

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

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on August 22, 2017 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

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

**INVOCATION**

The invocation was provided by Pastor Jason Linkous, New Life Christian Fellowship Church, Titusville.

**PLEDGE OF ALLEGIANCE**

Commissioner Tobia led the assembly in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The Board approved the May 25, 2017, Regular Meeting Minutes.

**ITEM I.A., RESOLUTION, RE: RECOGNIZING BREVARD COUNTY FIRE RESCUE (BCFR) AS THE RECIPIENT OF THE AMERICAN HEART ASSOCIATION'S MISSION: LIFELINE SILVER PLUS AWARD**

Chairman Smith read aloud, and the Board adopted Resolution No. 17-138, recognizing the Brevard County Fire Rescue as the recipient of the American Heart Association Mission: Lifeline Silver Plus Award.

Chief Mark Schollmeyer, Fire Rescue Director, stated Brevard County Fire Rescue runs over 70,000 calls a year, 51,000 transports a year, and thousands of those transports that are run every year are cardiac related calls; in the EMS field cardiac calls are important because time is muscle, as they say in the business; through the proper care and transport and protocols that they have in place, they have been awarded the Mission Lifeline Award from the American Heart Association; and he commented it is a great honor to have this award and a true testament to all those in the field and especially the EMS team headed by Assistant Chief Orlando Dominguez, and the quality assurance people. He expressed his appreciation for the Resolution, and he commented they hope to get the gold next year.

Chairman Smith noted he would like to stress how important that message is; he had a neighbor last week feeling discomfort, and it took the neighbor about 40 minutes to make the decision to

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drive him to the hospital; he made it to the hospital, however, he did not survive; and had EMS been called, he may have survived. He thinks what happened there and what often happens is people are in denial and do not want to believe something like that is happening, or they do not want to bother anybody because it may not be anything; and he commented people should put those thoughts aside and make the phone call, because EMS cannot do their job if they do not receive the phone call.

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

**ITEM I.B., RESOLUTION, RE: RECOGNIZING BREVARD COUNTY FIRE RESCUE (BCFR) FOR IMPLEMENTING AND DISTRIBUTING THE HANDTEVY PEDISTRIC SYSTEM WITHIN ITS AGENCY AND TO NINE FIRE RESCUE AGENCIES IN BREVARD COUNTY**

Chairman Smith read aloud, and the Board adopted Resolution No. 17-139, recognizing the Brevard County Fire Rescue as the coordinator of the Handtevy Pediatric System roll-out; and for their hard work and commitment.

Chief Mark Schollmeyer, Fire Rescue Director, stated pediatric calls are probably the most stressful of calls as a first responder or for hospital staff; each ALS unit has a pediatric medical kit in it; in this particular case they chose to purchase the Handtevy Pediatric Emergency kit, because it takes a lot of the guess work out of treating pediatric patients; kids are not small adults, they do require certain dosages of medications based on their size and weight; and the paramedics are the ones who perform these critical procedures and give the correct medication. He noted what they had run into was the EMS team was instrumental in distributing the 93 kits to nine other municipalities; it is not just nine other municipalities using these kits, it is all municipalities, but his EMS team helped distribute these and dealt with a lot of the paperwork; they purchased these kits through an EMS trust award that they had received from the State; the Space Coast Fire Chiefs got together and chose to purchase these kits so everyone has a standard kit on board; and if the City of Melbourne treats a pediatric patient they are using the same medications and dosages that Brevard County Fire Rescue does, so it is a seamless operation. He expressed his appreciation to EMS team for their hard work and dedication of getting these kits out, and he stated he thinks it will be a tremendous help in terms of treating pediatric patients in Brevard County.

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

**ITEM I.C., RESOLUTION, RE: RECOGNIZING THE DANGER OF TEXTING AND DRIVING**

Commissioner Isnardi stated she is not sure the resolution should be voted on or read ceremoniously because there was discussion before and she is not sure if the Commission agrees with it because it is asking the Legislature to bring it forward as a primary offense. She

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announced it would be the pleasure of the Board if it would like her to read the resolution first or talk about why she placed it on the Agenda.

Chairman Smith stated he believes it is a worthwhile resolution whether the Board approves it or not.

Commissioner Isnardi stated there has been some question about liberties; a person only has to look to the data to see that Florida is one of five States that does not include this as a primary offense; what is concerning to her is the amount of accidents that not just distracted driving causes but the general trend of teenagers with their cell phones; she saw three people just in the short span on Wickham Road to this meeting texting while they were driving, or emailing, or whatever they were doing; and some of the surveillance studies that were done states 61 percent of teenagers who drive are students between 16 and 20, and 14 percent of those admitted to either texting or emailing while driving and that is scary to her. She continued as a primary offense it gives law enforcement the ability to prevent a tragic accident before it occurs; the reason this is important to her is because to know somebody who has been in a terrible crash or about to have been involved in one, to understand why she has brought this forward; she read a little into the Virginia Tech study, and what she found interesting was that it is not somebody on their cell phone that causes the accident, as a matter of fact and oddly enough just speaking on the telephone they analyzed has caused people to be more alert, because they are more cautious of when to make the call, but when texting and driving there is the sub text of taking their eyes off the road looking down multiple times for multiple lengths of time; she thought that was an interesting piece of information because she would have thought that at least it increased the odds of an accident by talking on a cell phone; that has been addressed with the hands free devices; and that is why she brought it forward. She went on to say she thinks it should be a primary offense because it is a safety issue.

Commissioner Tobia stated he looked over a lot of the data also; he thinks looking back to one of the Founding Fathers, Benjamin Franklin said it best when he said, "Those who give up central liberty to purchase a little temporary safety deserve neither liberty nor safety."; the legislation that this tries to circumvent from 2002, there is Congressman Posey and former Senate President that voted for this, so he will judge the wisdom of these two conservatives and their wishes in 2002; therefore, if this comes up for a vote he will remain a no.

Commissioner Isnardi stated in response to that, it was in 2002 and this is 15 years later so she would be real interested, not that they would have changed their minds, but what their prospective is now; and if all conservatives really voted the same, the County would only need one of them.

Commissioner Barfield commented when people talk about liberties, if someone gives up liberties it means it impacts one or others, and it really impacts others; this is an item that impacts other people not just the person, just as, a different subject, drunk driving or anything like that; and he is definitely for it.

Commissioner Pritchett stated she is in agreement with this also; people cannot drink and drive; she inquired if that takes away a person's liberty; she pointed out it is not illegal to drink; this is something that definitely impairs a person's driving, by taking their eyes off the road, the same as any distraction; and where it is today with the ease of texting, now if it were hands free texting, it could come back around, because a person would be able to talk to their car, although her experience with that has not been too successful. She noted she is definitely in agreement and she thinks it is a little late coming.

Chairman Smith stated if taking away texting is depriving someone's liberty; he inquired what depriving someone else of their life compared to that, because if someone is texting, not paying

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attention, and cause an accident that kills themselves or kills someone else's mother, child, or father what kind of liberty is being fringed upon by there; and he stated he does not think the two equate.

Commissioner Isnardi stated in summary what this resolution does is it urges the Legislature to amend that section from 2002, to make texting while driving a primary offense.

Commissioner Isnardi read aloud, the Board adopted Resolution No. 17-140, to amend Section 316.305 (5) to make texting while driving a primary offense.

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

**ITEM I.D., RESOLUTION, RE: HONORING SENATOR DEBBIE MAYFIELD AND REPRESENTATIVES THAD ALTMAN, RANDY FINE, AND TOM GOODSON FOR THEIR EFFORTS IN SECURING PASSAGE OF HOUSE JOINT RESOLUTION 7105**

Commissioner Tobia stated this is probably a good Segway from urging the Representatives in Tallahassee to change legislation, this would be to thank them for legislation that they helped shepherd through the process; Representatives Altman, Fine and Goodson, as well as Senator Mayfield have given citizens control of their hard earned money and he believes they need to be recognized for this effort; they provided voters the option with HJR 7105 by increasing the homestead exemption another \$25,000 for home values between \$100,000 and \$125,000 that could save taxpayers more than half a billion dollars; this is not whether or not the Board agrees or disagrees with the exemption, it is about whether the Board like the legislators, trust the citizens to make the decisions to do what is best with their money; and ultimately, if this would pass and he thinks it will, it would force elected officials to be more efficient and have a more effective government, in his opinion. He continued he does not think elected officials do a good enough job in thanking the hard work of those individuals in Tallahassee, and that is all this is, it is a recognition to those representatives that did that; he understands, looking statewide, there have been some very contentious relationship with the County Commissioners, as well as their elected officials, not in Brevard County but in other counties; Polk is a good example of one; and he certainly does not want to be like that, so he has this resolution to thank them for their services. He inquired if he should read it.

Chairman Smith replied affirmatively.

Commissioner Tobia read the resolution aloud. He pointed out he did not know if this would pass so he did not have it framed; he did invite some of the Representatives here, however many of them had commitments; Anna from Representative Fine's office is here; and he expressed his appreciation for her showing up.

Commissioner Barfield stated he does not have a problem voting for this, but he would like to see another line put in; he stated this would come in right after the last whereas; he read, "Whereas this tax burden decrease will result in a reduction of County, Municipal services and or the redistribution of the tax burden to small business owners, commercial property owners, renters, etc."; the reason he would like to add this to the resolution is to let the public know these are potentially how things will be dealt with, with the speakers.

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Commissioner Pritchett stated she agrees with that; she never minds things going to voters; the Board has to educate voters on what this means; from her experience in local government, she has never really seen an problems with local government being the problem; mostly, she still has this thing that federal government is messing with all the County's tax money, and that is really where most of her taxes go; when this is changed, most local governments are still going to have the same amount of money coming in because there is a thing called rollbacks; what happens is the property values between \$75,000 and \$100,000 will be paying more taxes for that little hunk, and over \$125,000 will be paying it too; someone has to make up the funds, because it has to come from somewhere; and if this was something that helped the poor, it would have been another \$25,000 on top of the existing homestead so she will probably vote in favor of this. She noted she likes Commissioner Barfield's sentence he is putting in because it really makes it more defined of what this is, but she thinks the Board needs to educate the local communities of what this means so the citizens know what it is that they are voting on.

Commissioner Isnardi stated her only concern would be, and she understands Commissioner Barfield's concerns, is that by putting that line in the resolution, the Board is saying that tax burden will be shifted definitely to those people.

Commissioner Barfield announced that is not his intent.

Commissioner Isnardi stated she knows and she understands that; she would be more apt if he wanted to include something, but this resolution is just honoring them for bringing it forward; the Board could probably write a whole page on what is going to happen to the County, and what it means for the budget, but she thinks trying to pick out how it is going to affect the budget, is not the intent of the resolution; and the intent of the resolution is honoring them for what they have done and to put a line in there that has to do with what it means for the County is a different subject.

Chairman Smith stated he wants to go on the record saying he opposes all property taxes; he knows that sounds a little bit radical, but his motivation is, he preaches people should be debt free, but they are never going to be debt free as long as there are property taxes; someone can pay off their home and they are not debt free they just no longer have a mortgage; if someone does not pay their property taxes, that home will be taken away; that is why he is against all property taxes; but having said that, the burden would have to be shifted somehow; and if people recollect back in 2006 or 2007, State Senator Marco Rubio had the same idea and he supported it. He added he sent him a letter in recognition of that effort and supporting it; the problem was the studies he did, if the sales tax was substituted for property tax, it would have to be in the 13 - 14 percent range; studies showed 12 percent would be acceptable to the people, but above 12 percent would not be acceptable, so it died and never saw the light of day; on the surface he is very much in favor of reducing the tax burden by another \$25,000; however the problem he has as a Commissioner is that there is still a government to run and the unintended consequences of this bill if it passes; and he has no doubt that it will because the voters want their property taxes lowered. He added he thinks the voters need to look at what the consequences and unintended consequences if this is voted for; if the homestead is reduced by another \$25,000 it is going to penalize the people with homes valued at \$100,000 or less because they will be paying more taxes; it is going to shift the burden on to non- homesteaded properties, namely businesses; and if people do not think businesses are going to pass that tax on them, then they have not been paying attention. He continued the businesses that do not go out of business, they will succeed and they will continue to raise their prices because they have to cover the increased costs because now the people shifted their burden for taxation on to them; this has to be looked at through the eyes of experience and consider what could and could not happen; this resolution really means nothing, so he can vote for it, but he thinks there is a real educational process that needs to take place; and if the people in this County and this State after they have been educated, and hopefully there will be an education process, if they

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decide to vote for it, then so be it, the Board will work around it, it is its job. He stated he thinks people should make an educated decision, and have all the information on the table.

Commissioner Tobia stated he does not believe this resolution as the Chairman said means nothing, if that were the case he would invite all the rest of the County Commissioners not to sponsor the hundreds of resolutions that it does, if he honestly believes they mean nothing, he should not be wasting the Board's time, as well as the people who show up here for meaningless resolutions; and second of all he guarantees State Senator Rubio never read his letter primarily because there was never a State Senator Rubio, he was Speaker of the House.

Chairman Smith replied he stands corrected.

Commissioner Tobia stated the increase in this, as Chairman Smith mentioned the decrease in this, which is factually inaccurate, it is actually an increase in homestead exemption; services do not need to be cut, the budget grows for many reasons, there is reconstruction, he thinks the Board is going to raise taxes this year, and it does not have to; it took in more revenue this year than the year previous and the rollback rate brought in millions of dollars more, the Board is just making a decision to raise it another million higher than what that rollback with the additional new construction would be; it is his opinion that this would be completely, utterly, totally, and factually inaccurate that any services would need to be cut; the Board can continue to provide the services, give the employees raises, and still have a fair and balanced budget without raising taxes; this was just meant as a thank you for the hard work of the Representatives and Senators that made the tough decisions up there in Tallahassee; and he wants to apologize, because he does not find this resolution, nor any other resolutions meaningless; and he motioned again for this resolution without the amendment by Commissioner Barfield.

Chairman Smith clarified the Board is voting to give recognition to the Representatives.

Commissioner Tobia replied affirmatively; and he added State Senator Mayfield who also voted for HJR 7105.

Chairman Smith announced Commissioner Isnardi stated in her own words she is not making a statement that she is supporting the homestead, she did it because she wants the people to make the decision; she is giving them the opportunity to vote yes or no.

Commissioner Tobia reiterated he mentioned that in the opening; this is not about what whether the Board agrees or disagrees with the exemption, it is about whether the Board likes its legislators or trusts the citizens to make their own decisions.

Chairman Smith stated he supports Senator Mayfield and he supports the folks in the great State of Florida to make those kinds of decisions; and it is up to this Board, the legislators, and everyone in this State, the responsible people to spread the word of the good and bad that can come from this.

The Board adopted Resolution No. 17-141, honoring Senator Debbie Mayfield, and Representatives Thad Altman, Randy Fine, and Tom Goodson for their efforts in securing passage of House Joint Resolution 7105, which will significantly reduce the tax burden of Brevard County citizens.

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

**ITEM I.E., RESOLUTION, RE: RECOGNIZING AUGUST 2017 AS NATIONAL BREASTFEEDING MONTH**

Commissioner Isnardi read aloud, and the Board adopted Resolution No. 17-142, recognizing August 2017 as National Breastfeeding Month.

Maria Stahl, Health Department, expressed her appreciation for the Resolution; she stated how to feed a new baby is one of the first most important decisions a family will make; it takes time and practice to learn how to breastfeed, for both the mom and the baby; the Florida Department of Health in Brevard County's Women, Infants, and Children Program has trained lactation specialists and pure counselors on staff to help mothers and babies breastfeed successfully; WIC offers breastfeeding education, resources, and mother-to-mother support groups to pregnant and breast feeding mothers; nationally only 18 percent of infants are exclusively breastfed at six months of age; in Brevard County 31 percent of the WIC infants are being exclusively breastfed at six months, so WIC works; and breastfeeding is important because breastfed babies have reduced risk of infections, asthma, obesity, and sudden infant death syndromes compared with formula fed babies. She continued mothers who breastfeed have a reduced risk of breast cancer, ovarian cancer, and post partum depression compared with mothers who do not breastfeed; breast feeding also saves money, it is estimated that a breastfeeding family can save approximately \$1,500 a year on formula costs and that \$13 billion would be saved nationally if 90 percent of infants were breastfed exclusively for six months; everyone plays a role in fostering breastfeeding; and when healthcare professionals, legislators, employers, business owners, and community and family members work together they can help lay the foundation of health and wellness for the next generation.

<b>RESULT:</b>	<b>ADOPTED [4 TO 0]</b>
<b>MOVER:</b>	Kristine Isnardi, Commissioner District 5
<b>SECONDER:</b>	Jim Barfield, Commissioner District 2
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
<b>AWAY:</b>	John Tobia

**ITEM I.F., PRESENTATION BY MIKE CUNNINGHAM, RE: THE BREVARD MARINE ADVISORY COUNCIL UPDATE**

Mike Cunningham, Chairman of the Marine Advisory Council, stated his purpose of being there is to brief the Board on some of the projects they have undertaken, that are both ongoing and in the past; the primary purpose of the mission statement is the fact that they are in place to advise and guide the Board in matters related to the marine industry; they have an industry in this County that is approximately \$183 billion plus a year, which is a substantial amount of money; and that is why he is there, and to solicit the Boards cooperation at every turn, when they can and whenever the Board wishes to give it. He continued in late 1998 a national voting magazine published an article that was anything but complimentary to this County, as a matter of fact it

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was quite detrimental; what it amounted to was addressing transient boaters, which the County has quite a few traveling through here every year, that their marine industry was not worth even looking at, and if they wanted to go to Brevard County they should bypass it, make sure they had plenty of food and fuel on board and keep on going and when they return north in the spring to make sure they had the same and for them to keep going; that is not a very complimentary thing they felt nor the sitting Commission felt was something they wanted to live with; one of the main projects is derelict vessels; the derelict vessels have been one of their most vexing problems; they had a heck of a time having people understand that there are derelict and abandoned vessels, but they could not come up with a definition of what constitutes either one, and when they tried to put them together, they got even further apart and more confused; finally the Legislature through Florida Fish and Wildlife Commission (FWC), the State, Federal, and local agencies that they work with came up some conclusions that helped them immensely; and they finally got to the point where they could take some action, and end up with some definitive solutions. He added among those, they were able to remove 150 derelict vessels, accounting for 520 tons of material, which is nothing to sneeze at, and 300 gallons of fuel; they were to leverage that out at \$130,000 on derelict vessels through grants and funding from FWC and fines, that is a lot of money since 2011, but they managed to do it; so far, they have had no problems receiving the grants when requesting them and he hopes that will continue; in the package he provided there is a photograph of an artificial reef, which is one of their prize projects; they worked and coordinated with several agencies, FWC, Central Florida Offshore Anglers, Florida's Sports Fishing Association, the Coastal Conservation Association, and the Tourist Development Commission (TDC); the County's artificial site was re-permitted in 2012; and they initially employed 24 of those things off Port Canaveral, they recently put in 25 more off the coast, and have managed to do well with that especially when the sites for the artificial reefs needed to be re-permitted after being lapsed for several years. He went on to say the material deployment they made in 2016, and the funding is in place for 2017 and he is pretty certain they have everything in place for 2018, so they are in good shape there; the interesting part about this is the project grants, and donations totally over \$125,000 have been realized for these projects at zero construction cost for the County, and that is something everybody likes to hear; the next item is Waterfest; they came up with the idea; it has worked out well and has become an annual, month long festival and a local success; and they have partnered with many agencies and many groups, Citizens for Florida Waterways, Boaters Exchange, Doc's Bait Shop, and the Angler's for Conservation who has the Hook Kids on Fishing Program. He stated the next thing is the Boaters Guide which is one of their inventions; they realized Brevard County people, fisherman, and watermen have no definitive guide as to where they can go for fishing, marina locations, and depths, so they put this together after much discussion and came up with a Boater's Guide; and it is quite comprehensive and it has been accepted in the Marine industry very well, as a matter of fact, they are working with County staff and FWC on updating this one because it is a few years old. He went on to say the next thing in the package is past projects; they do not like to consider these projects in the past because they are ongoing; they feel they are things they could do to help the marine industry and help the Commission whenever they run across something that the Commission feels needs to be done, it can call on them and they will do what they can because the mission statement outlines that quite clearly; the projects they have gotten involved in, they were successful with not only boat ramp improvements, but they also managed to get a couple boat ramps, but they need more; they need surveys for the pump out stations; and the educational brochures, in the packet, on various boating education possibilities was put together by one of his members, so it is an all-encompassing thing they are trying to accomplish on the Board's behalf for the boating industry and the marine industry. He mentioned he thinks what they have done is taken that attitude that was displayed in that national magazine and put it to rest; he is so proud of the people on his board and he cannot thank them enough; they have had people on there that are educators, business owners, marina operators, boat yard owners, they cover the whole gamut of the marine industry in Brevard County and they have all pitched in to do something right for the County.



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The Board acknowledged the Presentation by Mike Cunningham regarding the Brevard Marine Advisory Council Update.

**ITEM I.G., PRESENTATION BY ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD), RE: SHARE CHECK**

Abby Johnson, Intergovernmental Coordinator with the St. Johns River Water Management District (SJRWMD), stated the governing board allocated funds for 43 projects through the Districtwide Cost Share Program and she believes the amount reached about \$20 million; Brevard County applied for those funds, so she wanted to thank the Board for its ongoing partnership regarding water quality improvement and its dedication to cleaning up the Indian River Lagoon (IRL) because this project will actually contribute to the improvement of that water body by removing nutrients from the new sewer line that will be put in Micco; and she just wanted to present the Board with a ceremonial check in the amount of \$644,793.

Chairman Smith expressed his appreciation for the check and to Virginia Barker, Natural Resources Management Director, and her Department for all their hard work in securing these funds; and he stated they will be put to good use.

**ITEM I.H., RESOLUTION, RE: RECOGNIZING, HONORING, AND CELEBRATING SALLY'S HOUSE**

Chairman Smith read aloud, and the Board adopted Resolution No. 17-143, recognizing, honoring, and celebrating Sally's House for their devoted efforts, contribution, and accomplishments to the women and children of their community.

A representative from Circles of Care expressed his appreciation for the Resolution; he stated Circles of Care has been the custodian of this program since the merge of the prevent to Brevard about four years ago; they are both happy and proud of this program and hope to continue it in many years to come.

A Representative of Sally's house stated they pride themselves on what they do and they are happy to meet the 75 drug free babies born to the house, to date and they will continue to work hard for that.

Chairman Smith announced for disclosure that he is on the Board for Sally's House.

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

**ITEM VI.B.1., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: CHANGES TO TOURIST DEVELOPMENT TAX BUDGET PLAN**

Eric Garvey, Tourist Development Council (TDC) Director, stated this is a recommended change to the tourist development tax Ordinance; this is for approval for legislative intent and it will come back to the Board for authorization; this change in the Tourist Development Tax Ordinance essentially reallocates the money that in the past have been used to build and renovate Space Coast Stadium and reallocates a portion to additional advertising, a significant

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portion to Capital Facility Projects which is an authorized use; it gives them greater resources for the Community Tourism Development Plan and also allocates a little more to the Brevard Zoo; the details are in the Agenda Report; and he reiterated most of the reallocation comes from funding Space Coast Stadium, both construction and renovation. He noted there is a little reserve money allocated to Space Coast Stadium to provide for any unexpected capital maintenance or construction; and there is also a slight reduction in their visitor information program as they move away from bricks and mortar visitor information center to a Digital Information Network; and he noted this recommendation has been unanimously voted on by the Tourist Development Council at their July meeting, it is the end of a six month strategic plan process to set some priorities with regard to Tourist Development Tax with the expectation of the Space Coast Stadium Project being completed and USSSA taking over as primary tenant. He pointed out USSSA will be responsible for the on-going maintenance of Space Coast Stadium so there is not the need for the fourth penny dollars that had been allocated to a professional sport facility namely Space Coast Stadium.

Tom Williamson stated he is at the Hampton Inn Marriott Courtyard in Cocoa Beach's General Manager, and is representing District 2; he is there on behalf of his Chairman who could not make the meeting today; the TDC and the Tourist Tax has been a huge success throughout the State and that is largely due to the oversight that the tourism industry brings to the use of that tax; they operate in the sunshine and they take their job seriously; he is one of the three hoteliers that are on the nine person board; a lot of people think that the purpose of the TDC is to market to try to get people to come and stay in hotels; and he explained that is not the reality of it, spending is about 25 percent in hotels and the other 75 percent is for things like entertainment, dining, shopping, and transportation so they market for the entire County, not just to fill hotel rooms. He continued the proposal the Board has in front of it is a common sense reallocation of funds that will enhance the ability for the community to enjoy some capital facilities to the tune of about hopefully \$25 million worth of improvements and additions that both residents and tourists can enjoy; they looked at this for about six months and they voted unanimously to support this reallocation; and he urged the Board to do the same.

Tom Hermansen stated he would like to emphasize how much work has gone into this planning, there has been four to six months of planning; a lot of various options were vetted and he thinks what they have come to as a community with respect to the TDC and input from all those who were interested in how those tax dollars were allocated within the confines of the State Statutes, they have come up with a great plan that balances various needs; he stands in support of the motion; and he will answer any questions should they come up.

Bob Baugher stated he has been involved in tourism since he was 11 years old; he has been involved with the TDC right after September 11; this reallocation is possible today because the previous decisions the Board has made with the Stadium, which were the right decisions; this reallocation is something he has been sitting on that board watching for over 10 years; obviously it can be reallocated different ways; this has a consensus of community involved in tourism, and it was give and take on both sides; they think it is the best laid out plan and under their current leadership they think this would be a giant plus for the community; and they hope the Board will support it. He added tourism is big business in this County; he himself employs about 400 people related to tourism and the responsibility of this plan, he thinks, will take them forward with a good product for this County.

Laurilee Thompson stated she supports this; they have worked on it a long time; they had a lot of community input; there are some great projects that can be done for the community with the reallocation of this money; and she hopes the Board will support it.

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Commissioner Tobia stated he does appreciate the diligence of the TDC to bring this recommendation to the Board, but ultimately it is the Board's responsibility to make the decisions on how to use those funds; the TDC is focusing, it looks like the increase, more on advertising and he understands how it benefits the hoteliers who all stood up, because that certainly helps their bottom line; the Board is charged with the bottom line of the taxpayers in the State of Florida so their needs and the Board's may be a little different; and he wanted to give a little information on advertising because that is where the focus is. He continued while there certainly needs to be some, he does not think they need the increase; according to the State's numbers, between 2006 and 2008 the State of Florida spent 44 percent more on advertising Florida and tourism dropped four percent; in 2009 they pulled back and cut 30 percent of advertising for the State of Florida and tourism increased two percent; between 2001 and 2005 the State of Florida increased tourism marketing 112 percent and tourism only increased 22 percent; so while he believes these are some decent steps he thinks they are a little arbitrary; and he thinks the Board needs to take a proactive instead of a reactive posture as the Resolution that was unanimously passed dealing with the increased homestead, the Board is looking at less funds than what it may have right now, but it does not need to be less services. He added that is what his proposal does, it focuses those funds that were allocated to the advertising to things that could be used such as Parks; he increased funding to the Zoo with almost \$300,000 off of the proposal there, and what that does is puts more flexibility in building capital for the County than it does for advertising; when things do get a little skinny, and they will get skinny, this will provide the County with millions of more dollars that the Board could focus in on County services such as Parks; and it meets all of the Statutory guidelines, it is laid out per penny, as well as the aggregate data, but there is a shift from advertising into concrete projects that the residents will be able to see, touch, and work at. He stated that is the proposal the Board has laid out before it and broken down between the current TDC proposal as well as District 3 proposal; the breakdown is in the first, second cent, third cent, fourth cent, and the fifth cent; and he commented times are going to get leaner and this gives the Board the opportunity to maintain the services that County residents enjoy with less resources that the County will have very shortly.

Commissioner Pritchett stated she had the opportunity to make some of the TDC workshops and to meet with Mr. Garvey; she thinks he is doing a great job, she is pretty impressed with his expertise in this and all the speakers are so knowledgeable; she appreciates their thoughts and opinions and being very honest at times about tourism dollars; Florida is a tourist state and she is so glad there is no State taxes, she has a daughter that lives in North Carolina and they pay some pretty hefty state taxes; tourism is a nice thing to enjoy here so she would like to get more of the tourist dollars here; and she hopes the County does not go through a tougher time. She added she thinks the County is in a good time of growth; if the County could get more tourists here, more people moving in, and more businesses coming in, this could be so enjoyable; and she thinks Brevard County is the best place on the planet. She added it is a wonderful place to live and visit; she would love to get people here to experience this, and get the properties back up to looking like they could look, and how they looked in the 70s; and she is going to vote to get this thing moving forward and to advertise it. She went on to say she likes the shift, she likes the idea of getting the projects spread out throughout the Districts, and thinks it will bring more tourism to all areas of the County; and she has spent some time on this and she reiterated she really likes it.

Commissioner Isnardi stated she realizes a lot of time and effort went into Commissioner Tobia's proposal, but this is the first she has seen it; she has had the opportunity to meet

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with Mr. Garvey and perhaps the Board already knows this, but it only takes a few meetings with Mr. Garvey to know, when he came in there were some things the TDC was doing that maybe they should not have been doing because that was the first question she had asked him, and he seems to have cleaned up a lot of that nonsense; and she thinks this investment in capital projects in each of the Districts is a good thing, not just for residents, it will save the Parks Department, it will save capital investment of the County, and as always she will be watching closely, but she is pretty impressed with what he has done so far; and she expressed her appreciation of Mr. Garvey's efforts in making sure the County is not paying for pet projects and silliness any longer over there. She added she knows he has a good solid board and she is confident that they continue to move forward; she believes this is a good balance of helping the residents, this is an NBEDZ tax, not a tax that the County collects like property tax; and she believes it needs to be invested back into the community, and this is the smart way to do it. She mentioned she will be supporting it.

Commissioner Barfield stated he is the Board's appointment to the TDC and there are a lot of things they have to take into consideration; advertisement and social media are now targeted, it is an amazing method to use different analytics and it is key to timing and everything else that needs to happen for tourism; he believes, looking at the way this is laid out, that it is right on; Mr. Garvey's staff are some of the top people he has ever seen who know how to use the marketing, targeting it specifically at residents in different locations with timing, and pulling off some of the best things in increases of tourism; and he inquired what the statistics are on the increase in tourism in Brevard County over the last couple of years.

Mr. Garvey stated last year they achieved a 14 percent year growth; this year they are on track for an eight percent year growth; he noted the first year he was here it was 12, so they are having a good run; and he would agree with reinvesting that growth into the business will help them accelerate in the future.

Commissioner Barfield pointed out the County is getting a good return on investment and that is what really matters; it shows they are targeting in the right place, instead of visitor centers and things like that; this makes a lot more sense, everybody is technology savvy at working these things; and he really thinks this is the right way to go. He mentioned there is a mix of what is being worked on with new capital improvements, and it is spread across the County; there are different needs across the County so he fully supports what has been presented; and he thinks the Board needs to go forward with it.

Chairman Smith stated he thinks this is an exceptional move by the TDC and the folks who support the TDC; it is innovative, thoughtful, it covers the whole County, it takes into consideration the growth of the County and where it is headed, and he thinks it is providing an awful lot of insight and introspective looks at what is going on; and he thinks it answers a lot of questions the Board has and projects the County has moving forward. He commended Mr. Garvey and everybody else who worked on this.

Commissioner Tobia pointed out his proposal took quite a while to get some of the numbers together and make sure it meant the statutory guidelines; it was probably unfair of him to drop it, but he just got it finalized last night and the Board is under sunshine, so he would appreciate if the Board would take a look at some of the proposals because the County is entering some rough waters ahead, and he feels this gives some time to prepare the ship in providing the Board with some flexibility that the current proposal does not; if the Board would objectively look at this he would be greatly appreciative; and he will vote for this to be

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advertised to move forward in hopes that the Board will provide consideration with his proposal for the next meeting.

The Board approved legislative intent and granted permission to advertise changes to the Tourist Development Tax Budget Plan, Section 102-119, of Brevard County Code, for public hearing.

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

**ITEM II.A.2., BINDING DEVELOPMENT PLAN, RE: 2620 U.S. HIGHWAY 1, LLC**

The Board approved Binding Development Plan for 2620 U.S. Highway 1, LLC.

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

**ITEM II.A.4., SETTLEMENT AGREEMENT IN THE AMOUNT OF \$93,500, RE: BREVARD COUNTY, FLORIDA V. SUMERSET FLORIDA, LLC, ET AL, CASE NO.: 05-2011-CA-013229-XXXX-XX, CHELSEA PARK HOMEOWNER'S ASSOCIATION PARCELS 126, 149, 733, 821, AND 823 FOR EMINENT DOMAIN ACTION FOR BARNES BOULEVARD**

The Board approved the Settlement Agreement between Brevard County, Florida v. Somerset Florida, LLC, et al, Case No.: 05-2011-CA-031229-XXXX-XX, in the amount of \$93,500 relating to Chelsea Park Homeowner's Association Inc. Parcels 126, 149, 733, 821, and 823 condemned as part of the Barnes Boulevard Widening Project.

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

**ITEM II.A.5., APPROVAL OF SUPPLEMENTAL AGREEMENT NO. 1, RE: GRANT OF EASEMENT FROM PATRICK AIR FORCE BASE TO BREVARD COUNTY**

The Board executed and approved the Supplemental Agreement No. 1 for accepting grant of easement from Patrick Air Force Base to Brevard County for B19 Force Main Lift Station on Sea Park Lane.

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

**ITEM II.A.6., RELEASE AND TERMINATION OF TEMPORARY CONSTRUCTION EASEMENT (TCE), RE: SYNERGISTIC SATELLITE, INC. TO BREVARD COUNTY**

The Board executed and approved the Release and Termination of Temporary Construction Easement from Synergistic Satellite, Inc. to Brevard County for Lift Station S-07.

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

**ITEM II.B.1., APPROVAL OF AGREEMENTS, RE: THE DORI SLOSBERG DRIVER EDUCATION SAFETY ACT/DRIVER EDUCATION SAFETY TRUST FUND**

The Board executed Agreements with Ambassador Christian Academy, Brevard Public Schools, Community Christian School, and Holy Trinity Episcopal Academy for The Dori Slosberg Driver Education Safety Act/Driver Education Safety Trust Fund, in the amount of \$254,004.50; and authorized the Chairman to sign any changes for amendments to the budget or contracts with previous approval of the County Attorney and Risk Management.

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

**ITEM II.B.2., APPLICATION TO THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY SERVICES, RE: STATE AID TO LIBRARIES FY 2017-2018**

The Board approved and executed State Aid to Libraries Grant Agreement Application to the Florida Department of State, Division of Library Services, for State Aid for Libraries FY 2017-2018; authorized the Chairman to sign any follow-up documents, upon Risk Management and County Attorney approval; and approved any budget changes.

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

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**ITEM II.B.3., AMENDMENT TO AGREEMENT WITH MB DOGS, INC., D/B/A BILLIES, RE: ALLOWING REASSIGNMENT TO NEW VENDOR**

The Board executed Amendment to Agreement with MB Dogs, Inc. d/b/a Billies, to reassign new vendor to provide concession services at Spessard Holland North Park.

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

**ITEM II.C.1., AMENDMENT OF THREE PROFESSIONAL CONSULTING AGREEMENTS WITH QUENTIN L. HAMPTON (QLH), INC., RE: REFLECT THE OFFICIAL CHANGE IN THE CONSULTANT COMPANY'S NAME TO MEAD AND HUNT, INC**

The Board approved and executed Contract Assignment of three Professional Consulting Service Agreements with Quentin L. Hampton, Inc. to Mead & Hunt, Inc., per the notice received of official merger effective June 30, 2017.

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

**ITEM II.C.3., APPROVAL, RE: COUNTY'S LIABILITY, WORKER'S COMPENSATION, AND AVIATION INSURANCE PROGRAM FOR FISCAL YEAR 2017-2018**

The Board approved placement of the County's Auto Liability, General Liability, Professional Liability, Crime, Workers' Compensation, Aircraft & Aviation Liability, and Pollution Insurance coverage at a cost not to exceed \$1,409,550; and authorized the Risk Management Director bind coverage per the effective dates listed in the Agenda Report.

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

**ITEM II.D.1., APPROVAL, RE: BUDGET CHANGE REQUEST(S)**

The Board approved the Budget Change Requests as submitted.

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

**ITEM II.D.2., APPROVAL, RE: COUNTY MANAGER’S AGREEMENT**

The Board approved County Manager’s Agreement with Frank Abbate.

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

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

The Board appointed/reappointed **Martin L. Adams** to Investment Committee, with term expiring December 31, 2017; **Larry Carter** to Cocoa West Community Center Advisory Committee, with term expiring December 31, 2018; and **Ashley Moloza** to Community Action Board, with term expiring December 31, 2020.

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

**ITEM II.A.3., BOARD CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR GREGORY A. AND RENEE CRUTCHFIELD, 965 OAK ST. MERRITT ISLAND, FLORIDA**

Commissioner Tobia stated he thinks a bad precedent was set at the last Board meeting where the Board gave a contractor a liquid damages reduction from \$27,782 to \$5,900; that was a business that was a contract, so these were two intelligent parties who mutually agreed on a contract and the Board pulled back that fine; this is an enforcement violation and is involuntary in nature; the fine was \$29,025 and the reduction to \$11,816 was recommended by a special magistrate; and he thinks it is unfair that the Board would provide a circumstance to a business that it would not provide to an individual, especially it being involuntary. He continued that being said, the actual cost to the County, according to the Agenda Item, was \$6,011; and he would like to make a motion to reduce the Code enforcement fine for Gregory A. and Renee Crutchfield of 965 Oak St. Merritt Island from the \$11,816 to the actual cost, which he has a breakdown of if anyone needs it, of \$6,011.

Commissioner Barfield asked staff to tell the story about this property because it is a little different than what has been through there before.



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Tad Calkins, Planning and Development Director, stated the violation on this property is for a work without permit and a setback encroachment for a waterslide; the violation came to them September 19, 2013; the Special Magistrate made a ruling and found them in violation on December 19, 2013, and the fines ran all the way until February 2, 2017; typically when they deal with Code Enforcement reductions, they are dealing with where the property has gone through foreclosure and there is a new owner; they bring the property and they bring the property into compliance; and in this case the owner was the owner the entire time and still currently owns the property, it is slightly different than what is usually seen in the past.

Commissioner Barfield stated this is a different situation; when he looked at this he was close to just saying the Board should do the full amount because the individual lives there, he stayed there, he did this, he built a 35-foot waterslide where people could actually look down over and see other neighbors and things; it is in a nice area and he still did not correct it the whole time; he waited until maybe he is trying to sell the house, or whatever, and that is when he wants this taken care of because it is a lien; and he noted he is okay with doing the \$11,816, reluctantly.

Commissioner Isnardi pointed out while reading through the notes it sounds like it was a divorce and it sounds like there are other circumstances; people can be upset with what an individual does or does not do, but if a fine can be reduced from \$29,000 to \$11,000 in just a matter of a magistrate hearing, it should really just be what the cost of the County is; there is no way to put a cost on something that irritated the neighbors because that is why the fine exists; but if the cost to the County and situation is rectified, she would agree with Commissioner Tobia; she did not bring it up because she recalls the last time, she talked about reducing or eliminating a fine and she did not get anywhere with the Commission so she would be supportive and second Commissioner Tobia's motion.

John C. Murphy stated he is representing Mr. Crutchfield; this was a long ordeal and there were a lot of financial setbacks for the Crutchfield's including the divorce; they did appear in front of the Magistrate and reached this agreement; he really was here today to ask that he be allowed to enter a payment plan for that amount, of course they would not object to the motion by Commissioner Tobia; he is profoundly sorry that this thing got dragged out as long as it did, but it was finally removed and met the requirements to the County; and they would appreciate anything the Board could do for him.

Chairman Smith inquired how long the slide was in violation.

Mr. Murphy stated the slide was immediately removed, but the tower remained, therefore it stayed in violation until February 17; that was when he was able to get a contractor to take down the huge poles.

Chairman Smith asked for clarification of the number of years from the time it was cited until it was removed.

Mr. Murphy replied it was approximately three years.

Commissioner Pritchett asked if the slide was removed immediately.

Mr. Calkins commented he thinks so; but the supporting structure remained.

Commissioner Pritchett asked if there were neighbor complaints after the slide was removed, feeling like they were being violated.

Mr. Calkins replied he does not know if they had received additional complaints, but the original complaint was for the slide and being in the setback.

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Commissioner Pritchett stated she has constituents now who get frustrated with something going on and they place these types of criteria on the neighbors and they do not do anything with it, which makes people feel helpless with trying to get something done in their neighborhood, they feel violated; since the slide went down and the neighbors may not have felt as violated, because there were no complaints; that has her attention, but the fact that it took three years too is kind of a long time; she suggested the Board split it and have something on there, because she would hate to start something as a County that the Board always rolls back if things are not taken care of; and it is causing undue duress on the neighborhood. She added maybe the Board could consider \$7,000 so there is something there.

Chairman Smith stated he is on the side of Commissioner Pritchett because he has been in neighborhoods where there are people that get cited over and over again, and three years is a long time; to him this is thumbing the nose at the County; and he thinks the number is reasonable, the Magistrate came up with the number and he thinks it sends a message to this person and to all others who want to thumb their noses at the County; and for his money the County does not have a big enough hammer in these situations, because these home owners do just thumb their noses at the County, and this is a perfect example of a home owner not doing anything. He noted the home owner was not concerned with his neighbors, he was not concerned about the County, and this was a payment agreed upon by the parties and the Magistrate; and he would strongly recommend the Board enforce the \$11,816.

Commissioner Tobia stated he would like to pull his motion and instead second Commissioner Pritchett's motion for the \$7,000 instead of the initial motion for \$6,011.

Commissioner Isnardi stated she does not think the resident was thumbing his nose at the County; obviously there was some huge financial issues and it is obvious the slide is what they were being cited for, and the slide went down immediately; they had to have a construction company remove the structure that was holding it up; she is not saying the guy is a poor soul and everything went wrong in his life, but she thinks there should be a middle ground; the County gets so punitive with fine accrual and the guy was going through a tough time; and she stated she would be in support of the \$7,000 because it sounds more reasonable, covers the cost, and gives the County an actual benefit of \$1,000.

Commissioner Pritchett stated she would like to hear from Chairman Smith and Commissioner Barfield on this because their opinions are important. She mentioned if he had not taken down the slide the \$29,000 should have come in, because she is dealing with frustrated neighbors in areas where they cannot get anybody to move on things that they are doing to violate the people who live next to them; she inquired if Commissioner Barfield and Chairman Smith are more comfortable if the amount was raised a little to make a statement, but considering he took the slide, to be a little more reasonable.

Commissioner Barfield stated he is okay with the \$7,000.

The Board approved the Special Magistrate's recommendation to reduce the accrued fine for the violation at 965 Oak Street, Merritt Island, Case No. 10CE-00733, from \$29,025 to \$7,000; and directed staff to prepare and execute a release and satisfaction of lien upon receipt of payment.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>SECONDER:</b>	John Tobia, Commissioner District 3
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

### ITEM III., PUBLIC COMMENTS

Jackson Scott stated he has been there in the past griping about drainage problems and he wanted to thank Commissioner Pritchett and Marcia Newell for getting back with him; and he wanted to thank the County Road and Bridge for the work they have been doing because they really worked hard and it was a very serious problem back there; and he thinks those guys are doing a really great job under some really bad conditions. He mentioned why he is there today is he lives in a neighborhood where people like to blow their grass out in the street; this may sound penny-any to the Board but people are paying taxes to clean the river up; he is a very avid fisherman, four to five days a week and a lot of time in the winter; when he speaks to his neighbors, the Board would not want to hear the comments he hears about them blowing their grass out in the streets; and this irritates him because they are paying for this and they are trying to clean the environment up. He mentioned he had called Code Enforcement and he was told there is nothing they can do about it; they turned him over to environmental services and he spoke to Jeff Cook, and Mr. Cook told him there was nothing he could do unless they catch him; the grass is out in the street, that is common sense; he said there is no ordinance against it; and what he wants to know is what he has to do to get an ordinance against this because any city will warn a person the first time and fine them the second time. He stated he knows this because he owns other properties.

Chairman Smith stated if there is interest from the Commission, it can ask staff to look into it and report back to the Board. He mentioned he would also like to see that because he is also an advocate for the river and somebody who thinks it is rude to just blow the grass into the street.

Mr. Scott noted it is very rude; and it is not a small thing going on, there are hundreds of people in the County, in the Port St. John area.

Chairman Smith stated it is an education thing.

Mr. Scott stated he would like to see the Board do something about it to make it where it could be enforced.

Chairman Smith noted a warning would be helpful.

Commissioner Pritchett asked Scott Knox, County Attorney, if he could work on something that might address this.

Attorney Knox stated he certainly can; since the Lagoon Council regulates, the Board might want to refer to them to see if they might advise how to proceed because he knows that was brought up as one of the issues they were discussing at one point, how to keep the streets clean so the debris does not find its way into the Lagoon.

Chairman Smith stated having some personal involvement in the Lagoon Council, he thinks that is a great thought, but all they can do as a Council would be to request the municipalities and the County create ordinances along the same line, but the Council cannot do it.

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Attorney Knox stated the County does have the authority to enact countywide ordinances, if the City opts out.

Commissioner Barfield asked Virginia Barker, Natural Resources Management Director, to weigh in on this issue.

Ms. Barker stated the Fertilizer Ordinance does include a provision about grass clippings being illegal to leave in the street or hardened surfaces; the previous Commission had an enforcement clause put in that Ordinance which does not allow Code Enforcement to be proactive in enforcement, all they can do is educate; and she believes that is the frustration that she continues to hear from the public. She noted she thinks that is where the question lays, at what level does the Board want staff to enforce the rules that they have; she can provide that provision so it can think about where it wants to go with this.

Chairman Smith stated he would love to hear some ideas on punitive requirements; he is big on warnings and thinks they would be extremely valuable and pertinent; and if there are people who just want to be steadfast and not comply, then there should be some manner or means to deal with those people. He asked Ms. Barker if her staff could do that for the Board and provide some options.

She responded affirmatively.

Charles Tovey stated he thought the County had an Ordinance on the books about blowing the stuff in the streets; he has the problem at his house, and it is the disregard for humanity and the rest of the world; it is people's private property that they are blowing out to be everybody else's problem; and it is a big problem with the Lagoon. He went on to say he did pay all of his fines, he did comply every time, and the original complaint was over a FEMA trailer that he did not want and had to argue with the guy about other people needing the trailer; but that is what it all stimulated from; then it went from one year to another year and to another year and he complied and paid all his fine every time; and now he has people tearing down his property and aggressively approaching him, threatening his life, and physically attacking him. He stated his vehicles, not only did they make him a living, but they stopped the encroachment on his property, they stop the bullets because he has a wooden house and the size of the guns they were firing would go right through his stuff; and he has a video hiding behind the biggest tree, maybe in the State of Florida, it is an Oak tree, but shooting right behind his house is okay. He continued what it is all about is earning his right to live; he commented he is there because he has no privacy, he has nothing; he has to come up here and display his life to get some kind of recognition as a human being and an American citizen because he lives around Palm Shores, he does not live in Palm Shores; and there is all these issues. He stated he went to court and he is guessing that is what he will have to do is go bigger. He congratulated Frank Abbate, County Manager, on his new position; he thanked Commissioner Barfield for his help and care for the first responders; he requested Paul Esposito, Island Community Church, to be a speaker at a meeting; he expressed his appreciation for the roads, the attention to the Lagoon, and he apologized to anybody that publicly speaks, he does not mean any scrutiny; he wanted to give the girl a clap for the Styrofoam presentation; and he wanted to say quintamodal, Brevard County is the only place in the world that has this. He mentioned not only that this is a special place; he will give the Board more information, he just does not want to reveal it here because people take his ideas and utilize them; and he would not put it on the floor, if he did not think it would be useful to other people.

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**ITEM IV.A., RESOLUTION, RE: PETITION TO VACATE PART OF 30.0 FOOT WIDE, UNOPENED PUBLIC RIGHT-OF-WAY - BLOCKS 24 AND 24, "A RE-PLAT OF SECTION 17 OF INDIAN RIVER PARK: SECTION 17 TWP 20G S., RGE. 35 E. - MIMS - PAMELA CHILDERS**

Andrew Holmes, Interim Public Works Director, stated this is a petition to vacate a portion of a 30 foot wide unopened public right-of-way that is in Mims; the petitioner owns the lots on each side of this and the outcome would be that the lots would be in compliance with the zoning Ordinance; and they have not received any objections yet.

Commissioner Pritchett stated she just wanted to thank staff for coming up with a creative way to fix this situation in a way to help the homeowner to be able to put her mom on her property to keep an eye on her and protect the County's interests in things it needs to do moving forward with water runoff; she wants to vote to approve this.

There being no further comments or objections, the Board adopted Resolution No. 17-144, for a Petition to Vacate part of a 30.0 foot wide, unopened public right-of-way, Blocks 24 and 25, "A re-plat of Section 17 of Indian River Park", section 17 Twp. 20G S., Rge. 35 E. Mims, as requested by Pamela Childers.

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

**ITEM IV.B., ORDINANCE, RE: CODE REVISION TO CHAPTER 62, ARTICLE VI, SECTION 62-1482, MEDICAL MARIJUANA TREATMENT CENTERS AND PHARMACIES (FIRST READING)**

Tad Calkins, Planning and Development Director, stated this is a request to revise the Brevard County Development Code, Chapter 62, Article VI, Section 62-1482, General Retail Commercial to include medical marijuana treatment center, dispensing facilities, and pharmacies as a permitted use; on July 11, 2017, the Board directed staff to move forward with these changes to the zoning classification; and yesterday the Local Planning Agency (LPA) approved this Item unanimously.

Commissioner Tobia stated as the Board can recall he was in favor of a temporary moratorium on this one; he had put in some addresses on this and provided the Board with maps, one is a church where one Board Member may be very familiar with and the other one is a residence that one of the Board Members may be familiar with; one County Commissioner lives 122 feet away from a BU-1 zone and one of these facilities could go there; and the church, one Board Member is a strong member of and employed by, one could literally be right next door, zero feet away; he just wanted them to be aware, should the Board go through with this Ordinance and zone them BU-1, there is no limit; and it is his understanding that if the Board goes through with this, it will not make the decisions, they will pop up, so be prepared. He added there is factual information as to where BU-1 is and it is in very close proximity to where people live and where people worship; the Board would not be able to stop either one of these should they fill out proper forms to open one of these medicinal marijuana treatment centers; and that is his two cents.

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Chairman Smith inquired if Scott Knox, County Attorney, could give the Board any information concerning that.

Attorney Knox stated legislature has left the Board with little choice but to either say to treat them like pharmacies and put them all in the same District, or to ban them; pharmacies cannot be regulated; if the Board wants to take pharmacies out of BU-1 and create a special category for pharmacies and medical marijuana dispensaries, it can do that; however, he urged the Board to remember he is only talking about dispensaries here, not cultivation and processing, that is completely out of the Board's hands, it cannot do anything about them.

Chairman Smith stated he certainly has an interest in this because he is the Commissioner that is 122 feet away from a BU-1; there was a time when that marina, which is right next door to him, that was a drug haven and it goes back to the days of Sheriff Parker, but it got cleaned up; that is obviously a concern to him because there is no flexibility; and he would like to hear thoughts from the rest of the Board. He added he does understand it is an all or nothing, and he inquired if the Board were to ban them altogether, if there would not be any medicinal marijuana sold in Brevard County.

Attorney Knox commented if the Board bans them there will be no dispensing marijuana in Brevard; there will be delivering however to some locations who do have it; and he cannot say Brevard because the City of Palm Bay may decide it wants to have dispensaries, or Melbourne, or anybody else.

Chairman Smith inquired if the Board were to deny this that does not mean there will not be dispensaries in Brevard, it just means they will not be in the County.

Attorney Knox stated explained they will not be in unincorporated Brevard County.

Commissioner Isnardi stated she understands where he is coming from, and she appreciates the scary maps, like it is by Commissioner Pritchett's church and by Chairman Smith's place of residence, but to talk about liberty, the voters approved this; this is not a bunch of drug houses or a bunch of places where people will be smoking pot, these are dispensaries; this is in pill form type of dispensary and it is something the voters approved; she was not at the last meeting, so watching it, she could not understand why a special zoning was not created then; if the Board had to create a zoning for pharmacies and marijuana treatment centers then it should probably have its own category, if the Board is looking at regulating; and to ban them altogether, there will be emails from people who want to ban them all together because they are more worried about competition than worried about people having access; she thinks it is a fine line and she would support this as it stands unless the Commission makes a commitment to come back with a zoning classification, but to disallow them when there are people who benefit from medical marijuana, and it was approved by the voter majority, she thinks this is a scary way to go because it is not listening to what people are asking for; and it is denying people the right to access, and she does not think that is a liberty thing to do.

Commissioner Tobia stated he is looking for the law that gave the Board the ability to place a moratorium on that; there are a lot of questions out there that have been brought up by this bill that has made its way through Tallahassee and he has a strong feeling that there will be some significant changes to that piece of Legislation, as the Board moves forward; this would not stop access to this type of medication, it looks as though a few cities in the area are pressing forward with this; as Attorney Knox said, people will still have the ability to have it delivered to their house; he just wants everyone to be aware that the Board represents a lot of constituents, and if it were to put this in BU-1 zoning, and he has checked every one of the Board Members residences, some of them live in cities, and he was not picking on anyone individually, he just wants everyone to understand, he has a strong feeling the Board will be receiving phone calls

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from constituents who will be very disappointed that one of these MMCTs open up literally right next door to their church or a 100 feet from their residence; and a moratorium allows the Board to go through the process maybe to rezone the pharmacies, but his understanding is if the Board were to allow this to go through and then it were to make a change, it would have to grandfather everyone in. He reiterated there is no limitation; the Board talked about some of the purveyors of this type of medication advocated strongly in having one dispensary per 50,000 or 60,000, but there are no limitations here; he recalls the surrounding counties, many of them have decided to place a moratorium on this, thus probably creating a larger number that will locate in Brevard County; this is just a graphic representation of the reality; he would still be in favor of a moratorium, he just wanted to make it a little more apparent why he is on that side; and he noted access would not be limited. He stated he has a feeling there will be some strong sweeping changes as this moves forward from the partners in Tallahassee.

Commissioner Pritchett stated she is gaining an education on a couple things here; and she inquired if the Board is allowed to do another zoning classification.

Attorney Knox replied the Board is allowed to regulate dispensaries the same way it regulates pharmacies; in order to regulate a dispensary it would have to create a district separately for pharmacies and dispensaries, unless it wants to put it in the same category as pharmacies are currently in, which is BU-1; and even though that is not listed there, that is where they are placed.

Commissioner Isnardi stated with Commissioner Pritchett's idea that might be something to help with this process.

Chairman Smith asked if Commissioner Pritchett wanted one right next door to her church.

Commissioner Pritchett stated when the church moved in, there was already a bar there, so that is why it is the business thing; there are a lot of houses there too; he thought is if a dispensary was dropped there, traffic would be a real problem with residents, and she does not know how that would work out with all of the things they would have to go through to get it; and besides that point, she thinks if the Board has the possibility to have a new rezoning classification that it might be a solution.

Commissioner Barfield stated when the Board pushed this forward, he actually thinks now maybe a moratorium with a sunset on it would be a good thing because the Board does not know exactly what the legislators are going to do; there may be some clear direction; it also gives the Board an opportunity to look at what it can do to change the land us from BU-1 to something else; and he is fine with a moratorium.

Chairman Smith asked Attorney Knox if he could tell the Board what the consequences would be if it chose the moratorium.

Attorney Knox stated it would put a halt to any permitting of dispensaries; it would require the County to go back to the drawing board to put together a moratorium ordinance, it is just going to be a little different character than the one it has in front of it; and it would require staff to sit down and work out a regulation for pharmacies and treatment dispensaries.

Chairman Smith stated he thinks that would give the Board time to consider and reconsider where it is going with this; he understands Commissioner Isnardi's concern, but at the same time he realized that if the Board denied dispensaries in unincorporated County, there are still places to go, because there are cities that are going to offer the product for sale; and people who live in the unincorporated area and do not want to drive, they can order by mail; it is not like the Board is taking the ability away; and like any prescription, a lot of people get their

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prescriptions automatically filled and they just drive to the pharmacy of their choice; and if the appetite for the rest of the Commission is the moratorium he can consider that as well. He added there may be other situations like his, but for the public, he lives two doors down from a Marina and it is a residential street, so to put a commercial dispensary that would drastically change the whole atmosphere of that residential street; and he is sure his street is not the only one that fills that bill so for him that is very problematic.

Attorney Knox stated it has to be a moratorium in conjunction with staff preparing an ordinance that allows them.

Chairman Smith stated at that point the Board can decide yes if it wants to follow staff's recommendation or it can just decide it is not going to happen.

Attorney Knox stated the Board can either ban them at that point or what the restrictions are going to be.

Commissioner Isnardi stated the argument for the moratorium initially was because all these other huge counties were banning and they would all come to Brevard, and now the Board is saying the cities are going to allow them, so the County must do a moratorium too because people will still have access; the argument does not fit with the current argument today; this will probably, and she reiterated the first thing she thought of was why did the Board not offer that as a solution, as far as creating a zoning, because the Board could have regulated how many the County could end up with; however, that is a process to create a classification, looking at the maps, looking at what that means, because there has to be a criteria; she knows it is government and it is going to move very slowly so she is not okay with the moratorium because she still thinks it is denying access; and whether a person is for or against medical marijuana, she is not going to deny access, and in her opinion it is a denial of access.

Commissioner Tobia asked if Commissioner Pritchett made a motion.

Commissioner Pritchett stated she would not mind making the motion, but she would like to look at a new zoning classification; she does not want to deny anybody help with anything they need medically; and she thinks that would be a good solution because she knows a lot of cities are watching the Board to see how to handle this; and she thinks that might be something to consider, this could be quite a problem traffic wise.

Commissioner Barfield inquired if there should be a sunset date on this.

Attorney Knox replied typically there would be a moratorium for a reasonable period to come up with an ordinance; he suggested six months for the first one; and if staff cannot come up with one by then, then there could be an extension built into it.

Commissioner Barfield announced he was going to suggest July 1, 2018, because if the law is modified then that is when it would start.

Attorney Knox stated that is okay; if there is indication that there is some legislative thought that there will be some significant changes, then that is probably enough reason for a moratorium until they meet and decide what they are going to do.

Commissioner Barfield recommended the Board put a sunset on that.

Commissioner Isnardi stated she is not opposed to the reclassification because that is something she would have brought initially, however, she is opposed to waiting over a year with



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a moratorium to maybe not have a consensus over a year from now or possible extension; and she will not be supporting this for that reason.

\*The Board recessed at 11:05 a.m. and reconvened at 11:15 a.m

The Board approved a moratorium with a sunset of July 1, 2018; and directed staff to come back to the Board with recommendations for separate zoning classifications.

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

**ITEM IV.C., RESOLUTION, RE: ADOPTION OF SOLID WASTE ASSESSMENTS, FEES AND CHARGES, AND RATIFICATIONS, CONFIRMATION, AND CERTIFICATION OF THE SOLID WASTE SPECIAL ASSESSMENT ROLLS**

Euripides Rodriguez, Solid Waste Management Director, stated as part of the budget process staff is required to bring their rate resolutions to the Board; these rate resolutions include the annual disposal, special assessment rate in which there are no rate increase; the annual collections and recycling special rate increase, there are some rate increases as per direction he received from the Board on July 11, 2017, of a 4.8 percent increase for the first year; the impact fee rate resolution is no rate change; the gate charge is not rate change; special rates for improving real property and the compensation pay to the collector has a small rate change as per the contract already established, is 2.24 percent; and the certification of the tax rolls and to the Tax Collector.

Jean Paul Morin stated he has been living here for 37 years; he is against any tax increases, there should not have been contracts to collect money later; he is a hard worker and lives within his means; he does not need to be educated, his budget educates him; every time he turns around somebody is raising his taxes, which is being done visibly and hidden; the Board likes to say it cares about low income people so he asked it to please stop lowering his standard of living; if the Board keeps taxing and everybody else keeps taxing, he is going to have to sell his home because he will not be able to maintain it; Brevard is growing as the Commissioner said, and the Board has plenty of money; and he suggested the Board cut the County's budget and stop spending on every little feel good thing. He continued when he wants to do something, he cuts his budget in other areas so he can do it, and the Board can do that too.

Daniel Johnson stated he has been a resident of the County since 61 except for four years when he was in the Air Force, during the Vietnam War; he was also a federal employee and he was schooled in contracts; he was appalled how some of these contractors, some of the Board was not here several years ago, but the contractors got favoritism when the vote was tied, The Board was donating \$1 million to \$1.5 million a year to Brevard County Economic Commission according to *Today's Newspaper*; when he called on the 17th and talked to a gentleman in the Waste Department, the gentleman said that is standard practice, they are still making donations to Brevard County, the contractor for the Waste Collection; and he thinks if these contractors are donating \$1 million back, that is like four percent going back to Brevard County, it is favoritism or what he would call a kick back. He continued going to a resident or a County member that would be punishable; his thing is, looking at the numbers today, like \$24 million, if they are still donating \$1 million that would cover the raises if the County was credited back with

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that money the Board is proposing; he feels like he is either being subsidized in favoritism, because this guy in the County said favoritism is widespread in the State, and these contractors donate back to the counties to get favorable contracts; and being schooled in government contracts, that would have been a protest on the contract. He added money left on the table that they are paying back out of the funds he is giving them through the assessment, and that is what he is trying to explain; he thinks there should be some kind of, and he knows the Board cannot take their donation and put it back into the waste fund because it is donating to another cause, but that should be on the table somewhere; the Board is doing a real nice analysis of this, but it looks like it is leaving that money on the table somewhere; and the people that are paying the money directly or indirectly to the contractor and they are paying the money back and not seeing the results of that. He stated his comment is the contract is troublesome, and it should not have been allowed in the first place.

Eugene O'Dell stated he just moved to Port St. John in January and since he has moved there he has had a lot of problems, and most of it is with the Waste Management Company; for three months he had six misses on his garbage collection; he was setting up a new home, throwing a lot of things away, and he had only one can; he figured that was all he needed because he is by himself, and that does not hurt unless that one can does not get emptied; he hates to use his neighbors garbage cans to get rid of his waste, so he does not do it; after three months of having to call into Waste Management and letting them know he did not get picked up, they stopped coming back to get it; they came out every time he called for three months, which was about six times; then on March 28th he found a note on his can that stated put out by 6:00 a.m. or wait until next service date; and he called waste management again and received a ticket on a voice complaint and gave him the number 403755. He continued he kept the number and he started getting pick-ups all the time; she said a Supervisor would call within 24 hours, that never happened, but he did get better service; he remembers July 4, of this year because the pick-up date before July 4, was on a Friday and he was skipped again; the previous pick up was Tuesday of that week so he went through July 4, because that was a pick up day, and he did not get a pick up until the next Friday; his neighbor had to call that Friday, and she called and included him because they missed her as well; he was accidentally outside the door when they came by three hours later for the pickup, and they picked up hers and buzzed by his; his can had been sitting there the whole day; and he ran him down. He went on to say the driver said he was just checking because he had two pick-ups here and it was him and his neighbor; he asked why he drove by then; he was told he needed to start putting his trash can out before 6:00 a.m.; he inquired what is going on here and why he cannot get his trash picked up; he called in again and they could not find complaint number 403755; he commented the Board is going to give these people a raise, it has already done it, he has nothing to say about it, they will get three percent for the rest of the years, and he has not had a three percent Cost of Living in about ten years; and he noted he is impressed with this Board.

Chairman Smith asked Mr. O'Dell if he had contacted his County Commissioner.

Mr. O'Dell responded he had not.

Chairman Smith suggested that he do that because the Board is who he needs to turn to if he is not getting the cooperation he thinks he deserves from the County; and he has access to the Board and it will make sure he gets taken care of.

Commissioner Pritchett pointed out Marcia, and stated he could speak with her and she would help him.

Fred Frazier stated this letter starts, "Your property receives a special and direct benefit from the provisions of Solid Waste Collection" and he inquired what special service, they are picking up the trash; in the past years, not long ago, the people paid additional rates to pay for these

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automated trucks so they would not have to have people manually picking up the trash cans; they dropped their personnel, this is supposed to be more efficient, and save money so the people paid for those new trucks and services; that was supposed to decrease their costs, not increase them; the people also had to pay for the new cans; and as far as costs savings, he asked all his neighbors and nobody says they need trash pick-up twice a week, so it can certainly be cut back to once a week for both the recycle and the trash to save a lot of money. He continued if the Board compound these three and 4.8 percent increases, that is 21 percent over six years and they will compound with any other increases that the County puts in to increase taxes; that is a huge increase, 21 percent in six years; and he inquired what the people are going to get for their money, and what the Board is going to spend this money on. He mentioned the letter does not say what this goes for; and he inquired how the Board can justify this.

Karl Krupp stated he has multiple properties in Brevard County; this rate increase over six years is 19.8 percent rate increase and he has never had a job in six years where he got a pay raise of 20 percent, and it is uncalled for; several years ago when the County stopped collecting the trash and contracted with Waste Management because it was going to be a cost saving in recycling; then they went to the automated trucks and the people paid higher fees for that and paid for the trash cans, and Waste Management laid off three workers for every one worker that they kept, and he has friends who work for them; there was a cost savings to waste management that he did not see in the contract, because of less personnel and less insurance; and now they are touting how much money they are saving and making on recyclable's, but the citizens do not see any cost savings because the citizen's bill keeps going up every year. He noted if they got a rate increase it should not be on the consumer index, it should be the people's cost of living that they see, but most people do not see a cost of living increase; the majority of Brevard County is retirees on fixed incomes and they have not seen a Social Security check raise of maybe .2 percent over the last ten years; he inquired how the Commissioners could agree to give them more money when the citizens are not seeing anything; he has one neighbor with Alzheimer's and they have two trash cans, one green and one with a yellow top, the yellow top one is for recycling; and his neighbors forgets and loads up his trash in the recycle can and he gets it out on time, but the garbage collectors told him they were under orders not to pick it up, if it is in the wrong trash bin. He pointed out this gentleman has a medical condition that he does not remember and if the trash collector sees a trash can out there just pick it up on trash day; he has had to call many times himself; he does know Waste Management is already contemplating going to one day a week trash pick-up and inquired how much more of a savings is that going to be because they will reduce their expenses by half; he stated it is time to stop wasting taxpayer's money, they cannot afford it; and the Board wants to bring businesses in and it wants people to move to Brevard County, it is not going to happen if the Board keeps raising the taxes.

Commissioner Pritchett inquired when this process was started and the Board talked about it, because it is mid-contract, if this is due to the extra cost for Hurricane Matthew debris pick up, for the unincorporated areas.

Mr. Rodriguez responded it was not, once the Board decided to reduce the hurricane reserves that went off the table.

Commissioner Pritchett inquired if this is part of the reserves that went towards it and what this fee is for.

Mr. Rodriguez stated they initially started out with about \$5.1 million in reserves; it was the intention of the Board at that time September 20, 2013, to draw down the reserves to about \$4 million; that had not occurred yet, until the hurricane came, they had reserve levels of \$4.1 million so they were .1 away from the goal the Board had set; when the hurricane came along,

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obviously it reduced the reserves even further; and they are not totally sure because FEMA has not finished writing the paperwork for them, but it will reduce the reserves, they are estimating down to about \$2.8 million. He added when the plan that the Board adopted on July 18, 2017, it will further reduce the reserves down to about \$1.4 million and that is the target.

Commissioner Pritchett stated that the Board agreed to bring the reserves down; Commissioner Tobia brought forth the numbers to bring the reserves down a little more; plus the amount Waste Management was putting back into the funds the Board applied it to also.

Mr. Rodriguez stated yes, there was also \$100,000 that goes to the Board of County Commissioners, \$50,000 was going to Brevard County's Solid Waste Management Department for recycling education or purposes; it was being put in for recycling education; that is now going to be deposited in order to subsidize the collection; there was also another \$50,000 that was going to the Board of County Commissioners, that in the future will also be deposited; and that is a total of \$100,000 that will help subsidize this service.

Commissioner Pritchett asked if this service is directly related to 109,000 unincorporated people that received trash pick-up at the cost the Board has to do; it is actually about .51 per month; this keeps the reserves still at a fairly low level; and she inquired if it covers the cost of the service.

Mr. Rodriguez replied affirmatively.

Commissioner Isnardi stated she knows this was talked about a little at the workshop, however, she was not there, so she asked someone to speak a little more on the FEMA reimbursement for the last hurricane; what percentage the County is getting back, or what the County expects to get back.

Mr. Rodriguez stated historically the rule of thumb for FEMA is \$75 percent Federal money; \$12.5 percent local coming from the state and 12.5 percent from the local jurisdiction; they came out with a pilot program this year and the terms were favorable to them, so they decided to join the pilot program; this reduced their local share down to probably around 8.5 percent from 12.5 percent; it was a benefit to the County to do it that way, especially when the decision was made after the fact and they knew the amount work that had been done because certain things have to be done in a certain way; and FEMA came along in January after they had finished the collection pick up, there was some discussion about private roads, and the Department had received authorization in 2007, from the Board of County Commissioners and they had instructed him to pick up along private roads as long as it was their normal point of collection, whether they were reimbursed for it or not, mainly because these residents along private roads also contributed to the reserves. He went on to say they had always been reimbursed for that in the past as long as he has been there; they have gone through five or six storms already that they have received reimbursement for private roads, so with that into consideration, he saw that as a high potential for reimbursement of private roads; the amount for the private roads is about \$391,000 more or less in context with the \$16 million that the hurricane cleanup costs; FEMA showed up in January of this year; the work had pretty much, the collection out in the streets, been finished, but the Department was still working on the recovery efforts; the first Project Worksheet (PW) was written for the first 30 days of operation; and that went to the internal review of FEMA, then Washington because of the amount of money which was a little over \$4 million, and it came back to the State and has stopped there for the last nine weeks. He noted they have not seen a penny yet; they have not had communications, they have sent emails and made phone calls, etc., but they have not received any feedback, with either the appeals process or with the money; the appeals process, they did find out something that was very disturbing, the appeals apparently sat on someone's desk for a number of months and they never forwarded them to FEMA, along with 50 other appeals from

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other jurisdictions in the State of Florida; and he frankly does not know what is going to happen with that appeal.

Commissioner Isnardi asked if FEMA denied the County because the Department had picked up on private roads.

Mr. Rodriguez stated the initial denial was because it was not a public right-of-way; they came back with the justification that it was a public health and safety issue; that is what this County's appeal was based on; and the appeal never made it to FEMA.

Commissioner Isnardi again inquired because the Department had picked up on private roads.

Mr. Rodriguez replied affirmatively.

Commissioner Isnardi inquired if this was the \$4 million.

Mr. Rodriguez stated this is the \$391,000; the \$4 million was approved by FEMA as a reimbursement to Brevard County and it went to the State because the State is the grantee; the State under normal conditions adds their local share to it and sends it to the County; and he pointed out it is still at the State level.

Commissioner Isnardi inquired if he expects the County to get that.

Mr. Rodriguez commented he had expected it around three weeks ago and has not received it.

Commissioner Isnardi stated what she takes issue with is some of the comments that were made; she explained this is not Waste Management's rate increase it is the Board's; the Board is doing this to build up the reserves for the hurricane fund; she likes the idea of the once a week service; they did that in Palm Bay and it increased recycling tenfold, it saves on landfill expansion, and there are 150 reasons why it is a good idea; residents do not like it, as she was a council member when they approved that contract, looking at the big picture, money savings can be seen years down the road and the benefits not just to the Lagoon but the environment as a whole, the savings on the landfill, the fact they are recycling a lot more than they were in the past, and they are meeting recycling goals; they even did a survey and most residents actually preferred one a week because they did save money, however it is the ones who do not prefer that make the calls; and she does not know if this Board would ever go down that route but she just wanted to be clear. She mentioned the raises did not come out of the Solid Waste Fund; she has been receiving a lot of calls and emails complaining about Waste Management and she does not think it is fair because this is on the Board, if they choose to increase the rates; it is about the County's reserves not the Waste Management fees; and she reiterated it was the Board who decided to do a CPI years ago and they never did, so that puts the County in the predicament it is in now, but at the same time she still thinks four is still too high for residents to have to burden.

Frank Abbate, County Manager, stated he has a couple points he would like to make; the first being, he does not want the Board having a misconception about the reserves; the reserves will continue to go down even with the current proposal; they are not building back up the reserves; over the course of the next several years they will go from an anticipated \$2.8 million to \$1.4 million, so the rate increase before the Board will still have a drawdown of the reserves; the second point is that the three percent number is the maximum that it can go up in a year; so it is capped at three percent, similar to the Charter Cap; the current contract with waste management provides for a CPI increase and that is the increase that would occur; however, CPI goes above three percent, it would be capped at three percent.

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Commissioner Isnardi stated she thinks the original proposal was to build up the reserves in the workshop; and that was the proposal by the County.

Mr. Abbate stated yes, there was that; and when they had their July meeting, they had a variety of different options; and the one the Board ended giving direction on would still end up drawing down on the reserves; and staff was fine with that.

Commissioner Tobia stated some very good points were brought up by the speakers; this was an offensively horrible contract for many reasons; he thinks every Commissioner got in his or her hands, who voted for this, something in their District, a program he or she wanted, and unfortunately as one of the speakers mentioned, it was taken from a subset of the County residents; the citizens were disproportionately paying for this ball field, or an economic incentive program, or a recycling education if living in County property; he was so disgusted when he saw that contract; and Commissioner Barfield is telling him this is a performance contract without any performance measures. He admitted he thinks it was absolutely offensive and why he looked at running for office. He added none of the Commissioners today voted for this contract, unfortunately, this Board is obligated to continue with that contract; it is even worse than what he thought, and probably many of the citizens are aware of; the Board works within the CPI, so they have that, and thankfully the voters said not to raise their taxes any higher than the CPI; when the Board looks at the CPI it looks at the national CPI, this year it is 1.26 percent; however, he does not think the folks were looking at that because the contract allows them to use the CPI for the southern region, which is 2.24 percent, so they are actually allowed to use a CPI that is higher than the measure the County uses. He continued, with the Board's help, it took what funds, there were, a lot of funds that were fronted in this and he does not blame Waste Management for entering into this contract, he blames the County Commissioners that made the poor decision to enter into a contract that was not in the best interest, in all honesty, of the people that have this service; but what was still in there was \$100,000; and that \$100,000 has been transferred into the fee to only get it to the 4.8 percent, which is horrible and absolutely offensive. He went on to say, unfortunately, other than voiding a contract, which he has been told is more problematic than going through with this would be, there is nothing this Board has the ability to do because the Commissioners prior to this Board compounded that mistake when they knew that there was a multiplier going in there, the CPI of the southern region, which grows faster than the increases in Social Security, and said they were not going to pass that along, they will just eat into the reserve that they all know they would have to tap into at one time or another because hurricanes happen and that is what it is there for; another bad decision was by not keeping the reserves for the way that they are; this pains him more than anything else that he has seen here recently; and he thanked his fellow County Commissioners for attacking this, because when Mr. Rodriguez brought this to the Board's attention they were looking at crazy numbers like 20 or 30 percent increases. He pointed out it was astronomical and there is no excuse for a 4.8 percent increase; he can provide an explanation of what got the County into this situation, and that none of the folks there voted for it; he is quite certain they are just as disgusted as he is and they made decisions to decrease that amount from whatever it started to get this to 4.8 percent; he would like to say this is only a pizza or something like that, but that is not an excuse, this is a fee increase, but if the Board had another way to get around it, he would be the first one to advocate for it, but he does not see it; and he inquired if Mr. Abbate could provide numbers from where this started before the Board got to the 4.8 percent.

Mr. Abbate stated he thinks in the first workshop they were looking for a potential, if the reserves were going to build up, like 25 percent range, was anticipated as one of the options.

Mr. Rodriguez stated that is correct; the first presentation is since they had instructions to have a reserve at around \$4 million, that was the first option that he brought on board; after that, there were several other options along with some help from Commissioner Tobia until they got

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to the point where they presented one of the options on July 11; and the Board provided direction at that point.

Commissioner Tobia stated if Waste Management is watching this, if any of the Board are here when it comes to renegotiation, he will certainly not vote for a contract to have all this favoritism that is helping individuals at the expense of very few; he thanked the speakers for showing up; he wishes he had a better explanation to provide them, but the County took advantage of them for a while; there are a few parks that are not located in their area, and the County has a Solid Waste education program that they probably never took advantage of, and the County charged them for it; and he reiterated how sorry he is, and he stated as the Board moves forward, he would not be in favor of something that puts the County in this predicament, and hopefully as the Board moves forward it will not put future Commissioners in that same predicament.

Scott Knox, County Attorney, stated just to address Commissioner Isnardi's issue about when the appeals get resolved, the last one the County had was in 2004 and it started getting paid in 2014, so it is not a short term process sometimes.

Commissioner Pritchett commented she has a couple of thoughts; as the County moves forward it is working on new contracts later, it will have competitive bids come in; since there have been so many people come forward, if people would call their County Commissioner, she goes through six or seven a week, they could go through the problems pretty quickly for them; staff seems to respond to the Commissioners pretty quickly, and they have a lot of satisfied customers afterwards; when the Board got these proposals, she saw the amount the County is paying, in unincorporated areas, 109,000 customers is almost like an enterprise fund except there are really no profits, the money goes back in to pay the company it contracts with; this could not be put in a general fund and absorb it by everybody because it is not fair to the other people who pay cities and other municipalities to pick up their trash; and she looked at the rates and compared to the City of Titusville, the County is still paying like \$11.00 less per year, so it really is not too bad. She added the City only picks up once in Titusville; she went through other counties and the next one comparable is Volusia with 190,000 and Orange with 200,000; as far as comparable values Brevard is still doing okay; the County probably does need to fix the service and keep an eye on it to make sure it is getting the best bang for the buck, because the Board does the contracts for the citizens; and even in the whole scheme of what is being charged in the surrounding municipalities, Malabar has \$238 per year. She went on to say with this increase the County is still doing pretty good; she apologized and mentioned it is only \$.51 a month; she knows it adds up, but the Board worked very hard to get it to the lowest amount it could for the constituents and lower the reserves to a place where Mr. Rodriguez thought the County could still function adequately; as the Board moves forward it will look closely again as it is contracting; and she thinks once a week would be adequate, there will just be some people mad for a while, while the Board changes it. She went on to say the Board makes a promise to work very hard and not waste people's tax dollars; she knows people have to pay taxes; and hopefully the Board will keep a good eye on them.

Commissioner Barfield stated he would Mr. Rodriguez give some information on where each one of those requests from FEMA, EELs are exactly with the status so he can start working on that to see if he can get any more results. He asked for Mr. Rodriguez to email it to him.

Mr. Rodriguez stated what they are currently working on to establish a report regarding FEMA which will be going to the Board members real soon.

The Board adopted Resolution Nos. 17-145, 17-146, 17-147, 17-148, 17-149, 17-150, and 17-151, for Solid Waste Assessments, Fees and Charges, ramifications, confirmation, and certification of the Solid Waste Special Assessment Rolls.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>SECONDER:</b>	Jim Barfield, Commissioner District 2
<b>AYES:</b>	Rita Pritchett, Jim Barfield, John Tobia, Curt Smith
<b>NAYS:</b>	Kristine Isnardi

**ITEM V.A., SELECTION OF SITE LOCATION, RE: NEW EMERGENCY OPERATIONS CENTER**

Kimberly Prosser, Emergency Management Director, stated last month the Board received information about the \$1.5 million that was allocated by the State of Florida to design the new Emergency Operations Center (EOC); in order for that work to take place a site must be selected; in the Agenda report there are three possible sites to select from; one is Judge Fran Jamieson Way in Viera, which is adjacent to the Government Center; the second is Huntington Lane in Rockledge which is adjacent to the current EOC; and the third is North Wickham Road, Viera, adjacent to the waste water treatment plant.

Pat O'Neill stated he retired from the Florida Highway Patrol after 35 years of service as District Lieutenant for Brevard County; one of his primary assignments in Brevard County starting in the mid 90's was that as the liaison to Brevard County Emergency; he represented the State primarily in the EOC; he achieved the designation as a Florida Professional emergency manager and as a Master Instructor through the Florida Emergency management; he has a little background on emergency management; and today the Board is selecting one of the proposed sites for the new EOC. He continued Site A is 2600 block of Fran Jamieson Parkway, and is right over there; Site B is 1700 block of Huntington Lane in Rockledge; Site C is the 10,000 block of North Wickham Road; and he would like to quickly point out the advantages and disadvantages of each site for the Board's consideration. He noted Site C's advantage is it is by far the largest property considered and is almost 39 acres in size; there should be no design limitations because the County has all the land in the world to build on; this is County owned property; the disadvantage and what he considers to be a critical problem is the only access to that property is a two lane roadway; it is a mile and a half from the closest four lane roadway; it does not work if a person cannot get there and get back; and during the storms in 2004, he did post storm damage assessment throughout Brevard County, and two times during that busy year he was trapped post event with fallen debris. He mentioned he would go down the road and go to come back, one way in and one way out, and find a tree had fallen on the roadway and this was not during the event; he was on State Road A1A with the Sheriff's Department Chief Deputy, when they went to Patrick Air Force Base and turned around to come back down to Pineda Causeway only to find that the power lines post storm had fallen across the roadway; he reiterated a two lane road does not work; and additionally the west end is the lowest elevation of the other sites, and never say never when it comes to storm water, that site is the most vulnerable to flooding. He continued Site B, the 1700 block of Huntington Lane in Rockledge is basically immediately east with a slight jog of the current EOC; that site offers the closest proximity to Interstate 95 and U.S. 1 by four lane roadways; this is the most accessible site being considered; since the original construction in 1996, to his knowledge, that site has never been non-accessible; accessibility is critical to that instruction; the City of Rockledge has proposed and offered an in-kind contribution of \$60,000 for site improvements and to marry that with the matching money from the State, it is \$120,000; and the one disadvantage he found was that the County does not own the property but can rent it for \$1.00 a year. He went on to say Site A, the 2600 block of Fran Jamieson Parkway, has the advantage of the proximity of this structure and other County Government Center structures; it is owned by the County and it has fairly close proximity to Interstate 95, but U.S. 1 not so much; the disadvantages include building



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design restrictions, it exist in Viera with potential limitations of possibly a large antenna with appendages are going to be required; it is the smallest property being considered, it is 35 percent smaller than the Rockledge site; and finally the greatest disadvantage in his experience of this site is its proximity to the remote site location. He noted it is called the continuity of operation, which means someone is able to move people from here to there if the first site is lost; putting two sites side by side that could be affected by a geographical or infrastructure failure is a bad plan; and he taught the coup plan and he has written coup plans and people are to never, ever, ever put it side by side because whatever shut the first one down, could shut the second one down.

Dr. Brenda Fettrow, City Manager of the City of Rockledge, stated she is in attendance on behalf of the Mayor and City Council of the City of Rockledge; a resolution had been passed and she would like to present the resolution and read it in for the Record; she read the Resolution, "Resolution No. 2017-793, A resolution of the City of Rockledge, Brevard County, Florida, supporting the construction of a new Emergency Operations Center within the City of Rockledge, Brevard County, Florida; whereas the current Brevard County Emergency Operations Center is located at 46 Cedar Street in the City of Rockledge; and whereas, this facility is aging and outmoded; and whereas, Brevard County has publicly stated that it is in desperate need of a new Emergency Operations Center; and whereas, Brevard County has received a Lease Agreement from the School Board of Brevard County for a 4.93 acre site on Huntington Lane in Rockledge for future construction of a new Emergency Operation Center; and whereas, retaining the Emergency Operation Center in the City of Rockledge is desirable because Rockledge is the geographic center of Brevard County; and whereas, the City of Rockledge is easily accessible from all points within Brevard County; and whereas, the City of Rockledge is situated in close proximity to both U.S. Highway 1 and Interstate 95; and whereas, the City of Rockledge has publicly communicated its support and willingness to partner with Brevard County on the construction of a new Emergency Operations Center in the City of Rockledge. Now therefore be it resolved by the City Council, City of Rockledge, Florida, as follows; that the City of Rockledge will participate in and support Brevard County in its efforts to construct a new Emergency Operations Center in the City of Rockledge through ensuring the following; 1. Installing sewer to the facility and making requisite repairs to the roadway, 2. Providing materials to pipe the ditch on the east side of the property, and 3. Expediting the permitting process; this Resolution shall become effective immediately upon adoption; passed and adopted in the regular meeting of the City Council, City of Rockledge, Florida, the 16th day of August, 2017." She stated the Mayor has placed his signature on the Resolution and it has been certified by the City Clerk.

Commissioner Tobia stated those were some of the absolute worst studies that taxpayers were on the hook for; \$166,000 of State money that came to the Board, and it got an analysis on what site would be the best; they did not even take into consideration the zoning requirements and deed restrictions for the Viera property; he inquired when the Board goes through a slight selection process that should be one of the two or three things that should be looked at; he stated in fact, that study was many years ago and none of the recent Board members were there at the time; and as the Board moves forward, clearly previous Board's made some bad decisions and he has seen not many worse than paying \$166,000 for a study that does not provide the height restrictions of one of the locations, especially when it is dealing with an antenna that may be needed according to FEMA's guidelines. He continued he has great confidence in Mr. Abbate's ability; and he mentioned the bar was set pretty low previously, and he is sure Mr. Abbate will bring the County in the right direction.

Commissioner Barfield stated looking at this, he could never understand why the Board was considering Viera because of the attack syndrome, or any terrorist situation, or if the Board were to lose the main offices here, the Board would lose all of that too; it is a risk that the Board needs to take into consideration; then the second back up would be right next door so that just

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does not work; and what Commissioner Tobia mentioned with the deed restrictions and everything else. He noted he definitely believes that Rockledge, Huntington Lane, is the absolute best place to put it for a number of reasons; they are already next to the old EOC, which could be used for other things; and he thanked Rockledge for stepping up with that Resolution and asked that Ms. Fettrow please pass that back to the Council.

The Board selected Huntington Lane, Rockledge, as the site location for the new Emergency Operations Center.

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

**ITEM VI.A.1., AUTHORIZATION OF TASK ORDER WITH BUSSEN-MAYER ENGINEERING GROUP, INC., RE: PROVIDE DESIGN, PERMITTING, AND CONSTRUCTION SUPPORT SERVICES FOR MICCO SEWER LINE EXTENSION PROJECT**

Virginia Barker, Natural Resources Management Director, stated this is a Task Order for the project the Board received a check from the St. John's River Water Management District (SJRWMD) earlier during this meeting; and this Task Order is to do the design permitting and construction support needed for the Micco sewer line extension project.

The Board authorized the County Manager to execute the Task Order with Bussen-Mayer Engineering Group, Inc. to provide design, permitting and construction support services for the Micco sewer line extension project.

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

**ITEM VI.F.1., BOARD CONSIDERATION, RE: AMENDMENT TO EDC GRANT AGREEMENT**

Commissioner Tobia stated he needs to give a little background on where this came from; on February 10, 2017, he sent a letter to the Economic Development Commission of Florida's Space Coast (EDC) asking for some simple information such as travel expenses and salaries; the EDC did not provide him the information he requested; he learned that the EDC did not need to provide him the information that was requested per the grant that the County handed over; therefore, he is introducing a proposal to amend the current grant agreement with the EDC to bring more sunshine to help how taxpayer's money is being spent. He continued he will talk about the current and then he will get to the proposed changes; as of now the EDC is not required to be anywhere near transparent as other or all County Departments, which are subject to public record laws under Chapter 119; Chapter 119 is pertinent to State agencies, local agencies, as well as most public contractors; yet the County provides this grant of \$1.4 million in the grant agreement which was signed in 2014, and did not have any of that included; the grant agreement expressly recognized the EDC is not subject to public record laws which seems a bit scary; the current grant agreement does not require disclosure of basic expenditures such as salaries, lobbyists expenses, expenses for sponsored events such as rentals, entertainment,

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and tickets; certain dealings with the EDC are considered confidential under Florida Statute 288.075 such as private businesses, proprietary information, trade secrets and sales data; and here are the proposed changes to the grant agreement. He mentioned before he talks about the proposed changes he wants to talk about the significant one that is not altered at all; there is no change to disclosure requirements for information which is confidential under the Florida Statutes Section 288; everything he just mentioned, the private business information, the trade secrets, and the sales data would remain confidential; the only change would be the disclosure of travel expenses, lobbyist expenses, salaries and bonuses, advertising expenses, list of projects, and expense on sporting event tickets which is far less than what the State requires of Enterprise Florida; he is sure the EDC works extremely diligently for the taxpayers of Brevard County and would want to act in the sunshine; and he stated there is comment that there is an independent audit that takes place, the Director. He noted he received the independent audit and it was one sheet of paper; the last time he received a one sheet independent audit it was for the Town of Palm Shores Community Redevelopment Agency (CRA); he found some interesting things when he looked a little bit more; all the negative that he had said money was spent in the CRA for Palm Shores, they acted in the sunshine when he requested that information, he received it in a timely fashion of full disclosure; the exact same thing that he is asking from the EDC, and he is sure they are spending it in a wise manner, he just wants all of the taxpayers to see here the \$1.4 million goes; and all this is, is an amendment to the grant agreement. He went on to say it does not change the grant amount which is a little over \$1.4 million; all it does is bring the items mentioned into the sunshine; he thinks this is very, very important; and he reiterated any of the items, the trade secrets, the confidential sales data remains confidential and none of the changes should have any impact on drawing businesses to Brevard County. He stated no businesses in Brevard County, when they look to relocate, decide to relocate and bring jobs depending on how much a Director of an EDC makes, or where they travel, they look at other types of data, he has been told; and that being said, that is his amendment to the grant that brings this very basic data into the sunshine; and he would be glad to answer any questions.

Commissioner Pritchett stated she wanted to make a motion to table this for four weeks; and she mentioned she has a request from the EDC, so they would have a little more time to come back with some answers to the questions.

Commissioner Tobia stated again, on February 9, at 12:03 an email was sent asking for this data from his office in which he received a response, but it was disclosed that the EDC did not have to provide any of the data because it was not in the grant; he checked the grant and looked it over with Scott Knox, County Attorney, and he stated that was well within their right not to provide any of that basic data; he is asking again for travel expenses, salaries, these are not difficult tabulations, they are very simple tabulations to determine, whether or not, and again this is a grant; the EDC, if they do not want to disclose this information, they can make the decision not to accept the \$1.4 million; however he does want to know if the EDC pays for trips, and tickets to the Super bowl, if they are renting an Audi R8 for an investor, or if they use taxpayers funds to buy bottles of wine; and all he is asking for, is the basic disclosure that should not take any more than 10 or 15 minutes, it certainly should not take four weeks. He went on to say even if it did take four weeks or four months, these same exact questions which would be subject to public record, were asked on February 9, at 12:03 p.m.

Commissioner Isnardi stated that someone might not like that the EDC has a grant agreement with the County; the Board was not here when the grant agreement was made, but in all fairness she does not think it is unreasonable, whether someone likes them or not, whether someone believes the EDC should be brought in house, she even suggested that at one point, they still are a private company; if they are willing, and the Board wants them to provide this information, she is okay with that as well, but she thinks they should be given the opportunity to say they are okay with the Board having information on their facility rentals and sporting event

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tickets; and maybe they will comply with it and maybe they will not, but she would like a response from them on whether or not they choose to. She continued she thinks that is reasonable; if they choose not to, then the Board can decide to end the grant, if that be the case; she has a feeling they are going to be transparent with the information, and not because she was given any kind of inside information, but more because she believes that they would like to keep the contract; and rather than pull the rug out from underneath the grant that was originally signed, she thinks it is fair to give them the opportunity to let the Board know what they will disclose, and the Board can decide where to go from there.

Commissioner Barfield stated he agrees with Commissioner Isnardi; he inquired the other thing that is even bigger than this, if the Board is putting this requirement for one grant agreement, what will it do with other grant agreements; what kind of disclosure will the Board need on other types of grants; will it want to know where they are spending the money, specific names of travelers, or who their lobbyists are; and he thinks this may be a bigger picture than the EDC.

Commissioner Pritchett stated she thinks the Board has had agreements with the EDC for enough years and four weeks is not that much time for them to come back; the word she got was they want to be transparent in areas the Board feels they need to be; and she thinks if the Board would just table it for four weeks, and let them come back and speak to it, she feels this will all be settled at that meeting.

Commissioner Tobia stated this was placed on the Agenda in a timely fashion; this was not a late Agenda Item and they were aware; the newspaper may have actually run an article, so hopefully they are paying close attention to the Agendas, the Florida Today, and the emails that they receive from the County Commissioners, so if the Board believes in full faith, he does not, that the Board will get an objective analysis from the EDC in four weeks with this, then he will agree to table that motion, as long as the Board enters with an open mind; and he thinks Commissioner Barfield has opened a very good point, one that he had not thought of, and he thinks it would be highly unfair to offer a grant to one agency and ask for sunshine with taxpayer money and not do it to every other one. He noted he would second the motion from Commissioner Pritchett to bring this up in four weeks; and if she has knowledge, he has not spoken with the EDC, but if she has, and thinks they can come to some conclusion in four weeks, he has waited this long for an answer, he does not believe four weeks will be a big deal one way or another.

Chairman Smith commented there is already a second, so Commissioner Tobia gets to vote.

The Board tabled consideration for amendment to the EDC Grant Agreement for four weeks.

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

**ITEM VI.F.2., PERMISSION TO ADVERTISE PUBLIC HEARING, RE: CONSIDERATION OF APPLICATION FOR THE 2017 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE**

Greg Pelham, Sheriff's Office, stated this is permission to advertise a public hearing in the month of September or October for consideration of the Sheriff's Office grant application with the Department of Justice.

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The Board granted permission to advertise a public hearing to consider the 2017 Edward Byrne Memorial Justice Assistance Grant Application.

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

**ITEM VI.F.3., RESOLUTION, RE: CALLING FOR REFERENDUM ELECTION TO CONSIDER A CHARTER AMENDMENT IMPOSING TERM LIMITS FOR BAREFOOT BAY RECREATION DISTRICT BOARD OF TRUSTEES**

Cliff Repperger, Attorney with Gray Robinson, stated he serves as general council for Barefoot Bay Recreation District; they are asking this morning for the Board's approval for a resolution calling for a referendum election for the Barefoot Bay electors to decide whether they would like to implement term limits into the charter; the legislature in 2017 session, House Bill (HB) 905, authorized the District to call for a referendum election so the voters can consider the implementation of term limits; if approved the ordinance that would adopt the term limits would impose three two-year terms for trustees and the trustees would have to take a two year hiatus before they could serve again; and he respectfully requested the Board's approval.

The Board adopted Resolution No. 17-152, calling for a referendum election for the electors of the Barefoot Bay Recreation District to consider an amendment to the Barefoot Bay Recreation District Charter imposing term limits for members of the Board of Trustees.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>SECONDER:</b>	John Tobia, Commissioner District 3
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM VI.F.4., RESOLUTION, RE: FLORIDA LEGISLATURE AMEND CHAPTER 2001-336(8)(12)(C) IN ORDER TO GIVE ALL COMMISSIONERS EQUAL WEIGHT IN THE ADOPTION OF USER FEES**

Commissioner Tobia stated this is a resolution dealing with Melbourne-Tillman Board; currently statute grants a veto authority to Commissioner's three and five; and all this would do would be to take away said veto authority from three and five and turning it over to a majority vote.

Commissioner Isnardi stated being the other Commissioner with veto power she would agree as well; she thinks the canal way, it is over 160 miles of canal way and she believes that it affects the entire County; and she thinks the entire Board should be able to vote on their budget and their tax rate. She added she is in support of this.

Chairman Smith stated he is in favor of it too; it does make sense despite the fact that he has a personal thought, he just thinks it makes sense that the entire Board consider the issues.

The Board adopted Resolution No. 17-153, recommending Florida Legislature amend Chapter 2001-336(8)(12)(C), to allow all members of the Board of County Commissioners to have equal

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weight in the setting of user fees of the Melbourne-Tillman Water Control District; and for it to be included in the legislative package on September 20, 2017.

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

**ITEM VI.F.5., BREVARD COUNTY BEACHFRONT PARKS ENTERPRISE PLAN, RE: LORI WILSON PARK**

Commissioner Barfield stated Lori Wilson Park, which is in Cocoa Beach City Limits, is a County Park that has been there since the early 80s; it is a really nice location, nice park, but over the years it has not been refreshed or refurbished; now that the County will be able to do that, tourist development dollars from the beach improvement fund will be allocated to this to recondition the park and make it much nicer while still keeping the same approach to the natural environment there; and the issue is there is a large amount of people who come to that park because there is free parking. He added they come from elsewhere outside of this County; they put a lot of stress on that park; it increases the County's cost to maintain the facility; and what they are proposing is to allow the Tourist Development Office to take over, put money towards this park for all the maintenance to begin with, and while the construction is going on, it would be six months before it would start for the first year. He continued they would establish a parking plan where paid parking would be for non-residents; parking would be set up by a system where that would happen; the City of Cocoa Beach now has paid parking on a lot of their streets and all over; his drive for this, is to let people pay for this park who are not residents, because those that are residents already pay; that is the approach that would be taken here; and it could put money back into the County's Parks and Recreation for the area and all maintenance would be taken care of with the parking fees that come out of this. He added to do that it would take an enterprise plan, a number of things the County would have to do; this is a first step to get approval to move forward with this; it will come back to the Board for an implementation plan and the enterprise plan, so it can move forward from that point on; it is a method of stepping out of the box; they talk about using business principles and that is what this is; it is not taking away from anyone who is a resident of Brevard County; and in fact access to the park is always free from anybody, it is the parking aspect for non-County residents. He noted this puts the financial side where the County can pick up funds from that to cover cost of maintenance on this new facility; and he inquired if Eric Garvey, Tourist Development Commission (TDC), has anything to add to that.

Eric Garvey stated he would just amplify the strategy in essence is to let the visitors pay for the parking improvements and maintain it; this idea came out of public input, initially related to the renovation of Lori Wilson Park; last September the Tourist Development Council approved \$3.5 million from the beach improvement plan; this was excess revenue that was in that fund due to tourism tax growth; the \$3.5 million was intended to renovate the park, and during public input, the question clearly came out about how a park becomes maintained in the future, how to keep it from becoming distressed as it is today; and that was an excellent question and the driving principle behind this concept. He went on to say in working with the City and Commissioner Barfield's office they came up with this strategy which is innovative and sets up to become possibly a grand plan for all County parks along the beach front; the idea that non County residents can access the beach through the County's park system, but pay a simple fee for it; it does demand, in his previous

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experience on Jekyll Island they implemented a similar system, that does demand an automated system to be efficient; it does not work as well with collector's, people who actually collect money, it works much better with implementing new technology that will automate the process; that technology does exist to be able to validate residents so they can park for free; and the residents may have to invest in a technology whether it be a barcode or an Id chip they have a fixed to their car, but it does allow them ongoing access to the park and parking for free, while nonresidents can pay to support the overall park maintenance, and possible future capital needs.

Commissioner Barfield stated he would like to add back in April when the Board had its Workshop on the Parks and Recreation budget presentation, one of the challenges was being able to maintain the parks at a high level and it is hard to do, so the Items that were stated were increased revenue options; the first one was beach parking fees, and some other ones as well to get some revenue to refresh the parks and maintain them; and all he is doing is looking ahead at how the County can do this.

Ben Malik thanked Commissioner Barfield for coming up with a solution; he thinks he and Commissioner Barfield are kind of on the same page; he stated he is in attendance on behalf of the City of Cocoa Beach; they are cognizant of the fact that their current park funding's mechanisms are insufficient to keep up with the cost of maintaining these parks; the other parks that the City of Cocoa Beach controls are also suffering from deferred maintenance, in fact they just passed a resolution at the last meeting to increase hourly parking to \$2.50; parking is one of the few methodologies that allows the visitors that use these facilities to pay for the ongoing annual maintenance; and being a beach-side community, it is subject to a highly corrosive environment, things just do not last there. He continued what they would like to do, and he has not vetted this with the rest of his fellow Commissioners, is basically offer an alternative that the City would be desirous to have this park; but also they have invested in technology in terms of automated meters, they already have the cloud based technology and it is working very well; they have a beach sticker that any County resident can purchase for a pretty discounted rate to park at any one of their beach end streets; and as a surfer, he would like to have showers so he does not have to carry a water jug every time he goes to the beach. He stated these things cost money; people want clean showers and restrooms and somebody has to pay for it; he thinks the user paying for it, out of County residents, to him is a win, win; he would like to offer an opportunity for the City to look at a proposal that accomplishes the same thing and takes that approximate \$200,000 operating budget off of the County; and he intends to ensure those funds are segregated, not lumped into his general fund, but kept for strictly ongoing maintenance of those beach parks. He went on to say let everyone be cognizant, there is a cost to maintaining these, and frankly the City has not done a very good job of that either; and he stated there has got to be a funding mechanism to do that.

Tom Hermanson stated he is very glad to be there, it has been a long road discussing the future of Lori Wilson Park; he says it all the time, he likes to participate in things that are win, wins because when they are win, lose it is so much harder to get done; what he thinks the Board is faced with here, he thinks has a tremendous amount of good thought go into it, a lot of back and forth between the very stakeholders; they do have a win, win proposal for the County, it is in front of the Commissioners; and that is about a two hundred dollar savings to the General Fund, which is not an insignificant amount; and he knows the Commissioners has spent a tremendous amount of time trying to find savings, and that is a rather large number. He added getting those annual costs out of General Fund in view this proposal, loading them unto visitors and actual users via proposed user fees should be a

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welcome to the County as well as residents. He went on to say Lori Wilson Parks could be a crown jewel, but without being too critical, he would argue it is an uncut jewel; they have seen the tours with Eric who has a stellar reputation up at Jekyll Island what an oceanfront park can be is properly funded and maintained; and those parks and facilities up there are really something to behold. He noted he wishes for the residents of Brevard County, the citizens of Cocoa Beach, as well as the visitors to the area to be able to benefit from such a nice park as they have in Jekyll Island. He stated to Commissioner Tobia's comments earlier, he could not agree more, here they are proposing to the Board bed tax funds for the direct benefit of the residents of Brevard County; three and one-half million dollars is no small fund; and this can be a direct return on, not necessarily an investment, but a direct benefit for the residents of Brevard County to get paid back and to share in the benefits of those visitors that come to the area and leave bed tax funds for the County's benefit. He explained obviously the Board does not want to put money into a park it cannot maintain; it is not a reflection of the hard work of the County Parks and Recreation Department nor the staff members of the City of Cocoa Beach who worked very hard with very limited resources; the County Manager, as the Board knows, and the previously County Manager attested to the fact that the Parks and Recreation Department is unfortunately underfunded, and many times running a deficit; and this proposal of taking out of the Parks and Recreation budget, or department, would both allow for maintenance at a higher level which would be otherwise difficult if it remained in Parks and Recreation, because obviously, those funds have to be shared equally among the County's parks. He stated if residents and the area can be charged for a reasonable fee, practically nothing, in order to support these improvements and gets the majority of that funding from parking of outside vendors; he does not know that anyone will complain with respect to that when they see the end result of what they are paying for. He stated he uses the metaphor, regularly, that if a person offered him a free sandwich he probably would not take it, but offer him a good sandwich at \$8 he would be much more interested; what they are trying to do is dramatically improve this park; it needs to be maintained through revenues on an ongoing basis; and this proposal satisfies that requirement. He stated he hopes it meets with the Board's support.

Laurilee Thompson stated in addition to having great savings for the County and taking this out of Parks and Recreation's budget, she sees an opportunity to restore what once was the top migratory warbler watching spot on the East Coast of Florida, because Lori Wilson Park has the largest undeveloped piece of maritime hammock left in Cocoa Beach; and it was a magnet for these little tiny, jewel-like birds that migrate through here going between where they winter in South America and where they nest in North America; and the birds came here in droves, but as the park was taken over by Brazilian Pepper Trees and Muscatine Grapes, the habitat became degraded and the birds stopped coming. She went on to say the City of Cocoa Beach restored some habitat across the street, a maritime hammock preserve, and there was a lot of unhappiness when they took out the Australian Pines, which is an invasive species, but then they replanted with native habitat, or vegetation, and the birds have come; and the birders are coming to that park now, so there could actually be two really good birding parks in Cocoa Beach. She added a lot of people go to beachside parks to go to the beach, but some people do not go to the beach, so that gives an activity at this park for people that would not be coming there for the beach but they come here to go bird watching; she sees it as a win-win; she thinks it would set an example for maybe what could be done with other parks in the County; and if this works, this concept could be moved to other parks and there could be some outstanding parks that others can help pay for. She asked the Board to consider approving this; and she stated she thinks it is a good concept.



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Commissioner Tobia expressed his appreciation to Commissioner Barfield for bringing this forward as he thinks this is two steps in the right direction; with just a little bit more work and a little bit of a change it could be made even better; it could be done with less government instead of more government; it seems like the Board is worried about setting up a process and all that good nonsense; and the process is already there as the Board has heard from the Mayor of Cocoa Beach. He commented they have a parking system, they have a parking structure, they have a parking contract that is set up, so it would be in essence turnkey, no interruption of services; and it would be a full turnover to the City of Cocoa Beach. He pointed out he would take it a step further as he discussed with the Mayor by adding Robert P. Murkshe Park into the mix, another beach access park located in Cocoa Beach; according to the Mary Ellen Donner, Parks and Recreation Director, transferring Lori Wilson Park to Cocoa Beach is consistent with the goals of conveying selected County-owned parks within municipalities with no loss of service to the residents and the visitors, and allowing the municipalities to manage the parks within their jurisdictions; it has been done for Palm Bay Regional Park, Palm Bay Senior Center, Palm Bay Aquatic Center, Satellite Beach Sports Complex, Oars and Paddles in Indian Harbour Beach, Pritchard House in Titusville, and Lee Wenner Park in Cocoa; by turning this fully over to the City of Cocoa Beach, the County would see a maintenance savings of \$196,000; and if Robert P. Murkshe Park, there would be an additional savings of \$22,600. He stated the Board talked about the impending constraints the Board may have when it comes to the homestead exemption; this would allow the Board to turn the park fully over to the City of Cocoa Beach, thus freeing up this potential \$3.5 million in beach re-nourishment funds that could be used for the County parks located in County facilities, thus taking even more burden off of the taxpayers as the Board looks for stretching the limited dollars it has as far as it can go. He suggested adding in Robert P. Murkshe Park into the discussion, which he has had with the Mayor, as well as turning the parks completely over to the City of Cocoa Beach; and that would be better for the residents of Cocoa Beach, Brevard County, and it would be a win-win for everyone. He noted his twist on the great proposal that was put forward would be instead of creating an enterprise this or that, to do what has been done with other parks and has worked very successfully, and to turn it over to the County's partners in local government.

Commissioner Barfield this is something that the County does right now with campgrounds, it is the same type situation, same thing it has funding coming in through paying for fees; he does not have a big issue turning the parks over; however, where the County is with Cocoa Beach, it has the funds from the Beach Improvement to do the refurbishment of it; it has the mechanism to do it right now within the County; and down-the-road if the decision is made after everything is up and running to turn it over to Cocoa Beach, it is the decision to be made at that time. He stated the fastest and most efficient way to get this going right now is to keep it in the County, and that is what needs to be done; Lee Wenner Park was conveyed over, and the Board was in discussions way before he was a County Commissioner, and it just now happened; action can be taken right now and to get things moving and operational; and he is all for doing this and doing this now.

Commissioner Isnardi asked if it will come back to this Board in the future for Lori Wilson Park to be handed over to the City of Cocoa Beach.

Mr. Garvey replied he has had discussions with the City Manager and the Mayor of Cocoa Beach, certainly partners, and he would agree with Commissioner Barfield's perspective on this, this is a solution about timing more than anything; and he ultimately thinks the County and City will be partners as this plan is implemented. He went on to add his discussion with

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the County Manager is that the Tourism Office is not going to staff up to operate this park, but they will simply administer the fund, and partner with the best service providers possible; he agrees this is probably the shortest path to getting this going; and he thinks everyone just wants to see good things happen.

Commissioner Isnardi inquired if Mr. Garvey sees any obstacles in the future if the County chooses to hand the park over to the City of Cocoa Beach; she stated she does not know if the County is going to want to do that at that point if it is such a huge investment, \$3.5 million from the TDC.

Mr. Garvey advised from his perspective it is a public park, and as long as it remains public, it does not matter whose stamp is on it; they will work all the issues in the plan to make sure it does not prevent that; and if there is anything, it will be pointed out to the Board so it can go into it with its eyes wide open. He pointed out he cannot think of any reason the County cannot partner with the City of Cocoa Beach in the future.

Chairman Smith stated the Board has done that with Lee Wenner Park, and other parks in the City of Palm Bay, so it is obviously be something that can be done in the future; at this time, the Board's biggest concern is to get this project moving; and to put any impediments in the way of getting that done would be counterproductive. He noted in Monroe County, which is the Florida Keys, residents there have free access to parks; but unlike what is being suggested here, they have to have someone, a guardhouse kind of thing, where the guard collects the funds when a person parks, or if a person shows a Florida Driver's License or electric bill proving he or she is a resident, they get free access; and it is very popular with the residents in the Keys, and he is sure it would be popular here. He encouraged everyone to make it free parking for residents; they have applications on telephones now that could make that happen; and that is his two cents.

Commissioner Tobia asked if there is parking in place that the TDC uses right now.

Mr. Garvey replied they do not have any program like this.

Commissioner Tobia inquired if Mr. Garvey can help him explain how it would be quicker to go through the TDC that would have to put out RFPs and all of that, instead of going with the City that already has it in place; and what allows him to do it quicker than the City can do it.

Mr. Garvey responded the timing issue is going to be, negotiating and crafting the agreement that would convey the County public park to the City.

Commissioner Tobia inquired how long, if there was consent of five Commissioners or three Commissioners would it take for it to convey it over to the City of Cocoa Beach.

Attorney Knox responded less than a month.

Commissioner Tobia asked within less than a month the TDC would have the ability to have this up, going, and ready for residents.

Mr. Garvey replied if the Board chooses that direction.

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Commissioner Tobia inquired how long the RFP process is for projects like this, the standard.

Jim Liesenfeld, Interim Assistant County Manager, responded their fees would be advertised basically 21 days, the staff time to prepare it, and then to move it forward.

Commissioner Tobia stated he is doing basic math in his head; and he asked Mr. Garvey to explain to him it will take staff time to create an RFP, it will take 21 days to put it out, it has to be reviewed, and the TDC is not meeting how that is less than a month.

Commissioner Barfield stated he would like to give a background of what has happened before like at Lee Wenner Park; discussions back and forth went on for six months; there were certain things they wanted to be able to do that the County did not want them to be allowed to do, such as paid parking for residents; it has to go to their City Council; and it takes a while to get these things happening, it always does unfortunately. He continued by saying then there is the financial side, and that becomes an issue because of who is really responsible for the property; if the County conveys it over and the City takes it, if everything goes bad, what the claw back would be; and those are all of the things that went through discussions. He stated when it all comes down to it, someone has to pay for it; he understands what Commissioner Tobia is saying to let the City of Cocoa Beach to come up with the \$3.5 million, and let them do the renovation of the park; and he can tell the Board it is not logical. He stated the best way to go is the County has the process in place; there does not need to be negotiations with anyone; the best route to go is this route; it does not bother him who has the property, the point is the residents have got to get the best capability of services, it has to be maintained and sustainable; and to throw a wrinkle into that right now and change that will cause more time and effort. He noted he would rather see the Board go this route because he knows it will get done; and as soon as it is over negotiations can take place with the City of Cocoa Beach.

Commissioner Tobia stated the assertion was made by Mr. Garvey that it would be quicker and factually that is incorrect; the County has a partner in the City that is willing to proceed forward with this that has the technology in place; this allows government to be shrunk, still provide the same service, and to potentially free up dollars the County will need as it moves forward; and maybe the County needs to add that bit that it will have to cut services if it is just spending it like bandits right now. He pointed out the reality of the situation is, he wants no different on this park than what the County has done with multiple other parks to make this move forward; the County should listen to its partners in local government; and instead of tackling it itself, to turn it over to the City of Cocoa.

Commissioner Pritchett advised she is probably going to vote for this to stay with the County for right now, to get it set up and moving, and if it is ready to make that changeover, it will be fine with her as well; when the City of Titusville took over the Pritchard House, it was months of negotiations; and her vote today, if it helps save time at all moving forward, it is to move forward with this proposal in front of the Board today.

Charles Tovey stated he usually holds off on Agenda Items and everything, like condensed soup, he tries to put it all in one can; he is disgruntled because of the Town of Palm Shores; it was Brevard County property; and because it was turned over and annexed into the Town of Palm Shores, everything has been readjusted for their benefit. He went on to say it is no longer County input, it is only what the Town of Palm Shores decides what to do with their property now. He stated he has called EPA and everyone else, and once Brevard County

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gives it away to whatever entity it is, then they destroy it, and once it is gone, it is gone forever, and people cannot return to where it was. He continued by saying the springs and the land is getting sold in Town of Palm Shores; he is not trying to mix issues here; but he reiterated once the Board gives it away to another entity, no matter who it is, and lose control of it, it is no longer public, it is Cocoa Beach's residents. He stated he is surrounded by Palm Shores, the springs, and the environment, and all of the traffic on his road and his residence, does not matter because of what the dictators dictate with his life and what he earned; regardless of how he got to buy his house, some people find it easy, some people do not; but he bought his house for what he wants to do, but none of that happens anymore; he still has restaurant equipment in his garage from not being able to do what he bought his house for; and he worked his whole life to buy a piece of property, but none of that happened, because Palm Shores was annexed in from Brevard County. He noted all of the money that could have been used elsewhere was dissipated for \$2 here, \$2 there, and priceless environmental lands that will never be the same again; Palm Shores and all of Brevard County is a keystone to the environment, although people do not realize the relationships at the time when giving away other people's land. He stated the other things was parking, when parking things are devised, how many tourists is going to take up the public; there are two sides, one for visitors and one for residents; once the residents get filled up, they do not have first option anymore, they have to go to the overflow of the visitors; and he inquired who gets what, it all depends on what Cocoa Beach decides to do with the park. He stated he does have relief for public works and funds for things; and he asked the Board to give him time and patience to deal with him. He expressed his appreciation to the Board for allowing him to speak on this.

Commissioner Isnardi asked Mayor Malik to come back up before the Board so she can get his input. She stated she spoke with Mayor Malik at one point a few weeks ago.

Mayor Malik stated just to clarify, he also spoke with Commissioner Tobia and almost all of the rest of the Board; to be clear, the bed tax is one of the few ways the City of Cocoa Beach can get some of the impact of a small town of 11,243 that they get back for the two million visitors they receive a year; they do not have \$3.5 million set aside to improve this park; they were finally excited that the TDC was willing to invest some money into their Zip Code, which generates about 50 percent of that bed tax annually; and when people come to visit, they came to visit primarily Cocoa Beach. He continued by saying he is confident they can come up with a methodology to cover annual operating costs, and they have the technology in place to do so; but to Commissioner Barfield's point, these are things that can be worked out; and he reiterated they do not have \$3.5 million as a small town to put into a park that has suffered from decades of neglect. He noted they are happy the TDC's even considering it; and they are happy to find a way to fund ongoing annual maintenance costs.

Commissioner Barfield stated this is just to get things rolling; it only makes sense to talk to the City of Cocoa Beach to see if the County and City can work together on parking or anything else; there is no reason to have two standalone situations when they can work together; it can and will be worked out; and it just makes it a lot simpler.

Commissioner Tobia stated one place there is a \$20 fee and another place it says the County residents will get free parking; and he inquired which one is being voted on.

Commissioner Barfield replied that is a draft, those are not to be determined yet; if Commissioner Tobia would read down in the bullet items, it explains the motion.

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Commissioner Tobia inquired if this is not Commissioner Barfield's draft.

Commissioner Barfield responded it was just to show a draft would be done.

Commissioner Tobia inquired who submitted the draft.

Commissioner Barfield advised he approved it so it is coming back to him.

Frank Abbate, County Manager, pointed out that depending on what path the Board chooses to go down, it could partner with the City of Cocoa Beach; and if the Board chooses to stay and keep the park with the County, with the parking aspects, there is always the possibility of piggybacking as it relates to parking or working out some other type of arrangement with the City of Cocoa Beach, so it can be kept as seamless as possible, depending on what action the Board chooses.

Chairman Smith advised Mr. Hermansen and he spoke by telephone about this issue.

The Board approved the proposed Brevard County Beachfront Parks Enterprise Plan; assigned oversight of the Parks Department operating and maintenance for Lori Wilson Park to the Tourist Development Office (TDO); and authorized TDO to create a special revenue account for Lori Wilson Park.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
<b>NAYS:</b>	John Tobia

## ITEM VII., PUBLIC COMMENTS

Nick Supuran stated he talked to the City of Melbourne last year about the solar renewable energy supposedly passed by the State in the last 10 years, and they have a very negative attitude about enforcing the new statutes; the County and association were quite negative about street maintenance and everything else when it came to the homeowners having rights to the solar energy that is out there; so far the State has passed a new Title 11, Chapter 163.04, Energy Devices Based on Renewable Resources, that he does not believe the County is paying attention to yet; and he would like the County to pay attention because it is the next down the line from the State. He went on to say this one restricts anyone from putting controls over the homeowners rights to solar energy; and therefore, he believes it also covers the County, not just the Homeowners Association. He noted the HOA lost its right to say it cannot be put in the front it has to be put in the back, they can only control east, west, 45 degrees, so the sun; it can be done on the house or on the ground; and there is nothing the HOA can say anymore, and the City should be in the exact same position. He stated right now he is fighting with tall 60 foot Pine trees in the HOA area or in the County area where no one wants to cut them down because they are alive; but it does not matter that they block the sun or anything. He asked the County to change its rules and to make sure it makes all of the cities within the County know they have to change their rules, because that is what the new State law is; and they need the energy, they would like to have clean energy, and not to pollute the river like some people do. He stated he would like the County to entertain as an ideal of promoting the rights of the people.

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Chairman Smith stated he knows the State of Florida has indicated that HOAs cannot restrict the use of solar panels; and he asked how that would work.

Scott Knox, County Attorney, stated it sounds to him what the gentleman was saying is that the State has pre-empted everyone from doing that now, but he has not seen the law, so he does not know.

\*The Board recessed at 1:03 p.m. and reconvened at 1:12 p.m.

Attorney Knox stated he looked at the Statute over the break, and there is a Statute pre-empting the County from passing any regulations and HOAs from adopting any deed restrictions prohibiting the installation of solar energy devices, so the Board does not have to worry about it.

**ITEM VIII.A., BOARD REPORTS, RE: FRANK ABBATE, COUNTY MANAGER - PINEDA CAUSEWAY GRADE SEPARATION PROJECT EASEMENT**

Frank Abbate, County Manager, stated he has a couple of things to bring to the Board's attention; the first one deals with the Pineda Causeway Grade Separation Project; there is a minor glitch with the FEC and the easement; and staff needs Board waiver approval.

John Denninghoff, Assistant County Manager, stated in the process of the approaching of the closing of the aerial easement, which was heard about previously, title search work has been completed, and staff has discovered a few encumbrances that are a matter of technical encumbrance on the aerial easement; typically, staff does not provide a waiver for encumbrances such as this; they do it for things they know will not be an issue in the future; and in this particular case, they believe there is a remote probability that there will be a problem in the future. He went on by saying an example of this would be there is an easement for AT&T, which does not address the aerial component of the easement versus the one on the ground surface or below the ground surface; they do not believe that there is a significant probability that AT&T would present a problem to the County's aerial easement in the future; and thus, they think it is a waivable encumbrance. He asked the Board to approve the waiver, and authorize staff to go ahead and proceed with closing on the aerial easement, which is scheduled to take place tomorrow.

Chairman Smith stated the Board needs a motion to provide for a waiver on the aerial easement for AT&T.

Mr. Denninghoff pointed out it is a waiver for the encumbrances upon the title; the problem is that they cannot get title insurance that would cover those particular aspects of the encumbrances; and thus, they need to waive that, since under Policy, they need to have that insurance policy to cover it, unless a waiver is granted; and in this case, it is beyond what staff would normally do.

Scott Knox, County Attorney, stated if this ever became a problem where there would be an inverse condemnation case filed years from now, whenever they decided they needed to use the aerial easement the County is occupying, it would fight about it then, but would the probability of that happening is very limited; and staff is asking for a waiver of the exceptions the title company has referenced.

The Board approved a waiver for the encumbrances upon the title for the Pineda Causeway Grade Separation Project Easement for insurance purposes.

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

**ITEM VIII.A., BOARD REPORTS, RE: FRANK ABBATE, COUNTY MANAGER - GOLF COURSES CONSULTANT SERVICES REQUEST FOR PROPOSALS (RFP)**

Frank Abbate, County Manager, stated he wants to advise the Board the golf courses consultant services Request for Proposals (RFP) was opened Thursday; staff spend significant time reviewing all of those proposals; there were nine responses on it; he did an evaluation over the weekend for the Board's direction double checking everything; and they came up with the number one proposer, which they are now in the process of negotiating with them. He went on to say the Board direction was for the County Manager to put out the RFP 21 days, review the responses, select a proposer, negotiate a contract, and have the Chairman execute that contract; staff is now in the negotiation stage, and because that selection was completed yesterday afternoon, he submitted those results to the Purchasing Department, it now put the RFP responses are now a matter of public record for anyone to review; he wants the Board to know staff is proceeding moving forward; and in moving forward, staff will negotiate that contract, himself with the County Attorney's Office, in two parts, on the consulting services part, and a second contract that would enable the Board, if it chooses, if there is an option to sell one or more golf course, it will have a brokerage arrangement that was specifically negotiated with the successful vendor that the Board can choose to go forward with, or go another route through another RFP process. He commented it provides the Board the opportunity to move seamlessly, if it so chooses, the Christovich and Associates was the number one ranked proposer; he wanted to get that on the record and bring it to the Board's attention; and he wanted to let the Board know if it wants to have dialogue on it, it can because it is now a matter of public record.

**ITEM VIII.D., BOARD REPORTS, RE: JOHN TOBIA, DISTRICT 3 COMMISSIONER - ROADS PLAN FOR UPCOMING YEAR**

Commissioner Tobia stated John Denninghoff, Assistant County Manager, is coming up with a roads plan for the upcoming year, and the Board made recommendations; he may have been him that was a little bit confused, and he can go either way on these types of things, but the Board talked about funding the reconstruction on the partially funded roads; he did not know the County was allocating more money for more reconstruction; he was under the impression that extra money amounting to a little over \$2 million would go to more paving as opposed to more reconstructing; and he does not know if anyone else was under that misconception or if it was just him. He advised he is not disappointed, he just thinks it would give the Board the option of reconstructing a couple of miles and repaving about 20 miles; he thinks sometimes Mr. Denninghoff provides the Board too much data; and it is a good question to start with.

**ITEM VIII.D., BOARD REPORTS, RE: JOHN TOBIA, DISTRICT 3 COMMISSIONERS - MOMENT OF SILENCE FOR KISSIMMEE POLICE OFFICERS**

Commissioner Tobia stated he is an instructor at Valencia College in Osceola County at the Kissimmee Campus, and he would ask for the Board's indulgence for a quick moment of silence

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for two law enforcement officers; one that got his certificate at Valencia College; both that protected students in the evenings when they contracted out with Kissimmee Police Department; the Board is very fortunate to have deputies here during the meetings; these are not only law enforcement officers, but they are fathers and husbands; and their loss will be immeasurable. He again asked for a moment of silence for Officers Sam Howard and Matthew Baker who were killed over the past weekend, he would be grateful.

**ITEM VIII.E., BOARD REPORTS, RE: KRISTINE ISNARDI, DISTRICT 5 COMMISSIONER - REPAVING AND RECONSTRUCTION OF ROADS**

Commissioner Isnardi inquired 20 miles of re-paving versus a few miles of reconstruction, which is the smarter thing to do and will it save more roads that way, because reconstructed roads need to be reconstructed regardless.

John Denninghoff, Assistant County Manager, replied reconstructing the major, larger roadways, collector and arterials, is a pretty important item because of the impact on the number of people that try to use those roads; the more local roads, it is a difficult decision, kind of like picking between ones children in a way, but doing the more resurfacing is probably over the long-term will be the better choice; but it is not a bad choice to do that reconstruction.

Frank Abbate, County Manager, pointed out the County is also leveraging the dollars that are currently partially allocated, which would remain unallocated; there has been dialog with County Finance relative to how many dollars the County has that has not been spent over time; and part of staffs thought was to use those leveraged dollars, but staff will do what is determined to be, based on Board discussions, what will be most advantageous overall. He noted that is why the reconstruction dollars were allocated in the way staff did, and that is for the \$2 million to leverage the other partial funding that would otherwise remain where the County would not be in a position to actually improve the roads at this point.

Commissioner Isnardi stated she has talked with staff, and they have reached out to the City of Melbourne, because Melbourne has already agreed to fund towards the north part of Babcock, which is a huge priority of hers; and it looks like staff is waiting for them to bring an interlocal agreement.

Mr. Abbate stated he received their letter two or three days ago; he has provided it to the County Attorney's Office; yesterday the County Attorney gave them a draft that staff will be sending to Melbourne; and they will move on that as expeditiously as possible to move that forward.

Commissioner Isnardi stated there is already one half a million dollars allocated to North Babcock that is just sitting, and if Melbourne commits to finish the road and take it over, which they have already publicly voted on, an interlocal can be worked on at that time; and she hopes the Board approves it.

**ITEM VIII.E., BOARD REPORTS, RE: KRISTINE ISNARDI, DISTRICT 5 COMMISSIONER - ACROSS THE BOARD COST OF LIVING INCREASES FOR CHARTER OFFICERS**

Commissioner Isnardi stated she has two things regarding the pay adjustments; she received some communication from the Property Appraiser and Tax Collector saying they submit their budgets with a certain pay rate; however, it would be just as easy for this Board, the Property



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Appraiser cost difference would be \$35,000 and the Tax Collector \$15,000, which has to be adjusted to what they each sent to the State or they have to absorb it; and she does not think the Board wants them to absorb it given how well they have spent their budgets. She stated she is going to propose, and ask this Board, to consider making it 3.5 percent for all County employees; the reason being, in a perfect world the County would have performance standards; she inquired if the Board can imagine the staff it would have and the amount of time, not just the evaluations but trying to rate everyone; and she stated no one wants to rate their employee poorly. She stated there are a lot of pitfalls to that; if the Board is giving 3.5 percent, she finds it unfair if a couple of groups are left out because the Board opted for the 3.5 percent across the board.

Commissioner Tobia inquired if this can be tabled until the next meeting; he stated Commissioner Isnardi was provided with all of that information; and he does not have the exact numbers.

Commissioner Isnardi stated it is \$218,346. She stated it is a little lower than the previous numbers because the Sheriff's Office is a little lower the first year; next year the Board may decide it cannot give any raises; but at least for this year she wants to make it fair; and there is also the rate study that staff is working on.

Commissioner Tobia stated it is very important when dealing with salaries that this is a reoccurring cost; the Board cannot say next year, unless he or she is willing to vote to decrease peoples pay, this is a \$218,000 potential increase, and millions of dollars over 10 years. He stated there is no way, especially with this little time, that he ever could support this; some of the logic works there; but then again he would have to argue it needs to be a three percent across the board instead of a 3.5 if the Board were to do that; he does just not know if it is the right time to bring this up; but he would be willing to discuss this in detail at the next meeting. He inquired what would be the difference doing it at this meeting or at the next.

Jill Hayes, Budget Office Director, replied there is not a regular Board meeting between now and the first budget hearing; right now staff is working on making changes to the proposed budget in accordance with the 3.5 percent pay increase the Board voted on for County employees at that last meeting; and in order to give staff time to include that in the budget that is coming for tentative approval on September 12th, they would need a decision on that to incorporate it into the budget.

Commissioner Tobia stated that was not the answer he was looking for; but he expressed his appreciation for the honesty.

Mr. Abbate stated the Board will notice there is a difference from the number staff gave the Board on the first page under Option 3, they had \$276,657, and that was because when staff gave that it was a full year impact; the number the Board sees now is \$218,346; and that is because the Sheriff has indicated he had some dollars available in his current budget that he was allocating for this. He added his increase would not occur until February; and that is why the dollar figure is lower there, but because it is a partial year, the cost for that increase would show up in the 2018/2019 budget, and that is the \$98,000 figure the Board sees there.

Commissioner Isnardi stated she understands this is a reoccurring cost, and she understands basic math; what she was getting at was next year there may be no raises, and the County could be back in the same boat where employees go two or three years without a raise; she is hoping that is not the case; but it may be a reality especially what is coming down the pike with the Legislature. She noted because the Board can do it this year, she thinks it owes it to its employees; it talks about how it keeps losing people; and she thinks this is a way to take care of them the best it can.

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Commissioner Tobia stated if no raise is given next year, it is still a reoccurring cost.

Commissioner Isnardi reiterated she understands math, so she is good there.

Commissioner Barfield inquired if this money is available.

Mr. Abbate replied the Board may recall from an email he sent, staff put \$800,000 to get to the 10 percent in Reserves; they put \$1.2 additional dollars into the Reserves above that operating reserves in addition to that; and it comes out to somewhere between \$300,000 and \$400,000 that came from a couple of other sources including the Tax Collector and less commission fees than were anticipated in the initial budget, and those funds are available. He went on to say some of that money will reoccurring dollars, and obviously that is where the fund will be drawn; and the following years' budgets there will be a lot of factors staff does not know about now that they have to deal with.

Commissioner Tobia stated since this is the expensive money, it has no impact on the cap or Department of Revenue's determination of whether or not this is a tax increase.

Ms. Hayes replied affirmatively; and she stated this would not impact the proposed millage rates the Board already voted on.

Commissioner Tobia stated again, since this is money in the General Fund, this would be money that could be used to re-pave or reconstruct roads.

Ms. Hayes stated that is correct, as Mr. Abbate mentioned currently in the proposed document that was provided to the Board, those dollars were in Reserves, so it is reallocating from the General Fund Reserves for those purposes.

Commissioner Tobia inquired what would the new difference be if it was 3.5 percent, the tiered one, where it was capped.

Mr. Abbate responded it is the difference between Option 3 and Option 4, so the Board's portion would go up by another \$66,000 approximately, and the other portion would go up for the Charter Officers by another \$41,000.

Commissioner Tobia asked if this was to be capped, what would the cap be if it were imposed.

Mr. Abbate replied the cap staff had under Option 4 was \$2,100; if it was at 3.5 percent, that would add another \$350; and it would be \$2,450 as the cap.

Commissioner Tobia asked if the proposal by Commissioner Isnardi had a cap.

Mr. Abbate replied there is no cap that is the 3.5 percent across the board for everyone.

Commissioner Tobia inquired what the option would be offhand if the Board accepted the 3.5 percent across the board but it were to cap it at the \$70,000 mark, how much less it would be.

Mr. Abbate replied in the area of approximately \$40,000 is the difference.

The Board approved a 3.5 percent across the board Cost of Living Adjustment (COLA) for the Charter Officers.

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Commissioner Isnardi inquired when the pay study is done, since it is known what positions the County has a hard time filling, does there need to be a rate study that encompasses the entire County; she stated even if there are groups of employees, say with the Fire Department, she does not understand why this cannot be done in house if staff knows which positions there is problems filling; and that is simple stupid to her. She stated her fear is all of these rate studies are going to come back to find out half of the employees should be making more money; it will cause issues when some pays are increased and some are not; and she worries this may cause issues with morale. She stated she reviewed some of those minutes because someone emailed her about some of the chaos the last study caused.

Mr. Abbate replied staffs plan would be to bring that RFP response back; it will set the scope of services; and staff does not contemplate just doing the straight Cody salary study. He went on to say it would be looked at by a number of factors; it would be looking at where there are recruitment issues, not able to fill positions; and staff has a good idea what that is among the departments. He added also where there is a turnover higher above the average, so staffs thoughts are to have the outside consultant look at all of those factors within that phased approach and address the most egregious issues first, which is consistent with what Commissioner Isnardi is saying; and staff will bring it back to the Board for direction before it goes out.

Commissioner Pritchett stated they did a pay study in the City where she came from, and they were having a hard time retaining employees and morale was terrible, so they implemented one; and the last four years it has been done, the morale is up, Lean Six Sigma projects were done, job retention is good, and people want to work for the government entity now. She pointed out the morale is incredible there and the work is getting done; and she thinks the Board needs to look at some growth here; and she thinks as a County it is going into a pretty nice place.

The Board approved a 3.5 percent across the board Cost of Living (COLA) for the Charter Officers.

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

**ITEM VIII.G., BOARD REPORTS, RE: CURT SMITH, DISTRICT 4 COMMISSIONER/CHAIRMAN - MEDA ADS ADVERTISING**

Chairman Smith stated he spoke with a company called Meda Ads; they are proposing putting advertising on the sides of ambulances; it is kind of ingenuous; and they would pay the County money to do that. He added if the Board were to consider something like that, that money could be funneled towards raises for the Emergency Medical Technicians. He asked the company to come and see the other Board Members as well.

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**EXECUTIVE SESSION: MASCI GENERAL CONTRACTOR, INC. V. BREVARD COUNTY  
FLORIDA, CASE NO. 05-2015-CA-046973-XXXX-XX**

The Board recessed for an Executive Session for Masci General Contractor, Inc. v. Brevard County, Florida, Case No. 05-2015-CA-046973-XXXX-XX.

Upon consensus of the Board, the meeting adjourned at 1:52 p.m.

ATTEST:

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SCOTT ELLIS, CLERK

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