department of Transportation (FDOT) presentation; and she asked the Board to continue this to November 1, 2016. She pointed out she alerted Space Coast Credit Union that she would be asking for this continuance.

Jason Bartlett, representing Building Management Systems and Space Coast Credit Union, stated SCCU asked him to come forward today to ask this not be tabled for another two weeks; they have a landscape buffer in question today, installed December 2015; it was inspected in January 2016; and accepted by County staff. He went on to say staff made a recommendation that they install the buffer per the binding development plan, and it actually exceeded the Code requirement and went above and beyond the language staff has used; SCCU is a large organization; this is a \$10 to \$15 million project; they have paid over \$100,000 in permitting and application fees; and it is a substantial project. He pointed out the landscape buffer is becoming more mature every single week; they planted trees, bamboo, and all kinds of vegetation that is growing and becoming considerably harder to mitigate and do any kind of remedial action; there is a Code violation that is being question proposed by the Baytree Homeowners Association that they are not in compliance; and to have this looming overhead for another two weeks, the SCCU asked that this be heard today if possible. He stated he understands the landscape architect that Baytree CDD is not available; he brought the landscape architect that designed the plan; she was the engineer of record for this design; and she can answer any questions the Board may have.

Susan Hall, Susan Hall Landscape Architecture, Inc. stated she is a registered landscape architect, and she has practiced full-time in Florida for 37 years, the last 20 years being in Brevard County; and she was hired in June 2015 by Building Management Systems to provide the landscape mitigation permit plans for the SCCU expansion project. He noted they took a layered approach to the design of the 880 foot long landscape buffer; it is nearly the length of three football fields; the binding development plan required a solid landscape buffer, which as applied to this site, requires a contiguous landscape buffer, one without breaks; this is a buffer that will provide complete visual separation between the SCCU site and the five Baytree homeowners who are directly affected and face the SCCU property; they anticipated this visual separation to be completed after a reasonable amount of time, which they interpret to be three to four years from now; and the buffer is already growing in nicely. She went on to add this past July, eight months after planting, Natural Resources Management estimated the buffer was 70 to 75 percent filled in, which is even better than anticipated; their approach consisted of four layers, the first layer being an eight foot chain link fence, with a weave of dark green, vinyl slats placed at the property line; and the common line is at a lower elevation than the adjacent Kingswood Way. She stated they recommended to Building Management Systems that they increase the height of the fence 30 percent to eight feet; the second layer consisted of planting 63 Saw Palmettos, 158 Wax Myrtle trees, and Simpson Stopper trees at a height of eight feet along the entire length of the SCCU property, immediately behind the fence; these filled visual space under the tallest trees; as a third layer in the same 25 wide buffer, they planted 41 12-foot tall Slash Pines and 59 18-foot tall Live Oaks; and these keep their foliage year round, and will serve as the required native, hardwood canopy buffer per the Code. She advised the Board typically Oaks are planted 35-50 feet apart, but these were planted as close as 18 feet apart creating a visual buffer while being mindful of the long-term growth characteristics of these trees; as their fourth layer, they selected a rapid growing Clumping Bamboo, and installed it at a 25-foot height; this Bamboo has tight, non-invasive canes that will grow 30-40 feet in height and will tolerate drought and flooding; it is cold tolerant to 20 degrees, and is an excellent solid

October 18, 2016

windbreak at maturity; these 60 Bamboo were planted 15 feet apart for the entire 880-foot length of the buffer; and they are set behind the 20-foot buffer, creating a 35-foot wide buffer, 15 feet wider than required. She went on to state they feel the binding development plan negotiated between Baytree CDD, SCCU, and Brevard County was appropriate for this project; and they felt it protected the interest of the homeowners, County, and SCCU. She noted they took the additional steps of adding 30 percent more to the height of the fence, selecting trees and Bamboo that grew quickly and retained their foliage year-round, and planted a wider than normal, and wider than required buffer that will provide complete privacy to both parties in three to four years; she wishes they could turn a big dial and make the Baytree homeowners happy; and they planted the buffer as densely as they felt they could responsibly plant, in addition to exceeding the requirements of the binding development plan.

Commissioner Infantini stated when they moved into their old house beach side, they planted these little trees and bushes, and by the time they left 12 years later, everything had filled in; and some things were too big and the new owner came in and ripped out all of the trees they had planted. She went on to say it takes time for these trees to mature, expand, and really fill in; and if they filled in any more than they are doing, there would not be enough space for the rooting to grow and fill in.

Commissioner Smith stated this development is in his District; he spoke with Mr. Bartlett and Ms. Rezanka several times on the telephone; and he has even attended homeowner's association meetings. He noted the homeowners are quite disturbed, particularly the homes opposite SCCU, look at the construction; their concern is they see a construction site; his response was it is a construction site and their development was a construction site at one point in time; and it was unsightly, but when it was finished, it did not look like a construction site. He noted SCCU has been a good neighbor and done what they were required to do; they have abided by the binding development plan; County staff says they exceeded what was required; but he does sympathize with the homeowners. He inquired if the Board does nothing with this and to give it two or three years, does it preclude the homeowners from having any action at that point in time.

Scott Knox, County Attorney, stated he thinks the issue today is whether or not the buffer that is created is opaque within the meaning of the County's Ordinance; he thinks the interpretation that has been rendered is the subject matter of the appeal; the Board has to file a decision as to what that is; and if the Board decides that opaque is something other than what SCCU put up, then the answer would be yes, the homeowners would have some sort of action.

Commissioner Smith stated at this point in time he thinks the buffer is opaque and staff thinks it is opaque, but he reserves the ability of the homeowners association to content that issue if three or four years down the road they feel it has short comings.

Attorney Knox noted in order to give due process, the Board would have to hear their case; the question would be, if the Board wants to do that today or to put it off for two weeks; it can also be done today, to take what they have today, and listen to them; and then have the landscape architect who is not here today prepare a written report to submit that as evidence so that can be considered.

Commissioner Smith stated heard from the architect, and interestingly enough in terms of full disclosure, he felt the buffer was as good as he would design, but he was chastised by the homeowners group so he backed down.

Commissioner Fisher stated it is a large site; it would be almost impossible to hide it; and it probably is the most aggressive landscaping he ever saw anyone do. He noted it sounds like they have gone overboard in trying to accommodate. He stated it is located on Wickham Road,

October 18, 2016

and people will be able to see it; he does not know if the binding development agreement said it would need to be hid at 100 percent, but he does not think it can be hidden; but they have done as much as they can to try to make it as noticeable as it could be. He stated he does not know what could be done differently; it sounds like the trees planted will grow; and there needs to be time to fill them in.

Chairman Barfield stated he would like to hear the other side.

Commissioner Infantini stated she agrees with Commissioner Fisher on this one, it will just take time to grow; and as Commissioner Smith said, their own landscaping architect said he could not have come up with a better plan.

Motion by Commissioner Infantini to deny the appeal; she stated she does not know how two weeks will help; and she does not know how many trees could be planted.

Motion died due to the lack of a second.

Commissioner Smith stated two weeks does not hurt anyone, and the Board would have the ability to hear what their landscape architect has to say; but he would also make the point that an additional \$30,000 provided to the homeowners to do their own landscaping in addition to what SCCU is spending, and that has not been spent yet. He stated that is \$30,000 that can be used to fill in what spots they need to if they desire.

Attorney Knox stated the issue the Board has to face today is due process; there is an appeal process, which means the applicant has a chance to have their say before the Board makes a decision; and a motion at this point it premature until the Board actually hears what they have to say. He went on to say the Board can do whatever it can today, and can pick it up with a written report if the Board wants to do that, or it can put it off for two weeks and hear everybody.

There being no further comments, the Board continued the public hearing of the appeal of Kimberly Rezanka, Cantwell & Goldman, P.A., on behalf of Baytree CDD, for staff interpretation of September 8, 2016, SCCU March 17, 2015, BDP (ORB 7326/PG 1611), to the November 1, 2016, Board meeting.

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

ITEM V.A., RANKING AND APPOINTMENT OF VOLUNTEER APPLICANTS, RE: ENVIRONMENTALLY ENDANGERED LANDS PROGRAM SELECTION AND MANAGEMENT COMMITTEE (SMC)

Mike Knight, EEL Program Manager, stated on July 26, 2016, staff requested permission to advertise this vacancy on the EEL Program Selection and Management Committee; staff received those applications; the qualifying committee reviewed the applicants to determine who was qualified; that list of candidates was presented to the EELs Procedures Committee on September 30, 2016, for verification; and the committee at that time felt one additional candidate was qualified, so the Board has a list of four candidates before it. He went on to say the way this works is each Board Member take the list, each District is highlighted, and to put in a number three for the preferred candidate; and then staff will tally those, and the highest score

October 18, 2016

will be the appointed Committee Member and the second highest score will be the alternate. He expressed his appreciation to everyone who applied for this volunteer role.

Chairman Barfield advised the Board he will go on to the next Item and come back to this once staff tally's the votes.

ITEM V.B., APPROVAL, RE: CORRECTION FOR THE RECORD FOR RESOLUTION NO. 2016-149

The Board acknowledged the scrivener's error and approved the correction on Resolution No. 2016-149.

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

*The Board recessed at 10:37 a.m. and reconvened at 10:44 a.m.

ITEM V.A., RANKING AND APPOINTMENT OF VOLUNTEER APPLICANTS FOR ENVIRONMENTALLY ENDANGERED LANDS PROGRAM SELECTION AND MANAGEMENT COMMITTEE (SMC) (CONTINUED)

Mike Knight, EEL Program Manager, stated the highest scored candidate was Oli Johnson with a score of nine, Tammy Foster and Randy Parkinson tied as alternates with a score of eight; in order to break that tie, Jack Masson, Parks and Recreation Director, has a Halloween caldron with both names in there, and the Chairman will pull a name to be the first choice for the alternate; and that will break the tie.

The Board appointed **Robert 'Oli' Johnson** to the Environmentally Endangered Lands Selection and Management Committee, with term expiring December 31, 2018; and **Randall Parkinson, Ph.D., P.G.** as alternate to the Environmentally Endangered Lands Selection and Management Committee, with term expiring December 31, 2018.

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

ITEM V.C., RESOLUTION, RE: ENTERING INTO A LEASE AGREEMENT WITH A NON-PROFIT UNICORPORATED ASSOCIATION FOR THE PURPOSE OF ALLOWING DEVELOPMENT OF A 114-ACRE SITE INTO WILDLIFE AND STEM EDUCATION CENTER

Commissioner Smith stated roughly about a year ago the Board had a decision to make whether it was going to sell 114-acre parcel, or allow the local community to try and develop it into a nature preserve of sorts; the community has come up with a name for the property called One Hundred Acre Hollows, a non-profit, unincorporated association under the laws of the State of Florida; and they have applied to the Board to transfer by lease the 114 acres in Exhibit A. He went on to say it allows for the non-profit organization to use and maintain the property for

October 18, 2016

the purpose of an environmental education conservation area, and shall take steps towards the uses identified in the lease; the County will enter into the lease, and the organization shall pay \$10 a year for consideration; and the term of the lease will be consecutive five-year agreements with automatically renewals for additional terms of five years unless terminated by either party after six month advanced notice to the other party. He noted in the event the property is not used or ceases to be used for the purpose stated, the term of the lease shall immediately cease and the property shall revert to the County, which thereafter shall have the right to re-enter and repossess the property. He stated he spent a lot of time on this with the folks; these are some gung-ho people who want to preserve the lands and do something positive with it as far as educating the public, particularly school kids; and with the five-year agreement, and they agreed with him on this, it holds these folks feet to the fire so they actually get out and do something with it. He stated he does not know if he'll be a Commissioner in five years, but he does not want whoever are Commissioners to say walking a person's dog or Mary having a small tomato garden is not the use that was projected; the projection is for it to be an active, ongoing evolution of a property to make it a sanctuary in the middle of this populated area that all folks can enjoy, and kids can learn from; there are Gopher Tortoises and Coyotes; they have discussed making it a little wetter and it will attract Sandhill Cranes; and kids, folks, and families can see wildlife as it was 50 years ago.

Anita Unrath expressed her appreciation to the Board for working with them and allowing them to find the highest and best use for this property; during this past 15 months or so they have talked to many people and many agencies of the County, and she wants to express her appreciation to them all; when she had questions and talked to people in Parks and Recreation, Natural Resources, and Utilities, they were wonderful; and they really helped them with this project. She stated they are working on the articles of incorporation for One Hundred Acre Hollows; they are ready to go pending the Board's approval to fund the non-profit this week; they have an attorney in the neighborhood who is helping with that; and they are ready to go, and hope to make it a wonderful area for the wildlife and also where people can learn about the wildlife and plants. She went on to say the fact the Native Plant Society has been working with them; she went to a Keep Brevard Beautiful Workshop because they have a grant proposal coming out; they went to the training session; and they are finding out how to get grants and that type of thing as well. She stated she is a member of the Evangelical Lutheran Church in America, Florida Bahamas Synod ELCA, and they have a three-year theme, and it is called 'Faithfully Doing Justice'; their theme for convention this summer was 'Let Justice Roll Down Like Waters' from Amos 5:24; and that is a good motto to go for. She added they are working on cleaning up the river in the County, and she would like to think of all of the things they can do environmentally here. She advised the Board in San Antonio, Texas, there was a developer who wanted to put four houses per acre on the largest bat colony cave in the world called Bracken Bat Cave; Bat Conservation International was able to secure enough grants, donations, and pledges to buy the property; and now it is secure from ever being developed. She pointed out it is the home of 15 million Free-Tailed Bats; it was the community that gathered together to try to save the environment; and she asked the Board if it had any questions for her.

Nancy Johnson stated she was here last year at the meeting when the Board voted not to sell the 114 acres and she did speak at that meeting; and she expressed her appreciation for the way the Board voted. She advised the Board she is present to support Ms. Unrath and her group. She stated on Sunday when she was coming home from a church choir rehearsal, she was thinking about this meeting; a scripture came into her heart and she could not get it out of her mind; and she thought it was the Holy Spirit leading her to say something. She provided a scripture from Genesis Chapter 1, Verse 27. She stated people have dominion over the fish of the sea, birds of the heavens, and every living thing on the Earth. She stated dominion is dominance or power through legal authority; that is a tremendous amount of power people have; and there is a tremendous amount of responsibility as well. She noted when she thinks sanctuary, it is where someone feels safe and secure; and everyone probably has some sort of

October 18, 2016

sanctuary. She stated Hurricane Matthew threatened Brevard County recently; she felt a real possibility to losing her sanctuary; and it was pretty frightening. She stated she was thinking about the animals and their sanctuary, and it is by the mercy of God people were spared real disaster; God moved the hurricane off of the coast far enough to prevent them from having 140 mile per hour winds; and people should extend that mercy to the animals.

Bo Bar-Navon, Land Acquisition Manager for DR Horton, stated he learned about this meeting on Friday when he inquired about the property; he does not want to come off as a Grinch, because he thinks this is an honorable, wonderful endeavor to try to defy environmentally sensitive properties to create a learning center; but he does not think this is the right place for it. He went on to say there are better ways of achieving alternatives; his company is prepared to pay \$4.5 million to purchase the property; if the Board wants to see an environmental center, to give one-half to one million dollars to this group to take advantage of other parcels the County has that are significantly more environmentally sensitive; this is one of the few remaining properties that does not have wetlands or environmentally endangered species on it; and the County has tens of thousands of acres west of I-95. He noted they are talking about a hole in a donut; the Board will be taking developable property which is scant in the County, surrounded by existing neighborhoods where there are pets; and pets and environmental species do not interact well.

Karla Amos stated she came here last year and spoke, and she got highly emotional then because she was thinking homes were being built; and she asked what was she going to do because her kids live there. She went on to say there is always going to be traffic, cars, and stupidity; on March 18th of this year at 1:30 p.m. she was returning back from work after an appointment heading northbound on Holiday Springs Road, which is where the main access would be for; a 39 year old mother of three was turning from Viera Boulevard heading southbound on Holiday Springs to deliver a pizza; she went off the side of the road; and because of the new development for Terracom, they expanded Holiday Springs Road, the asphalt was uneven, the lady lost control and hit her head on. She noted in those 10 seconds, both of their lives were changed and the lives of their family and friends, and she has pictures. She went on to add she was lucky enough not to be the one in a coma and the only one in her vehicle; the other vehicle is her vehicle; the Florida Highway Patrolman who worked the accident thinking it was going to be a fatality because she ended up in a coma for five weeks and has brain damage; and the picture of the inside of her truck of her son's booster seat in the floor that came from the backseat and ended up lodged under her arm in the front seat. She stated she ended up where her neighbors had to bring her meals because she could not get out of bed, she was in a wheelchair; she is still walking with a cane and it has been seven months; she is not here about the accident; what she wants the Board to see is they came to the agreement because to put a housing development back there means 200 to 300 homes and 300 more cars coming up and down that road; a person cannot make it down Rock Springs Road due to hurricane debris; and this accident has caused hundreds of thousands of dollars in surgeries and property damage. She noted the main thing is if her child, husband, or anyone she knew, he or she would not have survived; it is degrading to think this has all come down to money; she is sorry if it upsets the Board that Scrub Jays or Gopher Tortoises are there; her six year old is a Cub Scout and he would earn his badge to watch wildlife; and she appreciates that the County has put it forward.

Carolyn Mitri stated she did not realize so many more people had come with the green shirts. She pointed out she lives on Rock Springs Drive; it is one-half a block from the 114 acres; the debris and limbs from the hurricane are lining Rock Springs Drive; and the street is already so narrow. She went on to say the vacant lot, which is the entrance to this new subdivision where the new houses would be, is so narrow; her white Lincoln takes up half of the width of the entrance; and the 200 houses would bring a gigantic traffic jam. She stated she loves the animals, but what she does not want is all of these hundreds of cars and trucks, that are going

October 18, 2016

to be brought about as a result of several new homes. She noted there are mail trucks, trash trucks, ambulances, and school buses that come in and out of this vacant lot every morning and every evening; she does not want her little tiny Rock Springs Drive just littered with cars; and she asked this lady got hit, what is going to happen to the rest of the residents. She stated there 600-plus houses in the subdivision of the Springs of Suntree. She stated she does not want the subdivision to turn into a NASCAR racetrack.

Judy Lane stated she had to speak after listening to the developer telling the Board how that land is not good for conservation land; as a nature photographer and nature lover, she has been out there many times; she took pictures of all of the different birds; and anytime the developer wants to talk about conservation, she will talk about it, because she did not hear him say a thing that was true. She stated what they have out there is the exact same thing the Viera wetlands had.

Scott Knox, County Attorney, stated if the Board is going to pass the resolution that has been handed out to it, there is one little change that has to be made to it, and that is in paragraph 2, the second line, there is a missing word between the words 'shall and the', and it should be complete; and it should read, 'and shall complete the steps toward that use as identified in the lease'. He stated in Exhibit A, which is not attached, there will be a copy of the Property Appraiser's aerial photograph and description of the property.

Commissioner Fisher stated a lot of times as elected officials they get the comment of run it like a business; he has heard that term all of his life, and people expect the Board to be businesslike; if he were to put in his businesslike hat, he would look at a \$4.5 million offer on a piece of property that sits close to Wickham Road; he would look at the fact there could be 200 to 300 homes put on it; and approximately \$700,000 a year could possibly be generated per year in taxes that could be used for a lot of things. He went on to say he notices part of this group shook their head at other decisions made by this Board as if maybe it is making crazy decisions; it is funny, when it affects a person it is not nearly as crazy as when it affects someone else; there are different things that are important to people; and some have shook their heads at the Board giving one-half a million dollars to non-profits. He noted yet here everyone is discussing a \$4 million property to a non-profit that could generate \$670,000 a year because someone thinks it should be left environmental land; he is good with that because he understands the Board cannot always operate like a business; there are people in the community that are important and a price tag cannot be put on; and there is someone in the community that thinks the Board is crazy and it should not be doing this. He stated the next time a person questions whether the Board is running things like a business, he or she must understand it tries to do things businesslike, but sometimes it does things because it is the right thing to do for the community. He advised the Board when Commissioner Smith is ready to make a motion, he will second it.

Chairman Barfield stated he has some clarifications on the resolution for Attorney Knox. He noted it states a not-for-profit unincorporated association; and he wants to make sure this is nailed down as a not-for-profit organization, a 501(c)(3) corporation incorporated in the State of Florida.

Attorney Knox pointed out by going to page two, the Board will see that one of the conditions that the organization has to comply with is to form a not-for-profit corporation; that has to be done in the State of Florida; a 501(c)(3) is only required if they are going to accept tax deductible contributions; and that is not something they are going to be able to do in a week.

Chairman Barfield stated if he is correct, a 501(c)(3) gives credence that it is a non-profit organization.

October 18, 2016

Attorney Knox stated the fact that it is incorporated as a not-for-profit in Florida is also recognized; the only thing the 501(c)(3) does it qualify them for the tax deductible contributions.

The Board adopted Resolution No. 16-190, authorizing a transfer of a 114-acre site to a not-for-profit unincorporated association, pursuant to Section 125.38, Florida Statutes, and Section 2-247, Brevard County Code of Ordinances, for the propose of allowing development of the site into a Wildlife and STEM Education Center.

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

ITEM VI.A.1., INTERLOCAL AGREEMENT WITH TOWN OF MELBOURNE BEACH, RE: “DISASTER DEBRIS CLEAN-UP”; AND AUTHORIZE CHAIRMAN TO EXECUTE SAME FOR TOWN OF INDIALANTIC AS SOON AS RECEIVED

Euri Rodriguez, Solid Waste Management Director, stated this Item is renewal of the Interlocal Agreement with the Town of Melbourne Beach; staff seeks approval of the Town of Indialantic, but the Town of Indialantic brought in their signed contract yesterday evening; and he is asking for the Interlocal Agreement for the Town of Melbourne Beach and Town of Indialantic.

The Board executed Interlocal Agreement with Town of Melbourne Beach and Town of Indialantic for clean-up of debris following a disaster event.

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

ITEM VI.C.1., PERMISSION TO REJECT ALL BIDS RECEIVED IN RESPONSE TO BID # B-3-16-94/WICKHAM ROAD AT FOREST LAKE AVENUE/GOLDEN EAGLE COURT INTERSECTION IMPROVEMENTS, RE: REDESIGN, REBID, AND AWARD TO LOWEST RESPONSIVE BIDDER; AND AUTHORIZE ANY BUDGETARY CHANGES

John Denninghoff, Public Works Director, stated the bid on this project came in well over double what staff was anticipating; staff has looked at the possibility of using existing contracts with the traffic signal contractor and using Road and Bridge forces to do the road work associated with this project; they have determined staff could do it actually slightly less than what the engineers estimate was; and if that is something the Board would like them to pursue, they would need authorization to advertise for a public hearing to have County forces do the work. He went on to say over 60 percent of the work will be done by the traffic signal contractor.

The Board granted permission to reject all bids received in response to Bid#B-3-16-94/Wickham Road at Forest Lake Avenue/Golden Eagle Court Intersection Improvements; authorized staff to redesign the Project; authorized staff to re-solicit bids and award to lowest, responsive bidder; authorized any associated budgetary changes; authorized the Chairman to execute associated contract, contingent upon review and approval by the County Attorney and Risk Management; and authorized staff to advertise for a public hearing to have County staff do the work.

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

ITEM VI.C.2., PERMISSION TO REPLACE, RE: CATERPILLAR EXCAVATAR IN LIEU OF THE WATER WAGON APPROVED IN FY 16-17 CAPITAL OUTLAY; AND TO RECONDITION THE CATERPILLAR D7R DOZER THROUGH THE ORIGINAL EQUIPMENT MANUFACTURER (OEM), RING POWER CORPORATION

Leslie Rothering, Purchasing Services, stated this Item is requesting permission for Solid Waste Management to replace a Caterpillar excavator in lieu of a water wagon; it was approved in their Fiscal Year 16/17 annual budget; and anything outside what was approved in the original budget per capital outlay is brought back to the Board for approval.

The Board granted permission for the water wagon approved in the FY 16/17 to be replaced by an excavator suffering metal fatigue; and to recondition the dozer through the OEM, Ring Power Corporation, rather than purchasing new.

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

ITEM VI.D.1., STIPULATED FINAL JUDGMENT IN THE AMOUNT OF \$39,525.00, RE: BREVARD COUNTY V. B WEST TOWNHOUSES LTD, ET AL, CASE NO. 05-2013-CA-025677-XXXX-XX (TRADEWINDS PLAZA, LLC PARCELS NO. 117,706, AND 828)

The Board approved Stipulated Final Judgment, in the amount of \$39,525, for Brevard County v. B. West Townhouses LTD, et al, Case No.: 05-2013-CA-025677-XXXX-XX (Tradewinds Plaza, LLC - Parcel Nos. 117, 706, and 828).

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

ITEM VI.D.2., FINAL SETTLEMENT OF WAGES, RE: JAMES PATON V. BREVARD COUNTY; CASE NO.: 05-2016-CC-036525-XXXX-XX

The Board executed Final Settlement Agreement in the amount of \$27,000, for settlement of all pending claims regarding overtime, attorney fees, and costs in the case of James Paton v. Brevard County, Case No.: 05-2016-CC-036525-XXXX-XX.

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

ITEM VI.D.3., STIPULATED FINAL JUDGMENT IN THE AMOUNT OF \$96,253.00, RE: BREVARD COUNTY V. B. WEST TOWNHOUSES LTD, ET AL, CASE NO.: 05-2013-CA-025677 (MEADOWBROOK, LLC PARCELS NO. 115 AND 731)

The Board approved Stipulated Final Judgment, in the amount of \$96,253, for Brevard County v. B. West Townhouses LTD, et al, Case No.: 05-2013-CA-025677-XXXX-XX (Meadowbrook, LLC - Parcel Nos. 115 and 731).

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

ITEM VI.F.1., APPROVAL OF AMENDMENT TO CONTRACT, RE: BANKING SERVICES

Commissioner Infantini inquired why this is not going out to bid; she stated she does not have any problems with SunTrust Bank; but there are a lot of financial institutions in the County. She pointed out they have had the contract since May 2005; and she inquired if this is time sensitive.

Stockton Whitten, County Manager, stated this is from the County Finance Department; he noticed the Clerk was here earlier; but he did not stay to speak on this Item, as it is coming from Steve Burdett, Finance Director.

The Board tabled consideration of Amendment to Contract with SunTrust Bank for Banking Services to a future Board meeting.

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

ITEM VIII.A., REPORT, RE: STOCKTON WHITTEN, COUNTY MANAGER

Stockton Whitten, County Manager, stated a person may think Commissioner Infantini and he do not have a good relationship, but they do; he wants to clarify some of the issues regarding Acela; staff did take a deep dive into the product; and he provided the Board with three Items. He went on to say the first is a comparison of the Florida customer base for Acela; the Board can see that last year the question was asked of staff, and the Board can see the results of that; the second item is a deeper dive into their customer base; and again, Acela actually is used extensively by a lot of Florida counties and cities. He added they took a deep look into whether they should continue on with Acela, and that is summarized in the three-page report by staff; if

October 18, 2016

the Board looks at the last page, on the Amanda conversation it would have taken three years to get to that conversion; and when the software was chosen in 2006, Amanda was ranked last by the selection committee. He stated when this issue was brought to staff's attention, it did its due diligence in deciding to remain with Acela; and staff is confident that they did the proper thing.

Commissioner Infantini stated she is at a little bit of a disadvantage because while Mr. Whitten was away gathering some of his data, she was sitting up there working on issues; she has some conflicting data; but in the end Brevard County is with Acela. She stated she investigated this starting in 2009 looking at all of the extra money paid to add to the software because they tried to tailor make it; and now those changes have to be counteracted because they were not working out. She stated she did not agree with the vote; but she completely disagrees with Mr. Whitten. She pointed out she and Mr. Whitten actually get along a lot of the time; they just philosophically disagree on this one; and in another month and one-half, it will not matter what she thinks about anything.

Mr. Whitten noted the County's all in cost for the system is actually highlighted in the first paragraph of the report, and they are very transparent with regards to how much that system actually costs.

Commissioner Infantini stated she disagrees as there were things added as well as things that were done by University of Central Florida (UCF) and changes they made; and all of the licensing for money the County paid them, they go to keep the licensing.

ITEM VII.A., REPORT, RE: STOCKTON WHITTEN, COUNTY MANAGER (CONTINUED)

Mr. Whitten stated Brevard County is under a State of Emergency; the County did that because it is continuing to discover impacts as a result of the storm; staff has a request today to extend the extension of the State of Emergency for an additional week, because impacts are being discovered of dune collapses from Hurricane Matthew; he talked with Commissioner Infantini this weekend about the last item and this item and advised her there were 13 properties on the beach that the dune has collapsed on that staff is working on an emergency provision of sand for those properties. He asked the Board to authorize the Chairman to sign a one-week extension of the State of Emergency, and for those properties that are in peril in the South Beaches, the Board would also authorize the use of Tourist Development Tax South Beaches Reserve dollars to initiate protective measures for the most vulnerable structures; and they are determining what is most vulnerable by a very scientific measurement. He went on to add that in that action he would request the Board amend the competitive bid used for Hurricane Sandy Beach Berm Contract to address Emergency Protective Measures, namely FEMA Category B protective measures; and that the Board also add the latest FEMA detailed requirements to the contract.

Commissioner Fisher stated he does not know if State or Federal money comes with it, but Governor Rick Scott was in Brevard County this morning, and he decided he wants to declare Brevard County a disaster area; and he inquired what that means.

Mr. Whitten replied Kimberly Prosser, Emergency Management Director, and Virginia Barker, Natural Resources Management Director, can address Commissioner Fisher's question.

Ms. Prosser stated regarding Governor Scott's statement, what the State is working toward, along with all of the counties that were impacted by Hurricane Matthew, is to work with FEMA for FEMA to make those disaster declarations; it is actually the Federal Government that has to make the declarations; and there are a variety of different types. She went on to say there is one for individual assistance, which is commonly known as IA, and it is for members of the

individual public regarding their residences or losses; there is another one for public assistance, such as public infrastructure, government properties, the beaches, which are maintained by the County; and the third type is through the Small Business Administration where they can offer low interest loans to businesses that were impacted. She noted so far what Brevard County has received is the public assistance declaration for two things; one is debris collection; and the other one is emergency protective measures. She added there is a variety of other damage that FEMA is assessing, but those declarations have not been determined yet for the County.

The Board authorized the Chairman to sign the extension of State of Emergency by one week, continuing discovery of impacts as dune collapse from Hurricane impact; approved the use of Tourist Development Tax South Beaches Reserve dollars be set aside to initiate protective measures for the most vulnerable structures to protect dune and recreational beach; approved amending the competitive bid used for Hurricane Sandy Beach Berm Contract to address Emergency Protective Measures, namely FEMA Category B; and approved adding the latest FEMA detailed requirements to the contract.

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

ITEM VIII.A., REPORT, RE: STOCKTON WHITTEN, COUNTY MANAGER (CONTINUED)

Stockton Whitten, County Manager, stated last week the Board asked for an update regarding Hurricane debris removal; Euri Rodriguez, Solid Waste Management Director, will take the Board through that; and there are individuals from Waste Management to answer any questions the Board may have.

Mr. Rodriguez stated he would like to bring up something; they are constantly looking at temporary debris sites; there is a possibility of a temporary debris site in North Merritt Island; it is not a County property; and the Board would have to sign a contract for it. He advised the Board it belongs to another governmental agency; and staff would like to seek authority to delegate authority to sign the contract after review by the County Attorney to the County Manager.

Chairman Barfield inquired if this is the Fine site on North Merritt Island.

Mr. Rodriguez replied affirmatively, and if another one comes up that would also fit the County, staff would like authority for staff to proceed on that as well.

The Board authorized the County Manager to execute contracts, after review by the County Attorney, for use of temporary hurricane debris sites.

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

October 18, 2016

Mr. Rodriguez stated there were comments made regarding Waste Management contracts and how the Department handled it in the mid-2000s and in 2013; this Department has recommended in the mid-2000s for any renewal; what was brought to the Board at that time was a series of options with no recommendation from staff; and the Board made the selection to send the Department back to negotiate. He added in 2013, the same options were brought to the Board with a different result; the result was to go out for Request for Proposals (RFP); and everyone knows the end result of that. He stated on the Thursday that the hurricane came in, all of the County facilities were closed; Solid Waste was opened to the public until 11:00 a.m.; 11:00 a.m. was selected because at that time they had to close the facilities, given enough time for employees to go back home, and the projections he received at that time were that the winds were going to start picking up around 3:00 close to 30 miles per hour; and when it gets close to 35 miles per hour, there should not be the equipment running at the landfill. He went on to say Friday, as far as Solid Waste is concerned, nothing happened; on Saturday they started with the County's own facilities; they found out there was erosion on both of them; there was damage to yard waste of water and so forth; they repaired the damages to the yard waste facility; and those were opened to the public at 1:00 p.m. He stated on Sunday all of the facilities were open to the public; coordination and planning started for the collection process; and preparation of temporary debris sites started. He noted Monday coordinating continued with contractors; coordinating with Waste Management; equipment was identified and assigned to the efforts; and initial temporary sites permits were activated. He stated he did a comparison of what was normal in the last five Mondays, Tuesdays, and Wednesdays; on that Monday double amount of traffic was received; it was brought to his attention later in the day; they opened up an outgoing scale to the incoming traffic; and it elevated somewhat the traffic problem. He stated on Tuesday and Wednesday it was still above average, even though it was slightly coming down; on Tuesday the two sites were opened; trucks were measured; monitor training was conducted; and collection was started. He stated currently there are two additional sites that will be made available to the contractor in North Merritt Island and the South Beaches. He stated gated subdivisions do not have a public right-of-way in their normal point of collection; they have instructed the monitors to collect at the normal point of collection in the unincorporated areas of Brevard County; the reason he gave those instructions was that everyone in the County contributed to the reserve that the County has for these type of disasters, including the gated communities; and they are just trying to provide the services the customers paid for. He pointed out the cities that have joined in will make individual decisions if they want the County to take care of their gated communities; up to now the only one that has said yes is Indialantic. He provided pictures to the Board to show it the process. He stated in 2004 there were three hurricanes approximately two weeks apart from one another; those hurricanes all together generated over one-half of a million cubic yards; for this event, which occurred one hurricane for one day, it was approximately 325,000 cubic yards; and in 2004 they were still collecting debris after three months. He stated staff should try to make a better effort in projecting where they will be in the next one or two days; it would help with the conversations with the citizens; and it will also help with any telephone inquiries. He stated there were questions of who ordered the Waste Management trucks off of the street at 11:00 a.m., and the answer is he did for safety considerations. He pointed out FEMA is very strict with certain rules, and if the County does not abide by them, the County will not be reimbursed; and the auditors who come behind FEMA are looking for flaws as it is their job. He noted the County is still arguing with FEMA over \$200,000 from the 2004 hurricanes. He stated when Waste Management went out to roll their trucks in order to avoid discussions between their sub-contractors and his sub-contractors, they instructed them to please not send any clam trucks out, as the County would take care of the clam trucks as far as the hurricane debris; and it was difficult to decide what was pre-hurricane and post-hurricane. He stated according to Waste Management, they have collected 30 percent more than what is normal during this period of time; during that one day the vegetation that came into the streets was the same that would have been collected in 2.7 months; and as they clean neighborhoods and declare them clean, staff will turn it over to Waste Management for normal collection. He showed the Board on the webpage what has been collected thus far.

October 18, 2016

Commissioner Anderson stated he does not think staff needs to show the Board the GIS, he thinks it has enough information; he inquired if the County is going down the main feeder and collector roads throughout the County before going to the back neighborhoods; and he stated he has video of main roads in West Melbourne that have not been touched, and two cars cannot go down the street.

Mr. Rodriguez replied up to now he was not aware some of those main roads are being blocked; and if they are being blocked, he will be glad to do them.

Commissioner Anderson stated the photos Mr. Rodriguez provided to the Board only represents one-tenth of the roads in his District. He stated for future planning, somehow the County needs to work with Public Works as they know the roads that have the highest travel; and those roads need to be cleared first. He pointed out it is very unsafe on some of these roads, and if a person is trying to back out of their driveway, he or she cannot see oncoming traffic.

Mr. Rodriguez stated staff is ready to re-adjust where the trucks are placed; and if the Board has any suggestions, he is fine with that. He stated the Commissioners are much more aware of where the problems could be than he is; he traveled it, but he did not travel everything; he traveled the roads Saturday when people were just starting to bring stuff out; and this weekend he is assuming more trash will be coming out.

Commissioner Anderson inquired if the GIS show the traffic counts for the roads.

Mr. Rodriguez replied he normally does not deal with that, but he will be glad to incorporate Public Works into the process.

Commissioner Fisher inquired if Mr. Rodriguez has 42 trucks on the road picking up today.

Mr. Rodriguez replied somewhere in that neighborhood.

Commissioner Fisher stated part of the challenge is the County needs to manage people's expectations on how long it is really going to take to get the debris picked up.

Mr. Rodriguez stated staff spent three months collecting in 2004, and then an additional month hitting the hot spots; because they are not letting Waste Management do their job, they have to take care of what the citizens are bringing in; and it is not fair to turn over an area full of debris over to a contractor.

Chairman Barfield inquired if more trucks can be gotten.

Mr. Rodriguez stated he asked for 10 additional trucks.

Commissioner Fisher inquired how much trash is picked up on a normal annual basis of yard waste.

Mr. Rodriguez responded the storm was about 2.7 months' worth of debris.

Commissioner Fisher stated it is always the same problems people have in their own homes; their wives say there is no communication; and he thinks communication is a key thing. He went on to say to hit the hot spots; he talked to Waste Management about some of the regular pick up stuff outside of the debris; and everyone needs to understand where the issues are. Chairman Barfield stated in this situation it seems to be the whole County that was affected.

October 18, 2016

Mr. Rodriguez stated about three weeks before the hurricane, he had a meeting with Waste Management, and they discussed the levels of service expected.

Commissioner Infantini stated the contract with Waste Management provides for pick up; and she inquired if it is a set amount the County pays them per month to pick up the garbage, the yard trash, or is it based on the load of pick up.

Mr. Rodriguez replied no, it is a set amount per residence.

Commissioner Infantini stated the County is continuing to pay Waste Management and Mr. Rodriguez is saying he told them not to pick up, so they are being paid for a service they are not providing. She inquired rather than waiting why they do not work in conjunction and load up the same number of loads they normally pick up; she stated she realizes that will not be reimbursed by FEMA but she is already paying for something that she is not going to be received; and it is an inefficient use of taxpayer dollars.

George Geletko, Consultant for Waste Management, stated after the storm, going back to the month of September, they collected 2,400 tons of trash; the week after the storm they collected over 2,000 tons of trash; and they have collected above and beyond what they normally collect. He went on to say they have about 42 trucks out there collecting; his guys are working 14 hour days; and last week they were running about two and one-half days behind. He noted they are probably looking, as far as yard waste goes, at a good three weeks before they are able to catch up and get back onto a normal schedule; in his own yard, he and his wife put out 15 garbage pails of twigs and leaves; and that is what is being experienced all throughout the County. He stated garbage routes they were running about two hours into the next day; and the only thing that really saved them about keeping up with the volume was the carts and the automated collection. He pointed out if they were running manual routes out there, they would have been two days behind on garbage; and when a storm comes through garbage needs to be their first priority.

Commissioner Infantini stated at least in her neighborhood, they were out there still running on Thursday morning; she put her garbage out on the outside chance it would be picked up; and she does not have a single beef, but she had to ask the question, because she did not want the public to think the County is paying for something it is not receiving. She stated she has nothing but praise for Waste Management; they did a great job in her neighborhood.

Commissioner Fisher inquired if Mr. Geletko could give him expectation so the Commissioners can tell the constituents when they call the offices.

Mr. Geletko replied on garbage they are pretty much on track right now, and it will probably take to the end of the week to get back to normal; recycling last week was extremely heavy; they had a couple of routes that fell behind; but he thinks this week they will be on track. He advised the Board as far as yard waste goes, they will be bringing out yard waste for the next three week; it will be a challenge for them; but his guys will work extra until it gets back on track.

Commissioner Fisher inquired if in one month it will be back to normal.

Mr. Geletko responded affirmatively.

Mr. Rodriguez stated it will be back to normal in 30 to 45 days, except for hot spots.

Commissioner Anderson stated everyone knows when hurricane season begins; it is not the local waste management that is the issue, it is the customer service on the west coast; this is from personal experience; and when a call is made, they act like they have never been called

October 18, 2016

before. He noted there is a problem out there; it is a consistent problem; the brush stays around unincorporated West Melbourne and Palm Bay for three to four weeks at a time because it is not getting back to the local representatives; and he does not know who needs to be called, but there is a problem there.

Mr. Geletko stated they will work on it; the news media gives people warnings 14 days prior to; about eight or nine days out they are giving projections as to where it is going to hit; and there are last minute folks out there trimming their trees which make it almost impossible for Waste Management to collect it before the storm.

Chairman Barfield stated he would like to see on a daily basis up until the 45 days, he would like to make sure all of the Commissioners have a daily report of where they are.

Commissioner Fisher inquired if the local guys tagging piles of debris so they know what needs to be picked up.

Mr. Rodriguez reiterated if a person has unsafe conditions to let them know by calling 321-633-2042.

ITEM VIII.F., REPORT, RE: CURT SMITH, DISTRICT 4 COMMISSIONER/VICE CHAIRMAN

Commissioner Smith stated Saturday night he attended the Marine Resources Council Awards Dinner; he was honored to receive the Maggie Bowman Award for outstanding service to the Indian River Lagoon (IRL) on behalf of his colleague Chairman Barfield; and he presented the award to Chairman Barfield.

Upon consensus of the Board, the meeting adjourned at 12:18 p.m.

ATTEST:

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

SCOTT ELLIS, CLERK