

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 January 27, 2015 at 9:02 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	Chairman/Commissioner District 1	Present	
Jim Barfield	Vice Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

INVOCATION

Pastor Larry Linkous, New Life Christian Fellowship, Titusville, led the assembly in the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Trudie Infantini led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved the December 4, 2014, Zoning meeting minutes and the December 16, 2014, Regular meeting minutes.

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

ITEM I.A., EMPLOYEE LONGEVITY RECOGNITION, RE: 35, 30, AND 25 YEAR RECIPIENTS

The Board recognized and presented Employee Longevity Recognition plaques to Susan Nigh, Library Services; Arthur Harris, Parks and Recreation; and Gloria Harris, Solid Waste Management, for 35 years of service; Leslie Rothering, Central Services; Joseph Matta, Fire Rescue; Jeffrey Money, Fire Rescue; Leslie Forsberg, Human Resources; Barbara Kovac, Human Resources; Deborah Metzger, Library Services; Ellen Noyd, Library Services; Keith Minner, Natural Resources Management; Victor Marletta, Parks and Recreation; James Statlick, Planning and Development; Henry LaRoche, Public Works; James Cox, Solid Waste Management; and Troy King, Solid Waste Management, for 30 years of service; and Scott Barrett, Central Services; Arnold Butler, Fire Rescue; Gerard Comstock, Fire Rescue; Thomas Hare, Fire Rescue; Andrea Hawthorne, Fire Rescue; Angela Hoog, Fire Rescue; Anthony Mills, Fire Rescue; Curtis Young, Fire Rescue; Linda Bird, Library Services; Linda Galton, Library

January 27, 2015

Services; Carolyn Sautter, Library Services; Michael Brown, Natural Resources Management; Edward Romanoff, Parks and Recreation; Patrick Tracy, Parks and Recreation; Anne Rembert, Planning and Development; Joseph Behanna, Public Works; Melvin Hutcheson, Public Works; Kenneth Lewis, Public Works; Terrie Lewis, Public Works; Peter Wright, Public Works; Thomas Bartosek, Tourism Development; and Craig Helping, Utility Services, for 25 years of service.

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

The Board recognized and presented Professional Development Certificates to Louis Braafladt, Utility Services; Claire Cawthon, Parks and Recreation; Maria Chaffee, Library Services; Chris Cole, Utility Service; Chris Johnson, Parks and Recreation; Ashley Link, Library Services; Thomas Mulligan, Solid Waste Management; Natasha Petrie, Emergency Management; Robert Salazar, Parks and Recreation; Dawn Sale, Central Services; Guy Spring, Utility Services; Tomasz Tronina, Parks and Recreation; and Lauren Vaudo-Cynova, Library Services, earning Certificate of Professional Development with Honors; and Thomas Bartosek, Tourism Development; David Celli, Parks and Recreation; Karen Hanse, Parks and Recreation; Michael Hoffmann, Parks and Recreation, Jamal Moss, Library Services; Kristen Pratt, Library Services; Amber Schulze, Library Services; Stan Sircello, Utility Services; and Brittany Wilson, Library Services for successfully passing all three phases of the Professional Development Program.

ITEM VI.F.1., RESOLUTION, RE: APPROVAL LOAN FOR THE TITUSVILLE-COCOA AIRPORT AUTHORITY FROM SUNTRUST BANK/STI INSTITUTIONAL & GOVERNMENT, INC.

Chairman Fisher stated he is going to jockey the Agenda around a little bit because Michael Powell, TICO Airport Authority, is meeting with Senator Andy Gardiner; and he is moving Item VI.F.1., Resolution, Re: Approval Loan for the Titusville-Cocoa Airport Authority from SunTrust Bank/STI Institutional & Government, Inc. up on the Agenda.

Commissioner Infantini stated she thinks it is not a good idea because there are people that planned to attend and speak on this topic; this is the very last topic on the Agenda, and she thinks moving the Item up to the beginning may preclude a lot of the public comment that is anticipated. She asked the Board to not move the Item up.

Chairman Fisher stated if there were no presentations on the Agenda today, it would have been a very short Agenda today.

Commissioner Infantini explained to the Board she was on the phone with someone who said that they would be here, but thought it was going to be a long Agenda meeting because of all the presentations normally taking about one hour to complete.

Chairman Fisher stated there are two speaker cards submitted by the people who are bringing the Item up.

Commissioner Infantini remarked that is because people have not arrived yet to discuss it; she stated this was placed on the Agenda last minute; and she inquired if it were so important to be approved would it not have been put on the Agenda in a timely manner, and not last minute.

Chairman Fisher inquired if it okay with the rest of the Board to move this Item up on the Agenda. Commissioner Smith responded he wants to hear what they have to say; but if there is

January 27, 2015

public that has comments, he would like to hear what they have to say before voting; and he inquired if it can be heard now and voted on later.

Commissioner Infantini stated that is good option to hear it now and vote on it later in the meeting.

Chairman Fisher stated that Board will allow for Mr. Powell to make his presentation to the Board and the Board can vote on it later.

Mr. Powell stated the Airport Authority has been working hard over the last several years to build a system of airports that everyone can be proud of having in their community; the Airport Authority is asking the Board to allow them to pay off an existing loan; it would infuse existing development fund for capital improvements, and reduce monthly debt payment by \$4,000 a month, or \$48,000 a year; and he is available for any questions.

Commissioner Infantini inquired how borrowing \$2 million more will reduce the debt payment. Mr. Powell responded the Airport Authority is asking for a lower amount of money than the initial loan for a better interest rate. Commissioner Infantini inquired how much originally was borrowed; and she stated she thought it was originally \$800,000. Mr. Powell replied the best that he can tell by looking through the history is there were several loans; the County had approved a loan on December 7, 1999, that was for a refinance; in August 2003 the total amount was \$2.45 million; and \$800,000 is what is left. Commissioner Infantini inquired if refinancing the \$800,000 can be done versus borrowing \$2 million, because borrowing \$2 million is not going to reduce the debt payment. Mr. Powell responded the Airport Authority is getting into critical infrastructure projects and it has to do with cash flow; and the Airport Authority is required to pay Net 30 on projects and it pays for projects up front, and it has to wait 90 to 120 days before getting back the entitled reimbursement percentages. Commissioner Infantini inquired who is waiting 90 days and if there is a requirement allowing the government to payoff within 30 days; and she stated that has never been ran into at Valkaria Airport, but she cannot speak for all airports.

Commissioner Barfield advised he is aware of how slow the government pays, especially when dealing with organizations like the Federal Aviation Administration (FAA); and a small business cannot be expected to carry that type of an amount for 90 to 120 days, and having to take out loans just to cover the cash flow.

Commissioner Infantini stated at Valkaria Airport when they have had FAA projects, they never have had to borrow money up front to pay off their FAA projects; she is only questioning why this is only occurring at TICO; and she asked for an explanation from County Manager Stockton Whitten. Mr. Whitten responded what is done at Valkaria Airport is pretty similar by financing the match the requirement; he stated what he thinks Mr. Powell is referring to is the reimbursement schedule is a 90 day schedule; prompt payout to a vendor is in 30 days, that creates a cash flow issue when waiting to receive reimbursement; and is pretty similar to the way Valkaria Airport operates.

Mr. Powell stated the Airport Authority has a long checklist of items of additional supporting documentation before submitting for reimbursement, which does add to the delay somewhat.

Commissioner Infantini stated at Valkaria Airport, typically on a \$1 million project, the County puts in \$100,000 and Valkaria Airport puts in \$900,000; and the County only has to help finance the \$100,000.

Mr. Powell advised that ends up being the total local match, but it depends if it is federal or State funding; if it is federal it is 90/5/5 meaning 90 to the federal, five for the State, and five for

January 27, 2015

local; if it is State it is 80/20; it is required to be paid up front; and then submit for reimbursement. He added, the Airport Authority has three airports; an example would be \$1 million times six projects for three airports, that makes quite a bit going out, and not much coming back in in a timely fashion.

Chairman Fisher inquired how the stabilization of a runway works. Mr. Powell responded that is the Runway Safety Area and Embankment Reclamation Project at Merritt Island Airport; most of what the Airport Authority does between its three Airports is to ensure they have the safest environment possible; all they do is look to improve safety for its valued tenants, the traveling public, and the communities served; it is a federally funded Project that is a little over \$4.5 million, which is 90 percent of \$3.9 million from the federal government; the State and local match is only going to be about \$220,000; and averaging about 7:1 on Return on Investment (ROI) because they are fortunate to get many grant funds based on the projects they are to do. Chairman Fisher stated he had conversations with Mr. Powell yesterday because he had the same concern as Commissioner Infantini about borrowing money for future projects and the ability to pay back; and after going through the projects coming he realized the cash is needed for the local match. He stated the original loan was for \$2.4 million; and he inquired if Mr. Powell was able to send him an email about the projects done. Mr. Powell responded he sent an email late last night about projects done with a previous loan; he reiterated most of what is done is for the safest environment possible because that it is what the funding folks expect; the air traffic control tower and tower equipment is new, which indirectly helped the Airport Authority secure Bristow Academy Inc.; and in lease payments alone the Airport Authority gets about \$250,000 a year from Bristow Academy Inc. He went on to say if the Economic Development Commission (EDC) is talked to they would tell that is somewhere in the neighborhood of about \$100 million annually of economic impact indirect, direct, and induced; some of the other projects were for increased safety Automatic Weather Observation System (AWOS) and a couple of hangars were done at Merritt Island Airport and at Arthur Dunn Airport; and since building those hangars with a previous loan from 2001 it has brought over \$900,000 in additional revenue. He advised the Board that most of the expense was for safety infrastructure improvements, but the Airport Authority always tries to get some additional revenue; and it is trying to be as sustainable as possible in moving forward, and providing the best service possible for the folks that they serve. Chairman Fisher inquired if any of these projects produced additional revenue to help cover the debt service, such as each hangar construction being one of those would do that. Mr. Powell responded affirmatively; and he explained there will be a large hangar for maintenance at Space Coast Regional Airport that should bring an additional \$110,000 a year.

Commissioner Smith stated the Airport Authority has outstanding debt of \$800,000 and it wants to borrow \$2 million; and he inquired if the \$1.2 million left will be used as operating capital of when the bills come due and allowing time for money to come from the federal government. Mr. Powell responded affirmatively.

Chairman Fisher inquired if that project will generate more revenue. Mr. Powell replied affirmatively.

Commissioner Infantini stated at Valkaria Airport there are a lot of hangars that are rented out; and she inquired what the occupancy rate is. Mr. Powell responded 150 percent; and he stated there are waiting lists at all three of the Airport Authority's Airports; they are fortunate that they never have anyone vacate a hangar that there is not eight or nine people standing in line for; and this is just the way the funding folks and the people that have regulatory control over the Airport Authority requires them to operate. He went on to say they have to take care of all the critical infrastructure improvements before being allowed to get to the point of where they can start creating revenue producing projects; there are over 100 people on the waiting list at Merritt Island Airport; about 87 at Space Coast Regional Airport; and about 60 at Arthur Dunn Airport;

January 27, 2015

and there is never a hangar vacant at any of its facilities. Commissioner Infantini inquired how much profit has been generated from Space Coast Regional Airport in the last two years. Mr. Powell responded it is usually a couple of different things; he stated there is one vacant building at Space Coast Regional Airport that had long-term tenants for over 25 years and that has shown in the income statement as negative \$26,000, but comes in at about 92 or 93 percent above budget and leaving about \$140,000 to \$170,000. Commissioner Infantini inquired if revenue were shown over expenses out how much revenue is exceeded expenses out in the last two years; she stated she did not have enough time to pull up financial data; and she inquired why this is time sensitive opposed to one week from now. Mr. Powell explained a lot of it had to do with having a closing date to ensure that the terms did not change from what the Board had already approved with the loan folks; after everybody had approved everything he has been going back and forth with the funding folks for quite some time trying to get everything ironed out, and doing exactly what they are supposed to do; and it has to do with upcoming projects, that if this does not happen they will have to stop until the dust settles and they figure out where they are. Commissioner Infantini inquired if she may be provided with how much revenue exceeds expenses; and when the closing date is. She added, she would like to push this out two days to have more time to gather some information; some Commissioners are confident and comfortable with it; and she would like to get to that same comfort level so she could see the numbers.

Chairman Fisher advised the Board that TICO Airport is an independent board that operates outside of this Commission; it just so happens they need approval from the Board to process; he inquired if the Board is obligated if the note is not made; and he stated TICO is off the tax roll.

Commissioner Barfield inquired if the County has any liability. Scott Knox, County Attorney, responded no.

Tim Pickles, Airport Authority Esq., stated Attorney Knox is correct; this is a loan that is secured by revenues of the Airport Authority, because of the enabling legislation, the way it was created the County is required to approve bond financing, and while this is not actually a bond it is a tax exempt form of financing secured by the revenues; the lender is requiring the Board to give its blessing; but there is zero liability for the County.

Commissioner Infantini inquired if she may have the revenue number. Mr. Powell responded between \$140,000 and \$170,000; he stated the number she previously spoke about is proposed budget revenue; the Board can do a budget adjustment because they have a vacant building; and what they end up at the end of the year with is between \$140,000 and \$170,000, over how much is spent every year.

Mr. Pickles stated the Airport Authority is a government body linked into the Commission where budgets have to even out; it just so happens the way they have been ran is they have been able to have their expenditures not exceed their revenues; but their budget would generally have to even out to run efficiently.

Commissioner Infantini explained that she is talking about new cash coming in compared to the new cash going out; she stated she is not talking about balance forward, savings, or borrowing money because government financing does all kinds of crazy things, which she does not agree with; and she is talking about revenue coming in.

Steve Ellis, Davis, Houser & Secrest, CPA, stated if the audited financial statements are looked at, the Board would see a loss of operations, if adding back the depreciation like most businesses have to do that to fund operations, and most of this businesses replacement costs are coming from the FAA and Florida Department of Transportation (FDOT); if adding that back into the income statement it gives cash flow generated from operations before debt service was

January 27, 2015

\$281,000; for Fiscal Year 2013 the cash flow generated from operations was \$480,000; then if \$232,000 in debt service is subtracted from last Fiscal Year, there were excess operating cash after debt service of \$480,000; and in 2013 was \$247,000. He advised the Board to look at the financial statements and add back the depreciation because those assets are going to be replacing, historically by FAA and FDOT, and is why the depreciation is added back.

Chairman Fisher inquired if the Airport Authority can secure this loan and be able to pay back the debt, and use the savings for future income stuff. Mr. Ellis replied the Airport Authority is going to be paying \$4,000 less a month, or \$48,000 a year less in debt service; he stated it is going to be extended; currently the debt is due to be paid back in 2018, but is going to go out another 15 years; and they will be paying back less than they are paying now. He advised the Board the Airport Authority is going to be able to handle it cash flow wise; some of this extra money is going to be used for matching; and every dollar that is spent, they get \$7 of FAA or FDOT.

Jerry Sansom, Titusville-Cocoa Airport Authority Chairman, stated he asked the auditor if this would raise any questions about being able to do this; and he was told absolutely not. He advised the Board as Mr. Powell explained, the Airport Authority is in a position as a Dependent Taxing Authority, which does not tax anyone, and has been off the tax roll for about eight years; with a lot of their projects they have a portion of financial requirements to put in like the \$4.5 million for the runway extension safety area; and the Airport Authority's net obligation is only \$250,000. He went on to say the problem is to get the project done, they have to pay out the \$4.5 million as it gets done and their expense in all of that is only \$250,000, but they have to have the cash to reimburse the contractors, as that work is done; if it were the State reimbursing the Airport Authority, they are subject to the net 30 too; and the federal government is not subject to anything, so they pay when they want to pay. He added, there is a lot of paperwork done; he signs every check that goes out; in the last couple of years there has been one-half a dozen of invoices with over \$1 million paid out for runway work, apron work, hangar work, and had to wait on somebody else to pay them back for that; and their annual operating budget is a little over \$2 million a year. He clarified for Commissioner Infantini that the biggest difference between the Airport Authority's operation and the Valkaria Airport is Valkaria Airport is ran by the County; the County has a bigger bank account than the Airport Authority has; and when the County receives invoices Mr. Whitten can pay them because of having a broader financial base to pay that out from rather than waiting for reimbursements to come. He stated one suggestion made was to borrow from the County; it was checked into; Mr. Powell talked with Mr. Whitten, and it was not an option; they checked to see if commercial banks would give them a line of credit and they did not want to do business with a governmental nonprofit, but would make them a loan; and that is why they are present today. He went on to say the Airport Authority would rather continue to do the things that it has been doing successfully to make its Airports models for all around the State, rather than only being able to work these things with what little bit of cash they are able to have sitting in the bank; their auditor is perfectly comfortable with this; the bulk of their board is perfectly comfortable with this, expect one Member who does not like SunTrust Bank; and he is hopeful for the Board to approve this. He stated Mr. Powell has to leave to meet with Senator Gardiner; Mr. Ellis, Mr. Pickles, and he will stay until the Board has made its motion; they all want the Board to be comfortable with this; and the States law requires them to have Board approved to do this, there is no obligation for the County; and he is hopeful for the Board to allow them to keep moving forward.

Chairman Fisher stated for the record that was the only speaker card he had for the Item; he inquired if any member of the audience wants to speak on this subject; he stated it will come back to the Board for a vote, like it agreed to later on in the meeting; and he asked for Sally Lewis, Agenda Coordinator, to let him know if someone else comes in and wants to speak on this Item.

ITEM I.C., PRESENTATION, RE: VOLUNTEER RECOGNITION INITIATIVE: VOLUNTEER STARS LIGHT UP BREVARD

The Board acknowledged presentation by Margie Collins, Brevard County B.R.A.V.E. Volunteer Coordinator, who described *Volunteer Starts Light Up Brevard*; and Jerry Visco, Insurance Director, recognized Nikki Linder, who volunteers at Human Resources.

ITEM I.D., RESOLUTION, RE: RECOGNIZING MARSHA CANTRELL ON HER RETIREMENT

Commissioner Fisher read aloud, and the Board adopted, Resolution No. 15-002, recognizing and congratulating Marsha Cantrell for her 39 years of dedicated public service to Brevard County.

Ms. Cantrell stated she has been very blessed with the County being good to her; she has had a lot of great workers over the years; and she expressed her thanks to the Board for the Resolution.

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

Jerry Sansom, Titusville-Cocoa Airport Authority Chairman, stated he did not fill out a speaker card, but as a Commissioner of the Florida Inland Navigation District (FIND), it has been a pleasure working with Ms. Cantrell over the years.

ITEMS PULLED FROM CONSENT AGENDA

Chairman Fisher advised the Board that there are speaker cards for Item II.B.3., Festival License Agreement with Runaway Country, LLC, Re: Music Festival at Wickham Park.

Commissioner Infantini stated she would like to pull Item II.C.2., Permission to Advertise Request for Qualifications (RFQ), Appoint Selection/Negotiating Committee, and Award Contracts, Re: Construction Management At-Risk Delivery System Continuing Contract for Projects up to \$2,000,000 in Value.

ITEM II.A.1., FINAL PLAT AND CONTRACT APPROVAL, RE: ST. ANDREWS MANOR PHASE TWO - SAWGRASS LAND DEVELOPMENT COMPANY

The Board granted final plat and Contract approval for St. Andrews Manor Phase Two - Sawgrass Land Development Company, subject to minor engineering changes, if necessary, and developer responsible for obtaining all other necessary jurisdictional permits; and authorized the Chairman to sign the final plat and Contract.

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

ITEM II.A.2., PRELIMINARY PLAT AND FINAL ENGINEERING APPROVAL, RE: ADDISON PRESERVE - TGO CAMPSITE, LLC

The Board granted preliminary plat and final engineering approval for Addison Preserve Developer - TGO Campsite, LLC, subject to minor changes, if necessary, and developer is responsible for obtaining all other necessary jurisdictional permits.

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

ITEM II.A.3., AUTHORIZATION TO ISSUE NOTICE TO PROCEED FOR PROFESSIONAL SERVICE INDUSTRIES, INC., RE: ST. JOHNS HERITAGE PARKWAY

The Board granted permission to issue a Notice to Proceed to Professional Service Industries, Inc. for materials testing and inspection services for the southern segment of the St. Johns Heritage Parkway Project, estimated at \$264,754.02.

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

ITEM II.A.4., INTERLOCAL AGREEMENT WITH CITY OF COCOA, RE: RELOCATION OF WATER MAIN IN CONFLICT WITH ADAMSON ROAD IMPROVEMENTS REQUIRED FOR THE CENTRAL DISPOSAL FACILITY (CDF) ENTRANCE ROAD AND SCALEHOUSE PROJECT

The Board executed Interlocal Agreement with the City of Cocoa for the design and relocation of the City's utilities, necessary for the improvements to Adamson Road associated with construction of the scale house and entrance road for the Central Disposal Facility.

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

ITEM II.B.1., AMENDMENT TO THE AMENDMENT TO AGREEMENT FOR SERVICES BETWEEN BREVARD COUNTY AND JUDICIAL CORRECTION SERVICES, INC., RE: ONE YEAR TERM EXTENSION

The Board executed Amendment to the Amendment to Agreement for services between Brevard County and Judicial Correction Services, Inc. for one year term extension.

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

ITEM II.B.2., AGREEMENT TO AMEND AND EXERCISE OF RENEWAL OPTION OF EXISTING CONTRACT WITH CAPITAL SEAS, INC., RE: TITUSVILLE VETERANS MEMORIAL FISHING PIER CONCESSION (CRACKER JACKS)

The Board executed Agreement to Amend and Exercise of Renewal Option of Existing Contract with Capital Seas, Inc. for the Titusville Veterans Memorial Fishing Pier Concession (Cracker Jacks).

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

ITEM II.C.1., APPROVAL, RE: BUDGET CHANGE REQUESTS

The Board approved the budget change request, as submitted.

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

ITEM II.C.3., RESOLUTION AND LEASE AGREEMENT WITH CONGRESSMAN BILL POSEY, 8TH DISTRICT, RE: OFFICE SPACE AT GOVERNMENT CENTER NORTH AND GOVERNMENT CENTER VIERA

The Board adopted Resolution Nos. 15-003 and 14-004, and executed Lease Agreements with Congressman Bill Posey, 8th District, allowing a non-competitive lease of County property (office space) at the Brevard County Government Center North in Titusville and Brevard County Government Center Viera.

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

ITEM II.D.1., APPROVAL OF PURCHASE, RE: THREE REPLACEMENT AMBULANCES

The Board approved the purchase of three replacement ambulances from Wheeled Coach Industries, an approved vendor selected through a competitive bidding process (Florida Sheriffs Bid No. 11-10-1202 Specification #1 - Type I Ambulance) completed by the Florida Fire Chiefs Association, Florida Sheriffs Association, and Florida Association of Counties.

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

ITEM II.D.2., APPROVAL, RE: BAD DEBT WRITE-OFF

The Board approved the write-off of various uncollectible receivables identified by Board Departments.

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

ITEM II.D.3., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

The Board appointed/reappointed **John Woltering** and **William Lewis** to the Marine Advisory Council, with terms expiring December 31, 2015; **Patricia Stewart** to the South Mainland Library Advisory Board, with term expiring December 31, 2015; and **William Capote** and **Walt Johnson** to the Tourist Development Council, with terms expiring December 31, 2015.

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

ITEM II.D.5., FINAL PLAT AND CONTRACT APPROVAL, RE: STROM PARK PHASE 4 SUBDIVISION - THE VIERA COMPANY

The Board granted final plat and Contract approval from Strom Park Phase 4 Subdivision, subject to minor engineering changes, as applicable, and developer responsible for obtaining all other necessary jurisdictional permits; and authorized the Chairman to sign the final plat and Contract.

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

ITEM II.B.3., FESTIVAL LICENSE AGREEMENT WITH RUNAWAY COUNTRY, LLC, RE: MUSIC FESTIVAL AT WICKHAM PARK

Richard Cumberland stated he is a local resident that has lived in the Melbourne for nearly 60 years and now lives right behind Wickham Park; he is about one-half block from the stage for the Runaway Country Music event; he specifically purchased his home for the peace and quiet of Wickham Park; he and his wife are both 88 years old; and the event puts tremendous stress on them and they feel like they are being forced to leave their home for the three day event. He stated they are being bombarded with over amplified music, noise, and other confusion due to the people that are associated the event; the walls and windows vibrate in his house; he cannot watch television at night because it overrides the sound; it makes his pulse race; and he and his wife try to retire at 10:00 p.m., and there is still music and noise still going on. He believes Melbourne has a 10:00 p.m. noise abatement program, but yet, this continually overruns, and as a resident he does not have any recourse of them running 15 to 20 minutes over every night; on the last day last year, the music ran until 11:00 p.m., and then they lowered the amperage some but it ran until 2:00 a.m. He advised the Board that it feels to him like he and his wife are being forced to leave; he does not feel Wickham Park is the proper venue for this event or new events that are coming on; the program is getting bigger every year and is getting bigger still; and this is not just a nuance, but an imposition on all that live along this area because they did not buy into this. He understood this to be a big revenue gainer and there is nothing that is going to happen immediately on this; he stated the things that would help him and his neighbors immensely is to lower the volume of the amps by at least 50 percent; he is not sure if it is realized or not that there is three mile radius of being imposed upon; it is nonstop noise and confusion; and he thinks the 10:00 p.m. noise curfew needs to be enforced because he read in the newspaper that it was going to advance to 10:30 p.m. He requested for the Board to have recourse for citizens to call and talk to a person, if he has a complaint on this; he advised the Board that he cannot call the Melbourne Police Department at 10:15 p.m. and say they are going on too long; and by the time they got there it is faded compile. He understood Code Enforcement is attending the event; he stated he would love to have the phone number to be able to contact them when it becomes 10:15 p.m. or 10:30 p.m., because he and his wife cannot go to bed or get away from the noise; and he appreciates the Board's time on this and its consideration for this issue.

Commissioner Smith stated he is the Commissioner for Mr. Cumberland's district; he is aware of Mr. Cumberland contacting him yesterday; he wants Mr. Cumberland to know that he feels his pain because he can hear the noise, and he is not a fan of whatever that music is called; he pointed out Wickham Park is designed for groups to camp; he has questioned Jack Masson, Parks and Recreation Director, about doing what they can to ensure this ends on time; he brought up Mr. Cumberland's point about Sunday night, because last year at 11:00 p.m., he could still hear the event in his living room over his television; and it should not be going on that late. He went on to say he is looking into making that part a little bit amenable to Mr. Cumberland.

Mr. Cumberland expressed his appreciation to Commissioner Smith for his efforts. He added, he knew Joe Wickham and does not believe that Park was really designed for a venue of that

January 27, 2015

type; it was to be a quite peaceful type environment of a natural state; and he disagrees with that part of it.

Commissioner Infantini stated she is not comfortable with page four, letter (g), of the festival license agreement allowing for Runaway Country to be responsible for the restroom facilities within the Park and Campgrounds A, B, and C for the duration of the festival, which is where all the campers are; the reason she is not very comfortable with that is she received reports, that the campers after renting space to put up tents have to pay for tickets to use the showers; it is one thing if somebody wants to maintain the restroom; but the patrons are camping and have to pay separately to use the shower facilities there. She added, there is something that seems wrong with that; it is not coming to the County; she believes that an organization like a high school is allowed to run the facilities and collect money for taking showers; and she hopes they are not collecting money for people to use the restroom, but it is her understanding that is just for the showers. She went on to say she would like to see if the Board would consider taking out that one paragraph; and inquired if there is more information on it.

Mr. Masson clarified for the Board that the responsibility of cleaning and maintaining the restrooms and Campgrounds A, B, and C is the responsibility of the Parks and Recreation Department, not of Runaway Country; the County maintains the restrooms; it says exception of Campgrounds A, B, and C; and the promoter does charge for shower facilities outside of those three areas or restrooms.

Commissioner Infantini inquired if it is an agreement of the Board that there is not to be charging in the County owned restrooms for showers. Chairman Fisher stated he is not saying he will agree to that.

Chairman Fisher inquired how the County charges. Mr. Masson replied the County does not charge for showers in the public restroom; out of the 133 dedicated campsites 45 of those sites has long-term campers; and those campers are not charged to take showers. Chairman Fisher clarified Runaway Country charges their campers. Mr. Masson responded it may be advantageous the promoter of the event is present; and it would be appropriate to allow him to speak to that.

Chairman Fisher asked Gary McCann, Runaway County, to come to the podium; and he inquired about the shower situation. Mr. McCann replied charging for showers was two years ago; last year there was no charge for showers; it is very common in the festival industry to recover some of the costs, they charged for a shower use that is similar to attendants of Porta Potties who are asking for tips; there were problems with the showers a couple of years ago with people leaving the water on and vandalism; and it made sense to follow along as other festival were doing. He confirmed it was a fundraiser for a high school; it was priced at half of what other festival charge, but there was some push back on that; he gets it; and it was decided for him to pick up the expense of the operation of restrooms, per the agreement before the Board today; and he thinks it is kind of a non-issue.

Commissioner Infantini stated that is fine; she noticed it was well motivated; but sometimes real motivated ideas just do not actually go off as planned, and she did not what there to be a charge for a shower.

Chairman Fisher inquired if Mr. McCann is aware of some of the noise issues brought up. Mr. McCann responded the main stage does not go overtime; the artist need to get off the stage earlier, not later; and over the years it has ended on time. He went on to say that he believes where some of the complaints came from is amplified music coming out of the campgrounds late at night, which is a Code Enforcement issue; some of the afterhours bars were shut down by 1:00 a.m. last year, not main stage sound. He believed from his research and some of the

January 27, 2015

discussions had, it was from the campgrounds, and that is an enforcement issue that will be discussed with the City of Melbourne and Melbourne Police Department this year, that there is to be no amplified music in the campgrounds. He added, the main stage does close on time at 10:30 a.m. on Friday and Saturday, 9:30 p.m. on Sunday.

The Board executed Festival License Agreement for Wickham Park with Runaway Country, LLC.

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

ITEM II.C.2., PERMISSION TO ADVERTISE REQUEST FOR QUALIFICATIONS (RFQ), APPOINT SELECTION/NEGOTIATING COMMITTEE, AND AWARD CONTRACTS, RE: CONSTRUCTION MANAGEMENT AT-RISK DELIVERY SYSTEM CONTINUING CONTRACT FOR PROJECTS UP TO \$2,000,000 IN VALUE

Commissioner Infantini stated Item II.C.2., is asking for permission to put some construction contracts with a construction management team, which would likely be a local team; her problem with using a construction management team is, they are not required to follow the same bidding requirements for the subcontractors, to pull together their team; and that is why she is not comfortable with this to allow it to go to a construction management team.

Stockton Whitten, County Manager, stated when there is that issue, even if it were not construction manager at risk, there would be that issue of awarding the contract under some other system, and then the construction firm could get its own sub; he thinks that issue is not particular to the construction manager at risk delivery method; he thinks once awarded the contractor can get whatever subs they want.

Chairman Fisher inquired if that contractor goes out for bid at that time for those subs. Teresa Camarata, Central Services Director, responded the general contractor will bid the project to the subs.

Chairman Fisher stated it is a competitive bid process.

Commissioner Infantini stated she thinks Mr. Whitten has raised a very valid point; and she withdrew any of her concern.

The Board granted permission to advertise a Request for Qualifications (RFQ); approved establishing a Selection/Negotiating Committee consisting of Facilities Construction Manager Joan Van Sickle or designee, Parks and Recreation Department Director Jack Masson or designee, and Interim Fire Chief Mark Schollmeyer or designee, to chose up to three firms to perform construction projects utilizing Construction Management at-Rick (CM at-Risk) Delivery System Continuing Contracts for projects up to \$2,000,000 in value; authorized permission to award; authorized the Chairman to execute contracts for projects approved in the Annual Budget; and authorized the County Manager to approve annual renewal options.

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

ITEM III. PUBLIC COMMENTS (30 MINUTES)

Charles Tovey stated he is glad to see some of the clarity in some of the issues, but still needs to be forthcoming on some others; Agenda Items are still being stuck in, which is one thing that he did not say, and the reason he did not say anything is because somebody died for him; Wal-Mart called him to airbrush the entrance stores anyway he wanted to; he told them he could not do that because of the government corruption trying to drive him off his property; and he could sell his property for commercial value, but it is the environmental value that is the important part. He stated Palm Shores is destroyed environmentally; it was a wetland that had natural springs that had been filled in with cement; all the wetlands are gone and dried up; he works on many fields; one field he has been schooled in is erosion or mass wasting and is a major cause of all the problems and sticking taxpayers dollars out for; and if the problem was learned there would not have to be spending and Band-Aid's on a system all the time. He appreciated the new efforts made in the County and the State of the awareness; he is an American; American's were made for each other, caring, sharing, and preservation of the human race, and its rights.

Bart Gaetjens stated the Board in the past has worked with Sandy Sanderson, External Affairs Manager of Florida Power & Light Company; Mr. Sanderson has since retired and he has taken his place; he is available to assist the Board or any constituents should there be any issues with FP&L; and he provided each Commissioner with his business card.

Chairman Fisher expressed his thanks; Mr. Sanderson was a great community leader; and Mr. Gaetjens is doing a great job.

Commissioner Anderson stated the contractor Asplungh Tree Trimming Service was recently in his neighborhood that FP&L used, is very accommodating, and has great customer service; and he just wanted to let Mr. Gaetjens know that one of his subs is doing a great job.

Mr. Gaetjens stated that is good to hear.

Richard Brooks stated what he wanted to bring up was brought up on a perihelia level, mainly of contracting and contractor awards; and he read aloud a small statement. "I spent my business career in the residential contracting field having to do with home heating systems in the northeast. Throughout my career I consistently would ask my customer base why it was they chose to do business with me. More often than not, the answer was in two parts. The first being that I showed up on time, and they second being that I left nothing to the imagination. It's this point that brings me here today. I would like to propose that you, the elected officials for the Stewardship of Brevard County, consider something that I've yet to see in the awarding of government contracting. Simply stated I suggest that you consider implementing what is commonly known as a performance contract. There are those among you who have been in business and understand the concept of a start and a completion date, but unfortunately when it comes to government money, completion date is never tied to reality and a penalty. It is time to change the process and you can step up and be a leader in this area of business. I submit that it is completely unacceptable to allow a contractor to have an open-ended contract date along with the ability to ask for more funding due to the low bids that were put in place in order to win the contract or inability to perform. It should be the contractor's responsibility to know what he

January 27, 2015

or she can or cannot provide and to bid accordingly with penalties in place for lack of success. To put it simply, get the job done and signed by the completion date or don't get paid." Mr. Brooks expressed his appreciation to the Board for hearing his statements and for considering his proposal.

Commissioner Barfield inquired if Mr. Brooks is recommending a performance-based contract where there are performance metrics. Mr. Brooks replied his simple recommendation is if a person bids a contract for \$100 it does not become \$101 two weeks later; if a contract is bid to begin on September 1st, it starts on September 1st; and the end date happens or a person does not get paid or he or she receives a penalty.

Commissioner Anderson stated he agrees with Mr. Brooks; and the County has had one project in particular that he wishes the Board would have implemented something such as this in that case.

John Denninghoff, Public Works Director, explained to the Board the County has liquidated damages clause in that contract; in that particular case that is not resolved; there is more than sufficient funds withheld from the payment on that contract that will cover the liquidated damages that remain or may be imposed; there is also a great deal of legalities associated with imposing liquidated damages; and they can be determined to be not legal after the fact. He stated the County has liquidated damage clauses in virtually every one of the construction contracts.

Chairman Fisher inquired about change orders. Mr. Denninghoff responded there are change orders; most of the construction contracts are somewhat different than what might be seen in vertical construction process for example or in a system where a communications system is going to be installed in a building or something like that; in the construction world out on a site, they are in the middle of an existing road right-of-way with cars coming through the construction site every day, and utility companies that have business dealings within the boundaries of the construction project underground that are frequently not easily identified in advance; and as a result of those types of things there are frequently issues that arise that result in a change condition or altered condition which results in a change order for the contractor. He went on to say they also occasionally have a change order that goes the other direction where the contract is actually reduced with the contractor; on a larger project, quite a few of those may be seen; more money would be spent doing a design that would do all of the sub-service exploration to eliminate those possibilities than the County would spend in the potential change orders; and it is about striking a balance between the investigation ahead of time and the potential for a change order in the after condition. He assured the Board that based on the metrics he sees for change orders on Public Works projects, they are well below the industry norm, and the County beats the socks off of Florida Department of Transportation (FDOT).

Mel Scott, Assistant County Manager, stated that is also the benefit the County derives many times for the taxpayers in having some of its own work crews available to do jobs that are going to be complicated and have a very high risk of uncovering things that could not be identified; an example is the Fortenberry Project in Merritt Island; and staff knew there was such a high potential or probability for a change order to eliminate that possibility.

Mr. Denninghoff stated as to performance metrics, in most of the County's contracts the way the contracts are structured is the contractor is required to when 50 percent of the time is up he or she is supposed to be 50 percent of the way done with the project money wise; if he or she is off by more than 10 percent, they are considered to be behind; and at that point staff can implement penalties or other requirements upon the contractor in order to get them back on schedule. He pointed out staff evaluates that about every month as a pay request is processed.

January 27, 2015

Commissioner Anderson stated Mr. Denninghoff and his staff do great work; and it is not County staff not being on top of things, there is sometimes a difficult contractor.

Commissioner Infantini stated in order to have a contract where there is going to be financial ramifications to the contractor should they fail to achieve the goal by the deadline, there also has to be reward provisions within that contract.

Commissioner Barfield inquired if a contractor does a really good job they are on the good list, but if they do badly are they on the bad list. Mr. Denninghoff replied there are evaluation forms filled out at the end of the project; if they are doing a less than good job, that is noted on that form; they do have an opportunity to rebut staff comments or review; and unfortunately the truth is they probably have to have a poor performance on more than one project to get sort of debarred.

Pam LaSalle stated she is speaking about the Animal Services Contract with the Sheriff's Office to provide Animals Services; in preparing for the meeting, she looked at the packet and she saw the County can do contracts with a lot of detail; but the Contract with the Sheriff is very brief. She read to the Board portions of the Contract. She inquired where are the measurements or guarantee of care of the animals in the Contract; she stated the Board is to help protect its citizens and properties; and she does not see it has been done with this Contract at all. She pointed out she continues to have problems getting records and information from the Sheriff's Office; and the charges are ridiculous. She noted when she first started getting records it came electronically; then all of a sudden, even though they have been slow all along, it has to be paper only; she has an invoice for records for nine dogs; and they charged her at one hour at \$17, and per page for 17 pages. She stated taking \$23.05 divided by 27 pages, it is \$.85 cents a page. She stated the Contract says the records are to be on a database, and the Board needs to enforce it.

Commissioner Infantini stated she thinks even if it is on a database, it will not eliminate their ability to charge a person per page; and she does not know what oversight the Board has to determine how the Sheriff's Office charges. Ms. LaSalle stated with the Sheriff's Office regular records people are charged \$.15 cents per page; they can send it to a person in an email; and she always has the animal's identification number; and it does not require that much research.

ITEM IV.A., RESOLUTION, RE: PETITION TO VACATE PUBLIC UTILITY EASEMENT OF STONEBRIDGE DRIVE - STONEBRIDGE SUBDIVISION - PHILLIP HAYES

Chairman Fisher called for a public hearing to consider vacating a public utility easement at Lot 5, Stonebridge Subdivision.

John Denninghoff, Public Works Director, stated this Item is a petition for vacating that has been reviewed by all appropriate agencies; and staff has received no objections.

There being no further comments, the Board adopted Resolution No. 15-005, vacating a portion of a Public Utility Easement at Lot 5, Stonebridge Subdivision, located in Section 35, Township 25 South, Range 36 East, as petitioned by Phillip Hayes.

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

January 27, 2015

ITEM V.A., RESOLUTION FOR EXCEPTION OF TKACS DRIVE FROM BOARD RESOLUTION 14-218, PETITION TO VACATE, RE: RIGHT-OF-WAY OF BLUEFISH WAY, TKACS DRIVE, SIXTH AND SEVENTH STREETS - PLAN OF TOWN OF PINEDA - WAYNE SIEBOLD, WAELTI WAREHOUSES, LLC, AND KMM-FL, LLC

John Denninghoff, Public Works Director, stated this is an Item that previously came before the Board in December 2014; if the Board recalls, this was one that required effort on the part of the petitioner to get Florida Power & Light Company (FPL) to cooperate with some of one part of the vacating; that effort has not yielded fruit; and in order to preserve the effort the petitioner had made previously on most of the petition, staff prepared a modified resolution with a modified legal description that eliminates the area they were not able to get everything squared away with FPL. He went on to say the remainder of the vacating is still intact; and with approval of this staff can allow effective most of the effort the petitioner has made. He stated it has been reviewed by the County Attorney's Office for legal adequacy.

The Board adopted Resolution No. 15-006 vacating rights-of-way on Bluefish Way and Sixth and Seventh Streets, Plan of Town of Malabar.

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

ITEM V.B., POLICY, RE: PROHIBITING FORMER COUNTY COMMISSIONERS FROM MONETARY REMUNERATION FROM ANY BREVARD COUNTY GOVERNMENT AGENCY

Commissioner Infantini stated she wants to pass a policy that would prevent the County Commissioners from holding a position with one of the agencies or organizations that 50 percent or more of their funding comes from the County.

Commissioner Anderson stated when he worked for Johnson Controls they would do separate projects; and he inquired if Commissioner Infantini's intent is to penalize that one project that is in a larger corporation when setup under that situation. Commissioner Infantini responded no, she means if 50 percent of their revenue from the whole agency is provided by the County; the way she had it written before, if it would apply to any organization the Board provided funding to, every one of the Board Members would be prevented from obtaining any type of employment anywhere in the County; and she did not want to limit all of the occupations. She noted she just wanted the organizations the Board had the greatest amount of influence over while on the Board is what she wanted to prevent the opportunity to seek employment for. Commissioner Anderson stated if the policy is adopted by the Board, he does not want it to be that he is going after any one individual; and overall he thinks it is a very good policy.

Commissioner Smith stated too often a person sees in local, State, and federal jobs where people who have gained elective power turn around and reap the benefits going in to private, semi-private, or even government work; and obviously he or she were chosen before of their influence. He stated that is the purpose to limit that.

Commissioner Barfield inquired if this is legal. Scott Knox, County Attorney, replied it is legal to the extent that the Board can be more strict than the State law; the State has a law that deals with a two-year lobbying prohibition that a Commissioner cannot represent any other organization before the County Commission for two years; this is a little bit different that is

January 27, 2015

restricts compensation; the only concern he has about this one right now is the elected official seems to incorporate more than the County Commission; and it would not be the other Constitutional Officers, which the Board does not have the authority to do. He went on to add the other issue the Board has is when it is adopted, it will be effective on the date of adoption going forward, but it will not capture anything that has happened before this. Commissioner Barfield stated if the Board adopts this, if someone as County Commissioner beforehand, this is just going forward. Attorney Knox responded anyone who is not a County Commissioner now will not be bound by it because they are no longer on the County Commission. Commissioner Barfield inquired if it is retroactive. Attorney Knox replied no.

Chairman Fisher asked Attorney Knox to repeat what he just said. Attorney Knox advised the Board anyone who is now a County Commissioner would be bound by a policy adopted by the Board, but if someone is a previous County Commissioner, he or she is no longer a Commissioner.

Commissioner Barfield inquired who would enforce this. Attorney Knox responded the County Commission. Commissioner Barfield inquired if it is a Community Redevelopment Agency (CRA), they appoint that Director; and he stated the Board really does not have anything it can do. Attorney Knox pointed out if Commissioner Barfield is talking specifically about Merritt Island Redevelopment Agency (MIRA), the board does ultimately have control over it one way or the other. Commissioner Barfield inquired what if the 50 percent happens after the person is there; the person has been at an organization where it is not 50 percent but the 50 percent funding comes afterwards. Attorney Knox replied the policy would not apply at that point. Commissioner Barfield stated he gets nervous about saying 50 percent; and he inquired how can the County make someone prove it is 50 percent.

Commissioner Infantini stated it is obvious which organizations and agencies receive 50 percent or more of their funding from the County; this policy was created and drafted with the intent just to bring and clarify the ethical, integrity, and accountability of the Board and prior Commissioners; while she is not a lawyer, the County Attorney has an opinion this would not apply to former elected officials; she tends to disagree; and this Board could take it up in a court of law should an agency hire a former County Commissioner. She noted Nana's House is a non-profit organization that received a free facility from the County; if she ever wanted to work for them, she could not if the threshold was not at 50 percent; and that is why she put in the 50 percent to make certain it is just those organizations that receive most of their funding and operations from the County.

Commissioner Barfield stated one concern he had was in the actual policy under directives, it says, "No elected official may be employed or receive any financial remuneration from any agency receiving more than 50 percent of their funding with funds from Brevard County Government or any department within Brevard County Government." He stated the way it reads to him it means also Charter Offices and elected officials. Attorney Knox stated it is very broad, it could be referring to a State Representative or State Senator as well; the Board has control over the County Commissioners to the extent that the issue can be dealt with; but he does not think the Board can go beyond that.

Commissioner Infantini stated she would be glad to modify this just to say County Commissioners as that was her intent; she did not want to make it too specific because someone would say she was picking on one person and she is not; and she is trying to hold past and current Commissioners accountable.

Commissioner Barfield stated he is concerned about the retroactive; he would like to get that nailed down for sure just so it is clearly defined; and he does not want a lawsuit down the road because the Board did not spend the time to make sure it is correct.

January 27, 2015

Commissioner Infantini stated it is an opinion; she does intend for it to mean former Commissioners; she has concerns about former Commissioners; and she reiterated she intends to make it clear that past Commissioners who have just vacated offices, as well as all of the Board going forward, would never be permitted for the next two years from the time he or she vacates office from seeking employment with an organization 50 percent of the funding of which comes from Brevard County Government.

Commissioner Barfield stated he would like the policy to be clearer.

Rick Charbonneau stated no one has mentioned the name, but he will mention the name, because he is a friend; Chuck Nelson has been a friend of his and a mentor; however, on this issue, he disagrees with him strongly; Mr. Nelson appointed most of the MIRA members; and then if they hire him, it looks like they are returning the favor for appointing them to MIRA. He stated the position amounts to a part-time job but pays \$100,000 a year. He went on to say Mr. Nelson would be prohibited from soliciting before the Board on any financial issues; and it does not pass the stink test. He noted Mr. Nelson left with a good record; he believes were ethical; and now he is doing something unethical. He stated he is in favor of CRA's, but most of them are being run by mayors doing it for zero salaries; the issue of the MIRA CRA is paying \$100,000 a year; and it amounts to a part-time job. He pointed out he has done contracts in the hundred million dollar range and liquidated damages is the hardest thing to enforce; and it is a tough thing to prove.

Cheryl Lankes stated as a Merritt Island resident she feels like some of the money spent under MIRA sphere of influence has not always benefited the residents of Merritt Island; it is time for a change, because one person has controlled this funding for two long; it would feel like the Board was hiring a lobbyist to lobby the Board to have someone who could not come in and speak for MIRA and have interaction with the Board; and if he sent a representative and the Board had a question, he or she would have to guess of what the answer would be.

Diana Schommer stated this is an extreme conflict of interest; she has disagreed with this man on numerous occasions; he is always pushing for incorporation, because he wants to be mayor of Merritt Island; and they do not want to be incorporated. She went on to say he is pushing against the majority of the people; \$85,000 a year is what she read he would be paid for this position; and the person who left the leadership of this position is getting a pension of \$85,000 a year, which is outrageous. She stated to scrap the whole MIRA program; they do not need a spending all of the wild kinds of money; they are taxed enough; and she is for anything to reduce the taxes.

Attorney Knox explained to the Board if it is going to do this, a question came up about enforcement; there are two reasons the Board should do this by ordinance; if the Board does it by ordinance it is complying with State Law, which says the Board can do more restrictive policies than the Ethics Commission has do work under State Law; there is a number of ways of enforcing it; and if it is an ordinance it can be looked at as part of a contract with the person who actually signs the contract if he or she will do it. He went on to say the other thing the Board has available to it, is the money the County actually disburses to these organizations; if the Board chooses to pass an ordinance, one of the sanctions it can have is to not provide the money to the organization; and this would cover not just MIRA but people who the Board gives grants to. He stated there is a way to do this in a way which would be a lot more enforceable than just Board policy; if policy is taken to court, they could say it is policy that can be waived by the Board at any time; and if it is done by ordinance and someone signs a contract knowing that ordinance is there, the Board can then take the position it is retroactive.

Chairman Fisher inquired if Attorney Knox would recommend an ordinance moving forward versus a policy change.

January 27, 2015

Commissioner Infantini stated she recommends moving forward with the Board policy, and re-enforcing it with an ordinance; the good thing about the policy is it requires 4:5 or a super majority vote to waive it; and by having a super majority required to waive this policy, it would be hard to rescind. She stated MIRA is going to be voting on this on the 29th; and if the Board takes an action right now, it will send a clear message to MIRA that the Board does not want to hire a previous County Commissioner who had a great deal of influence on the organization.

Commissioner Barfield stated he will vote no on this Item; he wants something with teeth in it; and he does not want a policy that is not enforceable. He noted he would rather have an ordinance.

Commissioner Smith stated he agrees with Commissioner Barfield, but Commissioner Infantini pointed out MIRA is voting on this in a few days; the Board can send a message with this; and then the ordinance can be written in addition to the policy. He stated he intends on moving forward if MIRA needs to be continued; they do not owe the Board money anymore, so they could dissolve the whole thing; and he does not think MIRA is even necessary.

Chairman Fisher stated he thinks the spirit of the Agenda Item is an attack on Commissioner Nelson; he will not support it because he does not think it is legal; he does not think the Board has the right to deny people the opportunity to work; and there is whole other set of issues of whether or not MIRA, knowing the concerns of the Board, will actually support it or not. He noted his opinion is that a person should not run for another office before he or she is out of another office; he was elected Commissioner eight years; and then he intends on going back out to the private sector and make a living.

Commissioner Infantini advised this was not mean spirited; it was in the spirit of integrity, ethics, accountability, and transparency; and that is why she did it.

Chairman Fisher stated he could say to Commissioner Infantini it would not be fair for her to run for Clerk; and they are connected because he or she has a current job they have to do.

Attorney Knox stated it is his opinion that the Board will not be able to enforce this policy against anyone as it is written; it should be changed to Commissioner or former County Commissioner to send out the Board's signal that is what it is referring to; MIRA can be dismantled and that is the way to enforce the policy; and the County will not be able to enforce it in the court of law.

Commissioner Anderson stated it was never about an individual for him; one of the reasons he wants to run for State Representative is because Florida has the worse ethics laws in the nation; this should have already been cleared up in legislation years ago; and it should not even be before the Board. Attorney Knox stated the State Law says a person cannot lobby for two years; it means a former Commissioner cannot even sit in an audience where something is being talked about; and if a former Commissioner was working for MIRA, he or she could not sit in the audience as the executive director for anything that had to do with MIRA.

Commissioner Barfield stated he agrees with what is being discussed, but he wants to be able to enforce it.

Chairman Fisher stated the message has been sent that the Board is not supportive of a former County Commissioner sitting on MIRA. He stated to allow the County Attorney to come back with legislative intent for an ordinance.

The Board executed Policy prohibiting former County Commissioners from being employed by or contracting with Brevard County Government or its contracted agencies that receive at least 50 percent of their funding from Brevard County, for a minimal period of two years following the

January 27, 2015

end of their term in office; and directed staff to come back to the Board with legislative intent to create an ordinance.

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

ITEM VI.C.1., AWARD OF CONTRACT, RE: DISASTER DEBRIS REMOVAL MANAGEMENT SERVICES RFQ #5-14-09

The Board accepted the Selection Committee's recommendation regarding election and the award of contract for Disaster Debris Removal Management Services Request for Qualifications (RFQ) #5-14-09 to Tetra Tech, Inc.; and authorized the Chairman to execute the Contract necessary to secure services.

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

ITEM VI.E.1., PERMISSION TO AWARD AND AUTHORIZATION FROM CHAIRMAN TO EXECUTE CONTRACT, RE: REQUEST FOR PROPOSAL (RFP) P-4-14-07/HOSTED EMAIL SERVICES, UTILIZING MICROSOFT CLOUD SYSTEMS FOR COUNTY EMAIL

Commissioner Infantini stated this Item is talking about using Cloud services and things like that for the County's email system; what she is concerned with is the time and cost to do public records request; and she inquired if Pam LaSalle wants to do a public records request, how much it would cost and how much time would it take to do that if the County moved to this program.

Jon Sellers, Information Technology Director, replied it would be exactly the same as it cost today; he stated there is improvement in the new system; and it allows much better litigation holes for the County Attorney's Office.

The Board awarded Request for Proposals (RFP) P-4-14-07/Hosted Email Services, to Catapult Systems to provide Microsoft Cloud Systems for County email; and authorized the Chairman to execute all associated Contracts.

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

January 27, 2015

ITEM VI.F.1., RESOLUTION, RE: APPROVAL LOAN FOR THE TITUSVILLE-COCOA AIRPORT AUTHORITY FROM SUNTRUST BANK/STI INSTITUTIONAL & GOVERNMENT, INC. (CONTINUED)

The Board adopted Resolution No. 15-007, approving the issuance of a loan for the Titusville-Cocoa Airport Authority from SunTrust Bank/STI Institutional & Government, Inc., in the amount of \$2,000,000 for capital expenditures.

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

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

Commissioner Barfield advised the Board over the past week he attended the East Central Florida Regional Planning Council meeting, which there was a lot of discussion about Amendment that affects Brevard County; and it will be for shuttle ready types of operations for Environmentally Endangered Lands and Natural Resources. He stated he attended a second meeting, which is the Five County Coalition for Indian River Lagoon, which was a good meeting discussing what all of the other counties are doing; and that was held in Indian River County.

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

Chairman Fisher stated he was given the assignment regarding the Washington Nationals and Space Coast Stadium, and exactly what will happen with that situation. He went on to say the Washington Nationals, even though they have not properly notified the Board, they have negotiated some agreements with West Palm Beach, and are talking about relocating. He noted he and Stockton Whitten, County Manager, have discussed what can be done with the stadium; he received an interesting call from United States Specialty Sports Association (USSSA); their headquarter is in Kissimmee right now; they are the world's largest multi-sport organization for youth sports; and they are interested in move their headquarters. He stated Volusia County has shown interest; he met with them in his office; there would need to be improvements in the stadium and surrounding fields; and they would need six field converted to synthetic turf with lighting improvements. He stated he thinks they would be an excellent user of those facilities; there will need to be issues ironed out with The Viera Company and the Washington Nationals; that will be challenging dealing with that; but they are looking for the Board to say this is something it wants to pursue. He stated he thinks it is a good fit, and he thinks he has Mr. Whitten sold on it; they would guarantee somewhere between 75,000 and 100,000 room nights a year, which is huge; they would bring families here on most weekends; the County would need to be flexible in sharing space throughout the County; and they say on the weekends they could possibly fill up every field the County has.

The Board was shown a presentation by USSSA.

Commissioner Anderson inquired what the debt service was for the stadium per year before it was paid off. Mr. Whitten responded approximately \$800,000.

Chairman Fisher inquired how it would affect Cocoa Expo; and USSSA said they will fill up Cocoa Expo's fields for them. He stated the Washington Nationals said they will be in Brevard

January 27, 2015

County in 2015 and 2016; but they do not know if they will be in the County in 2017. He advised he spoke with USSSA to see if they could work with the Washington Nationals.

The Board reached consensus to authorize you to continue communications with United States Specialty Sports Association (USSSA) for its interest in using the Space Coast Stadium starting in 2017.

Upon consensus of the Board, the meeting adjourned at 11:56 a.m.

ATTEST:

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

SCOTT ELLIS, CLERK