

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

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on November 13, 2018 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

| Attendee Name | Title | Status | Arrived |
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| Rita Pritchett | Chair | Present | |
| Jim Barfield | Commissioner District 2 | Present | |
| John Tobia | Commissioner District 3 | Present | |
| Curt Smith | Commissioner District 4 | Present | |
| Kristine Isnardi | Vice Chair/Commissioner District 5 | Present | |

MOMENT OF SILENCE

Chair Pritchett called for a moment of silence.

PLEDGE OF ALLEGIANCE

Chair Pritchett led the assembly in the Pledge of Allegiance.

MINUTES FOR APPROVAL

The Board approved the October 9 and October 23, 2018, Regular meeting minutes; and the November 1, 2018, Zoning meeting minutes.

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

ITEM E.1., RESOLUTION, RE: RECOGNIZING DELBERT BLARE AND PRESENTATION OF THE CARNEGIE MEDAL

Commissioner Isnardi read aloud, and the Board adopted Resolution No. 18-178, recognizing Delbert Blare for his heroism. She continued reading, "Established on April 15, 1904, by Andrew Carnegie, the Carnegie Hero Fund Commission was created to recognize outstanding acts of selfless heroism performed in the United States and Canada. The Commission awards the Carnegie Medal to those who risk their lives to an extraordinary degree while saving or attempting to save the lives of others throughout the United States and Canada; and Delbert Blare is one of only 10,044 heroes who were awarded this medal since the Pittsburg-based fund's inception in 1904."

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A representative of the Carnegie Foundation stated this fund came about because in 1904 there was a massive coal mine explosion where 181 people were killed; two of them were people who went in after the explosion trying to rescue and save the 179 others who were inside; because of that it prompted Mr. Carnegie to establish the commission and to recognize acts of heroism and to take care of the families of those that may perish and to recognize the heroes that did not parish; one the back of the medal is his favorite bible verse from the New Testament that reads, "Greater have no man than this, that the man lay down his life for his friend, John 15:13."; and he noted Mr. Carnegie believed in that sincerely and carried that thought through everything he did for the rest of his life. He went on to say Mr. Blare exemplified that love that day when he went into the ocean and risked his life; and he stated it is an honor to welcome Ms. Blare to the Carnegie family.

Ms. Blare stated her husband was a wonderful man and he would do anything for anybody; he was always there for her and her kids, but regardless he would go if someone called and was in need; he would not want any of this as he was a very humble man that just was who he was; and she thanked the Board for this recognition.

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

ITEM E.2., RESOLUTION, RE: RECOGNIZING NOVEMBER AS ALPHA-1 AWARENESS MONTH

Commission Isnardi read aloud, and the Board adopted Resolution No. 18-179, recognizing November as Alpha-1 Awareness Month.

A representative for Alpha - 1 stated she personally has Alpha - 1; she was experiencing symptoms for over 23 years but nobody could tell her until six years ago she had it; if she had known then what she knows now, she could have probably had weekly infusions and saved her own lungs; three years ago she was diagnosed with end stage lung disease and went on a transplant list; last years a precious donor gave a new set of lungs; and she is there today to spread awareness to others. She thanked the Board for allowing her the opportunity to do so.

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

ITEM E.3., RESOLUTION, RE: NO SHAVE NOVEMBER

Commissioner Smith read aloud, and the Board adopted Resolution No. 18-180, proclaiming November as No Shave November in Brevard County.

A representative of the American Cancer Society thanked the Board for the Resolution. He stated one of the obvious signs of Cancer is the loss of one's hair due to the harsh treatments of Chemotherapy and Radiation; during No Shave November the men really embrace their hair in support of those who have lost their own; he encouraged all men and women to join him in this

month-long journey of not shaving, in support of those who have lost their hair due to Cancer; and he invites them to make their beards and mustaches even more meaningful through a program called Grow Nation which allows men to use their beards to fight Cancer by providing money for live saving Cancer research and patient support programs through the American Cancer Society, by donating what each person would use to buy their razors and shaving creams in the month of November, and to go up from there.

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

CONSENT ITEMS PULLED

Commissioner Tobia pulled Item F.13., authorization to advertise Request for Qualification (RFQ) for the design/build renovation project for Lori Wilson Park, for discussion.

ITEM F.1., PERMISSION FOR ACCEPTANCE OF GRANT, RE: FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION AND MATCHING FUND DONATIONS FOR ARTIFICIAL REEF CONSTRUCTION

The Board authorized the Chair to execute an Artificial Reef Construction Grant Agreement between Brevard County and Florida Fish and Wildlife, with County Attorney and Risk Management approval; accepted the matching fund donations; authorized staff to competitively bid, and the County Attorney to execute a construction contract with the lowest qualified bidder; and authorized any associate budget change requests.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Curt Smith, Commissioner District 4 |
| SECONDER: | John Tobia, Commissioner District 3 |
| AYES: | Pritchett, Barfield, Tobia, Smith, Isnardi |

ITEM F.2., INTERLOCAL AGREEMENT, RE: STORMWATER PROGRAM WITH TOWN OF MALABAR

The Board authorized the Chair to execute the Interlocal Agreement to allow the County to continue to administer and manage the Town of Malabar Stormwater Program; authorized the County Manager to execute future amendments and up to one-year extensions; and authorized any associated budget change requests.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Curt Smith, Commissioner District 4 |
| SECONDER: | John Tobia, Commissioner District 3 |
| AYES: | Pritchett, Barfield, Tobia, Smith, Isnardi |

ITEM F.3., APPROVAL, RE: CORRECTIONAL IMPACT FEE ADVISORY COMMITTEE RECOMMENDATIONS

The Board approved the Correctional Impact Fee Advisory Committee project funding recommendations; and authorized the Budget Office to execute all budget change requests necessary to implement the recommendations.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: John Tobia, Commissioner District 3
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM F.4., APPROVAL, RE: TRANSPORTATION IMPACT FEE CREDIT AGREEMENT WITH PICERNE DEVELOPMENT CORPORATION AND CITY OF WEST MELBOURNE

The Board approved the Transportation Impact Fee Credit Agreement with Picerne Development Corporation of Florida of up to \$752,396 in exchange for constructing roadway improvements to connect South John Rodes Boulevard with Coastal Lane and construct turn lanes at the intersection of John Rodes Boulevard with the new connector road; authorized the Chair to execute the Agreement; and authorized the County Manager to approve any necessary budget change requests.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: John Tobia, Commissioner District 3
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM F.5., APPROVAL, RE: DONATION OF WARRANTY DEED FROM LUTHERAN RETIREMENT CAMPUS OF MERRITT ISLAND, INCORPORATED TO BREVARD COUNTY FLORIDA FOR PARCEL NUMBER 108 NEEDED FOR THE HALL ROAD PUMP STATION DRAINAGE IMPROVEMENT PROJECT

The Board accepted donation of a warranty deed from Lutheran Retirement Campus of Merritt Island, Incorporated for Parcel No. 108 for the Hall Road Pump Station Drainage Improvements Project.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: John Tobia, Commissioner District 3
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM F.6., APPROVAL, RE: DONATION OF DRAINAGE AND FLOOD CONTROL EASEMENT FROM BELLA VITA PROPERTY OWNERS ASSOCIATION FOR THE HALL ROAD PUMP STATION DRAINAGE IMPROVEMENTS PROJECT

The Board accepted the drainage and flood control easement from Bella Vita Property Owners Association for the Hall Road Pump Station Drainage Improvements Project.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: John Tobia, Commissioner District 3
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM F.7., APPROVAL, RE: DONATION OF RIGHT-OF-WAY AND DRAINAGE EASEMENTS FROM LEINBACH AND ROBERTS FOR THE CORAL AVENUE MILLING PROJECT

The Board accepted the two Rights-of Way and Drainage Easements from Leinbach and Roberts for the Coral Avenue Milling Project.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: John Tobia, Commissioner District 3
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM F.8., APPROVAL, RE: TASK ORDER SJHP-020 CONSTRUCTION MANAGEMENT SERVICES FOR NORTHERN SEGMENT OF THE ST. JOHNS HERITAGE PARKWAY

The Board approved and authorized the Chair to execute the Task Order SJHP-020 in the amount of \$346,050 for construction management services for the northern segment of the St. Johns Heritage Parkway; and authorized any budget change requests.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: John Tobia, Commissioner District 3
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM F.9., RESOLUTION, RE: ADD/MODIFY QUALIFIED TRANSPORTATION PROJECTS ON THE 2007 SERIES LOCAL OPTION GAS TAX BOND PROCEEDS LIST

The Board adopted Resolution No. 18-181, modifying Resolution No. 18-026; and authorized the County Manager to approve any necessary budget change requests and expedite expenditures associated with transportation improvement projects.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: John Tobia, Commissioner District 3
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM F.11., APPROVAL, RE: VIERA WAYFINDING SIGNAGE RIGHT-OF-WAY USE AGREEMENT

The Board of County Commissioners, in regular session on November 13, 2018, approved and authorized the Chair to execute the Viera Wayfinding Signage Right-of-Way Use Agreement with the Viera Company.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: John Tobia, Commissioner District 3
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM F.12., APPROVAL, RE: STATE AID TO LIBRARIES GRANT, FY 2018-2019

The Board approved and executed the State Aid to Libraries Grant Agreement application and Certification of Hours, Free Library Service and Access to Materials; authorized for the Chair to execute any follow-up agreements, amendments or modifications contingent upon approval of Risk Management and the County Attorney; and authorized the County Manager to execute any necessary budget change requests.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: John Tobia, Commissioner District 3
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM F.14., APPROVAL, RE: FY 2018-2019 FEDERAL TRANSIT ADMINISTRATION BUS AND BUS FACILITIES SECTION 5339 GRANT APPLICATION

The Board adopted Resolution No. 18-182; authorized the Chair to execute the Resolution, Grant Application, and designation of Signature authority allowing staff to submit the Grant electronically; authorized the use of Florida Department of Transportation (FDOT) toll revenue credits; authorized the Transit Services Director to execute and submit the grant electronically, contingent upon County Attorney and Risk Management approval; authorized the Transit Services Director to execute any additional follow up documentation/resolutions and amendments necessary to secure the funds; and authorized the County Manager to execute any required budget change requests.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: John Tobia, Commissioner District 3
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM F.15., AUTHORIZATION TO ADVERTISE REQUEST FOR PROPOSALS (RFP)
VANPOOL MANAGEMENT FOR TRANSIT SERVICES**

The Board approved advertisement of RFP for vanpool fleet management services for Space Coast Area Transit (SCAT); established selection a committee consisting of Transit Services Director, Scott Nelson, Jim Liesenfelt, Assistant County Manager, and Terry Jordan, Transit Planner, or their designees; established negotiation committee consisting of Transit Services Director, Scott Nelson, Jim Liesenfelt, Assistant County Manager, and Karen Peters, Finance Officer, or their designees; authorized staff to award contract to the most qualified firm according to selection committee ranking; authorized the Chair to execute resulting negotiated agreement upon County Attorney and Risk Management approval; and authorized the County manager to execute any necessary budget change requests.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: John Tobia, Commissioner District 3
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM F.16., ACKNOWLEDGEMENT, RE: PARRISH MEDICAL CENTER MILLAGE
RESOLUTION**

The Board acknowledged receipt of the FY 2018-2019 Revenue and Expense Budget and Millage Resolution for Parrish Medical Center.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: John Tobia, Commissioner District 3
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM F.17., APPROVAL, RE: BUDGET CHANGE REQUEST

The Board approved the budget change request.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: John Tobia, Commissioner District 3
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM F.18., APPROVAL, RE: AMENDMENT TO PROCUREMENT POLICY BCC-25

The Board approved the amendment to the Procurement Policy BCC-25.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Curt Smith, Commissioner District 4 |
| SECONDER: | John Tobia, Commissioner District 3 |
| AYES: | Pritchett, Barfield, Tobia, Smith, Isnardi |

ITEM F.19., APPRAISAL FEES AWARD, RE: BREVARD COUNTY, FLORIDA VS B. WEST TOWNHOUSES, ET AL

The Board acknowledged the order awarding appraisal fees on Barnes Boulevard for appraisers representing two property owners involved in condemnation actions for Brevard County, FL v. B. West Townhouses, et al - Case No. 2013-CA-025677-XXXX-XX; and directed County Attorney, Eden Bentley, to take no further action.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Curt Smith, Commissioner District 4 |
| SECONDER: | John Tobia, Commissioner District 3 |
| AYES: | Pritchett, Barfield, Tobia, Smith, Isnardi |

ITEM F.20., RESOLUTION, RE: BREVARD COUNTY HOUSING FINANCE AUTHORITY

The Board approved allowing the Authority to apply for a bond allocation with the Florida Division of Bond Finance; and adopted Resolution No. 18-183, approving the issuance by the Brevard County Housing Finance Authority, of an amount not to exceed \$40 million of its Single Family Mortgage Revenue Bonds, or in the alternative, the issuance of mortgage credit certificates, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, and to convert the Bond Authority into \$10 million in Mortgage Credit Certificates.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Curt Smith, Commissioner District 4 |
| SECONDER: | John Tobia, Commissioner District 3 |
| AYES: | Pritchett, Barfield, Tobia, Smith, Isnardi |

ITEM F.21., APPROVAL, RE: 2019 BOARD OF COUNTY COMMISSIONERS MEETING SCHEDULE

The Board approved the 2019 Board of County Commissioners meeting schedule.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: John Tobia, Commissioner District 3
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM F.22., APPROVAL, RE: APPOINTMENTS/REAPPOINTMENTS

The Board appointed/reappointed **Jack Masson** to the Merritt Island/Beaches Advisory Board, with said appointment expiring December 31, 2020.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: John Tobia, Commissioner District 3
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM F.23., PERMISSION TO PARTICIPATE AND ACCEPT, RE: FDLE FISCAL YEAR 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

The Board granted Brevard County Sheriff's Office permission to participate in and accept the FDLE 2018 Edward Byrne Memorial Justice Assistance Grant - Countywide solicitation; designated the Brevard County Sheriff Office as the point-of-contact; and authorized the Chair to execute the necessary documents and budget adjustments.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: John Tobia, Commissioner District 3
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM F.13., AUTHORIZATION TO ADVERTISE REQUEST FOR QUALIFICATIONS (RFQ), RE: DESIGN/BUILD RENOVATION PROJECT FOR LORI WILSON PARK

Bonnie King, Interim Tourism Development Director, stated this is a request for authorization to approve the design and renovation for Lori Wilson Park to go out for Request for Qualifications (RFQ).

Karalyn Woulas stated as one of the Cocoa Beach City Commissioners she would like to express the importance of the execution of the design/build renovation project for Lori Wilson Park; as it stands now, Lori Wilson Park is currently being maintained at a minimum level that is just enough to keep it functioning; the current conditions of the boardwalk, structures, grounds, and facilities is they are in disrepair to the point it is almost dangerous to current and future beach-goers; the City realizes the strain that the maintenance of this park has on the County budget; under this design/build renovation plan that would fall onto the Policies of the Brevard County Beach Front Parks Enterprise Plan, Lori Wilson Park would be made significantly more attractive and functional to beach-goers everywhere, including Cocoa Beach, the rest of the County and out-of-County visitors; it would be maintained at the expense of out-of-County visitor's parking revenue which in turn would alleviate the maintenance costs from the County

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budget; and it would attract even more beach-goers to the park. She went on to say it would in fact increase sales tax revenue for the County through that half-cent Lagoon sales tax initiative, generating more funds to save the Lagoon; she considers this renovation project of Lori Wilson Park to be the best investment these Tourist Development Council (TDC) funds can provide since it benefits multiple initiatives of the County including beach beautification, attracting more visitors, generating more sales tax revenue to benefit the County and the Lagoon, and alleviate the County budget for maintenance costs for Lori Wilson Park; and she asked the Board to please consider moving forward with this project on behalf of Cocoa Beach.

Ben Malik stated Cocoa Beach generates over 50 percent of the bed tax; they are the goose who lays the golden egg; unfortunately the residents in the community see very little of that money reinvested back into their own City; they do not mind sharing it with the mainland but this would be really nice to do something for the beach-side communities; and from a dollars and cents perspective, parking works, that is how things are maintained, the revenues help off-set the 2.5 million visitors from outside the community, it pays for the beach rangers, the safety patrol, and the beach crossovers and clean up. He continued the park is in disarray; he met some people from the United Kingdom over the weekend who were visiting and wanted to see the real Florida not the Disney Parks, and that is what this community offers; having a nice boardwalk that is safe and open to the public would be a nice way to get that started and get the money reinvested; and 25 percent of the sales tax that is generated comes from visitors which in turn goes to fund the Lagoon sales tax. He went on to say he did have a meeting with the League of Cities last night; he talked with some of the other coastal mayors; Brevard County taxpayers have stepped up and passed the half-cent sales tax; he hopes the other counties in the State pick up and help solve the problem like Brevard County has; and he noted he thinks this would be a great project to get dollars back into the community.

Mike Miller stated it is very easy to understand why the people in Cocoa Beach would like to see this happen; Lori Wilson Park is unfortunately a deteriorating eye sore along the beach, which is the source of the community's revenue for people to come to the City; something needs to be done about it; what he thinks is more important and a real key issue is the Board should vote for this because it is a very good deal for the citizens of this County; and it will provide them access to the beach that they do not have; there will be enhanced picnic areas and green space where they can park for free and visit the beach. He continued the City charges for the beach because that is how they fund the police force for protection of the beach; this is the County's property and he thinks spending the money to do this benefits all the citizens of Cocoa Beach; and he believes that is the reason the Board should be in favor of this.

Commissioner Tobia stated he agrees with Ms. King, but what she mentioned and what is in the Agenda Packet are different; while he appreciates the need to put out an RFQ based on prior Board direction, there is no need for the Board to authorize going beyond the establishment and selection of a negotiating committee at this time; the Board's basic oversight obligation dictates the request to see and evaluate a selection committee ranking before awarding a contract of this magnitude, currently budgeted at over \$6 million; keep in mind, this same Board spent 20 minutes debating on whether to grant rent relief for \$247; and he motioned to approve the advertisement of the RFQ for design and build renovation project at Lori Wilson Park and to establish a Selection and Negotiating Committee at which point the decision would come back to the Board for discussion. He advised he does not doubt the good intentions of the recommendations, but he would like the full Board to make consideration on a project of \$6 million.

Commissioner Isnardi stated she does not have a problem with that; she is glad Commissioner Tobia is still in support of the project because she thinks it is a good project for Cocoa Beach; whether it is out of the norm for it to come back before the Board, she thinks it is good for transparency purposes and it may be the perfect recommendation that the selection committee

makes, but she thinks it is a great idea to come back before the Board so it can review what the thought process was in the rankings; and she noted she thinks this is a good project, not only does it have the dual benefit of the residents and the people living in the area, but also it is a benefit to tourists and that is exactly what the TDC tax dollars are designed for.

Commissioner Barfield stated a lot time was spent working on this project to come up with a solution on how to take care of Lori Wilson Park; he thinks this is the right solution; it is an excellent project; it is a game-changer for the beach area and how it will fit in with the City of Cocoa Beach passing their referendum for increasing the heights of buildings, on how they measure the height of the buildings, because it makes a big difference in what they will be able to do; and he thinks it is just one of those things that needs to be moved forward. He advised he has no problem with this coming back to the Board; and he noted his only concern is he does not want things delayed.

The Board approved advertisement of an RFQ for design/build renovation project at Lori Wilson Park; established a selection committee consisting of Bob Baugher, Tourist Development Council, Laurilee Thompson, Tourist Development Council, Tim Lawry, County Facilities, Mary Ellen Donner, Parks and Recreation Director, and Stacy DeLano, Tourism Development; established a negotiation committee consisting of Bob Baugher, Tourist Development Council, Jim Liesenfelt, Assistant County Manager, Tim Lawry, County Facilities, Mary Ellen Donner, Parks and Recreation Director, and Stacy DeLano, Tourism Development; and directed staff to bring this back to the Board for its consideration.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | John Tobia, Commissioner District 3 |
| SECONDER: | Kristine Isnardi, Vice Chair/Commissioner District 5 |
| AYES: | Pritchett, Barfield, Tobia, Smith, Isnardi |

ITEM G., PUBLIC COMMENTS

Johnnie B. Dennis stated he would like to file a copy of his proposed resolution for a County Homeless Center with the Clerk; he requested that the petition be placed on the Agenda as soon as possible in December; homelessness is a crisis in Brevard County where there are a significant costs and strings on law enforcement, the courts, private businesses, and other public resources; there are only a few organizations and volunteers with the capacity to provide services to the homeless; the large crisis is the lacking of housing; and County government should pledge today to be committed to building a homeless shelter so men, women, and children can have a safe place to sleep every night. He noted housing is the ability to force people of foundation for lack of improvement and opportunity to address the issues that caused their homelessness; and when basic needs are met, people can engage in programs to improve their lives. He mentioned the National Action Network also petitioned for a workshop to sit down and plan a solution to end the homelessness in Brevard County, and also to discuss how to come up with State funding.

Charles Tovey stated he is speaking tonight on the fuel tank that was left behind; it is eight foot high and 148 feet long. He provided pictures of it. He continued on to say it might be full it might not; they left that and continuously destroy and take everything he has; if it is not destroyed they let his neighbor destroy it; that is almost at the end of the road across from the lumber company by the second telephone pole; and he noted he feels this is part of a personal vengeance against him to over take his property from the City that is incorporated around him. He advised they have utilized their means to try to run him off any way they can; he has tried to address this

fuel tank eight, 10, 12, 15 years ago; everybody received a copy then and everybody is getting a copy now; it is still there, but yet, they take everything he has and his right to own it; and he has no way to make a living now. He went on to wish Commissioner Barfield good luck; he noted he appreciated his concern for the first responders and everything he has done for the County whether he agrees with it or not because it is principles before personalities; and he wished everybody a happy Thanksgiving. He clarified it was Red Lobster he meant to mention in Las Vegas not the Holiday Inn, he has never been to the Holiday Inn in Nevada; aside from that the fuel tank has a tortoise; he has called all the people and no one has done nothing about the tortoises or anything that is endangered; there is springs over there and the lake was filled in; the wetlands are all gone; and he will be submitting more photographers of his work and on the back will be a map of how important the Town of Palm Shores is now. He continued it was not that way before but since it has gone from Post Road to Pineda, which is one of the most important parts of the Lagoon recovery, if not the most important part; he will clarify all of that; and he stated maybe tomorrow he will get his life back.

ITEM H.1., PETITION TO VACATE, RE: PUBLIC UTILITY EASEMENT - SATELLTE BEACH - VIRGIL D. AND HEIDI K. BON

Chair Pritchett called for a public hearing on a petition to vacate a public utility easement in Satellite Beach, requested by Virgil D and Heidi K. Bon.

Dan Jones, Interim Public Works Director, stated this is a petition to vacate a portion of a public utility easement in Tortoise View Estates, Satellite Beach; the petitioner is on lot three; and they would like to request vacating two and a half feet of a seven and a half foot wide public easement. He noted it is to remove the existing pool structure as an encumbrance; all pertinent County agencies have been notified; and they have received no objections at this time.

There being no further comments of objections, the Board adopted Resolution No. 18-184, vacating a portion of a public utility and drainage easement in Tortoise View Estates Subdivision, Satellite Beach, Florida, lying in Section 27, Township 26 South, Range 37 East, as requested by Virgil and Heidi Bon, 408 Tortoise View Circle, Satellite Beach, Florida.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Curt Smith, Commissioner District 4 |
| SECONDER: | John Tobia, Commissioner District 3 |
| AYES: | Pritchett, Barfield, Tobia, Smith, Isnardi |

ITEM H.2., PUBLIC HEARING, RE: CODE REVISIONS TO HOTEL AND MOTEL MAXIMUM DENSITY IN BU-1, BU-2, TU-1, TU-2, AND PBP

Chair Pritchett called for the second public hearing for Code Revisions to Hotel and Motel, Maximum Density in BU-1, BU-2, TU-1, TU-2, and PBP.

Tad Calkins, Planning and Development Director, stated this is a request for the Board to conduct the second public hearing to approve revisions of Chapter 62, Article VI, Zoning Regulations, to remove the maximum density requirement for hotel/motel except in the Merritt Island Redevelopment Area (MIRA), which will maintain a maximum density of 30 units to the acre; this Item was before the Board on October 23 for the first hearing and approved; and now staff is requesting approval of the second hearing.

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Commissioner Tobia stated since this issue directly impacts District 2, he believes it is advisable to table this until December 4 to receive input from Commissioner-elect Lober. He made a motion to table until December 4, 2018.

Commissioner Barfield stated he thinks it is appropriate to go through now because this Board has followed this through the different readings, the development, and he feels it is appropriate to conclude it with him on his last day.

The motion was defeated to table to December 4, 2018.

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| RESULT: | DEFEATED [2 TO 3] |
| MOVER: | John Tobia, Commissioner District 3 |
| SECONDER: | Kristine Isnardi, Vice Chair/Commissioner District 5 |
| AYES: | John Tobia, Kristine Isnardi |
| NAYS: | Rita Pritchett, Jim Barfield, Curt Smith |

There being no further comments or objections, the Board conducted the second public hearing and adopted Ordinance No. 18-26, amending Chapter 62, "Land Development Regulations", Code of Ordinances of Brevard County, Florida; amending Article VI, Division 4, Subdivision VII, "Tourist Commercial and Transient Tourist Use" specifically amending Section 62-1511(4), General Tourist Commercial, TU-1 Zoning and Section 62-1512, Transient Tourist Commercial, TU-2, and Section 62-1541, Planned Business Park, PBP; and amending Article VI, Division 5, Subdivision II, "Permitted Uses with Conditions" specifically amending Section 62-1844.5, Tourist Efficiencies and Hotels and Motels; to provide for new density allowances depending upon the Future Land Use designation; providing for conflicting provision; providing for severability; providing for area encompassed; providing an effective date; and providing for inclusion in the Code of Ordinances of Brevard County, Florida.

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| RESULT: | ADOPTED [3 TO 2] |
| MOVER: | Jim Barfield, Commissioner District 2 |
| SECONDER: | Curt Smith, Commissioner District 4 |
| AYES: | Rita Pritchett, Jim Barfield, Curt Smith |
| NAYS: | John Tobia, Kristine Isnardi |

Chair Pritchett stated it might be cool for Commissioner-elect Lober to come on but this Board has worked so hard on this for so many months that and he would have to catch up on it; and she thinks it was ready to go.

ITEM H.3., PUBLIC HEARING, RE: RESOLUTION DESIGNATING TAX ACCOUNT 2426764 (265 E. MERRITT ISLAND CAUSEWAY) AND TAX ACCOUNT 2426763 (267 E. MERRITT ISLAND CAUSEWAY) IN UNINCORPORATED BREVARD AS A BROWNFIELD AREA, UNDER SECTION 376.80, FLORIDA STATUTES, ON BEHALF OF SBJB MERRITT, LLC OWNER/APPLICANT

Chair Pritchett called for the first public hearing on a resolution designating tax account 2426764 and 2426763, 265 and 267 East Merritt Island Causeway in unincorporated Brevard County as a Brownfield Area, under Section 376.80, Florida Statutes, on behalf of SBJB Merritt, LLC owner/applicant.

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Tad Calkins, Planning and Development Director, stated this is a request for the Board to conduct the first public hearing to allow 265 and 267 East Merritt Island Causeway, Merritt Island, Florida seek economic development incentives through the Brownfield's designation; and to authorize the second public hearing pursuant to Florida Statutes 376.82(c). He continued this is a request from a development company SBJB in Merritt Island, LLC; there is no fiscal impact to the Board of County Commissioners through the economic incentives for the redevelopment program; that will all be taken care of by the State; this is the step in the process which the Board needs to determine if they have identified the key five points; and those five points include ownership and agreement to redevelop, economic productivity, consistency with the local comprehensive plan, applications and land use, public notification, and a financial ability to complete the construction. He went on to say staff is still working with the developer on those items because they are trying to get their application through to the State before the end of the year so they can receive the incentives; and there will be a second public hearing presuming that Board approves this one and directs it to come back.

Commissioner Barfield stated he thinks this is a good move; for those people who understand how the Brownfield operates, this is where there is an actual resolution that enters into a process where there can be reimbursement or tax credits to the developers; it is ideal for redevelopment; and he motioned for approval of the resolution designating tax account 2426764 and 2426763 as a Brownfield Area under Section 376.80, Florida Statute.

Eden Bentley, County Attorney, asked that a public hearing be announced that will be on the site at 265 and 267 East Merritt Island Causeway on December 4 at 1:30 P.m. until no later than 2:30 P.m. for the record.

The Board conducted the first public hearing to allow 265 and 267 East Merritt Island Causeway in Merritt Island to seek economic development incentives through Brownfield Area Designation; authorized advertisement of a second public hearing pursuant to FS 376.80(2)(c), to the December 4, 2018, Board meeting; and the County Attorney announced that a public hearing will be held at the site at 265 and 267 East Merritt Island Causeway on December 4, 2018, from 1:30 p.m. to no later than 2:30 p.m.

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

ITEM I.1., BOARD CONSIDERATION, RE: IMPLEMENTATION OF THE WORKGROUP FOR INNOVATIVE SOLAR ENERGY RESOURCES (WISER)

Tad Calkins, Planning and Development Director, stated this is a request for the Board to approve the attached resolution regarding the Workgroup for Innovative Solar Energy Resources (WISER) participant scope and expanded deliverables; on April 24, 2018, the Board adopted a Resolution to create WISER and directed staff to prepare a staff report for the implementation of that Advisory Board; and during the discussion, the Board mentioned that there were challenges in appointing different appointments in the various boards, so staff has revised the Resolution to include stakeholder appointments such as the American Society of Civil Engineering, the Home Builder and Construction Association, the American Planning Association, Green building Councils, and Solar Energy Florida to name a few. He went on to explain this will expand that group and help to provide for a quorum; it will also bring some technical expertise to the recommendations; staff sees Facilities and the Planning Department

will the primary Departments supporting this group; however, as they cross over into other areas it may involve multiple County Departments; and they also looked at the implementation of this board and since most Advisory Boards meet once a month, they used that same process when figuring for an annual expense of \$19, 048.

Commissioner Tobia stated he appreciates the value this board brings compared to other advisory boards; he stated prior that he believes the board should be off-set with the sun setting of another board; thankfully staff is currently working on the process of identifying unnecessary and duplicative boards; he does not believe it is appropriate to use a level of staff's time outlined in the Agenda Report; and effectively the County would be spending more than \$16,000 in staff time that could be used on other priorities like hardening the IT infrastructure and working with citizens on Zoning applications. He went on to say potentially one model that could be used is the citizen's advisory process that is currently in place, thus savings the County thousands of dollars; and he would like staff to come back to the Board with a structure for the WISER board that requires minimal staff time during the recommendation and development process. He continued after those recommendations are developed they can be submitted to the County Manager and his staff for comment, which will then be presented at a regular Board meeting thus saving taxpayers thousands and thousands of dollars.

Commissioner Isnardi stated she knows it is difficult to predict given that there is going to be a board and it is going to go through this process but given the expense, and she is not opposed to reducing expenses, but if it produces a much bigger cost savings, like utility wise or otherwise by switching some other stuff to more cost effective and solar things, she does not want staff to cut back the time so much that it is just another board that meets and is not talking about anything; and she would suggest that it is not scaled back too much that staff is not putting in the time to look at some of the projects or initiatives, enough to see where there can be savings and the County can be more cost-effective.

Commissioner Barfield stated solar energy has progressed so much in the last few years, the economic factors, how much more efficient they are, it is difficult as a County to keep up with; and he thinks it would be nice to have this because in the end the County ends up coming out ahead because of the cost benefit. He continued he thinks it is an important organization; it is an import board to have because this is the future and how things can be done more efficiently; and it is either pay now or pay later.

Chair Pritchett stated she likes this board but she would also like maybe a few different options for staff to come back with; she does not know if it would more advantageous to meet every other month; but if staff could come back with some breakdowns of other ideas, that would help her a little bit.

The Board directed staff to come back to the Board with a structure for the Workgroup for Innovative Solar Energy Resources (WISER) board that allows minimal staff time during the recommendation and development process; and after those recommendations are developed, to submit to the County Manager and his staff for comment, which will then be presented to the Board during a regular meeting.

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

ITEM I.2., BOARD CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR NEW OWNER, SL ASSETS LLC AS TRUSTEE FOR TRUST #3647 (11CE-01131)

Tad Calkins, Planning and Development Director, stated this is a request for the Board to consider the Special Magistrate's recommendation to reduce an accrued fine from \$18,805 to \$5,645 and release of lien upon payment in full for Code Enforcement Case 11CE01131 at 3647 Buddy Drive, Melbourne, Florida; the Special Magistrate found this property to be in violation of over growth, junk and debris in October 2007; the Violation was corrected in 2008 after the fine had accrued to \$18,805; this Item came before the Board on October 23, where the Board asked staff to verify the notifications and the email correspondence relating to the Special Magistrate hearing from Mr. Pendl's request to reduce the fines; and in doing so, staff did not find any failed attempts for the notification of the Special Magistrate's hearing. He added staff had received an email from Mr. Pendl stating he had missed the hearing due to medical reasons; and he also requested it be rescheduled at the March 15 hearing and it was.

Commissioner Tobia thanked staff for working diligently on behalf of the citizens and treating everyone fairly; while everyone makes mistakes, this case serves as a microcosm of a behind the scenes work that it does and is rarely seen; when staff's work is impugned, he and the rest of the Board take that very seriously; to be frank this Board was lied to, not once but many times; Mr. Pendl acting as representative of SL Assets, LLC, stated staff had failed to notify him for his reduction hearing and that was the only reason he came in front of the Board; and he clarified the emails sent to the applicant were sent to the same address which he used and in fact Mr. Pendl replied to the notice email after missing the hearing claiming he had medical issues and wanting a new one in which he was given. He continued in any case the email was a courtesy by the County, Mr. Pendl had already signed a notarized document with the hearing date which states in bold and underlined font to consider this document as the notice of hearing; mistruth number two the applicant went on to claim the Special Magistrate told him that had he been able to attend his first hearing the fine would have been reduced to his request; not surprisingly after reviewing the tapes, this was false; mistruth number three, Mr. Pendl also claimed that his title search showed no liens or violations because it was incurred during an owner twice removed; and again this was false, three days after the County got the research request, staff sent the title search company an email which detailed \$20,163 in fines on the property. He stated he is sorry that this had to be set aside and staff's work ethic had to be questioned; he did not doubt staff and he does not think the rest of the Board doubted staff either, especially with the time and the effort staff goes for the efforts of the citizens of Brevard County; he greatly appreciates them; he thinks it would be a disservice to staff's hard work by doing anything other than rejecting the request of the applicant and justly imposing the fine of \$18,805.

Mr. Pendl stated the first hearing he did miss because of a doctor's appointment; he rescheduled a second hearing and he actually has the email stating she had the wrong email address, which he would like the Board to at least look at; as far as the second hearing that he did go to, they did say in that hearing that had he made the first hearing the money would have been reduced, but because he had to go to a second hearing he had no choice but to come before this Board to get the approval for the reduction; and he is not sure what tape Commissioner Tobia listened to because that was very clear. He advised he did not about anything; everything he said was 100 percent true; if the title company did do a title search and got back the title information, they did not let him know about it; he hired an attorney to close it, it was not even a title company; they hired Jonathan Lack and did what they thought was the right thing to do; and he asked if he could submit the email that clearly states her response that she had the wrong email.

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Mr. Calkins stated the email Mr. Pendl has provided was the very first correspondence staff had with him on November 3; the emails that were referred to in the staff report happened on January 22, when Mr. Pendl was email that he had to submit the information by January 24 and he would be scheduled for the February 15, 2018, Special magistrates hearing; Mr. Pendl sent an email on January 23 submitting attached documents; and the email correspondence regarding the Special Magistrate's hearing and the dates all appear to have gone through just fine.

Commissioner Isnardi asked when Mr. Pendl is talking about staff having an incorrect email she asked if it was an email before January.

Mr. Pendl advised he could not remember exactly what the date was; he just remembered there was a problem with the email address and he did call her about it; and that is how she sent him the email, to make sure she had the correct email; from what he understood, that is why he did not receive the notice; and he is not saying they did anything wrong.

Commissioner Isnardi asked if he had not gotten the notice prior to when they did have the correct email.

Mr. Pendl replied affirmatively.

Commissioner Isnardi stated she wanted to be clear about that.

Mr. Pendl stated the first hearing he was supposed to go to is when the issue came up and he went to the hospital; while he was there for a month, when he got out of the hospital he immediately called them and explained what was going on; and they granted him another hearing.

Commissioner Isnardi reiterated they granted him another hearing because circumstances happen.

Chair Pritchett stated there was some misleading information last time; she was confused with staff going back and forth; actually last meeting she was ready to vote for him to have to cover costs; she does not know she can take it back to full when the Special Magistrate gave it \$5,645; and she would probably lean more towards the Magistrate's payment.

Commissioner Isnardi stated that is what she had written down in her notes; regardless, she does not know if anything was deliberate; she appreciates work that staff did on this; apparently maybe staff does need to review the notification process because not everybody checks their email as often; she thinks something as important as a Magistrate hearing or something like that probably needs to be communicated by certified mail just to protect staff in the future; and no one likes to incur the extra cost, but this way there is no question. She noted she has a personal email, she has a work email, she has a county work email, and a school email, and she knows how things can get lost; she wants to make sure staff and the Board are covered; she has no problem with the reduction to the Special Magistrates recommendation; and she is usually one that champions for cost as well, but she is in support of the Magistrates recommendation.

Commissioner Tobia stated he would like everyone to pay attention to the signed and notarized document; this is two months later after the email he was referring to; it was notarized by Terry Stone; it read consider this document your notice of hearing, no other notice will be sent for this request; there is no need to worry about an email, here is something that was not only signed but notarized as well; and that was months after the email communication issue was long such rectified. He does not know any other way after being fibbed to and calling staff's work ethic into question that this Board could impose anything other than what the actual just cost of the fine is.

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Commissioner Smith stated he thinks registered mail would also be advisable in a situation like this; to him the Magistrate is the one that viewed all the facts and he recommended \$5,600 or whatever it is; and that is what he will support.

Commissioner Isnardi stated she feels the same; the Special Magistrate id have all the facts; she noted she would never question staff's integrity, when she suggested certified mail it was just a measure for them, so the leg work will not be required later; and she does not believe there was any malicious intent.

Mr. Pendl stated there was no malicious intent at all, but this has been going on for a year and a half so he is trying to get this all pieced together.

Commissioner Isnardi stated she thinks the fine system, \$50 per day, is egregious; she understands why it is in place, to get people to move and rectify their issues; however she thinks that is an excessive amount either due to misunderstanding or the County not having a solid enough process.

Mr. Pendl noted they were not the owners at the time.

Commissioner Isnardi advised there was communication before; and she reiterated she agrees with Chair Pritchett and Commissioner Smith in going with the Special Magistrate's recommendation.

Commissioner Barfield stated the facts and the timing do not add up; it is a rare case that he would agree with Commissioner Tobia, but on January 23 it was notarized; the Board gets a lot of people who comes before it, some with hardships and sometimes things just do not add up; and this is one of those, he thinks it needs to be the full price.

Mr. Pendl stated he did not mean to intentionally lie; and he tried to put as many facts together as he possibly could in the timeline that he had.

The motion by Commissioner Tobia was defeated to go with the full amount of the Code Enforcement lien for \$18,805.

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| RESULT: | DEFEATED [2 TO 3] |
| MOVER: | John Tobia, Commissioner District 3 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Jim Barfield, John Tobia |
| NAYS: | Rita Pritchett, Curt Smith, Kristine Isnardi |

Chair Pritchett explained she thinks this was a little more of Mr. Pendl's responsibility than he is assuming; she typically goes with cost; but she is going to with the Special Magistrate's reduction on this.

The Board considered request for reduction of fine and release of Code Enforcement Lien from \$18,805 to \$5,645 for SL Assets LLC, Trustee for Trust #3647; and approved releasing the lien upon full payment for Case 11CE-01131 at 3647 Buddy Drive, Melbourne.

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| RESULT: | ADOPTED [3 TO 2] |
| MOVER: | Kristine Isnardi, Vice Chair/Commissioner District 5 |
| SECONDER: | Curt Smith, Commissioner District 4 |
| AYES: | Rita Pritchett, Curt Smith, Kristine Isnardi |
| NAYS: | Jim Barfield, John Tobia |

ITEM 1.3., AUTHORIZE FULL FUNDING TO UPGRADE THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD MODEL FOR NORTH MERRITT ISLAND (NMI)

Virginia Barker, Natural Resources Management Director, stated this authorization of full funding to upgrade the FEMA flood model for North Merritt Island; the Board previously approved budget in this Fiscal Year for the first two-thirds of that project; and the remaining one-third would be funded from District 2 stormwater revenues in Fiscal Year 19/20.

Commissioner Barfield stated there are a number of options on how to fund this and he asked Ms. Barker to explain them.

Ms. Barker stated these were the options identified in previous agendas; the first one is to look within D2 Stormwater Fund and try to project out all of the budget demands for next year; there are grants that come in throughout the year so there may be opportunities for changes between now and when this is funded; to slide some things around and offset project delays with grant funds which they always look for those opportunities; option two is further use of Road and Bridge District 2 MSTU funds; this is where the first \$150,000 for surveying was funded in the current Fiscal Year; and another \$150,000 is funded this year from stormwater revenues to get the modeling started, and the remaining funds that she will need next year is another \$150,000 to complete the modeling.

Frank Abbate, County Manager, stated for the MSTU dollars there was a mile of road repaving that was going to occur in the following year that the County would receive MSTU dollars for there, so there may be limited opportunities to find and utilize those; what staff has done is given the Board these three options in an order of priorities of what staff is recommending; the third option being is if they were not able to identify in the course of this year the \$150,000 that is outstanding in option one or two; then the third would be to look at unallocated General Fund dollars, which the Budget Office indicates typically they have the opportunity at mid-year supplement that there is going to be some opportunities to identify General Fund dollars to make up whatever difference there may be to reach the \$150,000 and place that into next year's budget; and those are what are being suggested and the priority that staff would look at for next year's budget.

Commissioner Tobia stated this is highly unusual as staff is looking at funds that have not been collected and the County has no projections for these funds; the only reason for funding something in Fiscal Year 19/20 before the budget is created is to make a decision before the incoming Commissioner would be here; two of these options would be shifting funds from other projects in District 2 that Commissioner-elect Lober may have ideas on; he thinks there is no legitimate reason to make the decision now, rather than the normal budgetary process that comes up before the Board understands the revenue that does come in; and he thinks the other option would be to table that until the County has an idea of the tax revenue coming in to either the MSTU or the General Fund and let the Board make the decision at that time. Commissioner Tobia made that a motion.

Motion dies for lack of a second.

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Commissioner Barfield noted it was said at the last meeting how important this is because the top priority is to keep homes from flooding and the County has got to put forth a study; the whole study has to be done and the Board needs to make sure the funding is available; he truly believes the County can do the funding now; and he actually thinks there can be another option that he discussed with Mr. Abbate this morning. He went on to say the everyone knows there is new construction going on and that there will be additional money coming in; what they do not know is how much it will be; he thinks the County should target that first \$150,000 from that funding to put it towards this; if there is not enough then he thinks the rest should be pulled from the funds left over from other projects; and he thinks that would be logical.

Jill Hayes, Budget Office Director, stated in terms of new construction for the ad valorem revenue, she will not know what that is going to be; certainly her office makes projections when developing the budget; before they start budget development they look to the Board for direction on how to develop the budget and if that were the direction given by the Board in terms of using the new construction dollars; and she inquired if Commissioner Barfield is talking about the MSTU dollars or the General Fund dollars.

Commissioner Barfield stated the General Fund dollars.

Ms. Barker stated while Ms. Hayes is looking that up she would like to add that when her department does a Request for Proposal (RFP) to search for a consultant to do this modeling and then want to enter into a contract for the full modeling, they cannot do that unless they have the full budget identified in various Fiscal Years; and unless they were going to try to phase that modeling, it would be very useful to identify the full source of funding before staff gets to that point of awarding a contract to get the work started.

Ms. Hayes stated for Fiscal Year 18/19 for the General Fund the increased revenue due to new construction is approximately \$2.3 million, which was the amount of increased ad valorem revenue the County received from new construction this year.

Commissioner Barfield inquired if what Ms. Barker is saying is that the County cannot depend on that.

Ms. Barker responded there can be an "If this, then that" scenario for purchasing as long as there is a commitment that the dollars are going to be available to complete the work.

Commissioner Barfield asked if the Board can do a combination then.

Mr. Abbate stated he thinks what Ms. Hayes is saying is that the likelihood is the County will have significantly more than \$150,000, so that amount would be available in new construction if the Board were to decide to give that directive.

Commissioner Barfield stated what they could do is \$150,000 is to come out of the projected General Fund increase because of construction; and if it does not make that the difference could come out of the MSTU or stormwater funds or additional resources.

Mr. Abbate stated or it can be done the other way using those two first and then the difference coming from the General Fund construction as the third source, but that is up to the Board to decide; and of course they will follow that direction.

Commissioner Tobia inquired what the County's budget will be for 2019/2020.

Ms. Hayes stated it is too early for her to project that, for 18/19 there was a Workshop in February and then they began working on projections in March, April, and May.

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Commissioner Tobia asked if there are specific line item projections such as those already allocated in the budget.

Ms. Hayes explained there is a multi-year CIP Plan where they identify projects that will be multiple years, out to five years, knowing that there will be certain funding allocated for those projects.

Commissioner Tobia inquired since this is General Fund dollars, is he to understand that this \$150,000 could go anywhere Countywide for such services as public safety, sheriff's deputies, raises for hard working County staff, or a myriad of other potential expenditures.

Ms. Hayes stated that is correct; the General Fund is where the Board has the most discretion; therefore, it could be used for those purposes.

Commissioner Barfield stated this is a public safety issue and public safety is a top priority of this government; he really believes the Board should go ahead and fund this; and he motioned that it be funded with new revenue from the General Fund and if other funding is needed it is to be taken from the carry-over of other projects or the District 2 MSTU funds.

Commissioner Isnardi stated she has no problem supporting this; she does not agree that it should come from General Fund dollars; she thinks everyone is allocated in their own District; and as much as she has preached, she does not like that each Commissioner has their own District, but whenever she needs something done in her District, whether it be a small stormwater project, or any project, she has to pull from somewhere else within her District. She added the next Commissioner could come in and undo this entire thing in his first meeting, so whether the Board passes this now or not she would ask that before it goes out to RFP that it be discussed with the Commissioner, then she would support this; however, she would only support this if the money is pulled from the District 2 MSTU or reassigning District 2 stormwater funds because that is what she has done in her District; and that is why each District gets its only pile of money. She went on to say she thinks this is a great project; she thinks this is something that needs to be done; but she gets a little nervous using General Fund monies because she could argue that at the TPO meeting District 5 had four out of the top five busiest roads in the County, and she could very easily have a strong and fair argument that her District needs more road money; but she does not do that because she understands that each Commissioner needs to support one another, she just thinks they need to do it responsibly. She reiterated she would be in support of this only if that funding comes from District 2.

Chair Pritchett stated she would need some time to kick that around; the new construction coming in will be divided throughout the County so that is something each Commissioner would participate in anyway; Commissioner Lober could come in and make some changes, he has that ability; however this is a really big problem in Merritt island and she knows the Board needs to do this; and she would probably still be supportive if the Board recommends one, then two, and then go to option three if needed. She commented she does not want to not be able to do this; she does not know if there is going to be enough in all of those funds; she thinks the Board should be able to guarantee it; and she reiterated those construction funds are something that will be divided throughout the County and could help with that allocation; Commissioner Barfield does believe it is that important for his District; and if Commissioner Isnardi wants to bring up those roads, she will look at them with her.

Commissioner Barfield stated he will amend his motion so the funding is to come from District 2 stormwater, second priority would be from District 2 MSTU funds; and if that is not enough after it is all done, then to look at the General Fund for the remaining.

Commissioner Smith stated that is what he was going to suggest.

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The Board authorized the funding sources to upgrade the FEMA flood model for NMI to come from District 2 Stormwater Funds, followed by Road and Bridge District 2 MSTU Funds; finally any unallocated General Fund Balance Forward Dollars; and approved any Budget Change Requests associated with this action.

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| RESULT: | ADOPTED [4 TO 1] |
| MOVER: | Jim Barfield, Commissioner District 2 |
| SECONDER: | Curt Smith, Commissioner District 4 |
| AYES: | Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi |
| NAYS: | John Tobia |

ITEM J.2., REPEAL, RE: LOCAL PREFERENCE POLICY

Commissioner Tobia stated he has a PowerPoint; he informed the Board in September that he would be making this proposal when it was discussing the merits of having an E-verify Policy that matched the State and Federal requirements; Commissioner Barfield commented that he was really amazed that Brevard County has not automatically incorporated this because of it being a requirement by the State and the Federal Government; local preference sounds like a good idea because who would not want local businesses, which employs local citizens and pays local taxes, to do well; and Commissioner Smith stated some of the things he champions are that he is business friendly, he welcomes businesses, and he wants to treat everyone fairly. He went to say the research behind this show that preference policies undermine competition and significantly increases the cost of government; it states that these types of policies misdirect resources, impede genuine economic process, breeds corruption, and undermines the legitimacy of both the government and private sector; and he showed a slide from the PowerPoint. He explained here is a basic example of how people spend their dollars; two identical Ford F-150s, one costs \$28,000 in Orlando and one costs \$29,400 in Melbourne, which would be in the five percent window thus the County would give, as the policy reads, the local the ability to match that; unfortunately this causes a whole bunch of issues; and he would hope the Board members and staff would spend their own money as it does County resources. He continued the question that is always brought up is whether this impacts Brevard County; he thinks it does; he thinks this policy has had severe unintended consequences where staff had to divert its focus from disaster recovery to negotiate contracts in the aftermath of Hurricane Matthew; and the issue was the County had bid out some projects using local preference and when the Federal Emergency Management Agency (FEMA) was going to come in and reimburse the County, it could not use the contracts that it had in place because it had local preference. He noted what this did was delay the County's ability to further disaster relief in a timely manner; had the County not had this local preference policy in place, it could have then used the existing bids; he pointed out that the National Institute of Government Purchasing sited many, many reasons why this local preference causes all sorts of issues from corruption, to increased price, to limiting competition; and he thinks it would be in the best interest to the taxpayers if the Board did away with local preference pricing.

Commissioner Isnardi stated she is in support of this; she honestly did not know about FEMA so that is interesting information; she has an issue, even though it sounds very good and it feels very good, and people think that it is helping the little guy, it is actually hurting him; often times what happens is the big companies just open little offices, throw in a couple of desks, and a few people and the County winds up not benefiting from that at all; she thinks it is almost a form of bid-rigging even though that is not the intention; and often times large general contractors come in and sub out to local guys and those are the people she thinks need the help. She continued she thinks local preference, although probably well-intended, actually hurts competition and the

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local little guy; she thinks it puts them at a disadvantage for competition; therefore, she will be in support of repealing this as well.

Commissioner Barfield asked Leslie Rothering, Interim Central Services Director, to explain how the County does the local preference and how it all works out with the bidding.

Ms. Rothering explained there was a pilot program in 2009; there have been several amendments to the policy because originally they were allowing the five percent more, now there is the match; there have been some changes to points assigned in the Request for Proposal (RFP) and Request for Qualifications (RFQ) process; in that phase the scoring of an RFP or RFQ, additional points are given to the local firms for Brevard companies and there are additional points for State companies; and that creates a large advantage on the consultant side. She continued in addition to the five percent match, there is the CCNA that is impacted by this local preference; and actually Brevard is one of the few agencies that include CCNA in their local preference policy.

Commissioner Barfield asked Ms. Rothering to explain what happens if the lowest bidder is not a local business.

Ms. Rothering explained in an RFQ price is not a factor; it is only based on qualifications.

Frank Abbate, County Manager, stated he believes what Commissioner Barfield wants to know is if there is a low bidder, but the next bidder is of local preference, what the impact would be for matching the bid.

Ms. Rothering explained the local bidders can artificially inflate the costs because they know there is that five percent and staff knows that could possibly happen.

Mr. Abbate advised basically what could happen is an outside bidder could bid, and if the local vendor is within five percent, they are entitled to match that bid and knock out the vendor who is from outside of Brevard County; and that is what the Policy provides for.

Commissioner Barfield asked over the last couple years how many awards have gone to the local preference.

Ms. Rothering stated over the past few years there has only been a few with little or no impact basically; in 2017 they did 117 solicitations and local preference was a factor in two of those; and that was on a CCNA selection where the number one ranked firm came in, that was not from Brevard County, with the scoring that was applied based on a local preference points, they were then moved up to number one.

Commissioner Barfield he clarified that is less than two percent.

Ms. Rothering agreed. She stated in 2018 it was 150 solicitations and only one was impacted.

Commissioner Barfield stated seems to him the way the economy is right now with a low unemployment rate, it is hard to find employees and it is hard to get the work done; when this was done initially, before he was on the Board, the economy was not doing so well and the Board wanted to keep the money inside the County; he supports dropping this, he does not think it is needed any longer; and like it was stated, if it is a large project, generally the contractor will hire locally.

The Board adopted Resolution No. 18-186, rescinding Brevard County's 'Local Preference' Policy in order to treat all entities seeking to do business in the County equally.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | John Tobia, Commissioner District 3 |
| SECONDER: | Kristine Isnardi, Vice Chair/Commissioner District 5 |
| AYES: | Pritchett, Barfield, Tobia, Smith, Isnardi |

ITEM J.3., APPROVAL, RE: SECOND AMENDMENT TO STADIUM COMPLEX LEASE

Kendall Moore wished good evening to the Chair, members of the Commission, Mr. Abbate, and Ms. Bentley; he stated his name is Kendall Moore for the Moore Law Group; and his professional address is 895 Barton Boulevard, Rockledge. He went on to say he is actually the last Item on the Agenda tonight so he is not going to take the time to go back through what he thinks the Board already knows is the history of USSSA, who they are, how they got here, and the like; he is going to try to specifically spend a few minutes to talk a little bit about the specific Item on the Agenda tonight; Brevard County entered into a lease with USSSA for the Viera Stadium Complex; the original lease goes back to August 3, 2015, and then the first Lease Amendment was dated March 24, 2017; and without going through those other additions, what is before the Board tonight is simply requesting a second amendment to the USSSA Lease. He continued this specific matter came before the Board tonight for one simple reason and that simple reason is that in the 2015 original Lease and the 2017 amended Lease there was a contemplation by both parties; he thinks the County Commission at that time, as well as USSSA, believed that construction would be complete on the facility by January 2018, and therefore, the Lease time and the beginning of the room night obligation, which we know from that original Lease being 75,000 room nights, was set to begin in January 2018; the unforeseen situation conditions on the site resulted in the permitted Certificate of Occupancy (CO) not being achieved until April 1, 2018, so rather than January 1, it would be April 1, 2018; thus far in 2018, USSSA has generated 52,214 room nights; and when this Agenda Item arose, some of the Board asked USSSA how those are generated, how they are calculated, and how that works. He explained in short, he thinks the officials from the Tourist Development Commission (TDC) could answer any additional questions; but for those room nights, the information is collected from Anthony Travel, which is the travel agent vendor and also from a housing form which is a form that is collected from each individual player and/or family that comes to Brevard for the sake of USSSA tournament. He stated at the time that information is submitted to the TDC, they go through a verification process which is to go back and check those relative room nights, the ones that are hotel based are a little bit easier to do because they can pick it up and run a report from the hotel to verify those, but it takes them just a little bit longer to verify those that may be from alternative sources like BBRO or something of that nature; what he is asking for this evening is in order to remedy this matter there are two potential or proposed ways that the Board could go; option one, since in 2018, it was contemplated that there would be 12 months of room night generation and after the Certificate of Occupancy was gained, there was only nine months of room night generation, the first option would be to reduce the requirement from 75,000 to 56,250 room nights, which would represent the pro rata share of nine months as opposed to 12 months of room night production; the second option would be rather than counting just nine months in 2018, to keep the 75,000 room night obligation the same but to slide the calendar to the right by 90 days, which means that it would start counting on April 1 rather than January 1; if they were starting on April 1, then USSSA would ultimately keep the same room night obligations that were contemplated in the original agreement; and he and Wendy Anderson, who is an attorney with USSSA, would be in favor of either of those options that would ultimately take into account that the Certificate of Occupancy was not granted until April 1. He noted the date change would still maintain that USSSA would have responsibility for the same number of room nights, arguably going from April 2018 to April 2019, rather than

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January 2018 to December 2018; they have been asked what kind of rationale is behind this; certainly there were unforeseen circumstances that created the 90-day delay, and although the Board would be far more capable of speaking to its intent, but he thinks the intent of both parties at the time, USSSA and the Board of County Commissioners, would not be to ask USSSA to generate room nights at a time before the facility was complete; and they just think in the idea of just the simple interpretation and the fairness that it would be an appropriate amendment to request. He went on to say he told Ms. Bentley and the Board members who have asked, that they are not arguing what the lease says on its face; the lease did contemplate that certainly the construction would be complete and that operations would begin in January of 2018; the reality of it, is that it turned out to be April 2018; and since they are in the amendment process there were a couple of other issues that he just wanted to raise, that he feels are important. He noted the first of which is the concern or confusion in the language relative to the \$250,000 that is owed by USSSA; the first part is to clarify that there are in fact two separate \$250,000 payments; the first of which is a payment to the ARR account, the payment that USSSA makes to the County; the second one was, it appeared that staff and the Board contemplated at that time, the Board knew what it cost the Nationals to run that facility, and it had absolutely no desire, which is appropriate, to be responsible for maintenance and capital improvements from a base standpoint, and in the lease it says USSSA is responsible for \$250,000 in maintenance and capital improvements, therefore that would be on an annual basis, and not paid to the County, but ultimately required to be spent by USSSA; one of the things that the Lease does add, actually two things that did not exist in the original Lease, first USSSA was required to spend it, but there was no mechanism for reporting it, so the Lease Amendment added a mechanism for reporting; the second is it added an audit provision that would ultimately allow the Board to audit that information once it is brought to it relative to the \$250,000 that's spent; and he mentioned he is before the Board asking for two things, one is on a simple equity and clarity basis to confirm or clarify the Lease Amendment, and the second Lease Amendment, is that the Board in fact did not intend for USSSA to be responsible for room nights prior to the completion of the construction of the facility. He stated USSSA is fully willing and would be happy to meet its obligation of the 75,000 room nights if the Lease were to start counting as of the day that the CO was received; he asked the Board to consider the amendment; and he noted he has spent some time with Ms. Bentley and Mr. Abbate and they may have some additional ideas or thought processes to put forward, but he would be happy to entertain any questions the Board may have.

Chair Pritchett inquired he said two, what is the other one.

Mr. Moore advised option one would be to continue the beginning of the lease from January 1 to December 31, 2018, with a reduction in the room night count to 56,250 room nights which would be the equivalent of a nine-month requirement; or the second would be not to reduce the room night count at all, just to start counting from April, and count from April 2018 to April of 2019; and arguable USSSA would still be required for 75,000 room nights, however, the County would still get the benefit of the tourist tax and others associated with that room night production.

Chair Pritchett commented that was a great presentation and Mr. Moore did a really good job describing everything; she thinks it would be better to go ahead and change the date from April 1 to April 1, that way the County does not have to change the monetary numbers in the contract; she agrees that there are some things that happened that USSSA was not able to open on time, but they did open pretty quickly; she noted she did not think they would be ready April 1, but they did; and she thinks they are really doing a great job over there. She continued she likes the option of just changing it from April 1 to April 1, and keeping the same contract; she knows USSSA will meet the room nights; she thinks that is just a cleaner way of doing it; and she appreciates that USSSA is going to be able to show the Board how the money is spent, that it is being used for maintenance in the building cause that was a question; and that there is going to be an ability to audit that.

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Commissioner Smith noted as one of the two remaining individuals that was part of that Board, he concurs with the assertions that Mr. Moore made and he agrees that option two would be, from his point of view, the easiest and cleanest way to do this rather than trying to do anymore calculations or anything else, just change the date to April 1, 2018, through April 1, 2019; he also likes the idea that the County needs an audit procedure for the \$250,000 that USSSA is going to spend, that is a no-brainer; and he made a motion to go with option two, changing it to April 1, 2018, start date and that the County create some kind of an audit procedure so that USSSA can document the monies that it spends to make this contract work.

Frank Abbate, County Manager, stated he would like clarification that on the amendment, as presented to the Board, it stated there was a pro-rata that USSSA would be waiving any overage just for the first year; and he asked if that would apply to option one only.

Mr. Moore stated it would apply to option two as well; he thinks what Mr. Abbate is referencing is ultimately if USSSA is above or below then they are entitled to a reduction on the taxes above, and would have to pay a payment if below; and if this were to slide to the right, even though USSSA would keep the same room night obligation of the 75,000, it would waive any entitlement to the overage that it may have for going over the 75,000.

Commissioner Tobia stated he has a question for clarification and a few questions on some of the points that Mr. Moore made; he asked if it is Mr. Moore's opinion that the Lease Agreement, as written, matches the clarifications contained in this amendment; and he asked if his interpretation of the contract matches what is currently written.

Mr. Moore stated relative to the \$250,000, for ARR, USSSA believes that payment has been agreed to from the beginning and it was prepared to pay that, and the second \$250,000 would be spent internally; for the record, USSSA is extremely appreciative of the \$10 million it got from this Board; it has spent millions ultimately in excess of that so it would provide that documentation, which would clearly show \$250,000 plus spent for this coming year; and on its face today the lease does say beginning on January 1, and it does specify for 2018, and ultimately on its face, could subject USSSA to penalties if it does not achieve 75,000 room nights for that year.

Commissioner Tobia stated Mr. Moore mentioned right off at the beginning that USSSA's premise was that the Commission contemplated not addressing the 75,000 room nights until the CO was given; so he went back and looked at some previous Commissions, in fact one that he sat on in March 2017, where Commissioner Smith inquired from the Tourism Director at the time, Mr. Garvey, how USSSA could be expected to reach the 75,000 room nights that year when they would not be able to get full use of the facility during that full year; Mr. Garvey informed the Board that the room night requirement was intended to be annual and would not run until the beginning of 2018; and he asked Mr. Moore what led him to believe that the intent of the Board was any different than what staff was telling it.

Mr. Moore noted he thinks that is clear; the comment that Commissioner Tobia just read took place in this chamber at the Board meeting in 2017 and at that time when the Lease was drafted, the clear intent was that it would begin in January 2018 which presumably would be at the time the construction was complete; that is what was contemplated in 2017; and the operational reality was it was not completed in January.

Commissioner Tobia stated Mr. Moore believes the Board knew the construction schedule of USSSA's complex; and he inquired when USSSA got the keys to that facility.

Mr. Moore stated he would have to go back and look at the exact record but he thinks the Board should recollect it was somewhat of a staged procedure; the Washington Nationals had a

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moving date of coming and leaving, the County had a time and opportunity for USSSA to take over some office space prior to that and allowed their planning process, which he thinks may have happened as early as 2017; and then ultimately the intent for the play-ability was in 2018. He continued his suggestion is on the basis of equity, fairness, and that he does not think either party at that time would have suggested signing up to generate room nights for a facility that did not exist. He noted Commissioner Tobia is correct, on its face the contract does say January 1, 2018, but because the operational reality was different, that is the basis for his request this evening.

Commissioner Tobia stated he assumes the County treated Mr. Moore's client fairly with the CO, which it provides; he asked if at any time did the County provide any problems for delays that USSSA could not have foreseen before it made those commitments, as it voluntarily signed the contract; and he inquired if Mr. Moore or USSSA felt it was the County's fault.

Mr. Moore stated the County never heard him or USSSA articulate, nor has County staff in any way shape or form, that it was the County's fault relative to that; he has referenced some unforeseen circumstances, whether they be site conditions or others that were not visible at the time; but, regardless of that, they have not taken any position that it was ultimately the County's fault that, that had taken place.

Commissioner Tobia stated it is someone's fault; it was projected as staff said for 2018; what Mr. Moore is asking for is a reduction of about \$60,000, that is what he is getting from staff; he needs to look at that because this is extremely important as it is taxpayer resources that could be used in a whole myriad of other ways; he imagines USSSA did an inspection; and he inquired whose fault it was that it did not open as planned on January, or that USSSA did not receive the CO for January 2018.

Mr. Moore stated he is not there to attribute fault in any way, shape or form; his simple request is for the Board to acknowledge the fact that the CO did not take place at that time; he thinks that this project was one that both parties embarked upon where there was many questions on both sides; he is particularly proud in terms of what has been able to be accomplished in this regard; and as he has said previously, clearly it is said on the contract, January 1. He continued they are not attributing fault to the County; what they are asking the Board to do, per amendment, is to consider the beginning of the lease to be April 1, as opposed to January 1, for operational purposes that would allow USSSA to accomplish the room nights; and to allow the County, it was said \$62,000, moving it to April, there would not be the \$62,000 the County is going to get the benefit of the totality of the room nights; and if they do not make it, ultimately they would still be subject to the penalty, but the tourist tax collections and others of those would be apropos for what was expected for a 12-month period.

Commissioner Tobia inquired if USSSA met the terms of Section 4(3) of the Lease Agreement, which states that the tenant is required to pay the taxes on the property at all times.

Mr. Moore stated they half paid the taxes.

Commissioner Tobia advised that was not the question.

Mr. Moore explained that this prior year and the tax year, there were some questions and concerns about where the bill was sent and how it ended up, but at the end of the day, USSSA has satisfied that obligation, to his knowledge.

Commissioner Tobia commented this would not be the first time that there has been issues, that again, were not the County's fault, but were somebody else's and he does not expect Mr. Moore to take the blame.

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Mr. Moore reiterated he is not assessing fault in any way, shape, or form; he thinks Commissioner Tobia's question was whether or not the taxes were paid; and he does acknowledge, regardless of whoever's fault that those taxes were not received on time, and that is certainly part of the record.

Commissioner Isnardi inquired how long Mr. Moore has represented USSSA.

Mr. Moore replied maybe 18 days or so.

Commissioner Isnardi noted the reason she asked that is because she has known Mr. Moore for many years and she knows how diligent he is; she would be hard pressed to go out on a limb and say that he missed this and that he would wait until November to amend a contract knowing full well that USSSA did not get fully operational until April; she asked questions of Mr. Moore and appreciates him answering some of those questions for her today; and she does not have a problem as far as making sure the intentions were met, and that the County amended things to make sure that it is being accurate as well. She went on to say what she has an issue with, and she expressed a little bit of this to Mr. Moore, is even though it may not be directly related to what Mr. Moore is asking for in the amendment, is with the validation of room nights; she understands that County staff, and she spoke with the County Manager, Frank Abbate, validated everything, and that there was an enormous amount of work that staff put in to make sure the Board can validate some of them on our end; the Board has no control over what a travel agency, who already does business with USSSA, tells them because it does not have a right to their books; another thing she has issue with, and she is glad there was sort of an audit provision in there, because of past Commissions, this Commission have put the EDC through the wringer for a little over \$1 million, to where this is like \$16 million that USSSA has received on behalf of the County, on behalf of decisions that past Commissions have made, so she would be happy to support an agreement that had an extensive audit process, given the fact that they have such a large amount of County tax dollars because ultimately this Board is responsible for it; and what she means by that is this Board has no eyes on what is going on there, and given some of the decisions in past, and rather than rehash those, talk about some of the decisions this Board made on waiving bid processes and so forth whether ill intended or not, this Board is still answerable for why it chose to go that way. She noted she would be okay with this; she would like to see maybe a little change in language; she would like a stronger audit provision; the old Lease Agreement had, in her opinion, a little bit stronger of an audit provision in it; and after speaking with Mr. Abbate she would like to see a stronger audit provision in this as well. She reiterated she would be happy to support this; she mentioned she thinks that USSSA will get its majority with those things in place because she thinks ultimately the Board is responsible for those dollars; she wants a fully transparent process to make that happen; she thinks April to April is the perfect solution because that gives USSSA a solid 12 months; however, she wants a better auditing process for room nights and a better auditing process for monies expended considering the extremely large dollar amount that USSSA received.

Mr. Moore stated as a follow up on those relative to this particular audit provision, there are some provisions in the lease and in the global contract, but there was not a provision that specifically addressed verification and audit relative to the \$250,000 that USSSA is required to spend for capital maintenance and improvement.

Commissioner Isnardi agreed with Mr. Moore.

Mr. Moore stated that was something he agreed to add; it did not exist in the prior lease relative to this issue; he thinks USSSA was open to that request and suggestion for the staff; he noted both parties always have to remember that this relationship is actually a tenant relationship; that the County provided the dollars to USSSA that he thinks it did in an oversee to be able to verify what was spent from a construction perspective relative to that from an operational standpoint,

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in internal operations; this is ultimately a lease and USSSA are a tenant, so the operations do ultimately fall under their regard; however, there are other audit provisions that exist in that. He does not think there are any concerns about any audit provisions or verification in that regard; as it relates to room nights, the travel agent, and the sign in sheet that they provide when players and families come in, that is the ultimate raw data; the verification process takes place on ultimately the County's side so it gets the raw data; a large portion of that, if people are staying in one of the 30 major hotels that are under contract, they are able to provide a report that the County can ultimately go line by line, room by room, person by person, and verify; and he is pretty sure that is taking place as part of the process. He stated where it gets a little more difficult is when a person puts down he or she stayed at Kendall Moore's house, or VRB; those are required to be checked on a one by one basis, so that is a little slower process, but certainly that verification process exists on the County's side of the table; and by contract, he thinks USSSA is required to provide the documented detail relative to number of people, room nights, their names, their numbers, how long they stayed, and how many beds were in the room. He noted that is the detail USSSA is required to provide to the County as per the contract.

Commissioner Isnardi reiterated she honestly does not have a problem supporting this; she questions the hastiness of it and that is why she wanted Mr. Moore to verify for the record how long he has been on this; she does not think it is up to the County to say it was going to start rating these rooms from April, start recording the numbers from there, because ultimately it was up to USSSA; and if it did not provide those numbers at 75,000, it was up to them to come to the County.

Mr. Moore agreed with Commissioner Isnardi.

Commissioner Isnardi stated she just wanted that on the record because this really is not about Mr. Moore and the work he has done to try to rectify it, it is about the timing; she understands that; the elephant in the room that nobody wants to talk about is that this Commission is changing; she honestly believes USSSA could easily get the supermajority vote with some more provisions added in there with some more transparency; and she noted this is just a Lease, but it ultimately ties down to relationships and it ultimately ties down to history because USSSA is that history, the good and bad in her opinion. She went on to say she thinks anybody would be less than honest if they did not say that it should have been correctly tied up on some of those items; she reiterated she is not anti-USSSA at all, she just wants a completely transparent process through all of it because ultimately it is the Board that is answerable for this.

Commissioner Barfield explained logic dictates when the CO starts April 1, it just makes no sense to require USSSA be responsible for part of that when they did not even have a CO; he thinks the right thing to do is go from April 1 to March 30; and he called the question.

Eden Bentley, County Attorney, stated she has some information the Board may need; this proposal as it was presented had a monetary impact, and because there was a monetary impact it requires a supermajority; if the Board goes for option two and it shifts from April to April then there is not a monetary impact; and she thinks the Board can go with a simple majority under the Ordinance.

Jim Liesenfelt, Assistant County Manager, inquired if the Board is talking about sliding it to April 1 to March 31, each and every year of the contract.

Chair Pritchett responded affirmatively.

Commissioner Tobia inquired if at that point it would match up with the tax collection being that is January 1 to December 31.

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Mr. Liesenfelt responded affirmatively.

Commissioner Tobia asked someone to explain how that can be done; he noted that is the problem with this contract, and that is the problem with the amendment to the contract, and that is the problem with the initial contract, that every time the Board changes it, 14 other things pop up; and he explained this is just him, he is not an attorney or an accountant, but he does have an attorney on his staff that just pointed this out to him. He asked again for someone to explain to him how the County is going to solve this unless it has to come back to the Board with another amendment next week.

Mr. Abbate stated the way he contemplates that happening is the tax bill; for example, that came out in November of 2017, it would be the tax bill that would be applicable under the formula that is in the contract; if there was a deficiency in the period of April 2018 through March 2019, that would be the 12-month period they would look at; and under the contract provision if they did not hit the target for that 12-month period then they would have pay a percentage against the base \$250,000 that annually they are obligated to put in expenses toward the stadium and the property. He continued where that would impact the Board on the taxes is that, there is a provision that says that if they go over the 75,000 room nights for that period of time they would receive a reimbursement and they have already waived it for 2018-2019, so that is not a problem; what they have paid in taxes for the tax bill of November 2017, when that bill came out, they are going to get no reimbursement no matter what they do in terms of the rooms for 2018, from April 1, 2018 through March 30, 2019, in the future year; in the tax bill going out now, they would have to wait until the April 1, 2019 to March 2020, completes to determine whether they get any reimbursement for the taxes that they are going to pay, and that is only if they go over; and he mentioned that is the second year, 75,000 rooms, and that they are only going to get a percentage of the taxes back. He stated to get the reimbursement back would, they would look back to the prior year from April 1; the first time this would actually come into effect would be April 1, 2019, through March 31, 2020; and that would be for the tax bill that is going out this month.

Commissioner Tobia stated that was a great explanation; he was lost after like the second sentence, but Mr. Abbate looks very intelligent; it just boils down to how the Brevard County taxpayers are better off by the Board amending this contract again, providing this change to the USSSA; and he stated Mr. Moore has done a great job talking about the benefits to his organization.

Mr. Abbate stated this amendment would provide a clarification that was not there relative to that second stream of money that was really not clearly identified and then also provides a mechanism for them reporting those expenditures and providing the County an ability to audit it; he is not sure if in that motion it is the current audit provision or whether or not it would be revised from where it is, but obviously to have a provision is advantageous when it was not currently there; and it is really an equity and fairness issue that is being raised, so he will have to defer back to the Board on that one, because ultimately that is a Policy decision for the Board to make.

Commissioner Tobia stated he understands the clarification, it sounds like they are already on the same page as the Board; he is just trying to understand the financial; and he inquired what would be the benefit of pushing it back instead of receiving those funds up front.

Mr. Abbate advised the benefit would be that USSSA waived 2019, no matter what they do in the rooms for that 12-month period; and they waived the County from providing any reimbursement, that does not currently exist in the agreement as it is today.

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Chair Pritchett stated she has to back to this because she had watched it when while it was worked through this process; it came back that the Washington Nationals were leaving and the County was getting stuck with this big huge stadium that cost a fortune to run and none of the pro teams were coming here; the County still had not fully recovered; then USSSA were able to talk a girls fast-pitch softball professional team to come; she did not know how that was going to work, but she knew they were doing so well in the Disney area, all these teams were coming in and she got excited; she remembers watching all the kids travel around and play ball; and that whole process just fascinated her. She continued she knew it was a \$12 million investment, but it is going into the County's own asset; if USSSA took off and left, the County spent the \$10 million and USSSA spent another \$20 million in it, so by math, the County came out a little bit ahead; she just wanted to say that because if the County did not get another professional team it would have lost some of those tourist tax dollars; and if USSSA did not have a professional team, to get a professional team the County would have lost the ability to collect the tourist taxes. She noted that money came from having a professional stadium and a great professional team coming in that is actually generating some revenue. She mentioned she agrees with Commissioner Isnardi that maybe USSSA should have brought this back in June or July when it was first realized that there probably needed to be a little switch; but the County actually got a good professional team coming in that is bringing family tourism and she thinks they are just doing an incredible job; she thanked USSSA for coming and doing what it is doing; and she hopes they grow exponentially because even the Lagoon taxes, the County collected was so much more than what was expected. She noted she wishes USSSA was in District 1, because it would be so much fun to watch the games, and a lot easier to attend.

Commissioner Smith stated the question was how do the taxpayers benefit; the taxpayers benefit from a tremendous asset instead of having a white elephant; when he first sat on this Board that was a big fear that it had because the County had this big stadium out there and there was one Commissioner that kept saying, if the County would just sell it for \$18 million, it would have money for roads; but there was nobody standing in line to buy it and if the stadium was to sell, it was not worth much more than scrap metal which might have been a couple hundred thousand dollars; instead the County got a first class organization to step up and say that they were interested, they wanted to come here; and they received the benefit of \$10 million. He added whoever the tenant was, they would have gotten that \$10 million, but he can say with absolute certainty, had that \$10 million been to the Nationals or the Marlins, they were not going to spend another \$20 million of their own money to further improve that area but USSSA did. He went on to say the County and all the businesses benefit because these families spend money here, they go to dinner, they go do tourist things; all of the things they do generates tax monies; a chunk of that goes to the Lagoon, that is another big asset; and he thinks USSSA is a godsend and that they are really terrific to work with. He stated they stepped up and they volunteered, if they get an overage that they are not going to require or request the money that would be due them under this contract; that is an asset because not everybody that does business with the County is that generous; he pointed out, when he first took office, the Board was dealing with the situation at Cocoa Expo; this is the exact opposite, there was a gentleman there who ran that business, and he started doing business without a CO; and he cannot punish these guys for waiting to do business when they got a CO. He advised Cocoa Expo was a nightmare; the County dealt with that for probably the first year and a half he was on the Board and he is not sure that everybody is still satisfied with that; there is a real big contrast in two very similar operations; and he thinks this is a great opportunity to benefit the community and benefit a real partner in the community in this business, USSSA.

The Board approved changing the date of the Agreement with USSSA, LLC, by and through United States Specialty Sports Association, Inc., its manager, from April 1 to March 31 of each year; approved keeping the same room night obligation of 75,000, and USSSA, LLC to waive any entitlement to the overage; approved a stronger audit provision; and authorized the Chair to execute the Amendment.

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| RESULT: | ADOPTED [3 TO 2] |
| MOVER: | Jim Barfield, Commissioner District 2 |
| SECONDER: | Curt Smith, Commissioner District 4 |
| AYES: | Rita Pritchett, Jim Barfield, Curt Smith |
| NAYS: | John Tobia, Kristine Isnardi |

ITEM L.4., JIM BARFIELD, COMMISSIONER DISTRICT 2, RE: BOARD REPORT

Commissioner Barfield thanked the Board for everything.

ITEM L.5., JOHN TOBIA, COMMISSIONER DISTRICT 3, RE: BOARD REPORT

Commissioner Tobia stated it was fun voting with Commissioner Barfield on something; he lost to him more than he ever won; he was always happy losing because although they may disagree, Commissioner Barfield was always at the dais on principle and did his homework; it was an absolute pleasure and honor; and he has a wonderful family. He continued Commissioner Barfield is up here donating his salary, dealing with the hateful emails, the phone calls, and most importantly dealing with him for the love of public service; he is a gentleman who had eight years, he would have won, no question, and he voluntarily stepped down; there is not a better measure of a leader than one who does the service the best he can for his constituents and voluntarily steps down; that is a lesson he might have wished to have learned a little sooner; but he had a number of years of service before he got on this Board; and he has learned more in the two years sitting to the left of Commissioner Barfield than he did in the eight years he served in the Legislature. He noted Commissioner Barfield has his number and he expects to hear from him now that sunshine is over. He thanked whoever it was that placed him next to Commissioner Barfield at the dais; he noted they went toe to toe on things and he always ended up on the short end of the stick; and they will walk out better friends than what they were to start with. He added he is so fortunate to have served with Commissioner Barfield and he hopes his service does not end here.

ITEM L.6., CURT SMITH, COMMISSIONER DISTRICT 4, RE: BOARD REPORT

Commissioner Smith stated he met Commissioner Barfield for the first time before the primary and they had breakfast together; he came to love the guy like a brother; he has been a real upstanding and terrific Commissioner to work with in his District and to represent the County; he has a terrific family; he noted it has been a privilege to work with him for the last four years; and he will be missed.

ITEM L.7., KRISTINE ISNARDI, COMMISSIONER DISTRICT 5, VICE CHAIR, RE: BOARD REPORT

Commissioner Isnardi stated Commissioner Barfield was one of the first people that reached out to her when she was running; just meeting him immediately makes a person feel like he is such a nice guy; when he walks into a room for a meeting he speaks to everyone; he laughs; and even he and Commissioner Tobia can go at it, but then they are over there laughing with one another. She went on to say she knows he has a good spirit about him; she loves his wife; she thinks Commissioner Barfield is a fine human being; and she is honored to know him. She added she will not stop fighting for Merritt Island and although they do not always agree with

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everything there, she promised to commit to help fight for that area. She noted she will never be a district-only Commissioner; she will always try to do what's best for Merritt Island; and she thinks the new Commissioner coming in has that on his mind as well, at least that is the impression she got from him. She wished Commissioner Barfield well, and stated she hopes he will keep in touch.

ITEM L.3., RITA PRITCHETT, COMMISSIONER DISTRICT 1, CHAIR, RE: BOARD REPORT

Chair Pritchett stated she is going to miss Commissioner Barfield; she thinks they have a good flow; she feels like she knows how to talk each one of the Commissioners into things at certain times; she watched the County Commission meetings for years before she got on the Board; and she feels that is how she got to know him and Commissioner Smith so well. She noted Commissioner Barfield is a very honest man, a good man, and a real Christian man; she stated it is easy to get attached to the people on the Board; they can all fuss at each other but if anyone fussing about one of them outside, the other has their back; and she feels he was a great Commissioner. She added she is really going to miss him.

Upon consensus of the Board, the meeting was adjourned at 7:26 p.m.

ATTEST:

SCOTT ELLIS, CLERK

RITA PRITCHETT, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA