

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

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on October 24, 2017 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
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	Remote	
Kristine Isnardi	Commissioner District 5	Present	

INVOCATION

The invocation was provided by Pastor Ben Harris, Covenant Church, Beachside Campus, Melbourne.

PLEDGE OF ALLEGIANCE

Commissioner Isnardi led the assembly in the Pledge of Allegiance.

MINUTES APPROVAL

The Board approved the August 22, 2017 and September 19, 2017 Regular meeting minutes, September 7, 2017 Zoning meeting minutes, and the September 19, 2017 and September 26, 2017 Special meeting minutes.

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

ITEM II.B.2., AMENDMENT NO. 5 TO LEASE AGREEMENT WITH BREVARD CULTURAL ALLIANCE, INC., RE: EXTENDING THE CURRENT TERM FOR ADDITIONAL THREE YEARS TO SEPTEMBER 30, 2020, FOR OFFICE SPACE IN BUILDING C, BREVARD COUNTY GOVERNMENT CENTER, VIERA

Frank Abbate, County Manager, stated this is a request for continuation of a lease with the Brevard Cultural Alliance (BCA) which has been occupying approximately 2,700 square feet on the third floor of building C; the request is for a three year extension on that current lease agreement under County Ordinance, non-competitive to a nonprofit requires a super majority vote.

Commissioner Tobia stated according to the 2010 lease the value of this is approximately \$17 a square foot or \$46,000; he would guess lease value went down because now it is a lease value

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of \$25,000; he asked and received back from Teresa Camarata, Central Services Facilities Director, an update dealing with outstanding space needs; and he was informed there are some with IT and he questioned what the County is doing with those three people right now.

Mr. Abbate stated there was a request several months ago when they did some space changes on the second floor of Building C; the space next to the Helpdesk area, where Commissioner Tobia was relocated from, IT saw as an expansion to consolidate their GIS staff, which was located primarily in Building A and at a couple different sites; the people from Building A were relocated to the currently existing IT space on the second floor; and the remaining three staff members, which would require about 500 square feet, are currently still decentralized in their prior locations.

Commissioner Tobia stated this lease looks like it is for three years; he inquired if Mr. Abbate thought there would be any space needs in the coming three years, and if so if there is any current open space or if he knows of any space opening soon; and he also inquired if there is not would that require the County to pay for an outside lease.

Mr. Abbate stated based on the current staffing levels, he is not anticipating future growth at this time; however, in the next three years depending on where the Board chooses to go, they are pretty much at capacity; the County has the space for current staffing but if there is any expansion it does not have any expansion space available; and he explained when Natural Resources did their expansion because of the Indian River Lagoon (IRL) they moved to another County owned property and put six staff members there.

Commissioner Tobia inquired if the County is obligated to provide space to the Brevard Cultural Alliance, and if not, he asked Mr. Abbate if he was aware of how many visitors the Brevard Cultural Alliance receives in the Viera location.

Mr. Abbate pointed out it is the Board's prerogative and discretion to give that lease space to a nonprofit such as Brevard Cultural Alliance; he is not personally aware and does not know what the staffing is; but he does know that a lot of the space allocation is used for the variety of arts that they are involved in for providing, and sharing throughout the community.

A representative of the Brevard Cultural Alliance explained the reason that space is imperative to their work is because they run art in public places which is a mandated program; that program serves over 300 area artists; the reason for the space which is a direct response to Commissioner Tobia's question, is because that program has around 2,500 pieces of art work within the program; those pieces of artwork need to be curated, prepared for exhibition, prepared for transport, and they go in and out of the offices, which quite frankly are absolutely full of art work; and he mentioned the program has run for many years. He added the program is a very popular program throughout the County; to this point it is estimated that around 500,000 people a year review that work of local artists; without the space that they occupy there would be no way to curate the pieces, prepare them for exhibition, nor track them; and the space is imperative of that program, which is a County program.

Commissioner Tobia asked if he is correct to assume the Brevard Cultural Alliance receives \$80,000 of County funds to provide those services.

The representative replied Commissioner Tobia is incorrect; he stated they have a contract for services and the element for art in public places is \$5,000; and they provide those services Countywide, and there is a \$5,000 contribution to the program from the County.

Commissioner Tobia inquired if there is a line item in this year's budget for the Brevard Cultural Alliance for \$80,000 or not. He pointed out he does know the answer to this question.

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The representative stated he is not aware of that, however Commissioner Tobia clearly is; his understanding is that there is a line item for \$50,000; of that \$45,000 is attributed to the management of the cultural grants, which is a County program; and \$5,000 is attributed to art in public places.

Commissioner Tobia asked Mr. Abbate to get someone to look that up.

Mr. Abbate responded affirmatively he would get someone from the budget office.

Commissioner Tobia stated it is his understanding that this is just a repository of art, as he walked in to art all over the floor.

The representative commented that is a misdirection, the art is not all over the floor, it is stacked appropriately and stored appropriately; the image Commissioner Tobia conveys is that the art is carelessly spread around; it is not all over the floor; they are responsible stewards of that art; the County within this program undertakes responsibility for that art, so they ensure the art and deal with it appropriately in a professional manner; and the office is full of art, but that office also serves for the County Cultural grants, and offers education for all of the programs they deliver to Countywide.

Commissioner Tobia explained he is just waiting to see if it was \$5,000 or \$80,000.

Mr. Abbate stated he is having that looked up right now, but they believe the answer is \$50,000 of General Fund money broken down to \$45,000 and \$5,000; and \$30,000 is a pass-through grant; and he has someone getting online to confirm that.

The representative stated so the money they receive for programs, which he believes was Commissioner Tobia's question, is \$5,000 allocated to Art in Public Places.

Commissioner Tobia stated he questions was how much do they receive from the County; and his understanding is 50 plus 30 is \$80,000.

The representative stated to be clear the \$30,000 is passed straight through, it is cultural grants and Brevard Cultural Alliance does not receive the \$30,000, but they numerate those who bid successfully for those grants.

Jill Hayes, Budget Office Director, stated from the General Fund allocation for this fiscal year is \$50,000, to manage the Brevard Cultural Alliance and another \$30,000 for pass-through grants; and that was reduced by \$20,000, which was \$50,000 for pass-through grants last fiscal year.

Commissioner Tobia stated he values the services that the Brevard Cultural Alliance provides; there are many non-profits that provide services for the County receiving less money and no dollar lease space; and he would like to put forth a motion because the County clearly needs space and the funding providing to this organization is plenty to secure another space, to terminate this lease and use it for current and future County needs.

Motion failed due to lack of a second.

Vice Chair Pritchett pointed out the County did cut \$20,000 from the arts; she is a little more unanalytical and does not always get it, but she does see the change and the differences in the children; and she thinks the people in the community need the arts.

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Commissioner Isnardi stated she believes that the County Manager made it clear that the County is okay with space right now; that may change in three years and they may have to start looking for another space; and she does not know if it would be appropriate to lease out space to any private entity, non-profit or otherwise; however, this agreement was in place before the Board members got there and she thinks it should be honored.

The Board adopted Resolution No. 17-207, and executed Amendment No. 5 to Lease Agreement with Brevard Cultural Alliance, Inc. for lease of office space in Building C, Brevard County Government Center.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Kristine Isnardi, Commissioner District 5
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
NAYS:	John Tobia

ITEM VI.F.2., CITIZEN REQUEST BY LTM OF FLORIDA HOLDINGS, LLC, RE: 1923 INDIAN RIVER HOME SITES PLAT, PB 3/PG 37: ACCEPTANCE OF COMMON LAW DEDICATION

Frank Abbate, County Manager, stated there was some discussion prior to the meeting on a fencing issue and permitting temporary ability to permit a request of fence; that can be handled at a staff level; he has spoken to the applicant and they are good with that; and they would like to see the Board table this item. He added they will move forward on the administrative level and bring back the item when it is ready.

Kimberly Rezanka stated she is there representing LTM of Florida Holdings and they are requesting to table the Item until November 7 to allow them to do the title work and the survey requested by the County.

The Board tabled consideration of the citizen request by LTM of Florida Holdings, LLC for the 1923 Indian River Homes Sites until November 7, 2017.

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

ITEM I.D., RESOLUTIONS, RE: RECOGNIZING AND CONGRATULATING THE WINNERS OF THE 2017 LAUCH THE VOTE STUDENT ART CONTEST FOR THE 1ST, 2ND, 3RD PLACE WINNERS

Lori Scott, Supervisor of Elections, stated the students received the opportunity to see their government in motion this morning; talking about the art work is very appropriate because they are here today for the fourth annual Launch the Vote Student Art Contest Winners; it is a program she started to inspire the youth to think about voting and elections; they do this with fourth and fifth graders; and they had over 211 entries this year from 12 different schools. She noted it was very hard to pick the winners because they did an amazing job; she has first, second, third, and three honorable mentions; Chik-Fil-A picks their winner every year, they are the Supervisor of elections community partner in this; and she feels incredibly blessed with Chik-Fil-A; and that why the cows are roaming around. She mentioned they just had their reception for the winners across the hall; and she would love to bring them up and have Vice

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Chairman read the resolution. She announced their work is displayed for the next year in her office; and last year's winners get moved to one of the other administration offices so everyone can enjoy the beautiful art work.

Vice Chair Pritchett read aloud, and the Board adopted Resolution No. 17-208, recognizing and congratulating the winners of the 2017 Launch your Vote Student Art Contest for first, second, and third place winners.

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

ITEM I.A., RESOLUTION, RE: PROCLAIMING OCTOBER 2017 AS DOMESTIC VIOLENCE AWARENESS MONTH

Dana Packard stated she is there on behalf of the Brevard County Domestic Violence Task Force; she works in the City of Palm Bay and they were the first law enforcement agency in the County to implement a victims service unit in house; they have representatives from every organization in the County with her today, from the State Attorney's Office and a lot of non-profits that are very committed to working with domestic violence, doing everything they can to eliminate that from this community and help everyone who is a victim move on and establish a solid foundation upon which they can build a healthy future; and they appreciate the Board's support.

Commissioner Isnardi read aloud, and the Board adopted Resolution No. 17-209, proclaiming October 2017 as Domestic Violence Awareness Month.

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

ITEM I.B., RESOLUTION, RE: PROCLAIMING THE MONTH OF NOVEMBER 2017 AS PUERTO RICAN HERITAGE MONTH

*Chairman Smith was absent from the vote.

Commissioner Barfield read aloud, and the Board adopted Resolution No. 17-210, proclaiming the month of November 2017 as Puerto Rican Heritage Month.

Sam Lopez expressed his appreciation for the Resolution, and all those doing what they can for Puerto Rico at this time; it is not easy to one day see an island that has everything and the next morning it is total devastation, no jobs, no schools, no food, no telephone, no water, and people in the hospitals with no electricity who ultimately pass away; the parade has been turned into a relief fund and all the money they collect will go to the relief fund; they have a task force set up to find housing and jobs for the people coming to Brevard; and they have a hangar right now that is totally full and ready to ship to Puerto Rico.

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

ITEM I.C., RESOLUTION, RE: RECOGNIZING OCTOBER 28, 2017, AS MAKING STRIDES AGAINST BREAST CANCER DAY

*Chairman Smith has rejoined the meeting.

Vice Chair Pritchett read aloud, and the Board adopted Resolution No. 17-211, recognizing October 28, 2017, as Making Strides Against Breast Cancer Day.

A representative of Making Strides Against Breast Cancer stated the American Cancer Society is here to help people; the purpose of the walk is to raise money to save lives; and she expressed her appreciation for the Resolution.

Frank Abbate, County Manager, stated he wanted to acknowledge No-Shave November and Prostate Cancer Awareness month are coming up; it is something the County has been involved in the past few years and he would like to see it continue moving forward.

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

ITEM II.A.1., MEMORANDUM OF AGREEMENT (MOA) WITH EAST COAST ZOOLOGICAL SOCIETY OF FLORIDA (BREVARD ZOO), RE: COUNTYWIDE OYSTER GARDENING PROGRAM FY 2017-2018

The Board authorized the Chairman to execute a MOA with East Coast Zoological Society of Florida (DBA Brevard Zoo) for Countywide Oyster Gardening Program FY 2017-2018, substantially in the form of Attachment A, subject to County Attorney and Risk Management final approval; authorized the County Manager, or his designee, to execute up to four annual renewals, future amendments, and change orders; and authorized budget change requests as required to support the Brevard Zoo's implementation of work under this MOA.

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

ITEM II.A.2., PERPETUAL SANITARY SEWER EASEMENT FROM CANAVERAL PORT AUTHORITY, RE: FORCE MAIN UNDER THE BARGE CANAL

The Board approved and accepted the delivery of Perpetual Sanitary Sewer Easement to replace the Temporary Construction Easement previously approved and accepted by the Board

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from Canaveral Port Authority to Brevard County related to the Force Main under the Barge Canal.

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

ITEM II.B.1., RESOLUTION AND ANNUAL AGREEMENT WITH STATE OF FLORIDA, DEPARTMENT OF HEALTH AND BREVARD COUNTY HEALTH DEPARTMENT, RE: OPERATION OF BREVARD COUNTY HEALTH DEPARTMENT FOR FY 2017-2018

The Board adopted Resolution No. 17-212, establishing and revising certain fees and charges for Brevard County Health Department and Health and Environmental Services, as authorized by State of Florida Administrative Code or Policy; executed Agreement with State of Florida, Department of Health, for operation of the Brevard County Health Department for FY 2017-2018; and authorized the Chairman, and/or County Manager, or his designee, to execute any future amendments or agreements contingent upon approval of Risk Management and the County Attorney.

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

ITEM II.C.1., AMENDMENT OF WAIVER OF RESTRICTIVE COVENANT WITH VIERA DEVELOPMENT CORPORATION (VDC), AND SUBLEASE AGREEMENT BETWEEN FLORIDA DEPARTMENT OF HEALTH AND ORLANDO HEALTH, INC., RE: SPACE AT CHILDREN'S MEDICAL SERVICES, 2565 JUDGE FRAN JAMIESON WAY, VIERA

The Board approved and executed the Amendment of Waiver of Restrictive Covenant with Viera Development Corporation (VDC); and approved the Sublease between the Florida Department of Health (FDOH) and Orlando Health, Inc. for space at Children's Medical Services, 2565 Judge Fran Jamieson Way, Viera.

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

ITEM II.C.2., APPROVAL, RE: AWARD EMPLOYEE ASSISTANCE PROGRAM (EAP) CONTRACT TO HEALTH ADVOCATE UNDER RFP #P-3-18-03

The Board approved and awarded the contract with Health Advocate for Employee Assistance Program Services effective January 1, 2018, as recommended by the Employee Benefits Insurance Advisory Committee (EBIAC); authorized the Office of Human Resources, Employee Benefits, to negotiate and execute all agreements necessary to place coverage effective January 1, 2018; and authorized the County Manager to execute future renewal options within

the agreement upon pricing parameters and with no material changes in the services provided during the term of this agreement.

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

ITEM II.C.3., APPROVAL, RE: GROUP SELF-INSURED HEALTH PLAN DESIGN CHANGES TO UPDATE HEALTH AND WELLNESS PROGRAMS

The Board approved changes to the plan design of the Group Self-Insured Health Plan recommended to update health and wellness incentive programs.

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

ITEM II.D.1., APPOINTMENT/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

The Board appointed/reappointed **Alec Buchness** to EEL Program Recreation and Education Advisory Committee, with term expiring December 31, 2018; **Frederick Grable, Sr.** as an alternate to Planning and Zoning Board, with term expiring December 31, 2018; **Charles Roger Hardin, Lewis Shigley,** and **Roland Van Arsdale** to Parks and Recreation South Service Sector Advisory Board, with terms expiring December 31, 2018; **Christopher Durie** to Transportation Planning Organization Advisory Board, with term expiring December 31, 2018; **David Pasley** as an alternate to Zoning Board of Adjustment, with term expiring December 31, 2018; **Robert Dale Rhodes** to Zoning Board of Adjustment, with term expiring December 31, 2018; **Arthur Belefant** and **Daniel McHugh** to Building and Construction Advisory Committee, with terms expiring December 31, 2018; **Dawn Causey Davis** to Community Action Board, with term expiring December 31, 2018; **Patrick Ripton** and **Robert J. Abend** to Contractors' Licensing Board, with terms expiring December 31, 2018; **Arlene Naulty** and **Susan Tritt** to Historical Commission, with terms expiring December 31, 2018; and **Kathleen Lawson** to Emergency Medical Services Review Committee, with term expiring December 31, 2018.

ITEM III., PUBLIC COMMENTS

Fred McMillian stated he would like to thank the Commission for all it has done in the public concern; he expressed his appreciation to Commissioner Pritchett for attending his church in celebration of breast cancer; she did a wonderful job, and she appears more comfortable at church than at the Commission meetings; he stated he gets a call from Mosquito Control every time they say they are coming, however they never show up; he has to open the gates so they can get in to the property, so that is a little disconcerting when they are inundated with mosquitoes. He stated Mr. Jim Leisenfelt, Interim County Manager, needs to come back to Transit Services where he belongs because they all miss him there and everybody he talks to at Space Coast Area Transit speaks the same concern; his hat is off the Emergency Management during Hurricane Irma; he was evacuated to Carl Williams shelter and the County really put on a good show; the people from the Library, Human Services, even the Sheriff's Department showed him something he did not expect; and he expressed his appreciation again for everything the County did to help those who could not get to the shelters, especially Space

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Coast Area Transit. He noted he had received a call from Space Coast Area Transit, they picked him up and took him to the shelter; being a senior citizen and a veteran, there are very few things that happen for them unless they make plans ahead of time, and he had not made any plans; and he mentioned that Space Coast Area Transit is doing a tremendous job with customer service.

Charles Tovey stated he has information for the Board about the arson that happened at house, that nobody did anything about it; they stated they would help then ate up his time clock; then there is nothing nobody can do about it, they were not interested and did not care; he has a right to defend his country and a right as an American; everybody watches, laughs, and lets the Country go to hell; and this is a constitutional right as a human being and nobody can do nothing, and nobody saw nothing. He continued he is still being attacked at his house on a daily basis; he cannot even have a safety cone for his vehicles put in the driveway; and everything is still a threat and he asked why. He went on to say the day of the fire, just like they inadvertently took his boat and put a hole in it and charged him a fine; 20 minutes after he left his house it was on fire; grand opening of the building next week; seared on the mirror in his bathroom was Tuesday Morning, Viera; a County Commission meeting the next day; he asked if they looked at the poor pictures of the photographs and explained that was the only place that there were no fire panels; they knew he was going to the meeting the next day; the fire is isolated at that corner of the door, where the door could only open that far; the rest is smoke damage; and it was a practice house for the fire department and the police. He added nobody knows nothing, and nobody saw nothing, and nobody did nothing; meanwhile his cats are his family he adopted and they are being murdered and dead and dragged down the road; kills his dog, his turtles and it is all okay, nobody knows nothing, nobody did nothing; here it is from 2009 on a Monday to October 24, 2017; they are all Americans and there is nothing suspicious about none of it; he stated why he is up there speaking, it is because he is a product of this government and its interpretation of selective enforcement; the laws are okay over here, but not okay over here; and it is its discretion what to enforce and what not to enforce, meanwhile his rights are getting tossed out in the garbage. He stated that is the only information he had access to.

ITEM IV.A., RESOLUTION, RE: PETITION TO VACATE MOODY TERRACE AN UNOPENED 20.0 FOOT WIDE PUBLIC RIGHT-OF-WAY IN S. F. GRAY'S SUBDIVISION, MIMS - SHIRLEY G. WHITE

Vice Chair Pritchett called for public hearing on a petition to vacate Moody Terrace an unopened 20 foot wide public right-of-way in S.F. Gray's Subdivision, Mims.

Andrew Holmes, Public Works Director, stated this is a petition to vacate Moody Terrace, it is an unopened 20 foot wide public right-of-way in S. F. Gray's subdivision, Mims; the purpose of the vacating is to remove some encroachments; and he has received no objections to this request.

Vice Chair Pritchett stated this is in her District and she does not have any objection with approving this either.

There being no comments or objections, the Board executed and adopted Resolution No. 17-213, vacating Moody Terrace an unopened 20.0 foot wide public right-of-way in S. F. Gray's subdivision, Mims, as petitioned by Shirley G. White; accepted the conveyance of the additional right-of-way from the petitioner for the right-of-way of Myrtle Avenue; granted refund of the \$175 fee to the petitioner for the Ownership and Encumbrance Report for the additional right-of-way; executed the Partial Release Mortgage; and authorized the Health

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and Human Resources Department to update all pertinent documents relating to the mortgage.

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

ITEM IV.B., RESOLUTION, RE: PETITION TO PARTIALLY VACATE A 7.5 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT ON SHERWOOD DRIVE IN SHERWOOD ESTATES UNIT NO. 11, TITUSVILLE - WILLIAM V. EASTERLING

Vice Chair Pritchett called for public hearing to partially vacate a 7.5 foot wide public utility and drainage easement on Sherwood Drive in Sherwood Estates, Titusville.

Andrew Holmes, Public Works Director, stated this is resolution to partially vacate a 7.5 foot wide public utility and drainage easement located on Sherwood Drive in Sherwood Estates, Titusville; the purpose is to remove the encroachments; and he has received no objections.

Vice Chair Pritchett stated the gentleman is elderly and he is a Veteran; he is trying to move the title over to his daughter who has some physical and mental health issues; he was asking for a waiver on the funds; and she requested approving with a reimbursement of \$640.

There being no further comments or objections, the Board adopted Resolution No. 17-214, partially vacating a 7.5 foot wide public utility and drainage easement located on Sherwood Drive in Sherwood Estates Unit No. 11, Titusville.

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

ITEM IV.B., RESOLUTION, RE: PETITION TO PARTIALLY VACATE A 7.5 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT ON SHERWOOD DRIVE IN SHERWOOD ESTATES UNIT NO. 11, TITUSVILLE - WILLIAM V. EASTERLING (CONTINUED)

Vice Chair Pritchett inquired what the Board's thoughts were on reimbursing the \$640 application fee to Mr. Easterling.

Commissioner Isnardi stated everyone has a compelling case as to why they cannot afford the vacating fee, but this is sort of an extenuating circumstances and that the gentleman, just by the packet looks like he tried to quit claim this property to his daughter; he is an elderly gentleman; and she supports waiving the fee because it has an existing shed and the County is requiring him to do this vacating.

There being no further comments, the Board granted reimbursement of \$640 vacating application fee paid by the petitioner, William V. Easterling.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Commissioner District 5
SECONDER:	Curt Smith, Chairman/Commissioner District 4
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.C., RESOLUTION, RE: PETITION TO PARTIALLY VACATE A 60.0 FOOT WIDE PUBLIC RIGHT-OF-WAY OF POINSETTIA STREET IN SEA ISLE VILLAGE THIRD ADDITION, INDIALANTIC - SUSAN RAND AND WILLIAM DEWBERRY

Vice Chair Pritchett called for public hearing on a petition to partially vacate a 60 foot wide public right-of-way of Poinsettia Street in Sea Isle Village, Third Addition, Indialantic.

Andrew Holmes, Public Works Director, stated this is a resolution to partially vacate a 60 foot wide public right-of-way on Poinsettia Street in Sea Isle Third Addition located in Indialantic; the petitioner owns property on both sides of this right-of-way and is making the petition to enhance the way the area is maintained; and he has received no objections.

Commissioner Isnardi stated there are no issues with this at all; and it improves security for his area and his property.

There being no further comments or objections, the Board adopted Resolution No. 17-215, partially vacating a 60 foot wide public right of way on Poinsettia Street in Sea Isle Third Addition located in Indialantic

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

ITEM IV.D., ORDINANCE, RE: 30-DAY EXTENSION OF TRANSPORTATION IMPACT FEE MORATORIUM PROJECT COMPLETION DATE

Vice Chair Pritchett called for public hearing on an ordinance to extend the Transportation Impact Fee for 30 days.

Tad Calkins, Planning and Zoning Director, stated this is a request to amend the Transportation Impact Fee Moratorium to provide a 30-day extension due to Hurricane Irma; approving this ordinance will require developments to receive their permitting or temporary Certificate of Occupancy (CO) prior to January 31, 2018, as opposed to December 31, 2017.

Commissioner Tobia stated he has a conflict statement to read, "Pursuant to Section 112.3143 Florida Statutes and the advice of counsel, Scott Knox, he is abstaining from this vote because of a potential special gain or loss. He did not initiate nor discuss this measure with Mr. Abbate prior to him raising it during a Board meeting. Should a home he is in the process of constructing, located at 4075 south of Highway U.S. 1 in Grant Valkaria not be completed by December 31, 2017, this measure would result in an exemption from Transportation Impact Fee which would be a financial benefit."; and he will fill out the required paperwork at the end of this.

There being no further Comments or objections, the Board adopted Ordinance No. 17-25 amending Ordinance No. 09-08E imposing a two year moratorium on the collection of transportation impact fees from residential or commercial projects; providing for an extension of

the moratorium; providing for severability; providing for an area embraced; providing for an effective date; providing for inclusion in the Code.

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

ITEM IV.E., RESOLUTION, RE: TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 (TEFRA) PUBLIC HEARING FOR RETIREMENT HOUSING FOUNDATION/COURTENAY SPRINGS VILLAGE, AND APPROVING ISSUANCE OF THE BONDS

Vice Chair Pritchett called for public hearing on Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) hearing for Capital Trust Agency to benefit AHF-Windover Oaks, LLC, and AHF-Windover Health Club, LLC and affiliates.

Scott Knox, County Attorney, stated this is a TEFRA hearing, a bond issue which usually calls for public comments if there are any; if there are none the Board is free to vote on it.

There being no comments or objections, the Board adopted Resolution No. 17-216, acknowledging the required (TEFRA) public hearing was held; and approving the issuance of the bonds by Capital Trust Agency to benefit AHF - Windover Oaks, LLC and AHF - Windover Health Club, LLC, including Windover Oaks Apartments and Windover Palms Apartments providing affordable housing located in Brevard County.

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

ITEM IV.F., ORDINANCE, RE: ESTABLISHING A TEMPORARY MORATORIUM PROHIBITING ANY AND ALL MEDICAL MARIJUANA DISPENSING ACTIVITIES (SECOND READING)

Vice Chair Pritchett called for public hearing on an ordinance establishing a temporary moratorium prohibiting medical marijuana dispensing activities, second reading.

Tad Calkins, Planning and Development Director, stated this is an ordinance establishing a temporary moratorium preventing any and all medical marijuana dispensing activities in Brevard County; this is the second reading; staff has made updates to this ordinance to include the moratorium ending with the end of Legislative session; and staff would be coming back with zoning criteria for Pharmacies and Medical Marijuana Dispensing Facilities.

Commissioner Isnardi stated she just wants to go on the record saying she will not be supporting this, it was a voter approved measure and she believes it is denying access.

There being no further comments or objections, the Board adopted Ordinance No. 17-26, establishing a temporary moratorium within the unincorporated areas of Brevard County; prohibiting any and all medical marijuana dispensing activities during the moratorium period for any property within any unincorporated areas of Brevard County; adopting findings of fact;

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providing definitions; providing for sunset of moratorium; providing for staff recommendations; providing for area encompassed; providing for conflicting provisions; providing for severability; providing for effective date; and providing for inclusion in Code.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	John Tobia, Commissioner District 3
AYES:	Rita Pritchett, Jim Barfield, John Tobia, Curt Smith
NAYS:	Kristine Isnardi

ITEM V.A., BOARD DIRECTION, RE: OPERATIONS REVIEW AND ASSET EVALUATION REPORT, PRESENTATION FROM CHRISTOVICH AND ASSOCIATES, LLC, AND PROVIDE STAFF DIRECTION ON THE FUTURE OF THE THREE COUNTY-OWNED GOLF COURSES - THE SAVANNAHS, SPESSARD HOLLAND, AND THE HABITAT

Frank Abbate, County Manager, stated the County received a termination letter from Integrity Golf back on July 12, 2017, letting the County know they intended to cease operations by July 30; the following day there was a Board meeting and the Board approved negotiations to request for a temporary golf course management company for an interim period to oversee and operate the golf course so the County could continue to operate them; and shortly thereafter he received a request for an audit to be conducted relative to Integrity Golf and what they had done and had not done in accordance with the agreement they had with the County. He continued RSM, the County's internal auditors, performed that and provided the preliminary analysis back on July 24th; on July 25th he received direction to negotiate and select a consultant and have the contract executed by the Chairman for a golf consultant services to evaluate the three golf course and what the Board should do with that; two days later, knowing the Board had set up a timetable to move as expeditiously as possible, the RFP was issued; that was three days before Integrity Golf left and ceased operations; that proposal date he provided a minimal amount of time that he reasonably could, two weeks; and on August 17th the County received the information back from the number of vendors. He added those vendors were short listed; he reviewed it and he had staff review it and provide him input; the following day they short listed to get down to three vendors; he did that over the following weekend and finally on August 21st he made a selection; he had advised the Board with where he was going and it felt comfortable with that; and on August 22nd he awarded the consultant agreement. He went on to say that was three days later and at that point they were on a six week time frame to provide a report to the Board; because of the hurricane, the County provided the minimal one week extension and that report was submitted to the Board on October 13; at this point, this is the first Board meeting, and Mr. Christovich, the golf consultant, has a presentation and will answer any questions the Board may have.

Greg Christovich stated he has a power point; he thought it would be helpful to provide the Board with a high level summary of some key findings in the report and some of the recommendations; he will answer any questions on the report itself; the key findings, included there is a declining golf demand nationally, regionally, and locally; the specifics are in the report, but basically they are losing golfers faster than they are gaining new golfers; in Brevard there is an extremely competitive price pressured, meaning green feed pricing pressured golf market with the 25 public access courses in Brevard County as well as others in surrounding counties; and there are some fundamental physical challenges at Savannahs and Habitat which relates to the drainage issues that were exposed and exasperated by the recent storms and flooding. He continued both courses are currently open, but they also have a number of wet areas; the location challenges are key at Savannahs, meaning drive time and the lower population surrounding the Savannahs; there has been a history of staff turnover and cost cutting at the

County and facility levels; he thinks historically a number of things have been tried to respond to this declining demand in golf, no fault of anyone, and many golf course owners around the Country have restructured staffing levels, reduced costs trying to tighten the belt in response to the declining revenue; and that is certainly the case here notably over the past five years. He noted there is a significant deferred maintenance issue at all three clubs; many are major repairs in the infrastructure as shown in the photographs and capital list that were in the report; there has been quite a bit of effort made in the last two weeks at all three of the facilities to try and clean up the areas; he was at all three of the courses yesterday and there has been a lot of improvement under the direction of County staff and Parks and Recreation to get a number of work crews to clean up the facilities; there has been a history of inconsistent service and facility conditions with no fault of anyone in particular; and he has highlighted in the report, some of the areas operationally and facility wise that need to be more consistent in terms of presentation of the facilities and the overall guest experience. He went on to say one of the things he found in his forensic evaluation of the financials is historically is they really do not follow a standard account approach for golf courses; it was very difficult, if not impossible, to piece together the financials for the last couple of years because they had a third party manager in there overlapping two different Fiscal Year periods and County Finance and accounting is not really set up and conducive to report what he would call standard PNL format for golf course operations to be able to manage actual results versus budget and adapt accordingly if one revenues are not up to expectations; he needs new financials to be able to manage that; therefore, it is sort of the perfect storm of contributing causes over a period of time, but he thinks it is key; the take away, despite all the efforts, there was really nothing anyone could do to create more golf demand in Brevard County, similar to many other markets and similar to what is going on nationally in golf; frankly, the County and various contractors have tried a lot of things to try to make it work and there is really nothing that can be done to fight off the headwinds in golf; and the outlook for golf is golfers declined nationally by 24 percent since 2003, the decline was five percent in the last two years along, course are closing at a rate of 200 facilities per year which illustrates the distress in golf, there have been five closures of public access facilities in Brevard County since 2004 which are detailed out in the report. He stated demographics are aging out of the core golfer population, mainly seniors, and competing interest for leisure time amongst the rest of the population, particularly the millennials, is causing a situation where more golfers are leaving the sport than are taking up the game; there is no real data to indicate a measurable near term recovery for golf nationally, regionally, or in Brevard County; as far as the local market Brevard County has 25 public access courses, three private clubs, dozens of others in adjoining counties, population and job growth velocity are not enough to offset the loss in golfers and rounds; tourism is not a pot of gold despite the marketing efforts undertaken in the past several years; therefore, the supply and demand equilibrium which is a number of course to support the demand environment is a moving down target and courses are not closing fast enough to offset the loss in golfers and rounds of golf played. He mentioned financially the Brevard County system of three courses, rounds of golf are down nine percent since 2012; total revenue is down 11 percent for the same period; average revenue per round is down 19 percent which reflects the discounting mentality that is happening in the market and regionally; over that same period of time operating expenses were reduced by 22 percent in an effort to mitigate the decline in revenue and rounds, purposely trying to tighten the belt; looking forward he budgeted 2018 rounds down four percent to reflect the continuing trends of declining demands; total revenues are down two percent because there will be incremental revenue gains from food and beverage, those were outsourced previously; to get the properties back up to the consistency level that they need to be in, maintenance and experience wise; expense levels are budgeted to exceed \$3 million; the 2018 aggregate loss projection for the three courses is as a result of the decline in rounds, revenues, and the expense levels that are required is a projected negative \$537,000; and the deferred maintenance and repairs are estimated at about \$1.8 million, there is a detailed sheet in the book that lays those items out. He stated the options going forward are clearly immediate disposition and or exit, some sort of negotiated exit of all three courses would be the quickest

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and easiest way to get out from under the \$1.8 million and the expected \$537,000 loss, the courses could be divested of individually or as a three course portfolio, another option would be for the County to continue to own and operate the courses, another option would be that the County could own and engage third party management, and another option would be to divest of the Savannahs only under the premise that the Savannahs is the one that is dragging down the other two; in any case, the decision will take some time, and the process based on that decision will take some time; there are some interim management deficiencies operationally and consistency wise that he talked about in the report that need to be addressed in the meantime; and if the County wants to dispose, he could market the courses for sale as a three course portfolio, separately, or both and likewise simultaneously initiate some discussions with the Savannahs HOA and what is reported to be a small private equity group of home owners, golfers, or members but there is talk that a group has engaged in discussion with County staff. He went on to say the habitat lease has seven years left on it and it does not have as much value to a potential purchaser at seven years that it may for a longer period of time, the original lease was for 30 years, so to market that lease to a third party buyer, the County may want to consider getting a lease extension from the airport authority; going forward near term, the suggestion is either IGM or the County engage some additional interim management to assist in the operation side of the business; IGM being a maintenance company with some operational capability, they do not really have the resources or the staff to oversee food and beverage operations, teach utilization management, the implementation of that budget and financial system, and so on; that would be one easy way to engage somebody on an interim basis, to be able to address all that particularly with the golf courses going into peak season in the next couple of months; an RFP could be issued for a full or partial management to provide those services, that would be somewhat time consuming and the likelihood of capable companies bidding for something that would likely have a 30-day out to it or upon disposition would not make that very attractive for most management companies out there; and County staff could interim manage IGM and the golf operations and all the things that need to be done, which has been the structure now that Parks and Recreation have done an admiral job of directing the course leadership and IGM, but they are somewhat under resourced as well.

George Geletko stated he is Co-Chair of the Brevard County Golf Advisory Board and a member for the past six years; he is not in attendance to debate whether the County should or should not be in the golf course business; after reading the consultant's report and a Brevard County staff member who gave a detailed summary at the last golf advisory board meeting, and a robust discussion among board members and residents, he realized a couple important key points were left out of the consultant report; Brevard County was in the middle of one of the worst recessions in decades with unemployment at 13.5 percent with a very gloom economic outlook; banks were repossessing homes with resale at 70 cents on the dollar substantially reducing Brevard County's tax base; Brevard County home foreclosure hit the highest in decades of around 8,000 units; during this period of time every private golf course in Brevard County struggled financially and deeply discounted rounds to keep the lights on; and the only reason why they were able to survive was because they could immediately adjust to market conditions. He continued the County golf courses immediately came a step child for good reason; understandably the loss of tax revenue during the same period of time created many priority challenges for Brevard County government which took focus from the golf courses; in his opinion the County staff courses never overcame the economic downturn and lacked whether all to adjust to the strengthening economy; and he disagrees with the consultant's report because although rounds may be down nationwide he does not believe that to be true for Brevard County. He noted the private golf courses for Brevard County are growing with a robust economy; Viera East just upgraded their golf course with new greens, Baytree the same, and other private golf courses are experiencing the same that have a good management team in place; he had a long conversation with Tom Jenkins, the former County Manager who retired in 2004, he knows the history of Brevard County golf courses and his opinion is all three golf courses have stipulations that would make it very difficult for a private individual to purchase;

Spessard Holland is federal government property and must be used for a golf course or park; Habitat is FAA property, special discount lease to the County and may not be available for private sale; and the Savannahs was donated to the County in a trust and to be used only as a golf course, and may have legal implications. He went on to say Tom Jenkins had what he thought was a brilliant suggestion, to consider operating the golf courses under a separate entity similar to how the aviation authority operates; this approach would give the County a professional management team to focus on golf operations specifically, County government oversight, and with more flexibility to quickly adjust to market conditions; the entity must operate within its own budget by the revenue it generates; and with the stipulations attached to each of the properties and the potential legal issues it may take months or even years to work through and in the meantime the golf courses will continue to deteriorate increasing cost to the County and losing much needed revenue rounds. He asked the Board to look into Tom Jenkins suggestion because he believes it has potential in Brevard County's growing market.

Art Friedman stated he is the boy's golf coach at Merritt Island High School; he has been the coach for 10 years and they have played at the Savannah's for the same amount of time; he has had a great relationship with anybody who had worked there; he believes it is very important for the young people in the society to have these kinds of sports to play, especially the students; yesterday they came back from Regionals in Orlando and one of his students is going through to the State Championship; every year he has kids who go to play in college through scholarships; and he thinks the Board needs to think about the students before making a decision on closing any of these golf courses. He noted the golf courses are as important to him as they are for the kids.

Sonia Bosinger stated she is legal counsel for the Savannahs Home Owners Association; back in 1988 there was an agreement between the Savannahs (HOA), and the Brevard County Commission at that time to operate the Savannahs golf course and maintain it to a certain level; the current annual assessments for the residents within the Savannahs, there are 288 lots within the Savannahs, those residents pay an annual assessment of \$150; more than half of those residents are on a fixed income, so the tax increase for the land, should the golf actually revert to the HOA, plus the maintenance costs would really put a damper and be debilitating for many of the residents in the Savannahs as they would a huge increase in the association's annual assessments for each of the owners; and they believe the golf course is a viable golf course, if given the right opportunity to thrive. She continued first of all, the golf course has not had a working kitchen, permitting issues have been holding up the golf course to be able to have food and beverage sales; as everyone knows, those food and beverage sales are what is going to cause revenues to increase for any golf course and it will also attract players; if there is a golf course with no food and beverage services, players are going to go to courses that actually have those options available; additionally, some of the kitchen equipment was removed by the previous operators of the golf course; having a viable kitchen that is working with food and beverage services would not only engage the public to come to the Savannahs more often but would also engage the homeowners within the Savannahs; there would be owners coming there for breakfast, lunch, and dinner or whatever is offered; and there was a period under previous management where the HOA was regularly attending events and dinners that were happening because of the food and beverage services available. She went on to say the other key to increase the success of the golf course would be marketing; the golf course is in less than 10 minutes driving from the port; there are tens of thousands of people every single day going on those cruise ships where that could create a viable income stream if it were only marketed that way; the generations that are looking for courses are going to be looking on their phones to find a golf course that is available within driving distance of where they are going to vacation; having the Savannahs come up easily on a Facebook search, Google search, would be a way to easily increase the number of players coming into the Savannahs; with the regard to the report she believes the report is completely biased; it did not offer any solutions other than to sell; the report was prepared by Christovich and Associates dated October 13, 2017,

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and that was when it was provided to the Board; the Board signed an exclusive listing agreement on September 26, 2017, which was weeks before the report was even provided, agreeing that Christovich and Associates would have the ability to have the exclusive listing of those properties; and that exclusive listing agreement provides sale commissions from four to six percent ranging from the amounts of \$60,000, \$90,000, or \$150,000 depending on who Christovich was representing in those sales. She stated it is their position that the County does not have the right to sell the golf course; any agreement, and the County Attorney can agree, every word has to be read, not take one provision out of an agreement and have it interpreted as the entire agreement, the entire agreement must be read together; this agreement is between the Savannahs at Sykes Creek Incorporated and its successors and assigns, and with the Board of County Commissioners of Brevard County, Florida; nowhere does it say to the successors and assigns of the County; additionally, the whereas clauses in the agreement are the premises for how the agreement is to be interpreted; whereas clause number three specifically says, "whereas the donated parcel will be utilized and continuously operated by Brevard as an 18 hole, Par 72, championship classified golf course" therefore, it is premised on the fact that Brevard has to actually maintain it and operate it as a golf course; at this point the HOA is asking the Board to table the vote on the Savannahs golf course as the HOA is aware of the private equity group looking to invest in the Savannahs and partner with the County; and she reiterated she is asking for this to be tabled at this time so that proposal can come before the Commission at a later date.

Commissioner Tobia stated he was following Ms. Bosinger's points and inquired if the golf course would vest back with the HOA.

Ms. Bosinger stated the reverter clause.

Commissioner Tobia inquired if that would make the homes increase in value and that her concern is the increased value of the homes to the homeowners because they may have to pay more property tax.

Ms. Bosinger stated no that is not correct; if the golf course was reverted back to the HOA, there is a chance that the home values would increase, however, the HOA would actually have to raise its annual assessments for each of the owners and increase the amount that the owners individually have to pay to subsidize the golf course and pay for the expenses; some of the reports the HOA saw was the cost to operate the golf course are \$600,000 to \$900,000 per year and the association would have to increase possibly doing a special assessment on each of its 288 lots to be able to come up with that money; and if the HOA could not afford to do that actual assessment because the fixed income of some of its residents then the association is faced with having the decision of just turning it into a green space, which would decrease the property values within the community.

Commissioner Tobia inquired since Ms. Bosinger is concerned about the fixed income, so if it were turned into a green space and it was assessed for less that should actually help the residents out, according to her logic, and they would be assessed less in taxes.

Ms. Bosinger stated in some thoughts, but on the other side a lot of these residents who are on fixed incomes purchased these properties at a value that would then be decreased and they will have a mortgage that is more than the value of the house; so they would be paying a penalty because of the fact their home values have decreased when they bought into a community that was a golf course community when they purchased their homes.

Commissioner Tobia asked if the homeowners were aware of the agreement, title searches, and all of that.

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Ms. Bosinger stated she is not representing the individual homeowners she represents the corporate entity which is the HOA; obviously this would come up in a title search; however, this agreement has been in effect for 29 years so for someone to buy in they would not suspect that type of agreement would change or change the value of what they expected out of their property.

Commissioner Tobia stated Ms. Bosinger pointed out the bias nature of the independent expert report; and he inquired if there is any bias on her part for representing the HOA that she says may lose money or may increase the value of their homes, as he is not sure what she was arguing for.

Ms. Bosinger replied there has to be, she represents the HOA and her view as an attorney she is always going to represent her client to the fullest extent that she can.

Bill Bancroft stated he lives right off the 16th fairway of the Savannah's golf course; a little history about himself so he can use it later in his presentation, he is a 30 year Navy Captain, retired; his last command was in Port Canaveral and he retired in 1990 and he became the Deputy Executive Director for the Port Canaveral Port Authority for 14 years; that is 44 years of public service; and he believes strongly that the County should continue to support golf as they support so many other recreation activities in this County. He continued there are 127 developed parks, 178 athletic fields, 110 athletic courts, 32 boat ramps, 74 playgrounds, four senior centers, five dog parks, a dog beach, one aquatic center, and they support 11 athletic complexes on school sites, and it also has three golf courses, two in the very southern part of Brevard County and one on the Northern part of Merritt Island; going back to his 44 years of public service, he learned that if good people are put in positions and given a responsibility to do a job, and given the assets to do the job, they will do the job and get it done; he does not believe that has ever been done with the County golf courses; he knows it is a challenge to manage these things that are complicated and these are complicated; back in 1989 when the County Commission initiated the golf programs, he thinks they expected that job to be done professionally and to continue in a positive manner; and he is asking today to not let them down, not to give up. He went on to say he knows Commissioner Tobia wants to punt it away but he does not agree with that; in 24 years he ran into a lot of difficult problems but he never punted them away, he solved them; there have been some good recommendations so he thinks the Board should work on those to keep the golf courses in the County; he knows they can make a profit; he disagrees with Mr. Christovich because when he was at the Port there were a lot of things they did to advertise, and he is not sure the marketing was ever done.

Michael Hayner stated as a resident of Savannahs he is going to primarily focus on discussion of the Savannahs golf course, but his comments and concerns are equally applicable on the courses in the County; Savannahs is the only golf course on Merritt Island; as was heard by the coach, it is also the home course for two Brevard County High School golf teams; either the County is going to have to, if Savannahs goes away, find another location for the high school teams to call home or they will have to abandon the golf program entirely; finding a location will cost money and will inconvenience the students, their families, and the coaches traveling to a different location; for the consultant's report, loss of the Savannahs golf course could result in as much as a 30 percent reduction in the value of the homes in the Savannah community; and that would equate to a \$250,000 loss in County property tax revenue which is actually more than what the County has lost in the operation of the golf course. He went on to say the deferred maintenance estimated at \$719,000 that needs to be reinvested in the golf course; according to page 52B that is where he received the numbers from, that course had been operated by the County for 28 years and to spread the \$719,000 over 28 years that is \$25,000 a year that did not get invested and as a result the course is now in a deplorable condition; for the past two years there has been no food and beverage services; when the County decided to turn the course over to Integrity they removed all the kitchen and bar equipment; now seeing part of the

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reinvestment is \$40,000 to replace that operation including the equipment that was removed by the County; lost revenue from the food and beverages and as was stated, lost revenue from the fact that rounds are not being played because people want to have a sandwich, before, during, or after their round, they cannot get it there, and finally in his 47 years of government contracts and project management, he finds it interesting that the County awarded a contract for a consultant in late August, and signed an agreement with that same consultant in early September, and the report that finally came out in October, came out exactly like what he would have expected that consultant to come up with, which is selling the courses; and from his experience that constitutes in a conflict of interest that in his history would have resulted in disciplinary action or removal of the responsible parties, so he is curious as to what the County has to say about that.

Mr. Abbate stated he would be happy to address that issue because it does need to be clarified; the brokerage agreement that was entered into was no one else's responsibility but his; that agreement is an agreement that gives the Board the exclusive opportunity and the sole discretion to decide whether or not, if they chose to go the route of a sale which is something the Board has previously discussed, they have the opportunity to pursue that with this individual at the exclusive brokerage conditions that are in that agreement; the Board does not have to accept that, it could obviously decide to do one of many things including, if it chose to go the sales route, to go out to RFP and select another broker; the only thing this does is provide the Board an opportunity if it so chooses to move forward; and he believes it was the responsible thing to do and he together with the County Attorney, Scott Knox, negotiated those terms for the Board's consideration should it chose that is a viable option along with the many other options that is available to it; and he reiterate there is no exclusive agreement that gives this to Mr. Christovich's company, it is the opportunity if the Board chooses to do it.

Commissioner Tobia stated he thoroughly read the report as soon as he received it and there were some deplorable pictures and situations that were at the golf courses; he thinks many of the golfers would agree; and he asked Mr. Abbate to explain the actions he took unilaterally before this got to the Board. He commented there is a question of bias out there and his argument if he wanted to sell it would be to leave it the way it is; and he asked what Mr. Abbate did when he saw this report and the evidence that these courses were in terrible repair.

Mr. Abbate stated the County has moved as expeditiously as possible, which is why he tried to outline the timetable that was followed; upon receipt of that report on October 13, which he saw the first report in draft form, on October 11, he did not make any substantive changes there were just some grammatical changes that were addressed to get it to the Board on October 13; he spent the time to read that report in painstaking detail and as he did that there were two points that came to his attention very clearly; one was there was an immediate oversight issue, even during the interim period, with IGM in terms of what oversight was being provided to the County monitoring the current contract, which is still an unresolved issue that he tends to address with the Board; and the second issue was very significant issues on the conditions of the three courses, none of which in that level of detail came to his attention until he read the report and saw those pictures. He went on to say it did not take him one hour coming in to work the next morning to immediately call staff and let them know they had until this morning to address as many of those issues as they could, and they needed to get them all addressed because he did not want to come before the Board without doing the due diligence especially looking at the conditions described in that report; that was for the purpose of the Board knowing that staff was trying to be on top of whatever degree reasonably possible of addressing all the issues immediately not for the purpose of a sale or any particular option that may have come; they knew what those options were but did not know what way the Board would want to go on any of those options, but he would hope everyone would agree whether the County operates that course starting tomorrow or whether it told him to go back out on an RFP for another management firm, or whether it wanted to lease or sell, or whatever it wanted to do, it was

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appropriate to address all those issues immediately, so he immediately took action; he gives a lot of credit to the Parks and Recreation staff and facilities staff because they have worked tirelessly for two weeks so he could report back to the Board, and they are ready to provide all the before and after steps that they tried to do to get the County to a better place; and he hopes that is a better place and that everyone would agree.

Mark Buchness stated he previously worked in the golf course business and in management positions at a very busy complex where they produced 147,000 rounds of golf per year; he has played golf in Florida for many years at many different courses and the Savannahs is where he chooses to call home; the reason was because it gave him the opportunity to take a look at the golf course every day and what he has seen since he has lived there, 14 years, was until 2013 everything was even keeled and the number of play was always good; after 2013 the County spend an inordinate amount of money on an irrigation system; and being in the business he has never seen a golf course totally replace an irrigation system on an entire course at a cost of \$1 million to the County. He continued after that was over with, there were several things that were not re-addressed after the system was put in one of which was the pumps that are on the course to avoid the water from being in the fairways and stopping play; this morning when he left, he lives on the 7th fairway, there was water completely across the fairway from bank to bank meaning the course has to be closed and revenues lost again; this month alone it has been about 18 days that the course had to be closed; and the main contributing factor to all of this is the weed abatement and the ponds. He explained the ponds were put in specifically for drainage of the Savannahs subdivision and to carry the water off the golf course to make it playable; because the ponds have not been addressed and the weeds are now choking all of the culverts going under the roads into the drainage area which would eventually go to Savannahs, the water is slowly backing up onto the home properties of the Savannahs; he can give point after point and show the Board how the canals and the golf course have now become from 10 yards wide to 25 yards wide and a lot of instances because the water continually backs up; he could show areas that were playable for golf for 10 years and they are now under water and the course has been routed around that area so people do not have to play it; and the thing that really gets him is he had looked at the original agreement between the County and the donor of the property and it clearly states in there that they will perpetually use the easement over the ponds and water areas of cause ways constructed upon and under the donated parcel for public drainage purposes intended to service the subdivision of the donated parcel. He stated he had been in contact with Roads and Bridges for the last several months and they did do a large survey after Fay because the whole course was under water; they said this has to be maintained because the areas of the waterways has to flow out, people use to be able to watch the water actually flow out of the golf course into the drainage ditches finally getting into the Savannah; that no longer happens; the County for some reason put some fish in the ponds to eat the weeds so it would not have the expense of treating the weeds; when that happened the fish had to be contained so gates were put up; and the gates get clogged with moss and the rest of it so now the water is backing up. He mentioned there was just a new assessment of a flood plain and Savannahs went from an X to an AE, which is help to the homeowners as far as the insurance part goes but the last rain which was October 1st was a one day occurrence and there were many homes in the Savannahs that were within five feet of being flooded; some sent a drone over the Savannahs and took some aerial photos and it clearly shows how much flooding has incurred; he knows the County has a big problem with flooding in certain areas but it can be addressed because it was addressed for many, many years and now it is being ignored; his suggestion is the first thing to do, which is the cheapest way out of all of this, is to get E-core in there to treat all the weeds in all of the areas; they are the only people he knows who treat all the golf courses in Brevard County; and there are no weeds at any other golf courses within the County. He stated they do a tremendous job.

Larry Fitzgerald stated Commissioner Tobia had made comment about whether the homeowners know; he cannot speak for any others but when he bought his house the flyer said

across from the seventh hole; when he read the agreement it said in perpetuity; he does not know about anyone else but when he reads in perpetuity he is good; he spent a lot of time reading the report, at least three times, and he thinks he understood; the gist of what he got out of that report is golf is dead; once someone takes that attitude that is the way it goes; he is not saying it is bias he is saying it is the tone; specifically on page three he read, perhaps the biggest drawback is the political ramifications of having the 92 percent of taxpayers who do not participate in golf supporting the eight percent who are active to the sport, and he wondered where that data came from; page 64 stated that is a national number; he questioned what percentage of subsidy is acceptable and if that was even looked at because all of the other facilities are provided; and there was also a section that stated the course is in a relatively remote location, difficult design, and reputation for being extremely wet and mosquito infested makes it a least popular played course in Brevard County. He noted he disagrees with the Savannahs being remote, it is right off the Beach Line and Courtenay and Hall Road, anyone could find it; as far as difficult design that is what many golfers like, if not they would go to pitch and putt golf; as for mosquitoes, this is Florida and if Mosquito Control is doing their job the mosquitos would be taken care of; and they did not mention the natural beauty of the place. He went on to say the Parks and Recreation Department have a \$62 million budget and that is a lot of money for the quality of life; it is indicative of the fact that little or none of the assets pay for themselves; schools for instance, he does not have children but he still pays for schools because it is a community need; and he thinks the Board should continue support of the golf courses.

Gail Meyers stated she is on the Golf Advisory Board and she represents Spessard Holland at large; there are over 46 members on the women's league that are there every Tuesday morning; she also plays at Habitat when work allows for it; that is on Thursday morning and there are over 25 members; she also represents the upper east coast league which plays all of Brevard County golf courses; and she represents all three County courses. She noted the whole east coast team is 140 members; this year they could not play on a Brevard County course because Integrity could not handle that amount at the time, so they ended up playing at the Indian River Preserve, which is also north county and farther than the Savannahs; she also plays in a national league which is the Executive Women's Golf Association and the Space Coast, Brevard County Chapter has over 65 members; this year they have played Spessard Holland, they are scheduled to play Savannahs on Saturday with no food and beverage, and they are also playing Habitat on November 4; and she also plays in a lot of women's tournaments. She continued this month at Habitat they have two; she just wanted to let the Board know there are a lot of women golfers and future women's golfers; there are a lot of high school teams not in Brevard County using these courses; and she hopes Brevard County keeps running the golf courses.

Susan Smith stated when she purchased her lot back in 2002, they conducted a perk test to make sure they would not have any problems; the perk test came back fine and they had no problems; they were not in a flood zone but over the years she was not expecting to take on the lack of maintenance issues from the 13th and 14th fairway that is causing considerable water retention flooding; the 100-year storm theory is no longer valid because rising water is a problem; back in 2015 the County golf manager had the irrigation system replaced and then removed the pepper trees and as a result of those initiatives when they came through with the back hoe they covered the entire drainage system that runs behind the 12th, 13th, and 14th fairway; and they no longer have the revenue there or the berm so the water is not flowing to the area it should be. She continued the wildlife refuge, behind the Savannahs golf course, has its water coming on to the properties; she has videos and photos not only from this morning but from the week after Irma showing how the water is flowing to directions it should not be; the main drain on Sandridge is right in front of her driveway; all the water from the 13th and 14th fairway and possibly the 12th fairway is coming to her house where the main drain is located; and she has a lot of photos showing the drainage system there is also not working. She went on

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to say in response to the consultant's report and the selection of the consultant, she still feels like there should be consideration for conflict of interest being the consultant to give an unbiased review of the conditions of the golf courses and what to do, and happen to be the broker that could offer to sell; she is not a lawyer and she does not have legal experience but she feels that is definitely a conflict of interest; the other comment about the 92 percent of taxpayers who do not participate in golf would bring political ramifications subsidizing the eight percent who are active, but she does not use the tennis courts, the baseball fields, or many of the Parks and Recreation services, but she does not mind as a taxpayer paying for those services because it is for the benefit of the community; and she is a little confused on some of the dates of the execution of all these agreements because on the exclusive listing agreement there is a date of July 25, signed by Curt Smith and approved by the Board, however that occurred before July 27, for the Board setting up a timetable for an RFP, so she believes all of those dates need to be looked at.

Jett Fern stated Spessard Holland is a jewel; he is a real estate developer and he has the ability to purchase all three course; but he does not think that is in the best interest of the County so he is going to put together a proposal that will show the Board some of the ways it can have a win, win; first of all to abandon the Savannahs is deplorable and not an option; there are solutions to all of this and he has spent his whole life providing solutions to real estate situations; he is in a position now with his family to give something back so he is going to get involved; he just got back to Brevard County and he would like to take a look at this; and he thinks the consultant did an awesome job. He noted the consultant did what he was supposed to do, he gave the Board the worst case scenario, which is what the Board has to deal with; the County has three beautiful pieces of property with tremendous capability to move forward in a very positive way; he thinks the County can come out whole and not lose half a million dollars ever again; he thinks the decision can be made in a couple of months or the first of the year; and he also believes the County can get all its money back, which will be defined by how much was invested and how much they would get back from a sale. He went on to sale everything has to looked at; there is a deal here and it is a win, win deal; the County wins, the Savannahs wins, and even the consultant wins because anybody that is going to get involved with this has no problem paying a consultant to help get through the due diligence to make decisions; a half a million dollars a year is a lot of money to the County; but a half million dollar loss per year to a potential investor is no more than a challenge; everything has to be put in the right perspective; and he thanked the Board for the opportunity to be able to talk and give a more positive outlook on the situation. He stated he will be getting involved when he leaves the room today; he did read the consultant's report and he thought he did an awesome job describing the situation; and he would like to commend the County, they cleaned the cart shed up, and the efforts that have been made recently have been applauded. He continued he does believe moving forward there needs to be someone with some skin in the game, but working with the County to watch the public interest; the last thing the County wants to do is convert these into a for-profit operation that takes away all the benefits of why they were ever established in the first place; and for those who think that golf is dying, they are wrong; the baby boom generation controls 78 percent of the money in the United States; he has been playing golf since he was 11 and he is not done yet; however, he believes they do need to get the young people involved. He stated his vision for the young people is free golf.

Commissioner Tobia stated after looking at the initial budgets a month ago he was in favor of immediately disposing the Savannahs and that looked a little self-serving since the other two golf courses happen to be in his District; Commissioner Pritchett on July 13th saw the numbers and stated the general prospective golf courses are money pits; the Board paid a consultant and found out that was exactly right; she said she would like the County to get out of the golf business and quit losing money, and although he did not know the County was losing money, Commissioner Pritchett did and it showed on the report; while he understands and he appreciates greatly the citizens who have spoken, none of them spoke to the issues of the

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deferred maintenance; and he thinks the County has a ticking time bomb of \$1.8 million. He continued not one of the speakers mentioned how the County could mitigate any of those resources; on top of that he has heard there will be a projected \$537,000 loss in Fiscal Year 2018; the County tried marketing, and in fact the County had an in-house marketer, and in 2015 her quote was she could not give the golf away; so yes it sounds good to have free golf, but according the County's own marketing expert that would not happen; and finally the talk about public parks losing money, while the parks do lose money, they do not have competition. He noted the fact is that within 25 miles of the Savannahs there are four public courses in which individuals have the ability to play; and there are actually far more that are less expensive than playing at the Savannahs; after discussion he would like to entertain a motion to dispose of all three courses either in conjunction or individually.

Commissioner Barfield stated this report has nothing new for the options; immediately sell the three courses, continue to own and operate all three courses, continue to own all three but outsource to third party management, divest of just the Savannahs and retain Spessard Holland and Habitat; that is what the County paid for; what is not addressed is other options, which have come to light in the last few days; first off he has had people mention public, private partnership where investor come in and put money into it, work with the HOA and the County is part of it; and the Board has only had 10 days to review this stuff, so nothing has been finalized. He continued there was a gentleman who spoke about potentially setting up a separate authority or something like that, and he does not even know how that works; he believes it is premature to vote to sell something, when the Board does not even know what all the options are yet; and he also believes the Board needs to listen to the community to see what can be done. He mentioned if the Board were to put this on the market right now to sell, he would guarantee the golf courses would go down the tubes very quickly; it is coming up on the season when the most golfers come out to play, and that would be totally missed; the Board can say they will still operate the golf courses but the newspaper will put out that the Board is voting to sell the courses and when people read that they decide they are going to go somewhere else; he does not feel this is the time to decide to sell; the Board has a lot more work to do, it has to listen to the community; this gentleman offered so many things the County could do; and he believes this needs to be tabled.

Commissioner Isnardi stated she has a few questions for Mary Ellen Donner, Parks and Recreation Director; she inquired what the capital investment has been in these course so far; has the County taken any of the profits of the two courses that actually operate in the black and invested them back into capital; and she knows her office asked for some initial numbers and they were not quite the same as what the consultant report came back with.

Mary Ellen Donner, Parks and Recreation Director, stated there has been no discernable capital improvement program that she could see since the recession hit; as far as the report numbers, as the County Manager eluded, facilities and herself took a look at the list and the Parks and Recreation Department did a lot of the cosmetic cleanup but Facilities provided some of the more capital type things; to take into account their estimates and the sand traps, not included, it could very well be in the realm of about \$3 million.

Commissioner Isnardi asked if she had that broken up by course.

Ms. Donner replied she does; the Savannahs would be about \$1.3 million plus 47 sand traps which is about \$400,000 on top of that; Facilities is saying the Habitat is \$469,000 plus the sand traps so that is about \$800,000; and Spessard is about \$1 million and add the sand traps it is about \$1.4 million.

Commissioner Isnardi stated she finds it interesting that the investment being made on these golf courses and the one that does the best requires the least amount of capital investments.

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Ms. Donner stated Habitat is not replacing the building; they are currently locating their offices in trailers; and it is really a call as to what is priority and if they would do that.

Commissioner Isnardi stated she is having a difficult time with the report as well; she is sure Mr. Christovich did a fine job, but the first thing that stood out about this report is what came along with it, the brokerage agreement; she would hope the report is not bias but when reading the summaries and it is talking about how something could result in something that is not politically popular, she would have to questions some of the numbers, like the 9 percent decline over five years versus to an estimated four percent for one year in 2018; anyone can make a consultant report look as grim or as beautiful as a person would like; and she has no doubt that Savannahs is losing money and there has to be something done differently where the County is not left holding the expense of that, at least in her opinion, because this is a HOA golf course and whether or not the Commission agreed to maintain it or take on the debt, she does not believe it is beholden on the County Commission to be the sole bearer of that debt given the fact that it does benefit the HOA. She continued she would not care if it was in Commissioner Barfield's District or her own, she thinks the Board definitely has to do something different there; as far as the other two courses, they could be looked at as parks but in her opinion there are capital investments made in some of the County parks; rather than look at this as a big \$1.8 million to a \$3 million cost, she is sure putting these improvements in over five years or even 10 years on some of the stuff that can probably wait, would probably be more doable; and that would be her suggestion. She noted if the Commissioner of District 2 and the Board decides to keep this golf course that continues to lose money, something different needs to be done with the Savannahs, whether it is a public and private partnership or have an investor come in.

Commissioner Barfield stated the reason the County is in this position with these golf courses is because they do not know how to run golf courses; what has happened is the County has not put money into them like it should have as a capital investment; the Savannahs has suffered a lot from that and it is compounded by the fact that staff does not monitor the contracts to a performance measure that is in the contract; that is going to need to change, not only for the golf courses, but in general; and when there are performance metrics someone needs to be assigned to monitor those to make sure they are done. He went on to say he really believes what the County needs is a manager who is appointed to run these golf courses to get through the season; then it needs more definite analysis on what the actual cost is; he has seen some estimates done by Facilities and the numbers there do not make sense, there are other ways to do things, like replace cart paths for \$400,000, which is repaving everything and he does not believe things need to be done that way; as people know it is better to have the water be able to drain into the soil; he reiterate at this the County cannot do anything to jeopardize the season coming up; and he believes any discussion on selling the courses needs to be tabled because there are other options on the table.

Vice Chair Pritchett stated she thinks it is going to probably be appropriate today to table the idea of selling, but it is still not off the board for her; she thinks the golf courses need to remain golf courses but to find a creative way to have them say as they were intended; she believes this has to be a priority because the County must not be losing money on these entities any longer; the County is looking at over half a million dollar loss next year and that is a big chunk out of the budget; she likes the idea of the public and private partnership; if someone picks up the property and has full responsibility or the ownership of the business and the County maintains the land, it would at least get the County out of losing the funds; and she is open to those ideas. She continued she does struggle with the government being involved with competing with the private sector; her favorite thing to do is if someone came along with a big chunk of change and stated they wanted to buy the golf courses and run them , then that would be a win, win everywhere; she is willing to put some more time into this; and she had spoken with Mr. Christovich who stated he would help oversee them now and IGM would lower their cost which means the County would be getting the same thing with some oversight.

Mr. Abbate stated that was part of the dialogue because when he initially read the report, the oversight that both Commissioner Barfield and Commissioner Pritchett mentioned, the current contract with IGM, who operated those courses from a maintenance perspective, while there was other oversight for over a 20 year period, is the one who is currently doing it on a short term month to month basis until the Board decides what it wants to do; the report showed internal staffing, in terms of monitoring that occurred there was significant room for improvement, in terms of what IGM was delivering and providing the management, maintenance, and operation oversight at the cost of \$204,000 a month for all three courses combined, and the oversight was not at a high enough level with the expertise; during that same period the County government reduced its staffing and everyone who was involved in the golfing operations is no longer there so they have no internal staff that can give the institutional knowledge, so they are starting from scratch in an area where anyone has had a lot of experience; Ms. Donner has some experience and has stepped up to offer to take it over, but she is new, the County has a big Parks and Recreation Department and she cannot dedicate the full time that is needed to really get the courses where they need to go; and knowing those thoughts and from a staff perspective, he will take the responsibility for this whether he is naive or not. He noted what he looked at was Mr. Christovich did provide some information in his report that staff acted upon and noticed they could, even if the Board says it wants to continue operating the golf courses indefinitely, to get to a better place now when they hit the peak season, whether it is on the revenue side being able to monitor and budget things correctly from the golf perspective, whether to do the extra things such as concessions, etc., and who is in the best position to provide that oversight; he does not know if he can say who is in the best position to do that but what he does know is that he thought of that and one potential option that the Board has is have dialogue with Mr. Christovich to monitor on a monthly basis and provide oversight that he could work with the Parks and Recreation staff to provide the guidance for whatever period of time the Board determines to IGM in helping them in a variety of areas which, up to this point and only a 60 or 90 day period that they have been operating it, they can continue operating it as effectively and efficiently as they can; he had that discussion with Mr. Christovich and IGM, asking them to lower their management costs, which is \$12,000 per month tight now, and if they would be willing to do that in a way that the County could hopefully upgrade that monitoring; and if the Board chooses to do that option then it could be done in such a manner that is no more than the current \$204,000.

Vice Chair Pritchett stated that would buy the Board a little time as it moves forward with different ideas.

Commissioner Barfield stated he does not want to hire this consultant to run the golf courses; he thinks there is an appearance that there may be the situation where he is potentially trying to sell these and he does not think that is right; and he would ask the County Manager to find somebody to manage the golf courses and to do it expeditiously.

Commissioner Isnardi stated she is more concerned with the length of time because it sounds good and puts things off a little but she would like some resolution to this as expeditiously as possible; she does not want this to drag on and on as the Board listens to 7,000 different ideas of why the County needs to keep all these of these open; and no matter what the Board decides she wants it to make a reasonable time that it can come back with some real decisions on what it is going to do with these courses or a plan moving forward. She inquired if the Board is going to invest in the two that make money and dispose of the one that does not or will it do something different; it may be the white elephant in the room, but it does need to do something different with the Savannahs because she is answerable not only to her District but to surrounding communities who want to know why she is even looking into investing in a golf course that continues to fail year after year and belongs to a HOA; she noted that is how it is viewed by the public so she is not just answerable to the people who should up to save their golf course and property values, she is answerable to everyone who pays taxes in the County; and

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she reiterated she wants to see some resolution. She stated it may work out where the course does not have to close, but something has to be done; maybe the homeowners need to invest a little more, but she would like staff to at least bring something forward as soon as possible, so a decision can be made on this; she is okay with tabling the issues until the Board comes up with some viable solutions; and she is not interested in selling them, at least not the two that are making money. She noted she just wants the Board to be smart and invest in them if the Board wants to keep them.

Commissioner Barfield stated he has a couple questions for Mr. Christovich; and he asked in all the years Mr. Christovich has been consulting in this business how many golf courses has he recommended stay open.

Mr. Christovich stated in two cases in his entire career has he closed down a golf course for nonperformance, but he did not make the decision, they were both foreclosure properties and owned by a lender.

Commissioner Barfield asked how many were recommended to be sold.

Mr. Christovich stated probably most of them; he by no means is suggesting that the courses be closed, he just thinks they would be in better hands if they were operated by someone who wants to invest in them long term and wants to make a commitment to golf; all three are restricted to be golf courses; there is an interpretation that Spessard could be a park, not necessarily a golf course; the buyers of the courses know they are buying a golf course business and they can get the real estate along with it; and the County Manager's request for a listing agreement from him so more to say what would a listing agreement look like to take to the Board if they asked for it, there was no commitment made to actually list the properties for sale with his company. He continued the Board is free to RFP that back out, he can provide names and there was a handful of other brokerage outfits that responded to the original RFP; he wanted to make sure it was clear that was purely informational, so was the request for what would a golf operations consultant's scope of work look like; he has been at this for 30 years and he has written RPFs and scopes of work, so when the County Manager and Parks and Recreation said if they spend a certain amount of money a month what would they get and what would it look like; there again there are parameters that hold that provider accountable; he would just as soon not list them or consult for the County if it is going to create an uproar in the community, because he does not want to go there either; he was hired to tell it like it is, so in most cases he tells people why take on the financial risk in an unknown environment that they do not have any direction or any data that states the business is going to get any better, so why not put it in the hands of the guy in the back of the room; if nothing else this report drug a few people out who are sincerely motivated and interested in the survival of the golf courses, that now there is a buyer in the audience; and no one wants to see the golf courses close, so get them in the hands of someone who will invest in them for the long term and get the County off the hook to create a win win for the County. He went on to say most of the buyers out there are buying distress assets that are under performing, have been under managed, and undercapitalized and turning them around because they are there every day; he has called a half a dozen buyers that he has sold properties to very similar to these, and they are doing year three numbers in year one because they build loyalty; the County cannot build loyalty with customers, but an entrepreneur, a proprietor who owns a golf course can do that because he is going to church with people, he is talking to people at the grocery store, and people want to take their business there; and they was a good point of when the for sale sign goes up, there could be some impacts to how people perceive the facilities; they may not buy an annual pass, or a discount card, or book an event because of the uncertainty of the future of the golf course. He mentioned that would be up to the operations people to create that stability and make sure every customer who walks in has a great experience, a cold beer, and a good round of golf;

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after a month or so, people are there and playing golf; and he hopes that answers the Board's questions.

Vice Chair Pritchett stated when she spoke with Mr. Christovich, she was intrigued by his love of golf and his experience in this; he has actually helped in LaCita when they did not know what to do; and there were three ladies who bought the course and it is doing tremendous, it is beautiful, and it is back up and a lot better.

Mr. Christovich commented they had just opened the restaurant back up which is now open to the public; LaCita is a very parallel story, LaCita was worse than anything here; and the neighbors in the community were concerned about what would happen; he found a buyer and it is just a great story.

Vice Chair Pritchett stated it was a win, win; it was privately owned. She stated there is only \$159,000 in the enterprise fund, down from \$700,000; she knows the Board needs to speed up the game play; she sees Mr. Christovich doing the maintenance because there is so much lacking right now and with his love of golf she thought if the two entities merge together until the Board finds something to do, might be able to improve those courses; and IGM said they would lower their fees so it would be the same cost as now; and she thinks there is opportunity for improvement if the Board tabled the rest of it until it figures something out. She mentioned Mr. Christovich got her excited about golf when she spoke with him.

Commissioner Barfield stated no reflection on Mr. Christovich, he is just saying the County has tried using consultants and this report is what the Board asked for; they have used consultants and they went belly up; he is just very nervous about using a consultant, he would just rather have a person that the County has hired to run this; if the Board wants to put Mr. Christovich on a retainer, he is fine with that; and he wants a County employee, who Curt Smith signs his check, to run it.

Mr. Christovich stated it was his understanding it was the budget; and what the Parks Department was prepared to pay would not get the County that person.

Commissioner Barfield stated he is not talking long term; he does not know if the County has even looked; and he inquired if they have looked for a six month temporary.

Mr. Abbate stated no they have not.

Commissioner Tobia stated he is going to pull his motion back, because he does not think he could even count for two on it.

Commissioner Isnardi stated before another motion is made, she would say she may support something like that in the future for disposal of all three courses; she does not know how to work it out legally to make sure; but if they can only be golf courses anyway it does not deplete services to residents that are demanding golf; and she reiterated that is not off the table for her to dispose all three courses.

Vice Chair Pritchett stated it is not off the table for her either; she has her three objectives; it remains a golf course; she would never just dump it on the citizens either because she feels the Board has a responsibility; and the goal is the County cannot lose any more money, so that is her objective moving forward.

Commissioner Barfield stated basically the Board has more options it needs to explore.

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Vice Chair Pritchett asked Commissioner Barfield if the motion he is making means the County is going to stop utilizing IGM.

Commissioner Barfield stated he thinks they could continue to use IGM for maintenance and let staff work that out.

Commissioner Tobia stated the County has assets here that are losing money at a very quick pace; and he asked if the motion calls for a Full Time Employee to manager the loss; and he questioned if the Board is going to hire a full time employee with County funds to manage something that it knows is going to continue to lose money.

Commissioner Barfield stated the Board obviously needs some direct County involvement because of the pictures; that is over time, it did not happen overnight; there is a lot of problems with the courses and there needs to be a manager whose is hands on that gets out and looks at the courses and understands what is going on; the courses have not had this and he does not know if they really had that with Integrity Golf; and he thinks they need to have someone who is directly reporting to the Board that oversees this. He went on to say that person can oversee IGM and he thinks that is what needs to happen.

Commissioner Isnardi stated her concern with that is hiring a County employee and that person becomes a County employee with the protections of being a County employee and with the bias and the eager to please management, like it or not that is a fact; if they are hired on a six-month basis and they know they are leaving in six months, there is no skin in the game for that argument; she would be okay with a consultant; she is open to put it out for consulting, but her concern is the longer it is delayed the more money the County is losing; and she does not know what other options it has. She added she wants to make sure the County is managing them properly, but she does not want to continue to lose money either; even searching for an employee is going to take 30 to 60 days, and that would only be four months with that employee to make an assessment and it sort of defeats the purpose; and she thinks the County should hire a consultant that does this for a living on a temporary basis because she does not want to wait another six months to make a decision on these courses.

Commissioner Barfield inquired if the County could go to a temporary firm; he is sure this will be in the newspaper; these are things that are important, the Board needs to see if there is someone who will come out and do this with the understanding of what they are up against.

Mr. Abbate stated staff is prepared to follow whatever direction the Board gives; as soon as the Board gives the direction they will do everything as expeditiously as they possibly can; and he gives his commitment to continue to do that as aggressively as they can. He stated the \$159,000 that is left of those funds is an issue; on top of all the other challenges it is important to note they have lost a lot of play time during the last two months because of the hurricane related flooding; they have been working with Risk Management as business interruption to try to recoup some of the revenue so they could continue operating; and Jerry Visco, Human Resources, was working as aggressively as he could; it has been roughly \$82,000 in lost revenue that has occurred just between September and October due to closures and that will be added to, once they are able to transfer that from the insurance fund, which gets us through another month; and part of the reason it is important to move forward as expeditiously as possible is from a marketing perspective and from the sale of the golf carts, that is all revenue, and it is hitting the height of the season, and to wait 60 to 90 days, as the Board has said, would be problematic if the monitoring that should be done is not getting done; and that falls on IGM, as the County considers that part of the agreement that the County has with them. He went on to say during the interim period the County will try to work with them as best it can to make sure they are doing those things as best they can; the County will move forward whether it is through hiring temporary through an agency, through word getting out, and they will bring something

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back to the Board in terms of how to proceed as quickly as they reasonably can, if that is the direction the Board gives them and thinks is in the best interest of the organization.

Vice Chair Pritchett stated she is in favor of tabling it; she likes Commissioner Barfield's idea of a public and private partnership; she thinks that could play out in the next few months as she hears a lot of interest; she thinks Mr. Christovich did exactly what the Board asked him to do, it was consensus of the Board, it was ready to sell, and he came back with other options; just sitting with him, he has a lot of passion for these courses and if the County goes out and tries to find somebody else, she thinks he would do a good job in helping get these golf courses running again for the in season; and IGM is a maintenance company and that is what the County is getting. She stated the courses need the oversight, she thinks he is a professional and that he would do a good job; the County has a few things coming towards it now to help it get through the next couple months as it goes through the options; and she would like to see Mr. Christovich be the guy who is doing the oversight, and IGM doing the maintenance moving forward while the Board finds a wonderful alternative for all three golf courses.

Commissioner Isnardi stated she would like a timeline; she would like to know what the least amount of time that the Board is able to act because she does not want to wait six months to make a decision with these courses.

Commissioner Barfield inquired if she was talking about potentially public and private partnership, or what.

Commissioner Isnardi stated she wants this Board to have a decision within a reasonable amount of time; she does not want to say 60 days, but at the same time, people who are serious about stepping up and investing should be serious about coming to the Board; she wants something back, and if the Board has to table it for another 30 days to make some deals happen or to come up with some details that is fine, but she wants to make a decision as quickly as possible.

Commissioner Barfield stated there are still a lot of legalities that have to be worked out; how it is done as a partnership or whatever; and in addition they must work out covenants or whatever.

Commissioner Isnardi stated the Board will be able to give staff direction on which way it wants them to go.

Commissioner Barfield stated it is not just the Savannahs, he is thinking about the others too; the Board has to make sure it knows the answer, if it is federal; if the Board can get 60 days he would be okay with that; and if it is having those issue then it will have to be brought back.

Commissioner Isnardi stated the only reason why she is okay with waiting 60 days is because the Board is much divided on this from who will consult for the next 60 days; and she is looking from a financial perspective and wonders if it is cheaper to go find somebody and pray that somebody reads the newspaper.

Commissioner Barfield stated back when all this happened in the 1980s, if he knew then what he knows now, it would not have ever happened that way; it is just one of those things; and it would have been done differently.

Commissioner Isnardi commented the delay on getting them solution that would work for them or it is not going to work, it is one of two things; this is something that other Commissions have debated and talked about; and it does get very political and it is tough for Commissioner Barfield because it is his District, but it is the reality.

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Vice Chair Pritchett stated she thinks moving forward if the Board could have staff give it a monthly update on progress that would be helpful.

Commissioner Tobia asked Commissioner Barfield if the Board is entering into that public and private partnership, to explain how he envisions that being any different than the relationship with Integrity Golf; he inquired if that was the same relationship the County was in with Integrity, in which the County would receive a certain amount of dollars; and he stated if he remembers correctly Integrity gave the Board the reason of losing money hand over fist, and that is why they had to declare bankruptcy.

Commissioner Barfield stated it is way too early to discuss this; the staff is in discussions with homeowner Association, there are other entities; and it has only been 10 days, so this all has to be worked out.

Commissioner Tobias inquired again how that is any different from the agreement the County had with Integrity, with the parameters that were set up prior; and he inquired if the Board has already tried this solution.

Commissioner Barfield responded when dealing with people who have a vested interest, either because they live there or are investing in it, is a little bit different than hiring a company with multiple different golf courses around Florida because they do not know the golf course or the people; and it is a lot different.

Commissioner Tobia stated it is his understanding, listening to the people of Savannahs, not one of them said they were ready to buy it, in fact the attorney said just the opposite, they do not want it because it would cause undue burden on assessments.

Commissioner Barfield stated that is correct.

Commissioner Tobia added it does not sound like there is a vested interest other than the subsidization of their homes.

Commissioner Barfield stated people have spoken with him about investing into this; they are not totally organized; but this is not the time to go ahead and sell everything when that is still an option.

Commissioner Tobia inquired if this is like Nixon's secret idea to end the Vietnam War.

Commissioner Barfield stated he does not know because he is not recording it.

Vice Chair Pritchett stated public and private partnerships can be so creative; she does not know if something will work out or not; there are a few in District 1 that were worked out with Municipalities that have worked very well; typically when someone comes in they invest with a large asset so she will have to see; and she understands Commissioner Tobia's point.

Commissioner Tobia asked if the motions could be separated, one on the management and the second on the tabling.

*Chairman Smith has left the meeting.

The Board tabled the decision for 60 days.

RESULT:	ADOPTED [3 TO 1]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Rita Pritchett, Jim Barfield, Kristine Isnardi
NAYS:	John Tobia
ABSENT:	Curt Smith

ITEM V.A., BOARD DIRECTION, RE: OPERATIONS REVIEW AND ASSET EVALUATION REPORT, PRESENTATION FROM CHRISTOVICH AND ASSOCIATES, LLC, AND PROVIDE STAFF DIRECTION ON THE FUTURE OF THE THREE COUNTY-OWNED GOLF COURSES - THE SAVANNAHS, SPESSARD HOLLAND, AND THE HABITAT (CONTINUED)

Commissioner Tobia stated he would make the motion, in the short term, if it takes two months to come up with a solution, for a period of 90 days to hire on a retainer for the amount of \$4,000.

Frank Abbate, County Manager, stated yes that was the amount they were looking at.

Commissioner Pritchett stated there is zero net though.

Commissioner Tobia stated \$4,000 to come out of the Management contract for the services of Mr. Christovich.

Commissioner Barfield inquired what his scope of work was going to be.

Mr. Abbate stated he has a draft of that and would be happy to share it with the Board at the next Board meeting for its consideration.

Commissioner Barfield stated he thinks the Board should take action now, but he wanted to make sure.

Mr. Abbate stated if the Board would take a moment he would have copies of the drafted one.

The Board recessed at 11:56 a.m. and reconvened at 12:04 p.m.

Vice Chair Pritchett informed that the Board is trying to make a decision on the consulting services.

Mr. Abbate stated what the Board has before it is a draft and is not something that they have finished negotiations on; they were just trying to set framework for the Board if it chose to move in that direction; there are obviously two parties involved in that, one would be whoever is to be doing the monitoring and the second would be IGM; he was not aware of is that IGM is actually here and the Executive Vice President, Greg Plottner, is here; and as they have had preliminary discussions, they were in a good place in terms of seeing that there was some additional oversight for the County moving forward. He added he believes that Mr. Plottner can elaborate further from IGM's perspective relative to how they could move forward and also offer the Board an alternative to additional contract monitoring, which would be in the confines of the current cost, which is what he was trying to do.

Greg Plottner, Executive Vice President of IGM, stated he has had a long term relationship with the County; it is the company's second tenure here and they are very happy with that; they were put into a situation where a Request for Proposal (RFP) was put out in a very short period of time; with his history of the properties, he has known them since 1996, and he thought they had

given a good product for what was in confines of the contract on a maintenance level; when the County needed help they wanted to immediately come back and help with that support; decisions were made to look at it like an expense type contract that the revenue would control the revenue, which is what has been done; and he takes a little offense to some of the things in the report because he felt it was a slam at IGM, and that they were not doing some of the things that they should have been doing. He continued he wants the Board to know that IGM is a subsidiary of a parent company, Middlebrook Golf, and it is a large operator of golf facilities all across the country over the past years; they are still involved in club operations; on a short term IGM can help with club operations; since August 1st it has been the perfect storm, and he has never seen a summer like it where there is one occurrence after another from hurricanes to tropical depressions, and just today there was a microburst over the top of the Savannahs and the Savannahs had to be closed today because there is more water there today than there has been any time over the summer; and that flooding is just what occurred overnight with six inches of rain. He went on to say their main priority has been the maintenance of the courses because he does not know how the County is going to make any money if the golf courses are not maintained; they have been working around flood waters and fallen trees to get them cleaned up to get back into operating state; a lot of the things being talked about with club operations has been placed on the back burner; there are three qualified individuals IGM inherited from the former management company that love their positions at the facilities where they are at; they have great ideas and have been involved in competitive marketing analysis and other things; and those types of things have not been addressed immediately because there has been so much other turmoil to just get the courses back to operating. He stated now that the golf courses did finally dry out they are trying to get them in the best shape possible so when the golfers come back they can capture as much revenue as possible; he was informed of the proposed document in front of the Board; and there are a couple things written in there that he does not agree with, but as a draft, and if it is the Board's desire to provide more oversight, that is not an issue and can be done whether it is through Mr. Christovich or IGM could bring a couple people to the table and let someone make a decision, and that is all in the confines of what the County is currently paying them.

Commissioner Tobia stated the draft is better than the motion he made; this is a month to month contract and he previously said 90-days; he would like to change the motion to mirror the draft language.

Commissioner Barfield stated the monthly scope of services has been a minimum of three half days per month at each golf course and he thinks that needs to be more; he thinks it needs to be three full days per month at each golf course.

Vice Chair Pritchett stated she thinks the Board needs the County Manager to weigh in on this; and she inquired if the Board asked for three full days if that would change the fee required.

Mr. Abbate stated if the Board were to give him the flexibility, they will make it work within the parameters given by the Board; his goal is to not increase the Board's costs relative to the current contract; and hopefully they can make it work between the parties. He noted if they could not make that work, then if the Board gave the option, as suggested by Mr. Plottner, they could look at alternatives; and he would go to one of the other options to make it work as they have stated, within the current confines of the existing agreement.

Commissioner Tobia noted he will change his motion one last time to give the County Manager the ability to enter into the agreement for consulting services with Mr. Christovich given the parameters set forth in the draft as well as the amendments made by Commissioner Barfield.

Mr. Abbate asked if he would if they could not make that work that he would go to an alternate oversight consultant that Mr. Plottner mentioned earlier.

Commissioner Tobia responded as long as it is independent of that organization because he thinks independence is extremely important.

The Board directed County Manager Frank Abbate to enter into an agreement with Christovich and Associates for consulting services given the parameters set forth in the draft consulting services agreement; and authorized amending the draft to include three full days per month at the Savannahs, Spessard Holland, and Habitat with the ability for an alternate oversight consultant independent of International Golf Maintenance (IGM).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Rita Pritchett, Jim Barfield, John Tobia, Kristine Isnardi
ABSENT:	Curt Smith

ITEM V.A., BOARD DIRECTION, RE: OPERATIONS REVIEW AND ASSET EVALUATION REPORT, PRESENTATION FROM CHRISTOVICH AND ASSOCIATES, LLC, AND PROVIDE STAFF DIRECTION ON THE FUTURE OF THE THREE COUNTY-OWNED GOLF COURSES - THE SAVANNAHS, SPESSARD HOLLAND, AND THE HABITAT (CONTINUED)

Commissioner Barfield stated he thinks the Board needs to address Integrity Golf.

The Board directed County Attorney to take legal action against Integrity Golf Company, LLC and each LLC affiliated with the three golf courses.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	John Tobia, Commissioner District 3
AYES:	Rita Pritchett, Jim Barfield, John Tobia, Kristine Isnardi
ABSENT:	Curt Smith

ITEM VI.F.3., BOARD DISCUSSION, RE: DOWNTOWN TITUSVILLE COMMUNITY REDEVELOPMENT AGENCY (CRA) FESTIVAL EXPENSES

Commissioner Tobia stated through public records request he sought information on the spending practices of all Community Redevelopment Agency (CRA's) in the County; after reviewing the information that he received from the Titusville CRA, he made some requests from the County Attorney's Office on what the best potential way would be to proceed; through communications with Titusville CRA it seems as though there are some systemic differences on interpretations so in order to clear that up he thinks the Board go with the conclusion that as Commissioner Pritchett had said, "Any good business should welcome an audit"; and his request would be before the Board decides what it is going to do based on the opinion received on a similar matter from the County Attorney's Office that it do a full performance audit on the Downtown Titusville CRA at the earliest request. He continued then the Board could come back and review the results once the Board has received that audit.

Vice Chair Pritchett stated the County Attorney needs to weigh in, but she thinks that would have to be an agreement with the City. She continued she has spent a lot of time with the City the past few days, there is a difference of opinion and there is always a lot of difference of

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opinions dealing with legal opinions because that is what lawyers do; Titusville stated they based a lot of their opinion, and she was on that CRA, on the Attorney General's opinion and he stated ultimately it is the decision of the governing body of the City of Sanford, which this was a Sanford case that came before him to determine whether promotional expenditures would be included in the budget of the CRA and he stated he could not say whether the use of CRA funds would be limited so that the expenditures of funds for the promotion of recreational developed areas would be prohibited; and again on March 11, 2014, Pam Bondi reiterated that she agreed with the past Attorney General's opinion and she went forward to say she continues to consider promoting of the use of redeveloped areas to be within the purposes of the CRA Act of 1969; and a couple more opinions that many of the cities use to base moving forward working out their plans. She continued Carol Westmoreland travels the State and is the Executive Director of the Florida Redevelopment Association, who teaches CRAs how to run properly; one of her statements reads, "Okayed CRA expenditures is for promotion, marketing, and events"; and then there is Gray Robinson who are attorneys that do the same thing and they say, "The activity furthers the purpose of the act that is necessary to carry out the Redevelopment Program to spend funds on activities, events, promotion, special events, marketing materials, advertising, and other non-capital expenditures have frequently been used to carry out redevelopment." She noted the CRAs at Titusville put it into their plan in 2008 trying to agree with what is in the scope of CRAs, so they did everything appropriately; the City of Titusville stands on that and provided a letter that they believe they worked within their scope and the small expenditure that was used for that scope; whether it is legal or not is going to be a difference of opinion; the Titusville CRA did it based on two Attorney General's opinions and some other experts so she believes they have acted appropriately in what they are doing; and Titusville also spent a small amount of funds on these items. She went on to say County Attorney Scott Knox's opinion is different and she respects that; Attorney Knox also recognized that it is in their plan and that the County suffered no harm from Titusville and how they spent their CRA funds; and she thinks moving forward with CRA discussions with what to do with CRAs throughout the County, she thinks the one thing that could be a problem is there has been a city that had to respond very quickly, which she had received a call and they wanted to know why the County was doing something without consulting them or having conversations, and then they realized it was from an independent Commissioner and not the consensus of the Board; she thinks something should be put in the Ethics Policy, because as Commissioner's the Board has an awful lot of independent power and if someone is going to represent the Board, and Commissioner Tobia did not, but it appeared to the City that the Board was making demands, so there should be a consensus from the Commissioners on those types of letters moving forward, so the Board is not spending a lot of time and calling special meetings to draft letters; and she asked Attorney Knox to speak on all this.

Attorney Knox stated in his opinion, and he fundamentally disagrees with the Attorney General, he believes in order to establish a case there has to be an audit and he does not know of any auditor that works for free so it will cost money; and the question would be how much money is the County going to have to spend in order to recover what may be a small amount compared to what is spent.

Vice Chair Pritchett stated if the City of Titusville does not feel that there is anything they did illegally then she does not know how the Board can force them to do anything, since there are no damages.

Attorney Knox stated there are no damages if the City uses its own money and they can prove that is the case; however that is the auditor's job to figure out.

Vice Chair Pritchett asked what he thought would be the next step.

Attorney Knox stated if the Board is going to proceed, it would have to have an audit.

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Vice Chair Pritchett stated she thinks the Board should not proceed; she is waiting to hear the other opinions, but she thinks it is going to be very costly; what they did was based on two Attorney General opinions and used less than five percent of the City TIF funds; and everybody has a difference of opinion on how to use these funds. She noted it was not her favorite thing to do but it was in their plan and both Attorney Generals concur with that, even the specialist who trained the State of Florida; what is interesting is in the House they are trying to put through a bill right now that says CRAs cannot spend money on these funds; if it is already presumed that they are not allowed to then she questioned why would they be moving forward with a bill to change it and stated the funds cannot be used for that; she thinks in a court of law that the City of Titusville would come through quite nobly; and she stated she thinks this is something that needs to be dropped.

Commissioner Tobia stated first he would ask as she brought up ethics, that she kindly recuse herself from this since she would have been one of the individuals that made the decision; Palm Shores believes that they spent the money 100 percent legally and look how that turned out.

Vice Chair Pritchett informed that she did not have an Attorney General opinion.

Commissioner Tobia stated he is not an attorney and is smart enough to know that; he has spoken with several attorneys and what they tell him about opinions is that a person cannot pick and choose; what Titusville did was to pick and choose the verbiage in that opinion; to continue reading that opinion, which he did and asked an attorney's opinion, it is extremely clear how it says in the Bill McCollum opinion that when the opinion mentions direct payments or promotional activities it was talking about once the infrastructure has been completed; the issue is, Titusville has not completed all of the infrastructure projects as there are many more in the plan; that on the face disregards the entire interpretation that it is a legal use of funds; what this ultimately comes down to using Commissioner Pritchett's words, "Any good business should welcome an audit" and that is all he is asking for. He went on to say when it comes to an audit he uses his ability as a taxpayer to ask for a public records request when it came to Palm Shores and it looks as though that direct action caused more than \$100,000 of resources that year to be reverted back into the Commission.

Vice Chair Pritchett stated she has no argument with the audit, she just does not know if the Board has the legal ability to enforce an audit on the City of Titusville.

Attorney Knox stated assuming all the records in the City of Titusville are public records, he thinks anybody can go in and ask for anything they want; and an auditor can probably do that too.

Vice Chair Pritchett stated but the Board cannot enforce them to do an audit.

Attorney Knox commented the Board cannot make them do it, the County would have to pay for the audit.

Commissioner Tobia stated the Board would not want Titusville to do the audit; Palm Shores had 10 years of audits saying they were in great shape; he, without any audit experience, found out the exact opposite, therefore, this would have to be done independently; and if Titusville CRA is confident in its legal use of those resources then they should welcome an audit, however, he thinks their attorney has read the opinions and is probably a little worried right now.

Vice Chair Pritchett stated they are not worried, and she wishes Commissioner Tobia would not speculate that.

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Commissioner Tobia stated if they are not worried then he suggested the Board move forward with a full independent performance audit of Titusville's CRA.

Vice Chair Pritchett inquired if that would be under County funds to pay for them.

Commissioner Tobia stated he would suggest it use the CRA funds that it received back that were illegally spent by Palm Shores; and he is sure that would be more than enough to cover the cost associated with conducting an audit on Titusville's CRA.

Vice Chair Pritchett reiterated the Board cannot force an audit on them, but people could go in and do audits because it is public record; the City of Titusville sent their complete plans to the County for years and everything has been in the sunshine; there is nothing that they have not disclosed completely, so she thinks all the information through the County is already available; and she thinks the determining question is whether or not the use of the funds from this type of entity is legal. She added that is the question that needs answered moving forward; she reiterated there are two Attorney General opinions and two experts who teach through the State that say it is; there are other good people who think otherwise; and the big move in the State of Florida right now is to bring forth something that is going to change the ability to use it for these types of expenditures for CRAs. She understands Commissioner Tobia wants to do an audit and she thinks the Board can do an audit anytime at its own expense; but, she thinks the question brought up here is whether or not it is legal and there are several different opinions.

Commissioner Tobia stated the audit will start to answer some of those questions.

Vice Chair Pritchett asked if the audit could answer the question or not whether it is appropriate use of the funds, or does that have to come from a court setting; and the Board is not saying they have performance problems because they have already said this is how they spend their funds.

Commissioner Tobia stated a performance audit looks to see if those funds were used in conjunction with Statute.

Vice Chair Pritchett inquired if that is going to be the core question whether this is legal.

Commissioner Tobia stated there is a recent opinion from the County Attorney that puts those into question; and he has pointed out how the Sanford decision does not directly relate to the Titusville situation.

Vice Chair Pritchett mentioned there was the Del Ray situation by Pam Bondi that answered the same thing; and she asked the County Attorney if the Board moved forward with this, if the question is legal use of the funds; she stated Attorney Knox told her there are different opinions by great men and women who do this as a practice; and she inquired what his opinion is because a performance audit cannot be done without some kind of conclusion from the court saying whether it is appropriate use of the funds or not.

Attorney Knox stated a performance audit could look to see how the funds were spent; and they will know what the County's contribution is because it gives them money every year; and they can probably come up with a way to calculate how much of the County money was spent, if any, on the activities in question.

Vice Chair Pritchett noted the activity in question has already been admitted what the money was spent on.

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Attorney Knox stated that is true but when he talked to the City Attorney, he indicated that the City had more in the way of contributions to the CRA TIF than the County does, so it is possible they could have put money aside for that purpose from City funds; and he does not know that, that is what the auditor would find out.

Vice Chair Pritchett inquired if Commissioner Tobia wants to find out if the CRA is operating as it says it is operating because there could be some mistrust in the Titusville CRA.

Commissioner Tobia stated the opinion that Titusville CRA brought up is not relevant in this situation; the percentage of County TIF dollars to City TIF dollars are different on the research that his office did compared to what Titusville sent forward; those are the numbers he sent to the County Attorney's Office; and there will be another one on a CRA coming up very soon. He noted the opinion was to advise the Board to audit, there may be nothing wrong; the one CRA that his office spent a little time with found out that everything was wrong; and he asked that the Board use Commissioner Pritchett's words in the CRA that she was a voting member of.

Vice Chair Pritchett stated she has no belief at all that there will be anything found misappropriated in the Titusville CRA; if the County is going to pay for it, she would think that is appropriate; the issue based upon the facts is because there is a difference of opinion in whether the use of the funds in this manner are appropriate or not appropriate.

Commissioner Tobia pointed out that Commissioner Pritchett believes the City, but he is going with the County Attorney's opinion.

Vice Chair Pritchett argued no, she believes two Attorney Generals, Carol Westmoreland, and ABC's of CRAs by Gray Robinson which brought training to all these entities.

Commissioner Tobia reiterated that was not dealing with this case; every court case is different; and these are not directly dealing with this case; and there is a County Attorney opinion that looked at this case and provided an opinion on how to best solve this; and his opinion is through an audit.

Vice Chair Pritchett stated Attorney Knox gave two opinions and even if the CRA tax increments for such purposes unauthorized, the County would arguably not be injured; there are no secrets here and nothing that has been done that is not in the sunshine; everything has been sent to the County continuously every year; and if someone wants to sit down and go through them, then that is appropriate. She went on to say again the ultimate question is whether or not it is appropriate use of the funds which is going to have to be settled in the court of law because there are many great men and women with different opinions including two Attorney Generals; and she inquired if the question is now changing for Commissioner Tobia, and if he is wanting to do a compliance audit on all CRAs moving forward.

Commissioner Tobia responded with no ma'am; he stated his question is concerning Titusville CRA because through public record, as he mentioned earlier, he found some inconsistencies with Statute; he then forwarded it to the County Attorney and asked him what the best course of action would be; the response he received was to get a better understanding of this would be to get an audit; and he is asking the Board to comply with the advice from Attorney Knox. He continued Mr. McCollum is not here and in fact most of the voters of the State of Florida decided they did not want Mr. McCollum to be Governor so more people have disagreed with Mr. McCollum that what have agreed with him; he is happy to say Mr. Rick Scott is the Governor now; and with that being said all he is asking is for the Board to go with the exact same conclusion that Commissioner Pritchett drew, that any good business should welcome an audit.

Vice Chair Pritchett stated the audit does not bother her.

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Commissioner Tobia stated then he would like to call the question.

Vice Chair Pritchett stated she cannot force an audit, but the County is going to have to pay for it, as Attorney Knox said; and the question Commissioner Tobia posed is whether they did something inappropriate with the funds by using them on these expenditures and that would have to be solved in a court of law.

Commissioner Tobia stated he asked that to the County Attorney how to best go about that.

Vice Chair Pritchett explained he has a different opinion; and he will say it has to be solved in a court of law.

Commissioner Tobia stated but the Board needs all of the information and all of the information comes out of an audit; maybe it will show it was justifiable and Attorney Knox's opinion was incorrect; but until the Board has all the information, it cannot make inferences based on Delray Beach or Sanford with the large differences; and he is not asking for audits on each and every CRA, only ones that his office did the due diligence for, brought up questions, and then asked advice from council how to best solve them. He continued there is another CRA that is coming up, which is more black and white, but to start with Titusville certainly needs to have an expert look at this to make sure that the percentages of different TIFs are associated; his calculations were different than the city's; all the monies are go mingled and that is the issue; the TIF money from the city and the TIF money from the County are combined; and his calculations of how the money was spent it quite a bit different than what the City is saying. He added an auditor would get down to that and mathematically figure out how that actually works; and he does not have the answer but upon advice from Attorney Knox that is what an audit would seek to do.

Vice Chair Pritchett inquired if Attorney Knox wants to weigh in on.

Attorney Knox stated just for clarification the ultimate issue of whether it is illegal or unlawful expenditure is a court decision and would be decided in court; if the auditor is going to do something, they would go through and try to figure how much County money was spent and how much City money was spent on these types of activities; and they may establish there was County money spent on them and they may establish County money was not spent on them, so he does not know what they will find. He added that is generally why there is an audit before proceeding with the law part of it, because the facts are needed prior to giving it to a judge to decide if it is right or wrong.

Vice Chair Pritchett inquired if the Board were to move forward with an audit and they establish where the funds were spent and by which entity, then the Board would determine what it needs to do afterwards with the information.

Attorney Knox responded affirmatively.

Commissioner Isnardi stated she would support an audit because she believes they have nothing to hide, and Commissioner Pritchett was there doing oversight; she welcomes and encourages all audits; if it were up to her the Board would not be in the business of even having to deal with these CRA nightmares, they would just divvy up the taxes where they are needed the most and the Board would not have to deal with all the drama and what is legal and what is not; that Attorney General's opinion is much more extended than the small segment that was taken from it; and it is never an arguable case for an attorney in court to use because the Attorney General said so, they use case law. She stated she does not think any Board member should be opposed to an audit; and she thinks every CRA should be audited independently.

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Commissioner Barfield asked Attorney Knox, given the opinion from Mr. McCollum and then projected new Legislation being proposed which would pretty much prevent this from happening, if he could go back and get the latest Attorney General's opinion in this circumstance.

Attorney Knox explained the Board can always ask for an Attorney General's opinion; they have had two, one in 2010 and one in 2014, both being in agreement; he thinks the Statute is clearly contrary to what they opined, but that is something the Legislature is probably working on, and the reason may be because of these two Attorney General's opinions and maybe they do not want it that way; and if they are proposing Legislation maybe they are trying to clarify things, there is really no telling what Legislature is thinking.

Commissioner Barfield stated he knows he has one to the left of him; and he inquired if the two Attorney General opinions were similar in situation.

Attorney Knox replied affirmatively; and another option would be for Titusville to ask for an opinion.

Vice Chair Pritchett stated they may do that; she has no problem doing audits; she thinks they are okay; the personality of the inquiry is what through her; and the letter Commissioner Tobia sent was a little hard.

Commissioner Tobia stated that was the cleaned up version.

Vice Chair Pritchett commented she could not imagine the other one; and the Board probably would have had to protect him this morning with that other one.

Commissioner Tobia stated he has a bad taste in his mouth with prior actions of CRAs.

Vice Chair Pritchett stated Commissioner Tobia cannot expect everybody to behave the same.

Commissioner Tobia stated he expects everyone to behave in a very good fashion and consistent with Statute.

Vice Chair Pritchett reiterated his letter was a little harsh. She stated the audit is not the part that worries her, but she hates sending out a message to the municipalities and the cities, thinking that the Board is looking for something wrong; she does not mind doing audits, but she does not want to do it with the context that they have a fear of the County; the Board is there to serve them and it has always enjoyed good relationships with them through the past and she would like for that to continue moving forward; and if the Board wants to do audits of all the CRAs at County cost then that is fine with her, she just does not want to send out the message to all these entities that the Board thinks they are up to something because she does not think they are. She went on to say she thinks everyone is working very hard; local level government works so hard to come together and put their communities together; the Council on the City of Titusville makes \$5,000 a year so they are not in it for the money, they are just trying to put their communities together; and she would have liked it better if the flavor would not have been sent out like it was.

Commissioner Tobia stated he appreciates that but that was him, it did not have a seal on it, it was his name attached to it, not that of the Board; it has come to his attention that other Board members have entered into negotiations with CRA's and he has had previous dealings with CRAs; he wishes that were the case, and that nothing was wrong, however, he found an individual running a CRA and paying herself \$100,000 and when she was caught, she did not pay back the \$100,000 she assessed it from the taxpayers; to believe that everyone is acting

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above board is not reality; and he is not even going to go as far as asking for performance audits on every CRA, but he would like to start with this one. He commented he has checked a few others and he has not found the inconsistencies.

Vice Chair Pritchett stated she does not understand what he means with inconsistencies.

Commissioner Tobia explained it is inconsistencies with Statutes.

Vice Chair Pritchett inquired if it was about expenditures with these entities.

Commissioner Tobia stated that is correct; he feels her pain when it comes to using County resources for audit functions, however, this was his office that found it and send it to the County Attorney; the County Attorney's opinion was that the Board should proceed this way; he does not want to unilaterally audit each and every CRA because his office has spent a lot of time, and although he may not agree with the organization of a CRA, many of the ones he has looked at function within the guidelines that Statute sets up; and this one may not, so he would like to have an independent performance audit of the Titusville CRA as soon as possible and bring that finding back to the Board to make a determination of what or if anything needs to be done as the stewards of the County tax dollars.

Commissioner Barfield stated he still has a problem with the opinion; if the opinion provided by the Attorney General he cannot legitimately think that a city would do this with following that opinion so he will not vote in favor of an audit; and he mentioned unless the Board could get another opinion.

Vice Chair Pritchett stated she would like to have a conversation with the City of Titusville and discuss what type of audits they are doing, if they have this type of thing going on; she would like for them to volunteer some of this information; and then she would like to proceed. She stated she does not believe there was any misappropriation of funds with cause of precious resources, which came from the letter by Commissioner Tobia; she thinks the City moved in context with the opinion of two Attorney Generals; and she thinks to make a demand of repayment to cease and desist was a little strong. She added she thinks the Board has created a situation she does not like and she is not going to vote in favor of this; she requested that Attorney Knox make request to the City of Titusville to maybe go through a voluntary audit.

Scott Ellis, Brevard County Clerk of Court, stated he believes Commissioner Tobia wants a compliance audit, if the audit gets done, not a performance audit; performance is how well it does or does not do, compliance is the adherence; he has been down this road with Attorney Knox almost 25 years ago with Environmentally Endangered Lands (EELs), and the compliance audit that came from the Clerk back then; the Board went out for Declaratory Judgment and then Mr. Futch went and changed the law in Tallahassee; and he reiterated he thinks a compliance audit is what the Board is looking for. He continued the court case is not expensive to get declaratory, and do not take damages from either side; and if the Board desires to make changes, it can request the Legislature make changes if it is necessary. He went on to say he 100 percent in favor of a compliance audit for every single CRA; the Board in the past has never looked at the CRAs; he has brought issues forward on CRAs and the Board blew them off; Cocoa used the CRA to buy the old City Hall from themselves; Cape Canaveral transferred money from the Enterprise Fund to the CRA to build a Lift Station; he asked why use enterprise money when it can be paid for with 40 percent of County money; and he stated Satellite Beach was millions of dollars, therefore, he would be totally in favor of compliance audits on every CRA. He stated since he has a couple minutes, he does not think the County will be able to sell Valkaria, the Federal Aviation Association (FAA) will not let the County cut that loose and the same thing with Spessard, they are poison pill; he thinks the Savannahs has a reverter clause, the HOA; the County tried to sell the golf courses a long time ago; and the FAA is not

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going to give up their property even to a long term lease. He went on to say the County has those two, but the Savannahs is a different issue with the HOA; he believes they have the right of first refusal to take it over; and he mentioned a compliance audit is a great idea and he wishes the Board would do them all.

Attorney Knox stated for clarification his opinion did not accuse the City of Titusville of any wrong doing; he thinks they are justifiable in their relied upon Attorney General's opinions; and he is just saying he does not agree with the Attorney General.

Commissioner Tobia stated that it is his error in requesting a performance audit and he would like to change his motion from performance to compliance audit of the Titusville CRA.

Vice Chair Pritchett stated she is not going to vote for that but she does not mind having a discussion of moving it into the future to do compliance audits on CRAs and figure out how to fund it; she thinks it would help them out a lot to make sure everything is done appropriately; and she reiterated she is not going to move forward with this right now. She noted she feels it is a little accusatory to the CRA; she heard the County Attorney make the opinion that he does not think the City of Titusville did anything wrong; and she believes the ultimate question for them is whether that is appropriate use of the funds or not, and that will have to be solved in court. She went on to say if the Board if the Board comes back and is working towards doing a compliance audit for all the CRAs that would be appropriate for her, that way the Board would not be pointing out or picking on one CRA; and the Cities and municipalities would not feel singled out.

Commissioner Tobia stated he would like to change his motion to compliance audit of all CRAs so not to single any one out.

Commissioner Isnardi stated while she does think it will pass, she will second the motion; she does not think anybody on the Board, any city leader, or city elected or otherwise should be in objection to a compliance audit because if they are all doing the right thing then there is nothing to worry about; and she thinks this helps keep them in check as well. She continued the Board has already learned that people do not understand the Statutes or provisions; therefore, she thinks it would be crazy not to do a compliance audit for all CRAs.

Commissioner Barfield stated he thinks there may be a point of order here because this Item is addressing one CRA and the other CRAs are not there to voice their opinions.

Attorney Knox stated that is a Board call in terms of how it wants to proceed, it can go either way.

Vice Chair Pritchett stated she wants to come back at the next meeting when Commissioner Smith is available and the reason for that is because she would like information on the cost that would be involved if the Board decides to move forward with compliance audits.

Motion fails due to a 2:2 vote.

The Board took no action on the Downtown Titusville CRA Festival Expenses.

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

ITEM V.B., REQUEST FOR EXECUTIVE SESSION, RE: BREVARD COUNTY, FLORIDA V. JIMMIE CROWDER EXCAVATING AND LAND CLERING, INC. AND ALLIED PROPERTY AND CASUALTY INSURANCE COMPANY

Scott Knox, County Attorney, stated this is just a request for an attorney client private session with the Board for the case of Brevard County v. Jimmie Crowder.

The Board approved scheduling an executive session with the County Manager and appropriate staff to discuss strategy for Brevard County, Florida v. Jimmie Crowder Excavating and Land Clearing, Inc. and Allied Property and Casualty Insurance Company, to be held before the Regular meeting on November 7, 2017, at 4:00 p.m.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kristine Isnardi, Commissioner District 5
SECONDER: John Tobia, Commissioner District 3
AYES: Rita Pritchett, Jim Barfield, John Tobia, Kristine Isnardi
ABSENT: Curt Smith

ITEM VI.B.2., BOARD APPROVAL, RE: FY 2017-2018 COMMUNITY ACTION BOARD COMMUNITY-BASED ORGANIZATIONS (CBO) RECOMMENDATIONS

Ian Golden, Housing and Human Services Director, stated this is a request to approve and complete the Fiscal Year process for Community Based Organizations (CBO) obligations; there is an error on the Agenda Item itself, March 7 is when he originally meant to bring the item, the Board actually voted on it on April 11 at a Workshop; the Board previously voted and approved the RFP Process and committed the funds; this is just a completion of that process; and the Community Board reviewed the applications and are presenting their recommendations for funding.

Commissioner Tobia stated it seems as though there was quite a bit of favor of money being used for the Aging Matters Meals on Wheels Program; that one did not make the list; he looked at the rubric which was extremely generic; his suggestion would be to switch the \$94,000 odd dollars from the Brevard Alzheimer Foundation to the Aging Matters Meals on Wheels for a couple of reasons; one being that Aging Matters would deliver approximately 120,000 meals which is 120 un-duplicated seniors that it would be serving; and the Alzheimer group was a small fraction of that amount. He added on top of that he went into the filing for the Brevard Alzheimer Association and while he is sure they are wonderful, the organization seems to not be run very well, and they have been through numerous directors; there was a swing in programming services of almost \$800,000 this year; expenses exceed revenue by \$439,000; and it appears as though Brevard Alzheimer Foundation's financials are not being done in a way that the County needs to get involved with. He mentioned his suggestion would switch it over to impact as many seniors, and an organization that is showing positive financial results, that being the Aging Matters.

Commissioner Isnardi stated the first thing she noticed about this is the Board really talked about reducing the CBO funding; she thinks looking at the list, while every charity is wonderful, she thinks food has to come before everything; feeding has to come even before transportation, even though transportation is important for Doctors appointments and such, but feeding out ranks anything else on the list; and she would be in support of those getting priority. She commented she knows it is difficult for Mr. Golden because he has his own selection committee; that is why it comes before the Board so it can have the ability to move things around; she hates to take from one and give to another but feeding will always trump transportation or daycare, even though it is needed, she does not question that, but she would rather put food in the belly than provide other services.

Mr. Golden stated he had put in the RFP that the final decision is that of the Board, and everyone is aware of that; and in light of what was said, he believes that the Alzheimer's Agency is here and he would like them to have the opportunity to potentially respond to those questions and concerns.

Tim Timmerman, Director of Operations of Brevard Alzheimer Foundation, stated he does the CBO process every year; it is a competitive process and it is not easy; they do 10 to 15 grants and this is probably the most important one because it validates the community wants and needs them; the volunteer action board reviews all of the applications and they provide a very important service to this community; they have 100 people in their custody who would be home wandering around, driving, and may be a danger to themselves or others in the community; and if this money is taken away some of those people may be left home alone, which is the daycare element. He added transporting seniors to their doctors is a very important element, as well as getting to the grocery stores and the pharmacies; this agency does a door to door service for up to 1,200 seniors a year to get them to the doctor; and they buy their food from Aging Matters so they are all in this together, but to switch all of their money would be a blow to their budget and would affect many people who need it the most.

Janice Miller stated she knows the Board has a lot of difficult decisions to make; the Board is also correct about the agency's budget; the past director and management made some severe changes because of the budget consequences that the Board addressed; they are on target to have a balanced budget this year; be aware that the agency does not turn anyone away who comes to their door, whether they can afford to be there or not; and they feed the elderly too. She reiterated she knows the Board has some difficult decisions to make; she believes there is enough money to go around to everyone, not just to a select few; and she asked the Board to open their hearts and do the right thing for all the non-profits because they are not in competition, they work together to serve the community.

Jim Leisenfelt, Interim Assistant County Manager, stated he is not defending Alzheimer grant applications or anything like that; Alzheimer's lease vans from the County Agency to take folks into the different centers, doctor's appointments, and the like; the \$52,000 they draw with them is elderly and disabled funding from Florida Department of Transportation (FDOT) and is a 50/50 match to help them with transportation; so that is at least \$100,000; under the American Disability Act (ADA) Transit, if they were to run a fixed route service and a person qualifies for ADA and asked for a paratransit trip and the trip qualifies, they have to be taken; he does not know how many of the Brevard Alzheimer patients would qualify, but he would imagine it is a good size number, but that could fall back on the County to do the trip, which cost about \$70 per hour to operate a vehicle and he would guess they could get four to six people on a pick up, but he does not see the County doing the same amount of transportation that they do with that \$50,000; and they are really good to work with, but if they came back and said these are ADA eligible folks it would cost the Transit Service Department more money than what the County would be giving to the CBO.

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Vice Chair Pritchett inquired if the County would have to do an individual pick up at that point to get people place; she stated the County does not have the people to watch over them either.

Mr. Liesenfelt stated he is just talking individual folks, he is not talking about their health capabilities or what oversight they might need; and this is a case of they are doing it for cheaper than what Transit could do it for.

Commissioner Barfield stated the Aging Matters, Meals on Wheels is huge; and just a thought, the Board may want to consider shifting the Alzheimer's Adult Day Healthcare funds to Senior Nutrition and keep the transportation services for the elderly.

Vice Chair Pritchett stated the Meals on Wheels is one of here very favorite things; she has participated in the past and has had family members be able to stay in their homes because of it; someone called the office and she thinks the process is good and she understands why she did not make it with that amount; she is probably going to request that the Board do something for Meals on Wheels anyway because they get such a huge funding ratio with grants; and her ideology is if the County is going to pay for it one way or another, and if they end up in nursing homes because they cannot stay at home, that cost is exponentially larger than just giving them meals at home, so it is an advantage to the County. She continued during discussions, the Board decided to go with what Mr. Golden is doing with this; if the Board is going to do this now, she thinks the Board should just pick the ones they want to support instead of making Mr. Golden go through this process, because that is basically what is happening, the Board is trumping what he came back with; she has not had the opportunity to sit with all of these groups, but at this point she would have to go with his recommendation; that is what the Board sent him out to do and they are the people who sit and listen and go through all the paperwork, unless the Board wants to change it in the future to where the Board takes the amount of money and have discussions of what it thinks would be the ideal entities to fund; and she is more in favor of supporting the list that was provided. She commented she may be trying to find some places where the County has funds saved up so it can help aging matters.

Commissioner Isnardi stated this is why she does not like CBOs; she could pick three that she would not have on the list at all and she would probably pull on a couple others; she knows all the work helping seniors of Brevard does and they were not granted anything; she has sent people to call them who have received advice and directed towards the agencies they needed to get set up for Meals on Wheels or otherwise; and arguably these are all great programs, however, she will always choose food over transportation or daycare. She went on to say she would support Commissioner Barfield; she does know whether to take the total amount, and take half of it, because their original request was for \$75,000 for Aging Matters or just to take the \$42,000; she thinks the \$42,000 would be easiest, or the Board could just start picking off percentages of some of the others, but that could get really muddy and people could get angry, and it would end up being tabled; therefore she believes the \$42,000 is the easiest solution.

Commissioner Barfield stated the Meals on the Wheels saves the County money and that can clearly be shown in the budget; the County pays \$6.8 million in Medicaid matching, and Meals on Wheels makes people self-sufficient so they do not have to go into nursing homes or long term facilities where it is paid for out of Medicaid; he does not know if the County ever worked this through and he has not sat down and gone over the numbers; he noted he probably has to ask Aging Matters what the age levels are and how many age levels; he believes they could actually come up with a number, they have people over 100, 90, and 80-years old; that is legitimately what the County needs to be doing; he thinks the Board should send this back to staff and let them reduce some on all of this and come up with a number for Aging Matters, Meals on Wheels, because he believes this is something that can show a direct return on; and he stated he would like to see the Board do that.

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Commissioner Tobia stated it sounds there is a split Board here without Commissioner Smith, therefore, his suggestion would be to table it until the next meeting; he feels bad for all of the CBOs who dutifully showed up to defend; they should not have to offend, they do great work and his suggestion to cut this was part so the Board would not have to get into these discussions because everyone provides services for the County with limited funds; and it is very hard for the Board to arbitrarily say one is more important or provides better service than another one.

Commissioner Barfield asked if Commissioner Tobia would like for them to come back with some alternatives.

Mr. Golden inquired if he could seek clarification regarding what the Board wants him to bring back; he stated right now all the agencies are recommended to be funded at 70 percent; he inquired if the Board is seeking for him to bring back, for example a negotiation seeing if they would accept 60 percent to be able to fund Aging Matters to some extent; and he inquired or is the expectation that he would skip the agency that scored higher than Aging Matters and also did not receive funding.

Vice Chair Pritchett inquired if the \$180,000 that was moved over at hurricane time was completely utilized or if there was any funds left over that could be moved into this to take care of Aging Matters.

Mr. Golden stated they are at the very beginning of the expenditure of those funds because they were new year dollars and they are only three weeks into the new year; they have just about finalized the procedure that will be utilized; therefore, at this point he could not say whether all those funds are going to be accessed or not.

Vice Chair Pritchett stated maybe he could provide more clarification when he comes back with this in case there are some funds left over because those are the type of funds the Board was looking for.

Mr. Golden stated he could probably tell the Board where he is at, but he reiterated the next meeting is November 7 and there will not be a lot of expenditures between now and then.

Commissioner Isnardi inquired if the Space Coast Center for Independent Living is for mentally challenged individuals or for seniors.

Mr. Liesenfelt stated he does not know what is on the application but their transportation program operates anywhere from two to five vans with what grants they receive; those are folks that have to have a disability and the majority be physically disabled; they take them to doctor appointments and things like that; they also use them in the evening for activities when the County buses are not running; and when he started in 1990 they were leasing vans so it has been about 30 years.

Mr. Golden stated the Need a Ride Program's scope is about enabling persons with disabilities including elderly, veterans, and disadvantaged transportation to medical or legal appointments.

Commissioner Isnardi stated she was asking because that is a pretty large sum that they receive.

Mr. Liesenfelt stated they access the same State grants that Alzheimers does to pay for it.

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The Board tabled consideration of the Fiscal Year 2017-2018 Community Action Board, Community Based Organization recommendations to the November 7, 2017, Board of County Commissioners meeting; and directed staff to bring back recommendations.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Rita Pritchett, Jim Barfield, John Tobia, Kristine Isnardi
ABSENT:	Curt Smith

ITEM VI.F.1., RESOLUTION, RE: APPROVING THE ISSUANCE BY BREVARD COUNTY HOUSING FINANCE AUTHORITY OF MULTI-FAMILY HOUSING REVENUE BONDS (CRANE CREEK SENIOR APARTMENTS PROJECT)

Scott Knox, County Attorney, stated this is another bond issue that requires the Board's approval; it is being issued by the Brevard County Housing Finance Authority; the Board approval is required for the tax free treatment.

The Board adopted Resolution No. 17-217, to allow the Brevard County Housing Finance Authority to apply for and issue an allocation with the Florida Division of Bond Finance for a multi-family housing revenue note to finance the acquisition, renovation, and equipping of Crane Creek Senior Apartments.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	John Tobia, Commissioner District 3
AYES:	Rita Pritchett, Jim Barfield, John Tobia, Kristine Isnardi
ABSENT:	Curt Smith

ITEM VIII.B., BOARD REPORTS, RE: SCOTT KNOX, COUNTY ATTORNEY

Scott Knox, County Attorney, stated because the Board is cancelling the afternoon executive session on the Williamson case, it has to be asked for another executive session; therefore, he is asking for an executive session for November 7.

The Board approved the cost of advertising for, and the scheduling of, an Executive Session on November 7, 2017, at the beginning of the Regular meeting of the Board of County Commissioners, pursuant to Section 286.011(8), Florida Statute, for the purpose of discussing litigation strategy and expenditures in the case of Williamson, et al v. Brevard County, for Case No. 6:15-cv-1098-JA-DCI.

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

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

Commissioner Barfield stated last week at the TPO meeting the Board barely had quorum and he was the only County Commissioner there and he thinks those on the Commission Board need to start attending those meetings and others.

Vice Chair Pritchett stated she was under the weather that day.

Commissioner Isnardi stated she was headed to Canada at that time.

ITEM VIII.E., BOARD REPORTS, RE: JOHN TOBIA, DISTRICT 3 COMMISSIONER

Commissioner Tobia stated because of the sensitivity of this he is going to read a prepared statement. He read, "According to Brevard County Administrative Order 41(3) (G) (3), verified misuse of County Purchasing Card is to be reported to the County Manager. If the County Commission was notified by email of improper request for travel reimbursement on July 25, 2017, I began taking steps to review the travel and expenses of all Brevard County Commissioners Offices, though I am not subject to Administrative Order, I believe County Commissioners should be subject to the same standard and ethics that all County employees are. In the interest in transparency, I have chosen to make this report in sunshine at a public meeting. My brief examination of travel and credit card usage by County Commissioners Offices revealed the following potential violations and inconsistencies 1.) Chairman Curt Smith was reimbursed on a travel voucher for extra leg room on a flight to Colorado Springs; Administrative Order 21(3) (a) requires the use of the most economical travel available. 2.) Chairman Curt Smith received reimbursement for his wife's baggage on a trip to Colorado Springs, employees are not permitted to receive reimbursement for guest travel as Administrative Order 21(5)(F)(3) states that false travel expenses are subject to prosecution. 3.) Chairman Curt Smith charged his purchasing card with multiple tickets to a fashion show, under Brevard County Policy 92(4) charges for guest events, fees, or tickets are not permitted. 4.) Chairman Curt Smith received travel reimbursement for mileage to a Republican Women's Network lunch, Florida Statute 112.061, requires all travel to be within the official capacity of travel and for public purpose. 5.) Chairman Curt Smith received travel reimbursements for mileage to a Brevard Republican Executive Picnic, Florida Statute 112.061, requires all travel to be within the official capacity of the travel and for public purpose. 6.) Chairman Curt Smith received travel reimbursement for mileage to Republican Liberty Caucus Constitutional Day dinner, Florida Statute 112.061, requires all travel to be within the official capacity of the travel and for public use. Because an investigation by the County Manager may result in conflict of interest, I request that the Brevard County Clerk of Courts Office conduct an investigation into Chairman Curt Smith's travel expense and use of County Purchasing Card. I further request that the Clerk's findings be reported in a public meeting. In the Interest of fairness, I request the same be done for my travel expenses and use for County Purchasing Card." He went on to say he has all the documentation that he will be handing out to the Board at the conclusion of the meeting.

ITEM VIII.F., BOARD REPORTS, RE: KRISTINE ISNARDI, DISTRICT 5 COMMISSIONER

Commissioner Isnardi stated obviously if there has been a misuse of funds she wants it to be addressed, however, Chairman Smith should probably be there to respond, and then she thinks the Board can discuss how to move forward. She stated she has a couple questions, and it is probably more for a meeting but she did not want to waste Virginia Barker, Natural Resources Management Director's, time and staff resources without talking to the Board first; she understand the County has several Lagoon projects, the Lagoon board, Lagoon studies, and she would like to see about using some of the half-cent sales tax to address the infrastructure; she believes that should be priority considering the millions of gallons of raw sewage that was dumped into the Lagoon; she believes the infrastructure has to change on the priority level

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when compared to oyster beds and educational type of programs; and she understands the tone, given the Indian River Lagoon (IRL) board and certain people have different ideas of what priority should be, but she believes that one is black and white. She continued to say she thinks all the efforts for the IRL are for nothing if the County continues to drop raw sewage into the lagoon, therefore, she reiterated she thinks infrastructure needs to be a part of that plan.

Vice Chair Pritchett inquired if this could be brought up at the next meeting with Ms. Barker there, to have that discussion.

Commissioner Isnardi stated she just did not know if the Board was the appropriate place, if the Commission was not even interested in exploring it; she could have asked Ms. Barker earlier but she does not know how much time and effort needs to go into it; and she does not want to waste anyone's time because in a public meeting Ms. Barker could not possibly answer all of her own questions, let alone all of the Board's questions. She continued she just wants to know the Board's opinion and if it would be willing to consider it because all that money is slotted; they have project after project on the shelf waiting to go and this would change things some; and she thinks it is crazy to move forward with all these little, some medium, and some large projects without addressing the obvious elephant in the room of raw sewage in the Lagoon.

Commissioner Barfield stated the Utilities bonded out about \$170 million and he thinks maybe the Board needs to review their capital improvement plan to see if priorities can be shifted, because the money is there and they are going through a lot of the design and the construction over on beach-side; maybe the Board should talk to Utilities and have them present what the plan is; and then the Board could re-evaluate and prioritize that.

Commissioner Isnardi stated she is sure some of that utility capital improvement has to do with expansion of lift stations and has more to do than just place pipes in the ground; and she does not think it should all fall on Utilities if the issue is the Lagoon.

Commissioner Barfield stated he thinks it would be nice to receive a presentation on that, so the Board can see and understand where the holes are because he does not remember.

Vice Chair Pritchett stated she thinks that would be good too; she has the same opinion that the infrastructure is very important and this would also take care of the IRL issues; and she thinks the Board is looking for avenues on how to have funds available to take care of the issues.

Upon consensus of the Board, the meeting adjourned at 1:30 p.m.

ATTEST:

SCOTT ELLIS, CLERK

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