

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

6:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on May 9, 2017 at 6:06 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Rita Pritchett	Vice Chairwoman/Commissioner District 1	Present	
Jim Barfield	Commissioner District 2	Present	
John Tobia	Commissioner District 3	Present	
Curt Smith	Chairman/Commissioner District 4	Present	
Kristine Isnardi	Commissioner District 5	Present	

**INVOCATION**

The invocation was provided by Father Matthew Mello, Divine Mercy Catholic Church, Merritt Island.

**PLEDGE OF ALLEGIANCE**

Commissioner Pritchett led the assembly in the Pledge of Allegiance.

**MINUTES APPROVAL**

The Board approved the March 21, 2017 and the April 11, 2017 Regular Meeting Minutes.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM I.A. RESOLUTION, RE: NATIONAL PUBLIC WORKS WEEK IN BREVARD COUNTY**

Chairman Smith read aloud, and the Board adopted Resolution No. 17-074, proclaiming May 21-27, 2017, as National Public Work's Week in Brevard County.

John Denninghoff, Interim Assistant County Manager, stated his Department is proud to be able to serve the taxpayers and the public of Brevard County; they try to ensure their safety and provide the most efficient use of their resources; he has a lot of dedicated folks who do a lot of work each and every day, in good and bad weather; and he truly appreciates them tremendously.

Chairman Smith stated for the record he agrees with Mr. Denninghoff's words and he appreciates all the efforts by the Department of Public Works.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Curt Smith, Chairman/Commissioner District 4  
**SECONDER:** Jim Barfield, Commissioner District 2  
**AYES:** Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM I.B. RESOLUTION, RE: MELANOMA/SKIN CANCER DETECTION AND PREVENTION MONTH**

Chairman Smith read aloud, and the Board adopted Resolution No. 17-075, proclaiming May as Melanoma/Skin Cancer Detection and Prevention Month.

Susan Hammerling expressed her appreciation to the Board for the Resolution on Melanoma Awareness Month; she has Jane Mast, President-elect of the National Society of Dermatology Society, with her; and their goal was to provide awareness in Brevard County that skin cancer, specifically Melanoma the most deadly form of skin cancer, can happen on the eyes or on the skin.

Jane Mast stated it is important to have the skin checked; and she expressed her appreciation for the Resolution.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Curt Smith, Chairman/Commissioner District 4  
**SECONDER:** Jim Barfield, Commissioner District 2  
**AYES:** Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM I.C. RESOLUTION, RE: RECOGNIZING KEVIN TEZEL FOR ATTAINING THE RANK OF EAGLE SCOUT**

Commissioner Barfield read aloud, and the Board adopted Resolution No. 17-076, recognizing Kevin Tezel for attaining the rank of Eagle Scout.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jim Barfield, Commissioner District 2  
**SECONDER:** Rita Pritchett, Vice Chairwoman/Commissioner District 1  
**AYES:** Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM I.D. RESOLUTION, RE: RECOGNIZING TAYLOR WATKINS FOR ATTAINING THE RANK OF EAGLE SCOUT**

Commissioner Barfield read aloud, and the Board adopted Resolution No. 17-077, recognizing Taylor Watkins for attaining the rank of Eagle Scout.

Taylor Watkins expressed his appreciation to the Board for the Resolution and the importance that scouting has on the community.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jim Barfield, Commissioner District 2  
**SECONDER:** Rita Pritchett, Vice Chairwoman/Commissioner District 1  
**AYES:** Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM I.E. RESOLUTION, RE: RECOGNIZING THOMAS GUYTON III FOR ATTAINING THE RANK OF EAGLE SCOUT**

Commissioner Barfield read aloud, and the Board adopted Resolution No. 17-078, recognizing Thomas Guyton III for attaining the rank of Eagle Scout.

Thomas Guyton III expressed his appreciation to the Board for the Resolution.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jim Barfield, Commissioner District 2  
**SECONDER:** Kristine Isnardi, Commissioner District 5  
**AYES:** Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM I.F. RESOLUTION, RE: RECOGNIZING AVERY MILLS FOR ATTAINING THE RANK OF EAGLE SCOUT**

Commissioner Barfield read aloud, and the Board adopted Resolution No. 17-079, recognizing Avery Mills for attaining the rank of Eagle Scout.

Avery Mills expressed his appreciation to the Board for the Resolution.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jim Barfield, Commissioner District 2  
**SECONDER:** Rita Pritchett, Vice Chairwoman/Commissioner District 1  
**AYES:** Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM I.G. RESOLUTION, RE: RECOGNIZING JOSHUA LEMING FOR ATTAINING THE RANK OF EAGLE SCOUT**

Commissioner Barfield read aloud, and the Board adopted Resolution No. 17-080, recognizing Joshua Leming for attaining the rank of Eagle Scout.

Joshua Leming expressed his appreciation for Resolution.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jim Barfield, Commissioner District 2  
**SECONDER:** Rita Pritchett, Vice Chairwoman/Commissioner District 1  
**AYES:** Pritchett, Barfield, Tobia, Smith, Isnardi

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**ITEM II.A.1., CONTRACT FOR SERVICES WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP), RE: POLLUTANT STORAGE SYSTEM COMPLIANCE VERIFICATION**

The Board accepted the Contract for Services with Florida Department of Environmental Protection (FDEP) to provide pollutant storage system compliance verification related services in Brevard and Indian River Counties; authorized the County Manager, or his designee, to execute future contract amendments and annual renewals; authorized the County's local program manager to execute task assignments consistent with the contract; and authorized any necessary budget change requests to provide adequate staffing, operating budget, and acquire the necessary capital items to meet the contractual obligations.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rita Pritchett, Vice Chairwoman/Commissioner District 1  
**SECONDER:** Jim Barfield, Commissioner District 2  
**AYES:** Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM II.A.2., INTERLOCAL AGREEMENT WITH THE CITY OF ROCKLEDGE, RE: SAVE OUR INDIAN RIVER LAGOON PROJECT COST SHARE FUNDING FOR BREEZE SWEEP SEPTIC TO SEWER CONNECTION**

The Board authorized the Chairman to execute the Interlocal Agreement with the City of Rockledge to provide cost share from Save Our Indian River Lagoon Trust Fund for the Breeze Swept Septic to Sewer Construction Project, subject to September 30, 2017, completion date and satisfactory data in Attachment E.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rita Pritchett, Vice Chairwoman/Commissioner District 1  
**SECONDER:** Jim Barfield, Commissioner District 2  
**AYES:** Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM II.A.3., FINAL PLAT AND CONTRACT APPROVAL, RE: TRASONA AT ADDISON VILLAGE, PHASE 5 - THE VIERA COMPANY**

The Board granted final plat and Contract approval for Trasona at Addison Village Phase 5, The Viera Company, subject to minor engineering changes as applicable and developer is responsible for obtaining all other necessary jurisdictional permits; and authorized the Chairman to sign the final plat and Contract.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rita Pritchett, Vice Chairwoman/Commissioner District 1  
**SECONDER:** Jim Barfield, Commissioner District 2  
**AYES:** Pritchett, Barfield, Tobia, Smith, Isnardi

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**ITEM II.A.4., RESOLUTION AND RELEASE OF PERFORMANCE BOND, RE: TRASONA AT ADDISON VILLAGE, PHASES 1 AND 2 - THE VIERA COMPANY**

The Board executed and adopted Resolution No. 17-081, releasing the Contract and Surety Performance Bond dated December 15, 2015, for Trasona at Addison Village, Phases 1 and 2, The Viera Company.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>SECONDER:</b>	Jim Barfield, Commissioner District 2
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM II.A.5., APPROVAL, RE: RETURN OF PROPERTY TO BREVARD COUNTY FROM ALL VIETNAM AND ALL VETERANS OF BREVARD, INC. FOR LANDS LOCATED AT 1125 WEST KING STREET, COCOA**

The Board adopted Resolution No. 17-082, for return of property by warranty deed to Brevard County from Vietnam and All Veterans of Brevard, Inc. for lands located at 1125 West King Street, Cocoa; and authorized the Chairman to waive the requirement for an environmental assessment and boundary survey.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>SECONDER:</b>	Jim Barfield, Commissioner District 2
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM II.C.1., APPROVAL, RE: AMENDMENT TO THE AGREEMENT FOR SERVICES WITH PROFESSIONAL PROBATION SERVICES, INC.**

The Board executed Amendment to Agreement for the Services with Professional Probation Services Inc. to increase fees using a phased in approach, from \$45 per month to \$50 per month for the first year, and after that the fee would increase to \$55 per month for new cases only.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>SECONDER:</b>	Jim Barfield, Commissioner District 2
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM II.C.2., CONVEYANCE OF PROPERTY, RE: CITY OF PALM BAY PURSUANT TO SECTION 197.592, FLORIDA STATUTE**

The Board executed and approved the County Deed conveying property acquired by tax escheatment to the City of Palm Bay.

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**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rita Pritchett, Vice Chairwoman/Commissioner District 1  
**SECONDER:** Jim Barfield, Commissioner District 2  
**AYES:** Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM II.C.3., RENEWAL, RE: ANNUAL PROPERTY INSURANCE PROGRAM EFFECTIVE JUNE 1, 2017**

The Board authorized Risk Management to bind and secure placement of the County's property insurance coverage with an effective date of June 1, 2017.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rita Pritchett, Vice Chairwoman/Commissioner District 1  
**SECONDER:** Jim Barfield, Commissioner District 2  
**AYES:** Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM II.C.4., APPROVAL, RE: CONTRACT AMENDMENT TO BRIGHT HOUSE MASTER AGREEMENT FOR PRIMARY RATE INTERFACE (PRI) CIRCUITS**

The Board approved Contract amendment (second Rider) to the existing Bright House (Spectrum) Master Agreement for Voice Over Internet Protocol (VoIP) services.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rita Pritchett, Vice Chairwoman/Commissioner District 1  
**SECONDER:** Jim Barfield, Commissioner District 2  
**AYES:** Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM II.C.5., CONTRACT EXTENSION, RE: AT&T TELECOMMUNICATIONS MAINTENANCE CONTRACT**

The Board authorized extension of existing AT&T Telecommunications Maintenance Contract, under the same terms and conditions, through June 30, 2018.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rita Pritchett, Vice Chairwoman/Commissioner District 1  
**SECONDER:** Jim Barfield, Commissioner District 2  
**AYES:** Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM II.D.2., REQUEST TO REDUCE AMOUNT OF LETTER OF CREDIT, RE: VIERA DEVELOPMENT OF REGIONAL IMPACT (VIERA DRI) RELATING TO BARNES BOULEVARD WORK DUE UNDER RESOLUTION NO. 14-120**

The Board executed and approved Letter of Credit in the amount of \$2,269,005.13.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Rita Pritchett, Vice Chairwoman/Commissioner District 1  
**SECONDER:**   Jim Barfield, Commissioner District 2  
**AYES:**         Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM II.D.3., INTERLOCAL AGREEMENT, RE: SPACE COAST TPO - PARTICIPATION IN TPO TRANSPORTATION PLANNING PROCESS**

The Board executed and approved Interlocal Agreement with Space Coast TPO indicating the Board will continue to participate in the TPO transportation planning process.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Rita Pritchett, Vice Chairwoman/Commissioner District 1  
**SECONDER:**   Jim Barfield, Commissioner District 2  
**AYES:**         Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM II.D.4., APPROVAL, RE: PRECINCT BOUNDARIES DUE TO ANNEXATIONS BY THE CITIES OF MELBOURNE AND WEST MELBOURNE**

The Board approved the revised precinct boundaries due to annexations by the Cities of Melbourne and West Melbourne.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Rita Pritchett, Vice Chairwoman/Commissioner District 1  
**SECONDER:**   Jim Barfield, Commissioner District 2  
**AYES:**         Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM II.B.1., RESOLUTION AND GRANT APPLICATION, RE: FLORIDA DEPARTMENT OF TRANSPORTATION SERVICE DEVELOPMENT GRANT FOR BUS SERVICE WEST OF MINTON ROAD**

Jim Liesenfelt, Transit Services Director, stated this Item is a grant opportunity from Florida Department of Transportation (FDOT) for service development; he was approached by the City of Palm Bay and Heritage High School a couple months ago for a bus route to serve their area; they were also approached by the City of Melbourne last year for a bus route west of Minton Road along 192 and I-95 area; the answer to both was there is no funding available and that they did not want to take bus services away from somewhere else to serve those areas; since then, FDOT has a service development grant which is a grant where they pay 50 percent of the operating cost for the first two years; FDOT sent out an announcement at the end of March with applications due by May 19, so he took this as an opportunity to present to the Board a chance to fund the route in the area; and if they are awarded the grant, it would start July 1, 2018, and they would need \$23,000 in local funding for the first year, \$93,000 the second year, and \$70,000 for the third year. He added at the end of the second calendar year, if the routes are successful, then it is up to the local provider whether or not to continue the routes, that is the idea of service development, to get service on the roads; the City of West Melbourne sent them a letter to provide support of \$7,800 for the first fiscal year; and he has contacted Palm Bay but has not heard back. He continued, of the service area, if they had a chance to start a new route this is the area, they would start; they currently have three busses in the Palm Bay area; there was a Palm Bay Hospital a number of years ago and they kind of spread out their service area;

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they have some trouble serving the whole area, so a fourth bus would help; there is demand out there; he is familiar with 192 and I-95; there is a couple hotels going in there, there is the Goodwill Center, Heritage High School; Cocoa High, Rockledge High, and Cocoa Beach High have a number of students who ride; and high school students are a trip attractor for them and it would serve a new area where there is no bus service.

Commissioner Tobia stated Mr. Leisenfelt does a very good job in his Department leveraging funds; it has been a while since he has toured the facility; and he asked what his facility averages.

Mr. Leisenfelt commented it is in the neighborhood of \$15 million of State and Federal Funds for \$1.8 million of local funds.

Commissioner Tobia reiterated Mr. Leisenfelt does a very good job. He stated the County is nowhere near seven or eight to one on this; in fact, in a couple years, the County could potentially be on the hook for three-quarters of the amount, if he is reading it correctly; it looks like this has a total cost of \$295,000; Fiscal Year 2020 or 2021, the County would be on the hook for \$186,000 of that; and he asked if that was correct.

Mr. Leisenfelt noted that was correct.

Commissioner Tobia stated the County would not even be leveraging one to one; he asked if this would be a wise use of resources in the long run; and if these monies could be used in a way where the County could leverage eight to 10 times this amount.

Mr. Leisenfelt replied it would be wise; it is service that is needed out there; he would not be able to leverage anything seven or eight to one because they are maxed out with the federal right now; part of the help with the leveraging is that they have a couple grants from Florida Department of Transportation (FDOT) that are about \$750,000 a year that the County does not have to match; they were awarded the grants because they have the bus service and some corridors; and so this will not be seven to one, it is basically a one to one for the first two years and then if it is successful, it is up to the County to decide whether to keep funding the route. He went on to say the long range is the County reaching the point where they are looking for operating monies the best they can; but they are kind of reaching the point of existing or if they want to expand bus services, or provide more bus services they will have to start looking locally; and there is not a whole lot out there that they can start matching anything more than one to one for operating grants any longer.

Commissioner Pritchett stated she struggles with this a little bit too because she is on the thought of trying not to remove any services, but she is not necessarily in favor of adding services at this time; doing the math she knows this year would not be so bad because they have the other city participating; but adding that into next year and it makes a \$58,000 investment if it was done over two years, her guess is, the County would not go into year three of almost \$300,000 for the stop; and with all that, she would like to hear from the Commissioner of this District, the thought of the deed, and whether the cost is viable or not; and until she hears that, she will probably vote not to do this.

Commissioner Isnardi stated beside the fact that the County recently added bus routes in the northern Districts during the last cycle with a cost to the County and the County's budget, the number one ridership for bus service is employment; the Commission keeps talking about economic development, about getting people to work, and people contributing back to the economy, so that right there is an argument; and she was told the County would use a bus it already has, so there would be no capital expenditure and if the bus route did not seem to be providing a good service and a good return on investment the route could be removed. She



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continued not that the Board would want to remove the route, but there are children that go to Heritage High School who need the service and the Parkway will be open before the bus service goes into place; there will also be people west of 192 that are trying to get to work; obviously she has been approached by the Mayor of Palm Bay, and the Mayor of West Melbourne; she has not heard back from the Mayor of Palm Bay as far as their contributions go, so she cannot guarantee, but given that it is not a large amount in the first year, she does not think they would not contribute because they want that stop so desperately. She went on to say this would also cut down the times on the trips, like she just learned from the last Workshop, for the people trying to get to work and not having to wait for the next stop; of course Mr. Leisenfelt explains this much more eloquently; there are a lot of moving parts to this; and for her, it is getting people to and from work, which to her is the most important, and it is the kids at Heritage High that need transportation especially for after school programs; and this would provide service where there is no service. She reiterated it is contributing to the economy and getting people to work; it is providing a service that quite frankly other areas in the County have been provided; she learned there were three routes added, during the presentation of the north part of the County; and she realizes this is not everybody's District but it is hers and she asked that the Board give it a chance.

Mr. Leisenfelt added over the 20 years he has been there they have received over seven of eight Service Development Grants; one did not work in Cocoa Beach so they ended that service and two others turned into corridor funding which FDOT ended up funding 100 percent; and it can be ended in two years if it is not working.

Commissioner Isnardi added another point; besides from the numerous people who have asked her for this route, one of the first things Mr. Leisenfelt said to her was this is an area in desperate need; it is not a Commissioner looking to just take care of her District, it should be a County Commission looking to take care of the whole District; and she has to get used to this territory thing because quite frankly she does not like it. She continued it may be another District next year, or it could have been another District last year, so it just so happens to be her District this time around.

Frank Abbate, Interim County Manager, stated the leveraging gem that they had talked about was really based on the staffing of the route, but in fact when looking at all the leveraging and the seven to one or eight to one that they have, that also includes the capital; and in this case the capital they would be utilizing is part of a grant, so the leveraging would be higher than one to one if it is looked at in that perspective.

Mr. Leisenfelt noted that is an excellent point because the capital costs are not included in here, because they are using existing; and the capital cost would be funded 100 percent by the Federal government.

Commissioner Barfield stated he understands what Mr. Leisenfelt is saying especially when there are hotels and things going in; the people who really need the transportation are the ones who do not have a ride to get there or work; and he supports it.

Commissioner Pritchett commented she does not know how that became a territory thing; she does not feel that way at all; she just wanted to hear if Commissioner Isnardi thought it was important and then it would become important to her; and she is going to vote in favor of it. She added it had nothing to do with her District.

Commissioner Isnardi stated she will keep her mouth shut now that everybody seems to be in favor of it, at least the majority; part of the reason for trying to get this on the Agenda is not just for the budget reason but because the deadline for this grant is on May 19, 2017; and that

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became a little more pressing. She expressed her appreciation to Mr. Leisenfelt for working so quickly to get the information together; and she is excited about it, as will the residents.

Chairman Smith stated he is a big proponent in helping people in giving them a hand up and busses are a good way to do that; for the grace of God these people need a helping hand, they want to be productive members of society and not sit at home and collect a welfare check, they want to get out there and make their own way; he saw people at today's workshop who are blind and they do the same thing, they work where they could easily stay home; he asked how many people would learn to get around the world and take a bus if they could not see; and he stated he thinks this is an opportunity for the Commission to help those fellow human beings that need a helping hand.

The Board adopted Resolution No. 17-083, for bus services west of Minton Road; authorized the Chairman to execute the Resolution and grant application for FDOT Service Development Grant for Bus Service West of Minton Road, in the amount of \$93,450.19; and authorized the Chairman to execute the supplemental Joint Participation Agreement (JPA), any follow-up documents upon Risk Management and County Attorney approval, and any budgetary changes.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Kristine Isnardi, Commissioner District 5
<b>SECONDER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
<b>NAYS:</b>	John Tobia

### III. PUBLIC COMMENTS

Charles Tovey stated he will pay more attention to his schedule of all the meetings; that is one reason he is speaking tonight; he wishes everyone a safe and enjoyable Mother's Day; and he comments mothers as they are the beginning of his existence. He noted he has an issue about his property, his saga continues, and part of the reason he has been in a different state of mind these past years is that he had really worked hard earning to buy his property; the property behind him used to be Environmentally Endangered Lands (EELS), County land, and they gave it all away to, annexed it, to Palm Shores which is a Community Redevelopment Agency (CRA) recipient; he works his tail off to buy his land and then the County gives it away to Palm Shores; and Palm Shores being the Economic Development Council (EDC), they sold it for two dollars. He added the lakes are destroyed, the springs are destroyed, the wetlands are destroyed, Bald Eagles, Sandhill Cranes, Gopher Turtles, and the list goes on; they are wanting money, CRA money, and yet the County needs road money, the Lagoon is rotten, and nobody pays attention for eight years; he comes up here all the time; and he asked how much help, where was he, he has to help himself and do everything. He continued on if someone poked his eyes out he would be damned to stay at home and wallow in bed, to stay in bed is to stay in bed; he does feel for anybody that is handicapped, impaired, or suffering from any kind of medical condition because this society takes advantage of that; going back to the CRA and the two dollars, that could not wait until Thursday night and the Transportation Planning Organization (TPO); they sold the land for two dollars and now the people they sold it to have made how much money; they made tax money, but they are still being paid CRA money after the land was sold for two dollars and then they destroyed it; and he reiterated he worked his tail off to buy himself a house in the middle of nowhere with the white picket fence so he could raise a family he never got to have. He went on to say he has been deprived of going to the meetings and the opportunity to buy the two dollar land; it is the Board's city and their city, it is a partnership; he and his associates are not allowed in this town, for 10 years as long as this thing has been going on; and he once again stated Happy Mother's Day. He commented the Board let it happen, watch and laugh.

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**ITEM IV.A., RESOLUTION, RE: PETITION TO VACATE 10.0 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT - CURTIS BOULEVARD - "PORT ST. JOHN UNIT SEVEN" - COCOA - KERRY STOVER**

Chairman Smith called for a public hearing to consider a resolution vacating a portion of a 10 foot wide public utility and drainage easement on Curtis Boulevard, Port St. John, Unit seven, Cocoa.

Andrew Holmes, Interim Public Works Director, stated this Item is a petition to vacate a portion of a 10 foot wide public utility and drainage easement on Curtis Boulevard; the purpose is to remove an encroachment for an existing shed on the property; and to his knowledge he has not received any objections to the request.

There being no further comments or objections, the Board adopted Resolution No. 17-084, vacating a 10 feet wide public utility and drainage easement on Curtis Boulevard, Port St. John, Unit seven, Cocoa, as petitioned by Kerry Stover

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>SECONDER:</b>	Jim Barfield, Commissioner District 2
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
<b>ABSENT:</b>	John Tobia

**ITEM IV.B., RESOLUTION, RE: PETITIONER FOR PARTIAL VACATING 7.50 FOOT WIDE PUBLIC DRAINAGE EASEMENT - MISTY HARBOR PLACE - "EMBASSY ARMS COURT(S)" - MERRITT ISLAND - JOSEPH W. HARP**

Chairman Smith called for a public hearing to consider a resolution for partial vacating of a 7.5 foot wide public drainage easement in Misty Harbor Place, Embassy Arms Court, Merritt Island.

Andrew Holmes, Interim Public Works Director, stated this Item is a petition for partial vacating of a 7.5 foot wide public drainage easement to permit the construction of a pool and enclosure; and to his knowledge he has not received any objections to this proposal.

There being no further comments or objections, the Board adopted Resolution No. 17-085, vacating part of a 7.5 feet wide public drainage easement in Misty Harbor Place, Embassy Arms Court, Merritt Island, as petitioned by Joseph W. Harp.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>SECONDER:</b>	Kristine Isnardi, Commissioner District 5
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
<b>ABSENT:</b>	John Tobia

**ITEM IV.C., RESOLUTION, RE: PETITION TO VACATE PART OF PUBLIC DRAINAGE EASEMENT - LIONEL ROAD - "SIX MILE CREEK CREEK SUBDIVISION PHASE III" - MELBOURNE - KEVIN A. JOSEPHSON**

Chairman Smith called for a public hearing to consider a resolution vacating a part of a public drainage easement on Lionel Road, Six Mile Creek Subdivision Phase III, Melbourne.

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Andrew Holmes, Interim Public Works Director, stated this Item is a petition to vacate a portion of a public drainage easement on Lionel Road; it is Six Mile Creek Subdivision Phase III; this is for construction of a pool deck and enclosure; they have made all of the required notifications; and to his knowledge they have not received any objections.

There being no further comments or objections, the Board adopted Resolution No. 17-086, vacating a part of a public drainage easement on Lionel Road, Six Mile Creek Subdivision Phase III, Melbourne, as petitioned by Kevin A. Josephson.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Kristine Isnardi, Commissioner District 5
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.D., ORDINANCE, RE: AMENDING ORDINANCE NO. 2016-07, GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION TO PROJECT MARATHON**

Chairman Smith called for a public hearing to consider an ordinance amending Ordinance 2016-07, granting an Economic Development Ad Valorem exemption to Project Marathon; amending the address of the property address specified for the exemption; ratifying all other provisions of Ordinance 2016-07; and providing an effective date.

Scott Knox, County Attorney, stated this Item is an amendment to the Ordinance that granted the tax exemption to Project Marathon and all it does is relocate the designation of the property to a different address.

Commissioner Tobia stated in the initial application on the Economic Development Commission (EDC) it looks as though they talked about 327 jobs, 27 of which would be created by December 31, 2016; and he asked if those jobs were created.

Attorney Knox replied he does not remember if they provided him with that information.

Commissioner Tobia commented looking at the difference in the contract that was presented to the Board prior to his attendance on April 18, 2016; it looks as though they were going to build a \$15 million structure and now that it is not a part of this document; and he asked if he was reading that correctly.

Attorney Knox responded he thought they changed the number on it, but he thinks there is still construction on the amended application.

Commissioner Tobia stated the initial one was \$17.3 million and the new one is \$5.25 million, a difference of about \$15 million; and he asked if that was the same documentation that Mr. Knox has because he is curious that this is quite a bit more than just a change of address as advertised.

Attorney Knox replied it was a change of address, change of construction, but the exemption only attaches to the construction, so whatever the amount is, it is going to attach to it.

Chairman Smith noted that was what he understood.

Commissioner Tobia pointed out it was a little difficult pulling the old application versus the new application; the new application, he got a hand out with the EDC strike throughs that went out

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with the time and the effort that he is sure they put forward to write over the previous one; the land and the building in the initial application was \$15 million and there is now a strike through on that and it is \$0; the construction renovation was \$2.3 million and has now increased to \$5.2 million; that is an increase of \$3 million; research and development has increased by \$1 million; but other equipment has actually decreased from a little over \$10 million to just under \$6 million; so actually the impact of this company, Project Marathon, is \$15.2 million less, yet the Board is going to provide the same structure and benefit, it may be slightly different obviously with the tangible personal property but the same requirement and it is literally half of what the initial investment that was made, less than a year ago; and the County Attorney just said there is no indication whether they created the jobs that the EDC paper says they would create. He continued absent of them fulfilling the promise that was made, as well as no amendment to that, he would ask for this to be tabled until the Board can get that basic information or altogether vote it down; he has the documentation; and he would be more than willing to pass it on to any of his fellow Commissioners, if so needed.

Commissioner Barfield stated this is an Ad Valorem Tax Exemption, they have to meet the requirements of everything, employment and all those things have to happen before they get the exemption; there is no giving money to them, it is an exemption; and all that has to be proven and documented, and the date has to be verified, before they ever receive the tax exemption.

Commissioner Isnardi stated she does not have a problem with that, the voters voted that in; if the County is not able to answer the question if they did the jobs then maybe it is something the Board does need to see; she knows the Board has pulled exemptions in the past for failure to meet employment obligations for businesses that it granted tax exemptions to; and she would like to see that. She added she does not even disapprove of this, she just wants to see the jobs; and she wants to make sure they held up to their end of the Agreement.

Attorney Knox commented as Commissioner Barfield stated they do not get the exemption until they meet the requirements of the application; if they have not met the requirements they will not receive the exemption; and then they will be back within a year to appeal it.

Chairman Smith stated the Board is not doing anything right now, other than accepting that there has been a change of address; it is not changing the details; and the details are as Commissioner Tobia mentioned, but there is no commitment on the part of the County if they do not meet the numbers, so the address change is really the only thing to act on here.

Commissioner Tobia responded that is factually incorrect; if what Chairman Smith said were correct, the EDC would not have stricken through any of the numbers here; he is sure Chairman Smith's office has done their due diligence like his office did; they crossed out \$15 million; if this truly was just an address change, there would be only one change on the document and it would be from North Drive, Melbourne, Florida to 1110 West Hibiscus Boulevard, Melbourne, Florida, which is truly on the document; however, as he mentioned earlier, they struck through \$15 million so this is far more than a simple change, in fact, they have struck through \$2.3 million, they struck through \$30.8 million, and \$10 million. He asked the Board to please understand that this is far more than an address change.

Chairman Smith stated he has no problem with a motion to table; the Board will get someone from the EDC to a meeting; and he asked what Attorney Knox's thoughts were.

Attorney Knox clarified what Commissioner Tobia was saying, the amount of improvements are irrelevant to whether the exemption attaches, it is the jobs that determine whether or not the exemptions attach; if someone does not make the job quota, then they will not receive the exemption; if they do they do; and whether they put in \$15,000,000 or \$5,000 does not really matter, they are getting the exemption for that tax.

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Chairman Smith commented Commissioner Tobia's point is that the numbers have changed; he has slept a few times since the Board initially looked at that; and he does not remember what the numbers were.

Attorney Knox stated he does not mind coming back and discussing it at a future meeting; and he just wanted to point out it is the jobs that determine whether they get the exemption.

Chairman Smith replied he understands that; he asked what the question will be; and he requested the Board get someone for the EDC to attend another meeting dealing with this so the Board can make their decision.

Commissioner Isnardi agreed. She commented that was exactly her point; obviously they have to create the jobs in order to get the exemption; but the Board granted the exemption on the numbers that were originally given, which have now changed; and perhaps the Board does need that information.

Attorney Knox pointed out the numbers dropped, meaning the exemption is less than it would have been had they done it; and they are getting less for the same number of jobs.

The Board continued consideration of an ordinance amending Ordinance No. 16-07, granting Economic Development Ad Valorem Exemption to Project Marathon, to the May 23, 2017, Board meeting.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Rita Pritchett, Kristine Isnardi
<b>SECONDER:</b>	John Tobia, Commissioner District 3
<b>AYES:</b>	Rita Pritchett, John Tobia, Curt Smith, Kristine Isnardi
<b>NAYS:</b>	Jim Barfield

#### **ITEM IV.E., PUBLIC HEARINGS, RE: CODE REVISIONS TO CHAPTER 62, ARTICLE VII - SUBDIVISIONS**

Chairman Smith called for public hearing on an ordinance amending Chapter 62, "Land Development Regulations", Code of Ordinances of Brevard County, Florida, Article VII - Subdivisions and Plats; providing for preliminary plat and construction plan approval; providing for revised review time frames; providing for a development review meeting; providing an effective date; and providing for inclusion in the Code of Ordinances of Brevard County, Florida, and providing for area encompassed.

Tad Calkins, Planning and Development Director, stated this is a revision to the Subdivision Code, Chapter 62, Article VII of the County Code of Ordinances; this Item is streamlining the processes by removing the subdivision requirement for it to come to the Board for approval; they are also incorporating some Lean Six Sigma improvements such as Development Review Meetings (DRM) after the first formal review; they are reducing the number of days for staff review from 15 calendar days to 10 working days and five working days for subsequent reviews; they are removing the requirement for a boundary survey within 180 days, there will still be a boundary survey requirement but it will be up to date, it does not have to be within 180 days; and they are also reducing the number of documents required with the application.

There being no further comments or objections, the Board adopted Ordinance No. 17-09, amending Chapter 62, "Land Development Regulations", Code of Ordinances of Brevard County, Florida, Article VII - Subdivisions and Plats; providing for preliminary plat and

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construction plan approval; providing for revised review time frames; providing for a development review meeting; providing an effective date; and providing for inclusion in the Code of Ordinances of Brevard County, Florida, and providing for area encompassed.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kristine Isnardi, Commissioner District 5
<b>SECONDER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.F., PUBLIC HEARING, RE: CODE REVISIONS TO CHAPTER 62, ARTICLE VIII - SITE PLANS**

Chairman Smith called for public hearing on an ordinance amending Chapter 62, "Land Development Regulations", Code of Ordinances of Brevard County, Florida, Article VIII, Site Plans; providing for amendments to parking requirements; providing for amendments to reduce time frames and submittal requirements; providing for a development review meeting; providing an effective date; and providing for inclusion in the Code of Ordinances of Brevard County, Florida, and providing for area encompassed.

Tad Calkins, Planning and Development Director, stated this is a revision to County Code for Chapter 62, Article 8, Site Plans; they are also streamlining it; they are reducing the multi-family parking requirements; they have added a way to administratively approve different parking standards, where they do not line up with the Code; they are introducing Lean Six Sigma improvements and the Development Review Meeting; they are reducing the review time frame from 15 calendar days to 10 working days on the first submittal and five working days on all subsequent submittals; they are removing the boundary survey requirement; they are reducing the number of copies; they are increasing the square footage requiring a loading zone from 5,000 square feet to 15,000 square feet; and they are eliminating a site plan amendment process. He continued in this application the Local Planning Agency (LPA) recommended the condominium parking of more than 15 units require one guest parking for ten spaces; if the Board wishes to include that in the Code changes that would need to be part of the motion, because the Code presented does not have that.

Commissioner Pritchett stated she had specifically asked staff at that point if they felt the LPA's recommendation was necessary and with hesitation she was told probably not, so she thinks that is something the Board should discuss before it gets added as an amendment.

Scott Knox, County Attorney, asked if it is not a change to Permitted Use or a change in zoning.

Mr. Calkins replied it is not.

Attorney Knox informed then it does not require LPA formal approval; and if the Board wants to send it back to the LPA for review and comment, it can certainly do that.

Chairman Smith asked if what he was saying is that if the County decides it wants to add the extra parking, then they can do it on their own.

Attorney Knox replied affirmatively.

Chairman Smith noted it is not necessary that the Board change it.

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There being no further comments or objections, the Board adopted Ordinance No. 17-10, amending Chapter 62, "Land Development Regulations", Code of Ordinances of Brevard County, Florida, Article VIII, Site Plans; providing for amendments to parking requirements; providing for amendments to reduce time frames and submittal requirements; providing for a development review meeting; and providing an effective date; providing for inclusion in the Code of Ordinances of Brevard County, Florida, and providing for area encompassed.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kristine Isnardi, Commissioner District 5
<b>SECONDER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.G., ORDINANCE, RE: ESTABLISHING STANDARDS FOR MEDICAL MARIJUANA TREATMENT CENTERS**

Chairman Smith called for public hearing on an ordinance amending Chapter 62, "Land Development Regulations", Code of Ordinances of Brevard County, Florida; creating Article VI, Section 62-1937.5 to establish regulations on the location and operation of Medical Marijuana Treatment Centers; amending Article VI, Sections 62-1482, 62-1483, 62-1541, 62-1542, 62-1543, and 62-1544 to add a Conditional Use Permit for Medical Marijuana Treatment Centers in certain commercial and industrial zoning classifications; providing for conflicting provisions; providing for severability; providing for area encompassed; providing an effective date; and providing for inclusion in the Brevard County Code of Ordinances.

Tad Calkins, Planning and Development Director, stated this is an ordinance establishing standards for Medical Marijuana Treatment Centers; this will be the first public hearing of the two needed to get it passed; this Code will establish minimum standards, locational criteria, and hours of operation; for the Board to approve these, it will be Conditional Use, BU-1 District, BU-2 District, or Industrial classification; the hours of operation being presented are limited to 9:00 a.m. to 7:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays and Sundays; and the locational requirements in the ordinance are one mile between dispensaries, 1,000 feet separation between daycares, schools, playgrounds, parks, churches, and 200 feet separation from Residential Use, which is a zoning classification. He continued the Code also includes prohibited uses and sets permitting standards; what is being passed around was a moving target until last Friday; it went through the Legislation, there were several Bills going through, as part of the Agenda Item, they had prepared a staff report trying to summarize what was happening on those bills, which have all kind of fizzled out, now what the Board has is an update to one of the comparisons of the Code which Palm Bay adopted last Thursday; they have included the changes to that Code and that is what the one table is; the maps that were included in the staff report did not show color, therefore, he has provided colored maps to show each District and the available properties that would meet the 1,000 feet separation and the 500 feet separation; and if there are any questions he would be happy to answer them.

Commissioner Tobia stated he has numerous questions on this one; and he asked if there are certain distances between these dispensaries, how would it be determined which dispensary has the ability to set up the retail space in that region, if two apply or want space in a strip mall that is zoned correctly, how will the County determine which one can set up shop.

Mr. Calkins replied the separation requirements would be a mile between them; the first one that comes in will affect the separation from that distance; if there were two submitted at the same time then it would be the first one to get through the public hearing process; and at that point there could be some issues that would need to be resolved.



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Cynthia Fox, Planning and Zoning Manager, added the way Conditional Use Permits work is that every application has to go before the Board; they will not bring it before the Board unless it meets the criteria; the first one that the Board approves will set the limits on where the next ones can be located, and so on; and when it is calculated that way, there will not be many throughout the County as the maps will change once the first one moves in.

Commissioner Tobia commented having dealt with this at the State level and looking at what they had done with nurseries, they had set up pretty strict criteria when it came up to the growers of this, yet they had received numerous applications; they had to take into account certain things as to whether or not certain conveyors of those nurseries had been in business a certain period of time, had criminal records, and all that nonsense, they did not necessarily take the first one that applied; he is thinking that based on the nurseries, the potential revenue source, that they may see many applications; and he asked if they were concerned with that.

Ms. Fox responded she is not concerned because it is a Conditional Use Permit process; the applicant must have a complete application, meet all the criteria of the Conditional Use in order to even come to the Board for permission and staff would make sure the applicant met all criteria that is set by the Board for the dispensaries before they have that opportunity; and she stated there could be two applicants on one Agenda, and it would have to be addressed at that time.

Commissioner Tobia asked how the Board would make that determination when there are two applicants; the Board has not set up any rubric as to which one would be more apt to sell the cannabis than the other; and he asked if that is fair to the potential business owners.

Ms. Fox stated it is a very similar process when it comes to locating assisted living facilities, treatment and recovery facilities, group homes, and all sorts of things; they are used to looking at the 1,000 foot radius and making determinations based on those; sometimes they do come in very close together; and if that occurs and one is further along in the process, then the other will have to wait until the first one goes through because it will affect their ability to meet the criteria.

Commissioner Tobia asked why the County chose a distance instead of a ratio of dispensaries to residents.

Ms. Fox stated they have done some research and the optimal amount of dispensaries depends upon the number of patients that register, the local area of population, and the required scale of operation for dispensaries to become viable in success; the report she read talked about having too many and the high failure rate; their recommendation and the optimal ratio, by the Marijuana Policy Group out of Colorado, is one dispensary to 67,222 residents; if the County were to take the entire population of the County and divide it by 67,000 there would not be very many; and if it were to take the unincorporated population numbers there is only about 210,000 and that would be an even further limitation on dispensaries available.

Commissioner Tobia asked if it is the place of this Board to determine failure of businesses or is it the marketplace's determination. He stated Ms. Fox has compared Colorado which he believes has recreational marijuana to the State of Florida which will in fact have medicinal marijuana, and he asked if that was a fair comparison.

Ms. Fox responded she is not comparing the two states; she is just saying that the research that has come out of Colorado, which is the longest known research, they have provided the guidance to cities and counties throughout the Country on how to handle dispensaries, specifically the State of Florida; there was a whole report on that; and it is not the County's responsibility to determine whether or not the dispensaries succeed or fail, it is just they had a

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lot of data that showed the higher number of ratio per residents increased the number of businesses failing. She continued it does not really have anything to do with this ordinance, it is just the way this industry has turned out; really what this ordinance does is it only allows what the County is allowed to do; as everyone knows, everything fell apart at the State and they were not given the direction by Legislature that they were hoping for; House Bill 1397 (HB1397) failed on Friday; it has been left to the Department of Health to implement; and under the current law the County is only able to determine the number, location, and any other permitting requirements that do not conflict with the State Laws. She added this ordinance establishes the criteria for the location and permitting of the treatment Centers, they do not have any purview as far as growers, processors, or anything of that nature.

Commissioner Tobia pointed out he is aware of that; his next question is the mile; it looks as though Indian River County, Winter park, St. Lucie County, and Tallahassee, a couple are proposed but some have passed, have 1,000 feet; and he asked why this County chose a mile instead of that 1,000 feet.

Ms. Fox responded when thinking about the unincorporated area of the County there are 72 miles of unincorporated areas; it is difficult, a city could have a better handle on the 1,000 feet separation or maybe even the mile; in this County the mile seemed like a logical thing because the cities are going to be the ones to have them closer together; and as far as the unincorporated areas of the County where the population is less, the numbers show there should be less dispensaries. She noted it is because the unincorporated area has less population.

Commissioner Tobia asked if that is true of Indian River County which shows 1,000 feet.

Ms. Fox replied if that is what is in the chart, then yes.

Commissioner Tobia went on to say next, which he feels is more important, is the distance to residential; in the proposed ordinance it states 200 feet; Indian River County and Miami-Dade have established a 500 feet barrier; he can see 200 feet; and he asked why the County chose 200 feet, which can be relatively close to residential, instead of the 500 feet which might provide a little more buffer to people's private residences.

Ms. Fox stated right now the County requires 300 feet between churches and places that serve alcohol; 200 feet was a number they saw in a lot of the other model ordinances; and in some of the Senate and House Bills recommended that type of distance.

Commissioner Tobia pointed out those have died.

Ms. Fox agreed they have all died; she noted the Board knows staff was writing the ordinance during that process; they were directed in February and pretty much everything fell apart yesterday; this is just an act on the County's part to put something into the Code so it can regulate these; and it is up to the Board how it wants to regulate them.

Commissioner Tobia stated he was just trying to get the base where these numbers started; he understands the Board can change them; and he added he does not mean it to be critical.

Ms. Fox commented this is whatever the Board feels is best.

Commissioner Tobia stated the County is limiting the hours of operation; this was compared to places that sell alcohol; he understands alcohol sales are limited; and he asked if the County limits alcohol sales from 9:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on weekends. He asked if that is a fair comparison.

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Ms. Fox pointed out they did not just look at alcohol, several of the other jurisdictions did have operating hours as well, and they just mirrored those; Lake Wales is 7:00a.m. to 9:00 p.m.; there is a couple in there; and she reiterated this is just a representation of what they found, and are suggestions for the Board.

Commissioner Tobia stated he gets it; Ms. Fox had to pick numbers and she was going to get questions either way; and he just wanted to see how they generated those numbers.

Ms. Fox commented this has been a moving target and there has been a lot of speculation about how many residents, how many dispensaries, and how many growers; and she really does not think they have all the facts yet.

Commissioner Tobia stated he will end with a positive; he really thought the distance from a school of 1,000 feet was a wonderful measure; and he thanked her for her explanation.

Scott Knox, County Attorney, stated it is his understanding and his staff's understanding that the certification process would be going through at the State level in order to get approval to dispense marijuana; it is also his understanding that only seven companies have actually done that; that being the case, only seven companies can now sell in the State of Florida, which means the County is only dealing with seven companies when trying to place these locations; one of the issues is the number of dispensaries is going to be limited by State Law depending on who gets certified and who does not; however, he does not think there will be a rush to the door as soon as this happens, unless it is those seven companies. He added the other thing to consider is there are numerous cities in the County who do not have ordinances on this subject; the County has the ability to enact Countywide ordinances if it so chooses; but once the city adopts an ordinance it is opted out of the County's ordinance; therefore there could be an ordinance that would apply in the County in all cities that do not have ordinances, but the cities that do would have their own location criteria, which is something to keep in mind.

Commissioner Pritchett asked if there has been discussion on how many dispensaries the County is looking to have.

Ms. Fox replied that is what they are looking to the Board for, if it is looking to do a ratio by population; one of the Senate Bills was one dispensary per 25,000 residents; there are a lot of options out there; she thinks what has been presented is what staff feels most comfortable with in implementing and regulating; however they will do as the Board sees fit.

Commissioner Pritchett wanted clarification if this is considering what the cities will do.

Ms. Fox stated they have compared and shared information with the cities; and some of the cities have done moratoriums where they are not allowing any of these until they receive more information.

Commissioner Pritchett mentioned she likes what the County is starting to put together; she thinks the 200 feet from the residential, needs to be increased, not that she is trying to do anything to hesitate medical marijuana from being used; she is fascinated when they collect funds for this, they cannot put it in the bank because it is still illegal Federally; that is going to be a higher risk of having that amount of money in a facility; and she thinks the County needs to be careful that the dispensaries are put in a place where there is an ability for it to be safe and that nobody is going to be in any kind of danger. She added it could be millions of dollars and she thinks it needs to be considered; and reiterated she would like to see the 200 feet increased a little bit.

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Attorney Knox stated there was discussion about ratios; there was a report provided to his staff that indicated the minimum ratio should be one to population of 50,000 and the one to 67,000 should be the optimum ratio; and that leads the question as to how far an expansive ordinance does the Board want, one to cover most of the County that does not have ordinances already or not, because the population will differ depending on what the Board decides.

Commissioner Isnardi commented this is obviously a work in progress; maybe the compromise on the residential and schools is 500 feet, if some have 1,000 and some have 200; she has a feeling this is going to be one of those things that is prescribed a lot more than people think, especially now that it is semi, sort of legal; she thinks as far as dispensaries go, the Board may put itself in a box if it limits one to every 67,000, depending on what other cities are doing, depending on who wants to locate within the County, because it may be cheaper for them to start up with the County, or maybe a better location; and she does not want that place to be a high traffic area either because she does not want it to hurt anybody else in that zoning. She went on to say she would like to see that number come down to one to every 25,000 or 30,000; and this is going to preempt a lot of municipalities that do not have any ordinances in place, because she has a feeling they will be scrambling.

Chairman Smith stated if the first business that comes forward wants their dispensary here, and then the County would have to figure where 50,000 is and he asked if that would regulate the distance.

Commissioner Isnardi responded that would just regulate how many within the County, the distance is another issue; she thinks the mile is a little extreme; it is a matter of whether someone believes medical marijuana should exist; it does not matter because it was voted on, it passed, and it is here so the Board has to deal with it; however, she wants the Board to be responsible with it, she does not want just one place crowded, but if it is the only show in town or the prime location, it will limit someone else being able to take some of the heat off of that.

Chairman Smith stated if it were one for every 50,000 it would limit it to ten for the entire County; and if there is a distance of 500 feet, 1,000 feet, or one mile it is conceivable that all 10 of those places could be in one contiguous five or eight mile area.

Commissioner Isnardi responded it could still have the distance so there is not a red light district; at the same time it is limited by the zoning; she just wants to be smart about it; and she commented whether they are liked or not, they are here.

Chairman Smith agreed with Commissioner Isnardi.

Commissioner Isnardi noted it can be modified if it seems like it is going to be problem.

Chairman Smith pointed out if the Federal Government ever decides it is going to be absolutely illegal then it goes away; and if they decide to make it legal Walgreens and CVS will be dispensing it.

Commissioner Isnardi stated it is illegal now, but she has a feeling, whether people are happy with the way society is going now, recreational marijuana is just around the corner.

Commissioner Barfield asked since there are seven companies why not limit it to seven dispensaries, one for each company. He stated the other issue is that it can be delivered, because it is illegal to put it in the mail.

Commissioner Pritchett stated if the Board was to do seven that would not count how many each of the additional cities are able to put into their city.

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Ms. Fox agreed. She pointed out the process they have set up is for Conditional Use Permit; that means everyone who wants one is going to have to come before the Board and ask; and the Board will have personal information about each business.

Commissioner Pritchett stated if Titusville set their ordinance to have 12 and the County decides to have seven overall, then District 1 could end up with 13.

Ms. Fox commented it does depend on the market; and she has not been able to wrap her head around the number of veterans, because apparently they are a special class which was considered in this ordinance; she finds it very interesting, when breaking it down by population, how many veterans the County has; Indian River County has 11 percent of their population as veterans; and she does not know if the population ratios really equate down to patients. She stated there may be a greater area of need in one area of the State than another; she reiterated the Board will be able to review everyone who comes in front of it; and staff will make sure they are adhering to the requirements.

Commissioner Pritchett stated she is thinking part of the goal is to have it distributed throughout the County so it is not going to be a burden on somebody who needs it, to have to travel for an hour to get it.

Commissioner Isnardi stated her point was going to be the Conditional Use.

Commissioner Tobia stated Mr. Knox had mentioned there are seven permits right now granted for the nurseries; these are not garden variety nurseries where someone can pick up Palm Trees, these are now multimillion dollar enterprises; they are not like any Conditional Use Permits that have ever been seen before; he thinks they will be savvy individuals who are handing over applications and he would be surprised if the applications were not completed when handed in because there are millions of dollars on the line; what he is concerned about is when these seven businesses come to the Board and say they want a permit in a specific District, because it has the best access or the patient population, how the Board will determine if they do not have a rubric set up; it puts an arbitrary decision on the Board; he does not know if it is fair to these business owners to have to persuade the Board why their business is better than the next; he does not know what those measures are, how long someone has been in business, how many employees, the background check, and he just thinks it is unfair going into this knowing that is what the outcome is going to be once the Board sets the parameters; and he asked how staff thinks it would be best handled.

Ms. Fox stated she does not believe staff is handling operational or whether or not the applicants are good business people, what they are doing is regulating the land use; these are limited to commercial locations so she does not know if there is a rubric staff could put in the zoning Code to make sure the applicant does everything they are supposed to do; they will be licensed by the State and highly regulated; they have been told the County can only control number, location, and some operational requirements; and as was said earlier they are already delivering them in the County, so it is probably just a matter of time, but she has not had one person say they wanted a certain property.

Michael Patterson, CEO of US Cannabis Pharmaceutical Research and Development, stated US Cannabis is a Florida State business which provides consulting and operational services for Hemp and Cannabis based businesses in the United States and Internationally; they currently consult with local and State governments as well as foreign governments and Sovereign nations about the impact of current or pending marijuana rules and laws; he is a nationally recognized subject matter expert on the cannabis industry; he is a 23-year health care executive who has lived in Brevard County for over 19 years; he has extensive experience in health care nationally and within Florida; he has been a Chief Operating Officer of a skilled nursing home chain; and

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he also has experience in operating pharmacies, laboratories, and home health care companies in Florida and across the United States. He expressed his appreciation to the Board for being proactive in creating zoning areas in the County for growing and selling medical cannabis. He assured the Board and the County residents this new Medical Marijuana System is just another form of healthcare; he noted going to the marijuana dispensary will soon be just as common as going to the pharmacy to pick up a prescription, going to the doctor's office for an X-ray, or the lab to have blood drawn; he speaks to thousands of people across the US about cannabis; the one area to recognize is Medical Marijuana is different in every State because every State has different rules; what people see going on in the Western US with easy access from medical or do not use perspective will not happen here because Florida Medical Marijuana is stronger than laws that operate a pharmacy; and the State of Florida treats Medical Marijuana as a medicine and it is regulated as such. He requested, in regards to Medical Marijuana, that the Board consider zoning Medical Marijuana Cultivating Centers as an agricultural and or industrial zoning; he stated this type of zoning has been used across cities, counties, and across legal marijuana states with positive outcomes; in regards to zoning of dispensaries, commercial, general, or similar zoning for pharmacies has been used with great success; both cultivating centers and dispensary locations must be 1,000 feet from schools, daycare centers, churches, and should be 1,000 feet away from each other; some cities and counties including Orlando are putting a limit on the number of dispensaries and cultivation centers allowed; limiting the number of locations has shown to be a positive growth of the medical marijuana industry as long as there is enough patient access; and he recommends a limited number of licenses due to the fact that there are only seven licenses vertically integrated growers and sellers within Florida and a limited number of people who will qualify for medical marijuana within the State. He continued projected patient counts will be between two and three percent of the State population; therefore, in Brevard County he expects to see between 12 and 18 thousand patients upon maturation which could take five to 10 years; however, if the Board decides to only allow limited licenses at first, he asked that the Board allow for 10 cultivation centers and 30 dispensaries; he believes that would be about 20,000 patients per facility; and he commended the County for bringing this for discussion.

Cory Brown stated she owns a Medical Marijuana Clinic, called Med Mar Relief Clinic; she sees hundreds of patients who are suffering and in pain constantly; one of the biggest issues they have is getting to a dispensary; some people do not have the money to have the medicine delivered to their homes; she knows a lot of people say they would never use the medication; if someone is diagnosed with stage 4 lung cancer or another terminal disease then nobody should say they would never use it; and she asked if the Board was going to fight her on this. She added the dispensaries are going to want to open up and she would like to know if they are going to be shot down.

Cynthia Brewer stated she has noticed a huge lack of education among the group in the room; she has met with Commissioner Barfield, Commissioner Tobia, and different people in the community to help educate them on what to expect so this maybe would not have been so intense; the document in which was used was sent out to every County in the State of Florida; it was drafted by the market intelligence policy project about what to expect with licensure and failure rates; however, those numbers are severely flawed. She continued one per 67,222 residents is based off of figures from a collective of 28 states; this cannot be compared to the way Alaska and Colorado did it, because Florida is incredibly different; Brevard County is doing Medicinal Cannabis, which is different from any other State, since it became legal as medicine in 1996; with that being said, there will be no red light district because it is medicine; she has seen it work first hand; and she wishes that everyone would consider it with the same value she holds cannabis to. She added she is struggling with a terminal grandfather who is in the wrong state; he is stuck between two laws; he cannot get any help; her grandmother passed years ago, but she was able to do it in California so this is personal for her; all she knows in this life is cannabis and Seahawks football; and she thinks the County really needs to focus on education

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being paramount to the success in Brevard County; this is taking a proactive not a reactive approach; and she recommended the County get the people who know the industry well to help out and possibly move some of those zoning issues.

Ron Wilson stated someone had mentioned the veterans a while ago; he is a Vietnam veteran that put his life on the line for freedom; people can do a lot about this, and they should be able to have their only feelings towards it; look at it as a medicine, so many people look at it through a narrow tunnel vision, but they fail to see the big picture; he knows there is one incident in Brevard County where a leader of the law whose son had an accident with marijuana involved, and he thinks that is the big reason here in Brevard; the Commissioners should make their own decisions on this for the people; he is only asking for a fair shake at this; he proposed to the Board if it does not know anything about it, to learn something about it; it is not the evil weed that a lot of people with narrow minds present it to be; and he asked the Board to give it a shot.

Commissioner Isnardi stated she is a hospice nurse, so she knows about end of life care; she has seen what medicinal marijuana has done for people with seizures and Parkinson's Disease; she is not opposed to Medical Marijuana; and she would like that stated for the record. She continued she has seen far more people damaged by prescription medications and alcohol than she has ever seen by marijuana; maybe she was not clear on her stance of this issue; she thinks what this Board is trying to do is find a balance where it keeps the people who are not comfortable with it and those who are okay with it, and be responsible by allowing free market to take place; she reiterated she is not opposed to medicinal marijuana and she never has been; and she has seen alcohol, prescribed medications, and people at the end of their lives in their 40's and 50's because of the damage prescribed medications can do. She added she is also not opposed to recreational marijuana if that is something someone wants to do.

Commissioner Pritchett asked is anyone knows how many people live in unincorporated Brevard County.

Ms. Fox replied that figure is approximately 210,000.

Commissioner Pritchett asked if Brevard County did the one to 30,000 ratios, that is seven dispensaries; it is with in what Commissioner Barfield stated a moments ago; and the same number Commissioner Isnardi threw out, so she thinks the Board is all on the same page with that; and it looks to her like the Board is moving somewhere on this.

Chairman Smith commented he is big on trying to look past what is in front of the Board and come up with unintended consequences; he is just not familiar enough with this subject; he would have to lean on folks who have dealt with end of life issues for what people would see as unintended consequences; however, he does not like to rush into anything that could have an unintended consequence down-the-road. He went on to say he recognizes the Board is in control of this, so if a decision is made tonight that is onerous or the Board thinks it needs changed then it can be changed going forward; he is good with whatever the Board wants to do; and if someone wants to make a motion for A or B he is good with either one.

Commissioner Barfield asked the County Attorney if this is just the first reading.

Attorney Knox replied this is the first public hearing, there will be a second one on May 23, 2017; the Board can make changes if it wants to; and a new draft will come back next time.

Commissioner Pritchett asked if the Board needs to make a motion.

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Chairman Smith announced there does not need to be a motion; if anyone on the Board wants to change any wording then it can be done tonight; or it can think about it and do it at the next meeting.

Commissioner Pritchett stated she is good with the 1,000 feet; and she asked Commissioner Isnardi if 500 feet or 1,000 feet would be better for her.

Commissioner Isnardi stated Indian River is 500 feet from residential; 1,000 from school; and Palm Bay just passed one with 1,000 from school, but there are no restrictions on spaces in-between.

Commissioner Pritchett asked if she was comfortable with 500 feet being far enough away from residential.

Commissioner Isnardi responded it is fine; the zoning is going to limit how close residential is anyway; the Board will see them before hand, with the Conditional Use; the only thing it has to be careful with, that Commissioner Tobia brought up, is if there are two applicants on an Agenda at the same time, because everyone is eager to get into the market; and she asked how the Board can turn someone down based on opinion of whether something sounds a little better than the other, if both applicants qualify.

Mr. Calkins responded that is a very good questions and he does not know if he has an answer for it; he asked for time to look into it and come back at the second reading with some language that would be agreeable to the Board; and he suggested maybe there is a way, if there are two simultaneous applicants who do not meet the separation requirements, or maybe there is some opportunity to create some flexibility there.

Chairman Smith commented personally he would not get real concerned about that; it may be something the Board could address, but he would not be real concerned about it; and if there are two people or five people at the same time, he thinks it is very unlikely in the 72 miles of this County they will want to be in the same shopping center.

Commissioner Isnardi responded if they do a market analysis and see it is the prime location they are both going to want it; there are only seven companies who know what they are doing; and it may be one company that wants to do three of them.

Chairman Smith pointed out Commissioner Pritchett mentioned a lottery; the Board could include some wording in there that would solve some thoughts about picking cards; and if there was a lottery there could be two or three people and he likes that idea.

Commissioner Tobia stated he would like this handled the same way the Board is handling Community Redevelopment Agencies (CRA's); the Board members turn in suggestions to the County Manager and then he could send an email out to all the Commissioners so it meets with sunshine and all the Board members have an idea; he asked if the Board could do that for the distances that were discussed, like the distance to the schools, the distance to residential, and the distance to other Medical Marijuana Treatment Centers; also hours of operation and how the Board determines how to make a selection, that way they can see each other's opinions on those specific issues; and he asked if that would be acceptable.

Chairman Smith stated he has no opinion on it one way or the other.

Ms. Fox explained this can be brought back after the suggestions, with an amended ordinance as the County is not under the same time crunch because it is not pre-empted by the State to do the regulations like it thought.



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The Board continued consideration of the ordinance establishing standards for the location and operation of Medical Marijuana Treatment Centers, to the second public hearing scheduled for the May 23, 2017, Board meeting.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kristine Isnardi, Commissioner District 5
<b>SECONDER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

#### **ITEM IV.H., ORDINANCE RE: COUNTY COMMISSIONER OFFICE LOCATION**

Chairman Smith called for public hearing on an ordinance amending Article II, Chapter 2 of the Brevard County Code of Ordinances entitled "Board of County Commissioners"; creating a new Section, Section 2-29, entitled "County Commissioner Office Location"; providing for findings and intent; providing for district office location; providing for statutory authority; providing for conflicting provisions; providing for inclusion in the Brevard County Code of Ordinances; providing for severability; and providing for an effective date.

Scott Knox, County Attorney, stated this is the County Commissioner Office Location ordinance the Board had requested.

Commissioner Tobia commented since this dealt exclusively with his office location, he did a little work; there are some implications here, there is a deadline he wants to meet and find a resolution which is both fiscally prudent and beneficial to the constituents of District 3; he handed out two forms, the one on the left hand side is the reason he decided to move out of the initial office, according to Teresa Camarata, Central Services Director, the yearly charges for that office were \$30,000 which is \$2,504 a month; he stated there is additional space in a plaza more centrally located in the District which comes to about \$965 a month; the issue is, he does not care he voted for the ordinance so he will be moving, he just wanted to get direction of the Board before he makes this decision and explain why he has waited, if he were to move into the less expensive rental space it still leaves cost incurred for the open space; one of two things can happen, but he did not want to do anything without direction from the Board, the first thing that could happen, as he heard from Virginia Barker, Natural Resources Management Director, she needs office space for the five or six new employees, he ran it by her and it seemed like it was a fit, he understands there are other places to go but that could potentially be picked up by the Indian River Lagoon fund so there would be no direct burden on the County finances; and that would leave a monthly cost of \$965. He added the other one is, this one is potentially a surplus, there are issues the Board has talked about in the past, however, there are ways around it, but 60 days and needing four or five votes, he imagines, is pretty unlikely; what he wants to do before making the determination to move back into the 1311 East New Haven office or decide to go with a lease is ask what the Board's direction would be; he commented this would be the potential opportunity for Virginia Barker to have her Lagoon folks in an office space very close to the Lagoon, but he is open for either one; and he does not care either way, he just wants some buy in from his fellow Commissioners on his thoughts.

Commissioner Barfield stated he thinks the Board should pass the ordinance first.

Chairman Smith stated he thought the County owned the property at 1311 East New Haven Avenue.

Ms. Camarata responded the County does own it.

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Chairman Smith asked how it comes up with rent of \$30,000, yearly.

Ms. Camarata stated it is the cost allocation plan; the \$19,774 last year was for a new roof and some significant tree trimming, so it is really not fair to put that in the equation; and she added she does not know if the lease in Palm Bay is a triple net or a gross lease because she typically sees some additional charges.

Chairman Smith stated if it is a triple net, then it is all on the County.

Ms. Camarata informed the County pays the tax on that.

Chairman Smith added and the maintenance.

Ms. Camarata agreed with Commissioner Smith.

Chairman Smith stated to take out the \$20,000 for maintenance on the 1311 address; the other number is janitorial for \$1,322; now it is apples to apples; and the 1311 address is a whole lot cheaper than \$2,539.

Commissioner Tobia commented space is still needed for Ms. Barker's six employees; he thanked Ms. Camarata for bringing that forward, it was the first he knew of it; and he stated either way he is good.

Chairman Smith asked how much square footage is at the 1311 address.

Commissioner Tobia answered 1,250 square feet.

Chairman Smith asked how much is the one down the hall from his office.

Ms. Camarata replied she thought Ms. Barker's people could go there because when she spoke to Ms. Barker, she wanted them closer to her, not across the County.

Chairman Smith commented that was what he was thinking, and it does not cost the County anything to put them there.

Ms. Camarata responded affirmatively.

The Board adopted Ordinance No. 17-11, amending Article II, Chapter 2 of the Brevard County Code of Ordinances entitled "Board of County Commissioners"; creating a new Section, Section 2-29, entitled "County Commissioner Office Location"; providing for findings and intent; providing for district office location; providing for statutory authority; providing for conflicting provisions; providing for inclusion in the Brevard County Code of Ordinances; providing for severability; and providing for an effective date.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

Chairman Smith stated the question now is which unit best serves the people and Commissioner Tobia, and he has indicated that it does not matter one way or the other.

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Commissioner Tobia responded that it does not matter; the first one makes sense, but that was not what Ms. Barker relayed to his office, previously; the next issue, he asked if there is a likelihood of getting votes to surplus this office, as far as it being a pretty desirable piece of land; there are parking issues, but it does still have land where parking could be constructed on it; and if there is not, he is okay with it and it probably would make sense for him to move back into that location. He continued, if there is not a requisite four votes in order to put it on a surplus list, then financially it makes sense for him to move to that office, assuming there are no outstanding maintenance issues the County is aware of such as air conditioning, more trees being trimmed, etc.

Ms. Camarata stated she has nothing in the five-year plan for the building.

Chairman Smith asked about the parking.

Ms. Camarata stated she is not the one to address the parking; she knows the parking is very tight; and she noted she would not buy it.

Chairman Smith commented that is the point; he asked how much value this property would have if it was put on the market; and as he understands it, he could be totally wrong, but that property, because it adjoins a government entity, he believes they get first dibs on buying it because they already own the parking lot, which would be the City of Melbourne.

Scott Knox, County Attorney, stated he thinks the Board can sell it to them, but it does not have to, because it is not being vacated.

Chairman Smith asked how valuable it is if it does not have parking.

Ms. Camarata reiterated the County does not own the parking lot; there is no driveway, other than the parking lot; and she thinks the property appraiser has it listed as \$120,000 or \$140,000.

Chairman Smith commented he cannot imagine anyone wanting to buy a property without any parking.

Commissioner Isnardi noted it is a pretty nice piece of property.

Chairman Smith stated it is, but if a private person wanted to buy it and the City of Melbourne does not want them parking there.

Commissioner Tobia remarked Chairman Smith is assuming this structure is not going to be torn down; it is a great location, and it is a terrible structure as far as a business; but a person who does not get their cellphone paid for by government, may be interested in purchasing it.

Commissioner Barfield stated if the Board is talking about excess in property then he thinks it needs to be an Agenda Item to be talked about; he thinks this is where the office was before, this is where Commissioner Tobia's constituents know the office is; and he thinks Commissioner Tobia should go back there.

Commissioner Isnardi commented she was the one who moved more centrally in her District; and she asked if this office is close to Representative Fine.

Commissioner Tobia responded the new office would be right next door; on the map provided if the office were to move 15 feet north it would be in an alternate District based on County Commission District 3.

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Commissioner Isnardi asked if he was talking about the old office.

Commissioner Tobia replied yes the County Commission District 3 office where it currently stands; it could not be any more north; and the other one is better located on a main road, he reiterated again he does not care, he just wants discretion from the Board because it seems to be extremely concerned as to where his office is located.

Commissioner Isnardi stated she just knows how adamant she was getting her office more central to her District because of the poor location; and where she was, was in a building that 99 percent of the traffic was not there to go to her office; most people were there to go to the Sheriff or the DMV; with that understanding, she defers to the Commissioner in that District; obviously he will have to bring it back for the Board to approve, but she thinks it should be up to him to locate his office. She added she does not think it should be up to the Board to tell him where he should or should not be; whether he should have left, whether he should have come to Viera, he obviously explained that he thought it would save money; and whether or not that should have happened does not matter, he is not there now, so she would look at this now as where should he be; and she would defer to him as she does not want to micromanage his office.

Commissioner Pritchett stated she does not understand why the Board is seeing this tonight; she thinks just the ordinance of going back to each District because the Board decided that was appropriate from the public comments that came in; this is apples and apples; and if the Board wants her opinion, as a female she would say go by the river; but she does not know what Commissioner Tobia needs to do to adequately do what he is trying to do with his constituents and his staff; therefore, she would defer to Commissioner Tobia, especially since he has a pretty good comparative budget.

Chairman Smith stated it is Commissioner Tobia's District; everyone else got to choose where they wanted to go; and he believes it should be Commissioner Tobia's choice.

Commissioner Tobia thanked the Board; he noted the suggestion was good for bringing it back for surplus; and it would still give him time to move within the 60 days.

Commissioner Barfield stated he agrees with that too.

#### **ITEM IV.I., ORDINANCE, RE: REVISION OF ORDINANCE 2000-23, BURN BAN**

Chairman Smith called for public hearing on amending Ordinance 2000-23 prohibiting open burning, if certain conditions are present; amending Section 1(a) to implement prohibited conduct when the Keetch Byram Drought Index (KBDI) County Averages Map, as published by the Florida Forest Service, for Brevard County meets or exceeds 500; renumbering Section 5(1) and 5(2) to Section 5(a) and 5(b); amending the wording of 5(a) to allow suspending the prohibition on conduct when the Keetch Byram Drought Index County Averages Map, as published by the Florida Forest Service, for Brevard County falls below 450; providing for severability; and providing for an effective date.

Scott Knox, County Attorney, stated this is the burn ban ordinance.

Shannon Wilson, Deputy County Attorney, stated this was brought before the Board as an emergency ordinance and the Board directed staff to bring it back as a regular ordinance because of some concerns; basically it is the same ordinance with a caveat she would recommend, under Section 1 of the prohibitions, the Board further delete the two words at the very beginning "sale and"; therefore, the sale of fireworks would not be banned, just the use of fireworks would be banned during the time of the burn ban; and the County is still asking for the

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Board to allow staff to further review the ordinance and bring it back further on down the line, to do some further fine tuning. She added it would keep the burn ban in place with the lower KBDI number at 500.

Commissioner Barfield had it marked to be removed also; and he thinks it is good.

Commissioner Pritchett agrees it takes care of the potential fireworks sales for national holidays but it still does the job of helping prevent fires; and she believes this is a good ordinance now.

Commissioner Tobia asked for clarification that the Board is going to allow fireworks to be purchased, but not necessarily used.

Ms. Wilson stated when a burn ban is in effective people will be prohibited from using fireworks.

Commissioner Tobia stated he would not only strike sale but add use on that; he thinks at a point of sale there could be some type of warning about fireworks; when looking back at this index, people would not have been allowed to shoot off fireworks in 2015 with this; and ironically people would have been able to shoot off fireworks in 2016, yet that is when the KBDI was the lowest but the most firework instances happened the year it was the lowest, so he feels it is inversely proportional to that; and he would like to see not only the sale but the use stricken from that as well.

Chairman Smith asked what it would look like if that is done; and if Commissioner Tobia is requesting staff to eliminate fireworks and start with open burning is prohibited.

Commissioner Pritchett stated her thought on this, is it is never enforced; even if it is just to buy fireworks, people are supposed to go to the Sheriff's Office for a piece of paper, take it in and sign a piece of paper; and she does not know why the State of Florida has that law because it is not enforced. She added as a mom, her personal opinion is that on July 4th she wishes it was enforced, because she has had children and grandchildren dodge those things in the parks forever with people who should not have matches to begin with, but that is another story; she does not think this is going to affect fireworks at all on the Fourth of July; and this definitely takes care of the situation with people having problems selling the fireworks, people are going to buy them because there is no enforcement, so she does not know why it is not enforced on that one special day. She continued to say she does not know how it would change it if staff did the use of fireworks too; and she noted to her the whole thing is a mess.

Commissioner Isnardi stated she would also remove those items with the "use" as well because she thinks what this runs into is the fine and it is huge; she thinks if there is an aggressive inspector then they run the risk of inadvertently fining people; she does not know who would be out there patrolling for this; and she is not comfortable with that.

Chairman Smith stated there is already something on the books that says the use of fireworks is illegal; that is not an issue here; all the Board is doing is changing the word sale so the people who sell it are not going to go to jail; the people who want to use them can sign their little papers; and he would think it would be advantageous for the Board to encourage the people who do sell it, it would have to be a voluntary thing, but if they wanted to be in the County's good graces they would do that; and he thinks the sellers should post signs that the County is in a drought situation, and extreme care is required when setting off fireworks; and he does not think that would be onerous, it would be educational. He mentioned when people see it on the news or in the newspaper then see it on a sign when they go into the store that it is not a good idea to be shooting off fireworks, at least he thinks it would make people care a little more; and he thinks if staff takes out the sale, it protects the business people and asks them to caution people to use extreme care because of the dryness.

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Commissioner Tobia pointed out it is a \$500 fine and 60 days in jail for celebrating American Independence.

Chairman Smith stated if someone is buying fireworks the implication is they are going to be used; then that person is going to be subject to whatever fines there are; and it is already known that the Sheriff does not enforce these; however, if a fire is caused then a different set of rules apply.

Commissioner Tobia stated while looking at the fireworks related calls in 2014, there were zero; in 2015 there were five; in 2016 there were seven; and this is Countywide.

Chairman Smith added that was exactly his point; he is only concerned here with the potential cause of fires; the County wants to reduce the cause of fires; and to him it is really about education. He went on to say, if the Board strikes the sale, it is not putting any restrictions on the fireworks companies and the restriction on the purchase or user is the same as it was before.

Commissioner Tobia replied that is like buying a really nice car, but not being able to drive it on the streets; and he asked if that would be a kin to.

Chairman Smith replied negatively; it would be a kin to if it was not legal to drive on the streets, but it is done anyways and nobody is there to arrest him or her because they have always been able to drive on the streets; that would be a kin to the same thing; it has never been legal for the public to buy and use fireworks; and the waiver must be signed and if it is not, then the waiver is not worth the paper it is written on. He pointed out it is a game that is played. He went on to say the Board's main purpose is to reduce the possibility of fires; there is a problem in the County with dryness; and basically all the Board is doing is trying to educate people that it is not a good idea.

Commissioner Tobia asked if he could ask the Fire Chief if the Board was to strike use but keep sale if that would reduce, in his opinion, any fire related incidences in Brevard County.

Chief Mark Schollmeyer, Fire Rescue Directors, stated when this was brought before the Board, they had kept the initial language in the Emergency Ordinance; they did not make up the fireworks language, it was already in there; it does contradict itself in the beginning of the document and the next paragraph down; the fireworks is not really his main concern, it is the burn ban and the lowering of the drought index; he knows he is a realist and if the sale is not banned but the use is, people will still use them; and in talking with the Sheriff's Office, it is not going to get enforced.

Chairman Smith stated strike out the sale and the use, eliminate fireworks altogether, and just go with open burning, campfires, bon fires, and trash burning because the main goal is to reduce the amount of fires.

Chief Schollmeyer pointed out if a person starts a brush fire and does significant damage the Florida Forest Service does have the ability to bill the person for the cost of fighting that fire.

Chairman Smith added it does not matter how the fire was started.

Chief Schollmeyer stated in this ordinance also, he thinks they are going to add under things that were not prohibited, enclosed barbeque grills, because technically the way it was written before there could not be any barbeque grills with open flames.

Chairman Smith asked if he wanted barbeque grills excluded.

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Chief Schollmeyer stated yes exclude them from the prohibition.

Commissioner Pritchett asked if anybody really uses fireworks for cultural reasons.

Chairman Smith responded there are no birds the rest of the year.

Commissioner Pritchett asked if that was any kind of obstacle for Chief Schollmeyer right now.

Chief Schollmeyer stated right now the drought index is low enough that the ground is super dry.

Commissioner Pritchett stated okay.

The Board adopted Ordinance 17-12, amending Ordinance 2000-23, prohibiting open burning, if certain conditions are present; amending Section 1(a) to implement prohibited conduct when the Keetch Byram Drought Index (KBDI) County Averages Map, as published by the Florida Forest Service, for Brevard County meets or exceeds 500; renumbering Section 5(1) and 5(2) to Section 5(a) and 5(b); amending the wording of 5(a) to allow suspending the prohibition on conduct when the Keetch Byram Drought Index County Averages Map, as published by the Florida Forest Service, for Brevard County falls below 450; providing for severability; and providing for an effective date.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Tobia, Commissioner District 3
<b>SECONDER:</b>	Jim Barfield, Commissioner District 2
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM V.A., BOARD DIRECTION, RE: IDENTIFYING PARAMETERS FOR CRA INTERLOCAL AGREEMENTS**

Frank Abbate, Interim County Manager, stated he is handing out some additional information that should be attached to Agenda Item V.A. which is input from District 4; he attached as part of the Agenda the information he received as of Friday from four out of the five District Offices; in order to ensure he does not have any issues with sunshine he waited until now with the information he received from District 4 on Friday; at this point he is looking from the Board to review all the information received from the five Districts and give some direction to the County Attorney and himself on how to proceed with the what the Board wants to see in the Interlocal Agreements for the Community Redevelopment Agencies (CRA's).

Commissioner Isnardi stated for her she would like to see a sunset plan, or a maximum cutoff time of 20 years wherever the Board can, and if the CRA's are agreeable; clear goals and project lists, she would like to see a five-year plan and if that plan changes she would like to see the updates; this is less interlocal and more with, and not to tread on Commissioner Barfield, but she is a little concerned because for quite a long time there has always been issues with the Board of Directors with Merritt Island Redevelopment Agency (MIRA); and she did not realize until January, because there are over 100 boards that the Commissioners appoint to, the Board of County Commissioners does not have a representative as part of the Agency. She continued the reason why she thinks the Board should have a representative is because there is over \$1 million in Tax Increment Financing (TIF) funds there that MIRA is essentially responsible for disbursing; if the Board decides it is not the route they are going to go, she is not going to fight and argue on it; but what she would like to see an ordinance in place clearly stating that,

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because as it is stated now it says it is appointed by the Board of County Commissioners, not the District 2 Commissioner.

Commissioner Barfield stated the way it works right now is by ordinance; he makes recommendations of who is on the Board, he rotates them in and out, and there are business owners in there too; and then the Board votes and approves them. He added the other thing to understand is the CRA and MIRA are in the business area not in residential; all the people on that board of directors are residents of Merritt Island, they cannot live in their business; and that is how it is right now and he thinks it has worked well.

Commissioner Isnardi informed the Board her concern is the Ordinance states otherwise, it states the board is appointed by the County Commissioners.

Commissioner Barfield pointed out it is.

Commissioner Isnardi stated District 2 is making the recommendation, and the Board is approving; the County also supplements, for example the County does about \$300,000 in landscaping for MIRA which comes out of the general fund; and there are a couple other issues.

Commissioner Barfield disagreed with Commissioner Isnardi.

Commissioner Isnardi stated that is what the former director of MIRA claims; there is so much turmoil on the Board that the former director was asked to resign; she did not come to her office to cause trouble, she was honestly really sad to leave the board; her concern is another board member came to her and said she needed to go along with this or she would be replaced; and she does not like that, she does not like the kind of turmoil there. She added it would not be much different than her sitting on the West Melbourne CRA, but she does not appoint those members, they are members of the community; she thinks to eliminate the issue, because it is over a million dollars in TIF money, the responsible thing to do would be to have each member of the Commission, as stated in the Ordinance, appoint a Merritt Island resident or business owner; and she honestly would be happy if Commissioner Barfield would suggest somebody.

Commissioner Barfield pointed out some of the things Commissioner Isnardi is saying is based on what somebody else said; he is right there and understands what is going on; the thing is adjustments have to be made; he agreed with Commissioner Isnardi, on MIRA dealing with TIF funds, it is very important, and he wants to make sure it is done right; the way it is handled is by a very clear plan; and in fact what he is recommending is to have a plan in place for MIRA, take the plan in place, put numbers to it, and do a program plan across all of it until it is done. He added that is what needs to be done and it is how they are going to do it.

Commissioner Isnardi stated it is great, however, this is her opinion and her suggestion because she reiterated the original Ordinance states the board be appointed by the Board of County Commissioners, not by the District 2 Commissioner; and it almost makes Commissioner Barfield like the little mayor of Merritt Island and it really should not be, when this Board is responsible for expending those funds.

Chairman Smith stated both Commissioner Isnardi and Commissioner Barfield have made their points.

Commissioner Tobia stated according to the Agenda this is identified as parameters for CRA interlocal Agreements; there is no need to be discussing MIRA right now because the Board is not going to enter into an Interlocal Agreement with itself; it is a very important issue and it will be covered in about two weeks; and he has an ordinance to do away with the MIRA board and put the Board of County Commissioners as the board of MIRA. He added he has some issues



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too with MIRA he would like to discuss; and as far as the Agenda Item, MIRA is probably one of the ones needed to be pushed down the road until the Board decides what parameters to send the County Manager to deal with these Interlocal Agreements.

Chairman Smith agreed with Commissioner Tobia.

Commissioner Pritchett stated they are still going to have to agree to enter into an interlocal agreement for whatever the Board is asking them to agree with and just on that note, she thinks the Board needs to be conscientious of that while picking things out.

Chairman Smith stated he agrees; the Board is not here to dictate to them; the Board is here to come up with parameters both the Board and the CRA can live with; and he thinks what the Board basically has in mind, he thinks the CRA's will agree with. He added the CRAs have already come to the meeting voluntarily saying they are willing to put an end to the CRAs in no uncertain terms, so the Board just has to put it in writing, when the CRAs finish their plan then it is done. He continued if the plan is to finish in three years, six years, eight years, Satellite Beach is down to three or five years, and Cocoa Beach is at fourteen years; if the Board can put a finite time, that would be a big plus and a big move forward; and it would put this issue behind them, which has been his goal since the beginning. He went on to say, he thinks most of the suggestions the Board has made are along those same lines; for his part he thinks the Board should instruct the County Manager to go forward and negotiate with those issues and see what their thoughts are; and then the Board can discuss it at that point in time. He noted this is a negotiation, the Board has to work with them, and they have to work with the Board.

Commissioner Tobia stated it is his understanding the County Manager is going to be put in a very tough position when it comes to this.

Chairman Smith stated he is a tough guy.

Commissioner Tobia stated there is very little leverage the Board has with CRAs dealing with sunset; all of the CRAs currently have a sunset; and so by saying the Board is going to get them to have a sunset, which he would agree with because statutorily they already have a sunset.

Chairman Smith interrupted Commissioner Tobia stating this is going to have their signatures on it and there is going to be a drop dead sunset.

Commissioner Tobia replied he does not care about their signatures, statute overrides their signatures; statute is what says it and the CRAs would be more than willing to sign something that does not limit their power; and he thinks the Board would have to ask for something.

Chairman Smith responded that is what the Board is going to do; the Board is going to ask the County Attorney to come up with the wording to bind them.

Commissioner Tobia pointed out they are bound by statute.

Chairman Smith argued the CRA can change it, all they would have to do is get another loan and by statute they could continue.

Commissioner Tobia explained they would have to come to the Board for an amendment is what he understands the plan to be, if it goes past the sunset provision; and what Chairman Smith stated he believes is factually incorrect.

Scott Knox, County Attorney, stated the CRAs do not have to come to the Board for a loan; and that is the key to tying up their time period with a loan, not to exceed 30 years.

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Chairman Smith replied that is exactly right.

Commissioner Tobia strongly disagreed. He noted Satellite Beach has a sunset of 2026, according to his records.

Chairman Smith again interrupted Commissioner Tobia to state Satellite Beach is paying it off at a rate that it will be three to five years, voluntarily.

Commissioner Tobia stated they had to enter into an Interlocal Agreement because they did not follow the parameters of statute; but that is a different story altogether. He commented they are not going to end it any sooner than 2026.

Chairman Smith asked him who said that.

Commissioner Tobia continued to ask how many of the organizations have voluntarily said no they do not want the County meeting.

Chairman Smith remarked Satellite Beach, he just told Commissioner Tobia that; he stated all that has to be done is the Board to put in words something to restrict these organizations; they have already verbally committed to letting these things sunset.

Commissioner Tobia argued he thinks Chairman Smith is confused; statute is what says so.

Chairman Smith pointed out Attorney Knox is the one, whether it is called statute or apple.

Commissioner Tobia explained the Court probably does.

Chairman Smith asked if Attorney Knox could determine that; he thinks he can; and he noted it is not up to Commissioner Tobia or himself because neither one of them is a lawyer.

Commissioner Tobia stated he does pretend to be one; however, he does know what statute sunset means; he commented statute has said based on the inception of these CRAs they have to be sunset; and he asked if the Board's direction to the County Manager is to say they have to sunset prior to what statute is saying. He added these folks are readily going to; and if statute says Satellite Beach has to sunset in 2026, and the Board writes down in the Interlocal Agreement that they have to end it in 2026, they are going to agree every day.

Chairman Smith asked what Commissioner Tobia is suggesting.

Commissioner Tobia noted Chairman Smith saw his suggestion to prohibit CRAs from incurring any new debt.

Chairman Smith stated that will do it.

Commissioner Pritchett added they would not agree to that.

Chairman Smith responded they should agree to it because they have already agreed to end their CRA, otherwise this is a farce.

Commissioner Pritchett explained that is not true; if there is a CRA with 10 years of TIF coming in and there are projects that cost a certain amount, it may not be the best thing for the CRA to keep waiting for the money to come in every year to do it, so they would bond it out, do the whole project, and pay it back over the ten year period of time; and so actually debt is a tool sometimes to get projects completed.

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Chairman Smith stated these CRAs have already been in existence for a period of time; this is not the beginning of the CRAs; and the whole purpose of him encouraging this to go forward, is to come into agreement to put an end to them.

Commissioner Pritchett asked if it is just the 10 CRAs the Board is talking about that it wants to enter into an Interlocal Agreement. She stated there is one that wants to do the parking garage.

Chairman Smith stated that one is 14 years; and they are willing to sign an agreement that there will be an end time.

Commissioner Pritchett reiterated all she is saying is if the Board says no new debt, she does not think the CRAs will agree to it. She thinks the County just has to take this to them and see what can be negotiated with them.

Attorney Knox explained the way CRAs can get around anything the Board can do is by incurring debt because the way the Statute reads they can take it out for 30 years and the statute requires them to pay into it for 30 years if there is a debt; and they would have to waive the debt at least to the extent they are going to agree to end the CRA by some period of time.

Chairman Smith replied it can be done with Cocoa Beach because each one of the agreements is going to be an individual agreement; the County Manager can negotiate the agreement they will not incur any new debt beyond the 14 year debt they are currently looking to borrow; and it should solve the problem, and it will go away in 14 years.

Mr. Abbate asked if that would be for the one new CRA.

Chairman Smith clarified it is Cocoa Beach, and it is not new, it is just new debt.

Commissioner Tobia asked what happens when Cape Canaveral asks why the Board is allowing Cocoa Beach to do that.

Chairman Smith replied it was negotiated before the Board got to this point; the night he called them, they were going to their City Council the very next night to pass this for their continuing debt; and he asked them to hold off so the Board could have this discussion.

Commissioner Tobia stated he would buy into this because he is looking for an end too; he asked for clarification that Chairman Smith's suggestion to the County Manager is to negotiate no new debt with the exception of Cocoa Beach because they came prior and this would prevent all CRAs from running out to get it; and he reiterated he would buy into it, because he thinks it is a fair exception to the rule.

Chairman Smith stated the Board has to give Mr. Abbate the tools to do the job and get these things brought to an end; he thinks it is what the Board is looking for; and in the future if someone wants a CRA the Board can establish the parameters of an end date at that point in time. He added he thinks one of the parameters should be not time, but what it is the CRA is looking to accomplish; MIRA is a perfect example, because the original MIRA was two little projects that were done in 1988 and the current MIRA does not shut down until 2044; and he submits after 60 years the original blighted area they was fixed would be blighted again, so they would never go away. He went on to say that is a whole different subject and it needs to be discussed separately because it is the Board's responsibility.

Commissioner Tobia asked if there was any inclination of receiving TIF payments from any of the CRAs who go above their debt service and if Commissioner Smith thought that is something Mr. Abbate should negotiate, since the Board is statutorily obligated to at least cover their debt

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service; and many of the CRAs, if not all of them, receive more TIF money than what they do in debt payments.

Chairman Smith commented his little deal is it the CRAs would oppose using CRA funds to bring roads within the CRA up to the County standards.

Commissioner Tobia remarked that is a very good idea; he thinks it is good middle ground; and he would like it to be a good negotiating point.

Chairman Smith commented he thinks Mr. Abbate has the gist of what the Board is looking for.

Mr. Abbate stated he has been trying to pay attention to the Board's discussions on CRAs for a while now; one thing the Board has talked about was having some kind of annual report with some information in it, to be submitted to the Board annually; he has worked with staff in the budget office looking at some of the appending legislation which did not move forward on the State level; however, there was some good information he used to draw up a potential template. He noted if the Board would be interested, he could seek to get it as part of the Interlocal Agreements for this information to be shared annually with the Board, so the Board could get a better handle on what is specifically going on.

Chairman Smith applauded them for doing a terrific job.

Mr. Abbate stated he needs the Board's input on that; he thinks what he has received so far is no new debt with the exception of Cocoa Beach; bring CRAs to closure prior to the statutory sunset, and try to get that addressed relative to the plans they have; would they be willing to use CRA funds not obligated for debt, to bring roads within the CRA to County standards; and perhaps this one if the Board is interested in seeing this, as well. He added Attorney Knox and himself could at least use it as frame work for the discussions with the CRAs.

Commissioner Tobia asked if he would report back to the Board; he thinks they will find out very quickly, he imagines the CRA's are watching this; and when Mr. Abbate meets with the first one, he will either be met very friendly or there will be a firing squad, and he imagines the latter. He reiterated for Mr. Abbate to let the Board know so he does not have to go through that same circumstance 10 or 12 times.

Mr. Abbate responded affirmatively.

Chairman Smith stated for the record he thinks Commissioner Tobia is grossly underestimating the people who are operating the CRAs. He thinks they are willing to work with the Board; they have indicated they want to work with the Board; and now the ball is in both of their courts.

Commissioner Tobia stated the Board has laid this out; he thinks Mr. Abbate and Chairman Smith have made some very good suggestions; and the Board will find out whose perception of this is correct.

Commissioner Pritchett commented she needs to look at the list again, since Cocoa Beach is the only one she can remember getting ready to do a project; she does not know if the others have ten years left with X amount of dollars set aside that they need to distribute; and she thinks the Board is going to have to take some of those things and allow Mr. Abbate to come back with information.

Chairman Smith stated that is exactly what is going to happen, negotiation is going to occur.

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Commissioner Pritchett stated he just threw out Cocoa Beach with that; there is a TIF percentage used for payments to the County; and there is a whole lot of things there to be thrown out and the Board is not going to be able to abide to it, and they do not have to agree with them; and she thinks the Board is going into a little too much detail right now without being able to do a negotiation.

Chairman Smith stated he does not think the Board has tied Mr. Abbate's hands with negotiations.

Commissioner Pritchett replied if the Board makes a motion on that, he has to make three percent above all the debt funds to go into roads, and the Board just outlined a pretty defined contract, not that it would not be a good persuasive tool.

Chairman Smith commented it is just a basis to go forward.

Commissioner Pritchett asked if the Board wants Mr. Abbate to try and negotiate those things in the motion.

Chairman Smith explained if CRA #2 says this does not work for them, but this would, the Board just needs to find some middle ground that works for both.

Commissioner Pritchett stated she would like to get interlocal agreements done.

Attorney Knox stated he thinks these need to be treated as guideline negotiations; for example, with the excess funds to be used for the roads, there may not be enough money to be used for roads, however, if combined with other jurisdictions they might be able to do it, so maybe they just want to give the County whatever is left over or a percentage of it that could move the County towards getting roads done.

Chairman Smith responded all this can be is guidelines because the County is not going in to dictate to them, these are guidelines to be used to negotiate with.

Mr. Abbate stated he was not trying to suggest this was a bottom line minimum; however, what he was suggesting is the Board has given him parameters to use during negotiations.

Chairman Smith stated Mr. Abbate is not going in there to suggest anything he has not already talked to them about; he thinks the ground work has already been laid; and now Mr. Abbate is going to come up with specifics.

Commissioner Pritchett asked for clarification that these are just the guidelines.

The Board directed the Interim County Manager to move forward with Interlocal Agreement discussions with the CRAs with the following guidelines: CRAs to be prohibited from incurring any new debt with the exception of Cocoa Beach, bring CRAs to closure prior to the Statutory sunset dates, the possibility of TIF payments above debt service to go towards County roads located within the boundaries of the CRAs, and CRAs to provide a universal annual report to be presented to the Board; and for the Interim County Manager to bring the negotiated interlocal agreements back to the Board for its consideration.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Tobia, Commissioner District 3
<b>SECONDER:</b>	Kristine Isnardi, Commissioner District 5
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM VI.F.1., ACKNOWLEDGEMENT, RE: BREVARD COUNTY COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2016**

Mark Peterson, Financial Accounting Supervisor, County Finance, stated this Item is just for the Board to acknowledge receipt of the Brevard County Comprehensive Financial Report; County Finance prepares this in conjunction with County staff and County Management; they spend a long time putting this together; it is a small 200 page document; and this is just factual information of where the County stands as far as finances, so if the Board has any questions now or in the future it could just give his office a call.

Chairman Smith stated it is a real work of art.

The Board acknowledged the Brevard County Comprehensive Annual Financial Report for the Fiscal Year ending September 30, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM VIII.B., REPORT RE: SCOTT KNOX, COUNTY ATTORNEY**

Scott Knox, County Attorney, reminded the Board about the Indian River Lagoon alternate.

**ITEM VIII.D., REPORT, RE: JOHN TOBIA, DISTRICT 3 COMMISSIONER**

Commissioner Tobia requested a Workshop, once the Board is past the Budget Workshops, for the Insurance Premiums; he thinks there were a lot of issues raised with the insurance premiums; and he and others need to be properly educated on how the County deals with self-insurance, premiums, and surpluses. He asked what would be a better way or if the County is doing their best to serve the County employees as well as dealing with the infrastructure needs. He understands the budget is more important but he thinks pretty soon after, because it could potentially have some implications on the budget. He welcomed Frank Abbate as the Interim County Manager; he commented he hopes Mr. Abbate has more faith in his department heads than his predecessor did; he feels the information is more free flowing between his office and the department heads now; and he feels Mr. Abbate has a great staff and he has great faith in them. He noted what he has received from Mr. Abbate's staff has been top notch; when he found out how quickly they were getting information back to his office he was surprised; and he found out Mr. Abbate's predecessor had a memo go out to all of the Directors requesting that all questions from his office be filtered through. He went on to say that he hopes Mr. Abbate will have the faith in his Director that he does; he wished him the best of luck; and he is sure Mr. Abbate is up to the task of weathering the storm.

**ITEM VIII.G., CURT SMITH, DISTRICT 4 COMMISSIONER/CHAIRMAN**

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Chairman Smith stated he has a request for a resolution; he will not be able to attend the Indian River Lagoon Council meeting on June 9, 2017, so he has to have a written resolution for the alternate; Commissioner Barfield is the alternate and he cannot be there either; now he needs an alternate for the alternate; Commissioner Pritchett has volunteered to be that alternate. Chairman Smith read "The Resolution of the Board of County Commissioners of Brevard County Florida appointing a Commissioner as an alternate to the Commission's representative on the Indian River Lagoon Council whereas the Commission has determined that it is advisable will have a second Commissioner to serve as an alternate representative on the Indian River Lagoon Council in the event the Commission's current appointee District 4 Commissioner, Curt Smith, is unable to attend the council meeting." He added the reason this is so important and has to be in writing is because in this particular case they are voting on Indian River County to be accepted on to the Board, they have not been; and this requires a supermajority board vote; and so the alternate cannot be someone who just walks in, it has to be in writing.

The Board adopted Resolution No. 17-087, appointing Commissioner Rita Pritchett, as an alternate to the Commission's representative on the Indian River Lagoon Council.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Kristine Isnardi, Commissioner District 5
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

Upon consensus of the Board, the meeting adjourned at 8:51 p.m.

ATTEST:

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SCOTT ELLIS, CLERK

\_\_\_\_\_  
CURT SMITH, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA