

Kimberly Powell

From: Kimberly Powell
Sent: Monday, December 12, 2016 3:11 PM
To: 'Lewis, Sally A'; 'Scott.Knox@brevardcounty.us'
Subject: 11-01-2016 Regular Minutes Approval
Attachments: 11-01-2016 Regular.doc

Attached are the minutes of November 1, 201, which will be considered by the Board on December 20, 2016.

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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 November 1, 2016 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
Robin Fisher	Commissioner District 1	Present	
Jim Barfield	Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Vice Chairman/Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

INVOCATION

The invocation was provided by Pastor Lou Figueroa, Calvary Chapel, West Melbourne.

PLEDGE OF ALLEGIANCE

Chairman Barfield led the assembly in the Pledge of Allegiance.

MINUTES FOR APPROVAL

The Board approved the August 9, 2016, and September 20, 2016, Regular Meeting minutes.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM I.A., PRESENTATION, RE: EMPLOYEE DEVELOPMENT PROGRAM

Stockton Whitten, County Manager, stated Leslie Jones will lead the Board through the Presentation of the Employee Development Program.

Leslie Jones, Employee Relations Manager, thanked the Board for making the training program available to employees; the Employee Development Program assists employees with interpersonal and communication skills; it prepares them for continuous improvement of the team building process; and it guides them through the organizational philosophies and objectives that makes them better equipped to deal with the challenges facing local government today.

The Board recognized and presented Professional Development Certificates to Patricia Adams, Solid Waste Management; Chris Allison, Parks & Recreation/North Area; Sarah Bell, Titusville Library; Robert Biller, Central Services/Fleet Maintenance; Meri Beth Brewer, Dr. Martin Luther King Library; Adam Chalmers, Titusville Library; David Dezman, Utility Services; Jared Francis, Utility Services; Carol Gerundo, Parks & Recreation/South Area; Brian Greve, Eau Gallie Library; Logan Hemenway, Space Coast Government TV/Communications; Bonny Hibbard,

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Suntree/Viera Library; Conroy Jacobs, Planning and Development; Ed Mack, Solid Waste Management; Allison Matteson, Office of Human Resources; Jenna Sacino, West Melbourne Library; Jenna Sacino, West Melbourne Library; Jessica Taylor, Public Works/ Road & Bridge; and Laurie Tomboulides, DeGroot Library, who passed with honors; and Kinga Ataman, Planning and Development; Gina Auer, Information Technology; Permelia Boucher, Utility Services; Loren Clark, Utility Services; Steven Cruz, Parks & Recreation/South Area; Carla Dorman, Cape Canaveral Library; Joseph Filakosky, Jr., Natural Resources/Mosquito Control; Jessica Gardner, Parks & Recreation/North; Debra Hughes, Parks & Recreation/South Area; Shawn Kittles, Parks & Recreation/North Area; Krystal McCain, Solid Waste Management; Sheila Mulholland, Port St. John Library; Lisa Phillips, Parks & Recreation/South Area; Michelle Ryan, Facilities; Leslie Snyder, Utility Services; Mary Taylor, Planning and Development; and Jennifer Thomas, Utility Services, for successfully passing all three phases of the Professional Development Program.

ITEM I.B., PRESENTATION BY FLORIDA EMERGENCY MANAGEMENT DIRECTOR, BRYAN KOON, TO BREVARD COUNTY EMERGENCY MANAGEMENT, RE: EARNED ACCREDITATION OF THE EMERGENCY MANAGEMENT ACCREDITATION PROGRAM (EMAP)

Stockton Whitten, County Manager, stated this is a presentation by the Florida Emergency Management Director.

Bryan Koons, Emergency Management Director, stated the Emergency Management Accreditation Program is the official standard for Emergency Management Programs across the Country; it is an extremely rigorous accreditation program that requires thousands of hours of work on the part of the Emergency Management Team as well as all the other County agencies who may engage; it demonstrates proficiency in all facets of emergency management and the preparedness, the response, the recovery, and the mitigation phase; and upon completion of that accreditation, it demonstrates without a doubt Brevard County has the finest Emergency Management Program. He went on to say he is thrilled to be in Brevard County to recognize the Emergency Management Team as well as all the other County agencies and the Board; he stated he is proud to see Brevard County demonstrate their Emergency Management, and their performance during Hurricane Matthew demonstrated what a great team Brevard County has. He went on to mention later in the Agenda the Board will be approving the budget on the EMPA and EMPG Trust Funds for the Emergency Management Program; accreditation provides the County another \$10 thousand a year for five years, which is an extra \$50 thousand to the County's coffers; and that is a great thing to add to the budget.

Chairman Barfield stated he spent a lot of days during Hurricane Matthew at the Emergency Operation Center (EOC), and he would have to echo what Mr. Koons said; they are an amazing and professional organization; there were probably 180-200 people in one little facility to make sure everything went smoothly; and it was an amazing operation in how everything came together. He expressed thanks to the Emergency Management Director and her staff.

The Board acknowledged Presentation by Bryan Koon, Director of the Florida Emergency Management, who presented Brevard County Emergency Management, earned accreditation by the Emergency Management Accreditation Program (EMAP).

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ITEM I.C., RESOLUTION, RE: PROCLAIMING OCTOBER 30-NOVEMBER 5, 2016 AS WEEK OF THE FAMILY IN BREVARD COUNTY

Chairman Barfield read aloud, and the Board adopted Resolution No. 16-191, proclaiming October 30 - November 5, 2016, as the Week of the Family in Brevard County.

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

ITEM I.D., RESOLUTION, RE: NO-SHAVE NOVEMBER IN BREVARD COUNTY

Commissioner Smith stated it was his honor to proclaim October as Real Men Wear Pink Month; raising awareness for Breast Cancer; and his team raised over \$5,000. He read aloud, and the Board adopted Resolution No. 16-192, proclaiming the month of November 2016 as No-Shave November in Brevard County.

A representative from the Health First Cancer Institute thanked the Board for its support.

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

ITEM I.E., RESOLUTION, RE: RECOGNIZING THE FLORIDA ALLIANCE OF BOYS AND GIRLS CLUBS

Chairman Barfield read aloud, and the Board adopted Resolution No. 16-193, to celebrate the Florida Alliance of Boys and Girls Clubs.

Representatives from the Boys and girls Clubs of Central Florida expressed their appreciation for the Resolution. It was stated they serve 14,000 children in Brevard County in Public Housing; one in Mims and one in Melbourne and their club in Cocoa; many more children would like to be served; and The Florida Alliance is their 501C4 that helps them go to Legislature to field them for funding primarily for education.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Trudie Infantini, Commissioner District 3
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM II. CONSENT ITEMS PULLED

Commissioner Infantini pulled Items II.A.1, Approval, Re: Acknowledgment of Transportation Impact Fee Deferrals for Affordable Housing Projects, II.A.3, Transportation Impact Fee Reimbursement Agreement with the Viera Company, Re: Barnes Boulevard, II.C.3, Approval, Re: Sale of 2013 Pierce Tiller (Ladder) Truck, and II.C.4, Amend Current EMS Patient Billing Agreement with Intermedix to provide Consulting and Costing Services for BCFR's Participation

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in the State of Florida's Certified Public Expenditure (CPE) Program, Re: Enhancing Revenue for the Medical Care and transport of Medicaid patients.

ITEM II.A.2., PRELIMINARY PLAT/FINAL ENGINEERING APPROVAL, RE: CASABELLA PHASE 3 - CASABELLA DEVELOPMENT LLC

The Board granted preliminary plat and final engineering approval for Casabella Phase 3, subject to minor engineering changes as applicable, and developer is responsible for obtaining all other necessary jurisdictional permits.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Curt Smith, Vice Chairman/Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.A.4., AMENDMENTS TO INTERLOCAL AGREEMENTS WITH CAPE CANAVERAL, COCOA, COCOA BEACH, INDIALANTIC, INDIAN HARBOUR BEACH, MALABAR, MELBOURNE BEACH, PALM BAY PALM SHORES, ROCKLEDGE, SATELLITE BEACH, AND THE CANAVERAL PORT AUTHORITY, RE: MAINTENANCE AND REPAIR OF TRAFFIC SIGNALS, LUMINARIES, OVERHEAD SIGNS, ITS, AND OTHER TRAFFIC SIGNAL EQUIPMENT

The Board approved amendments to the existing Interlocal Agreements for maintenance and repair of its existing traffic signals, luminaries, overhead signs, ITS, and other traffic signal equipment with the Cities/Towns of Cape Canaveral, Cocoa, Cocoa Beach, Indialantic, Indian Harbour Beach, Malabar, Melbourne Beach, Palm Bay, Palm Shores, Rockledge, Satellite Beach, and the Canaveral Port Authority; and authorized the Chairman to execute the Amendments.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Curt Smith, Vice Chairman/Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.A.6., EMERGENCY ACCESS TO EASEMENT FROM RIVERVIEW TOWER, LLC IN FAVOR OF BREVARD COUNTY, RE: SITE PLAN 13SP-00220

The Board approved and accepted an Emergency Access Easement located on the site of Riverview Tower, LLC property.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Curt Smith, Vice Chairman/Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

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ITEM II.A.7., RESOLUTION, RE: RELEASE THE CONTRACT AND SURETY PERFORMANCE BOND TO HERITAGE ISLE, TRACT E. LENNAR HOMES, LLC

The Board adopted Resolution No. 16-194, releasing the contract and Surety Performance Bond dated March 15, 2016, for Heritage Isle, Tract E.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Curt Smith, Vice Chairman/Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.A.8., PERMANENT DRAINAGE EASEMENT (PDE) AND A TEMPORARY CONSTRUCTION EASEMENT (TCE) FROM DENCIL AND ANNA CHAPMAN, RE: COX ROAD DRAINAGE IMPROVEMENT PROJECT

The Board accepted and approved the recording of the Permanent Drainage Easement (PDE) and Temporary Construction Easement (TCE) from Dencil and Anna Chapman, to Brevard County, and waived the Phase I Environmental Assessment and survey requirements.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Curt Smith, Vice Chairman/Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.A.9., RESOLUTION RE: AMENDING "CROSS CONNECTION CONTROL PROGRAM" FOR BREVARD COUNTY UTILITY SERVICES

The Board adopted Resolution No. 16-195, amending the "Cross-Connection Control Program" for Brevard Utility Services.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Curt Smith, Vice Chairman/Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.A.10., APPROVAL, RE: ADDITION OF FORCE MAIN C-09 PARTIAL REPLACEMENT TO THE UTILITY SERVICES DEPARTMENT 2017 UTILITY CAPITAL IMPROVEMENT PROGRAM

The Board approved the addition of Force Main C-09 Partial Replacement Project to the 2017 Utility Services Capital Improvement Program, along with any associated budgetary changes.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Curt Smith, Vice Chairman/Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.C.1., AGREEMENT WITH FLORIDA DIVISION OF EMERGENCY MANAGEMENT, RE: FY 2016/2017 EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE GRANT OF \$105,806.00

The Board executed the 2016/2017 Emergency Management Preparedness and Assistance Grant Agreement with Florida Division of Emergency Management; and authorized the County Manager or his designee to submit and execute any additional changes, documents, budget actions, or amendments required under the Grant Contract.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Curt Smith, Vice Chairman/Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.C.2., AGREEMENT WITH FLORIDA EMERGENCY MANAGEMENT, RE: 2016/2017 EMERGENCY PERFORMANCE GRANT OF \$144,360.00

The Board executed the 2016/2017 Emergency Performance Grant Agreement with Florida Division of Emergency Management; and authorized the County Manager or his designee to submit and execute any additional changes, documents, budget actions, or amendments required under the Grant Contract.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Curt Smith, Vice Chairman/Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.A.1., APPROVAL, RE: ACKNOWLEDGMENT OF TRANSPORTATION IMPACT FEE DEFERRALS FOR AFFORDABLE HOUSING PROJECTS

Commissioner Infantini stated this Item refers to giving a for-profit Organization that will be providing some subsidized low income housing impact fee credits; she was not supportive of re-establishing the impact fees; if the fee is going to be re-established for housing and anyone who is building houses for a profit should be subject to it; therefore, she is not in favor of waiving the impact fees or a portion thereof for this organization.

Commissioner Fisher stated this is an Ordinance that has been in the books; he questioned how the fee would be paid at a later date; and asked staff to address his concern.

Steve Swanke, Planning and Development Program Manager, replied this was adopted on August 8, 2006; it requires that a separate Agreement be adopted by the Board in the event the tax credit financing is approved and the developer wishes to proceed; that could include imposition of a loan on the property; and he is asking only for the deferral of the Impact Fees for 15 years, not the waiver.

Commissioner Fisher asked if that carries with the property; and he inquired how will the Board know if the fee is paid if the property changes hands, goes into bankruptcy, or something like that.

Mr. Swanke stated that would be addressed in the agreement; this has never been done before; this is the first instance where there has been an application for deferral; therefore, this is

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breaking new ground; but an appropriate agreement could be developed for the Board to consider, that would include a lien on the property, which would run with the property.

Stockton Whitten, County Manager, stated this is simply acknowledging that they have a right to apply for the availability of it; and when the Board gets to that point, its action could be that the deferral would be a lien against the property.

Cole Oliver stated he represents the housing developer on this project; he pointed out this is not really a waiver of the Impact Fee it is a delay in the payment, a timing issue; they are going to be developing should they win the grant from the State, which they have to have a local match to even apply for; and he stated that his client would be agreeable to a lien on the property in agreement as addressed to protect the County in the event something went wrong.

Commissioner Fisher asked how the lien works; it seems as though it would be hard to get financing if there is a lien.

Mr. Oliver replied it would be to the address with the lender and the County in the Agreement.

Commissioner Infantini stated she would be agreeable to modifying her Motion to include a lien to be placed on the property.

The Board authorized the Chairman to execute Florida Housing Finance Corporation Local Government Verification of Contribution - Fee Deferral Forms for Harbor Village, Luna Trails, and Orchid Lake projects acknowledging the availability of transportation Impact Fee deferrals for qualifying affordable housing projects, provided that the County imposes liens for the deferred portion of the impact fees for each project.

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

ITEM II.A.3., TRANSPORTATION IMPACT FEE REIMBURSEMENT AGREEMENT WITH THE VIERA COMPANY, RE: BARNES BOULEVARD

Commissioner Infantini stated this Item allows for the first \$12 million collected in Impact Fees go to reimburse The Viera Company rather than The Viera Company receiving Impact Fee credits in the amount of \$12 million on future development; she definitely did not support Impact Fees because she did not think there was a need; if in fact this Board believes there is a need for Impact Fees she cannot see the first \$12 million of the fees collected going towards repayment of improvements that were made by The Viera Company rather than having them use future impact fees toward the payoff of the improvements that they have made on the roads; and she feels it would defeat the Board's purpose of enacting the Impact Fees if it did not use the first \$12 million coming in to build new roads to make way for all the new development that is taking place.

Commissioner Fisher stated he thought part of the Development of Regional Impact (DRI) and other commitments were made; this was part of the overall agreement from years ago; and he asked for clarification.

Steve Swanke, Planning and Development Manager, stated it is not brand new; Florida Statute Chapter 380.06 concerning developments of Regional Impacts mandates that when

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development action is required of a developer and an impact fee is imposed by the local government for the same purpose that they receive credits on the basis of the full value of that exaction; therefore, there are outstanding Credit Agreements with The Viera Company for the Pineda Interchange, and for the Wickham Road Improvement Project; and he believes the County is obligated to give them credits based on State Law for the Barnes Boulevard contributions they have made.

Commissioner Infantini stated this is not foregoing the credits; what is being asked is for reimbursement of the funds expended, rather than Impact Fee credits; and she has supported them receiving credits all along, however; rather than reimbursing them the first \$12 million in Impact Fees, because there is an enormous need for road improvements, then perhaps the first \$12 million should go towards the roads, not paying back money that was already expended; and The Viera Company has a lot more houses to build and it will only take 2,800 more houses to reimburse them for their impact fees that they have paid out, now that the fee has been established.

Commissioner Smith asked if Impact Fees could be used for building new roads.

Commissioner Fisher stated yes.

Commissioner Smith stated they are for infrastructure in the area that they were collected.

Commissioner Infantini stated they are only for building new roads.

Scott Knox, County Attorney, stated the fees can be used for new roads.

Commissioner Smith asked where the County stands with this.

Attorney Knox stated he thinks the Statute requires either reimbursement of credit; he believes the County has agreements with the Viera Company for reimbursement; and he stated Mr. Swanke could correct him, if he is wrong.

Mr. Swanke stated Attorney Knox is correct; he pointed out this only applies to transportation Impact Fees collected after January 1, 2017, within The Viera Development of Regional Impact; and the actual impact fee would be paid by the builder and on a quarterly basis those collected funds would be reimbursed to The Viera Company. He went on to say this is done primarily as an administrative matter of convenience; if they were given credits then the County would have to track every individual building permit that within the DRI and award them a credit rather than collecting the money and having the software system to tell staff how much is due.

Commissioner Fisher stated he is quite sure Viera could give it the number; he knows they have made a huge investment in the County's road system; and granted they have impacted some of them, but there has been a lot of up-front money on their part, expansion, Barton, Wickham, and Stadium Boulevard, they are not only bringing people jobs to County, but building the roads also; he believes that Statute say it; the County has an Agreement in Place; and he asked the Board to support this Item.

Commissioner Infantini stated if the Agreement was already in place the Board would not have to approve it right now; it is in front of the Board right now for approval of reimbursement rather than granting them fee credits; and it is interesting to note that the only developer that came to speak in favor of re-establishment of Impact fees was The Viera Company. She went on to say it is unique that they are the one company that would benefit from the re-establishment of Impact Fees; and she believes it is a disservice to the community that the Board has been telling them that the County needs roads so badly, so it is going to re-establish the Impact Fees;

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but then give the first \$12 million will be reimbursed to a company rather than having them earning credits so they continue building. She continued she gives The Viera Company a great deal of credit because they have done a fabulous job of building, but she does not feel it is creating the purpose that was set forth.

Commissioner Fisher stated The Viera Company is probably the only company that is a contributing developer to Barton Road, Minton Road, Wickham Road, and Stadium Road.

Mr. Whitten stated Wickham Road is their project; Stadium Road is their project; Barnes Boulevard is a County project; but there were some dollars that were reimbursed to the County from The Viera Company on that project.

Commissioner Fisher replied that is what he thought.

Commissioner Smith asked if their DRI requires them to get credits.

Mr. Swanke replied that is correct.

Commissioner Smith asked if the moratorium in Brevard County allowed other developers to not pay and for Mr. Swanke to explain how that works.

Mr. Swanke stated they did not get their credits.

Commissioner Smith asked if they did not get their credits.

Commissioner Infantini stated nobody had to pay, there was a moratorium until development started taking place in the confines of the DRI's borders, once it does start taking place within the DRI borders, the borders of The Viera Company area; anytime a new building is built and any impact fees are paid for transportation they would go to The Viera Company; and the way she is proposing it is, every time The Viera Company builds a new building their tax credit would go towards the \$12 million credit, and it would offset them paying impact fees for the first \$12 million of Impact Fees incurred. She continued every time new people build they will be contributing towards roads in their area.

Mr. Whitten stated Commissioner Infantini hit the point for him; this is a reimbursement of the Impact Fees collected within the Viera DRI; they are paying in, but also building the roads and being reimbursed a portion of the cost of building those roads; and it is not Impact Fees that are collected from outside of the Viera DRI, it is the roads that are being built within the Viera DRI that are being reimbursed from the impact fees being collected in that DRI.

Commissioner Smith asked if what Mr. Whitten was saying is that The Viera Company continued building roads during that moratorium period and received no credits for it, and in their good faith, they went ahead and did it anyways.

Commissioner Fisher stated Wickham Road and Barton Road were roads a little outside of Viera's area so they made improvements to the County's roads.

Mr. Whitten stated outside of the DRI but still a part of the development order, still part of their responsibility as agreed to within the development order.

The Board executed Transportation Impact Fee Reimbursement Agreement regarding Barnes Boulevard between the County and The Viera Company; and authorized the Budget Office to execute any budget changes necessary to implement the proportionate share payment.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
NAYS:	Trudie Infantini

ITEM II.C.3., APPROVAL, RE: SALE OF 2013 PIERCE TILLER (LADDER) TRUCK

Commissioner Infantini stated this Item is to sell a Tiller Truck which is also known as a Ladder Truck; when the proposal came to purchase this Ladder Truck the vote was 4:1; she voted against purchasing it because she did not feel a Ladder truck was needed in Satellite Beach; even Satellite Beach said they did not want to pay for a Ladder Truck, they wanted a Pumper Truck instead; however, the County went ahead and purchased it; and now the County is selling it, because Satellite Beach said they did not want to have a joint agreement any longer to house it. She went on to say it was bought for \$900,000 and the County is asking to sell it for \$500,000; and she would like the Board to start thinking about prioritizing spending, to think of the what that \$400,000 could have gone to; the salaries that the Firefighters were asking for; there are a lot of good uses rather than buying property that the County does not need; and the Board is not doing its due diligence on whether or not things are needed by the County.

Commissioner Fisher stated that was not a true statement and he asked for backup.

Commissioner Infantini asked what part was not true.

Commissioner Fisher stated he is going to have the Fire Chief answer.

Commissioner Infantini asked Commissioner Fisher what was not true about it.

Commissioner Fisher stated it was part of the package of the whole Agenda; it was in the Budget Item; and when the Budget got approved it was approved for the Ladder Truck, it did not come back as an individual vote on it.

Commissioner Infantini stated two Ladder Trucks.

Commissioner Fisher stated he will let the Fire Chief explain.

Chief Mark Schollmeyer, Brevard County Fire Rescue, stated this particular purchase was approved in the 2009 budget; it was approved as part of the overall approved capital budget; and then purchased sometime later.

Commissioner Infantini asked if it was in 2013 and if it was to be placed in Satellite Beach.

Chief Schollmeyer stated no, they are talking about two different trucks; the actual Tiller was purchased in 2013.

Commissioner Infantini asked again if this was the Ladder Truck that was placed in Satellite Beach.

Chief Schollmeyer replied no

Commissioner Infantini asked if the County was going to sell that one.

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Chief Schollmeyer replied no ma'am.

Commissioner Infantini apologized to the Board.

The Board of County Commissioners, in regular session on November 1, 2016, approved the sale of the Department's 2013 Pierce Tiller (Ladder) Truck (PR# 334-0222); cost of the tiller truck at the time of purchase was \$938,864.00.

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

ITEM II.C.4., AMEND CURRENT EMS PATIENT BILLING AGREEMENT WITH INTERMEDIX TO PROVIDE CONSULTING AND COSTING SERVICES FOR BCFR'S PARTICIPATION IN THE STATE OF FLORIDA'S CERTIFIED PUBLIC EXPENDITURE (CPE) PROGRAM, RE: ENHANCING REVENUE FOR THE MEDICAL CARE AND TRANSPORT OF MEDICAID PATIENTS

Commissioner Infantini stated this Item deals with billing for emergency medical services; if taken somewhere by ambulance, there is a bill for the ambulance ride; and sometimes the County has a hard time collecting those fees. She asked if the 12 percent is going to be on the total collected or just on the incremental increase in revenue.

The Board approved an amendment to the existing Agreement with BCFR's EMS patient billing vendor, Intermedix, authorizing Intermedix to provide consulting and costing services for BCFR to participate in the State of Florida's Public Expenditure (CPE) Program for enhancing revenue for the medical care and transport of Medicaid patients.

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

ITEM III., PUBLIC COMMENTS

Ed Newmann stated he and his wife moved to Malabar in 2000; they live in a 130 home subdivision between Palm Bay and Malabar; in the last three years, the purchase of the Environmentally Endangered Lands (EEL) Property behind them has become a nightmare; they cut, slash, burn, and as of last Monday, they re-burned again; and they left no barrier or buffer between their backyard and the EEL property, which has been decimated. He continued apparently the focus is to establish a Scrub Jay habitat; he has been in contact with the Department of Parks and Recreation; he was sent some guidelines of what is going to happen in the future; apparently the criteria being used is to maintain an area that is 20-50 percent sand, one tree per acre, and the rest of the Scrub Jay habitat to be maintained at a height of no more than five feet; in the pictures provided is what the trees looked like five years ago; and now there is nothing there except way in the back. He asked the Board for a buffer between the homes and the Scrub Jay habitat because they are going to continue the process of this habitat, although there is already one in Brevard County on the east side; there are 26,000 acres already in EEL Program conservancy; Brevard County has 41 percent under protected lands, either St. Johns Water or other entities within the County; and he wants just 100 feet of buffer

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for his property between the EEL property. He went on to say he does not think that is unreasonable.

Stockton Whitten, County Manager, stated the best thing would be to have Mr. Newmann sit down with EEL's staff and bring it back to the Board to request it; he is not prepared to talk about it today.

Mr. Newmann stated he was not able to get on the Agenda, but he will in the future.

Commissioner Infantini stated her staff would work with him to place it on the Agenda if her staff cannot find a solution.

Charles A. Tovey Jr. stated he is going to take out his homework when he has to speak; but as a Brevardian, as an American Citizen, he has the right to speak anywhere; and it is all relative to Brevard County; and he thanked the Board for all their cooperation, the community and everybody for getting together for the main health of this community and this Country. He continued to say he has no way, he gets no-trespassed out of Brevard County in just about every public facility he enters to gain information; he is in a unique situation and he is looking for a liaison, not a spy or an aggressor, he is looking for somebody to work with to satisfy and cooperate with the County to get all these things taken care of; and he wants to get a community activist to coordinate all these people who talk about fixing the Lagoon, but no one is doing it. He continued to say he wants an honorary membership; either way he feels there needs to be someone to navigate and coordinate all these agencies together; although there are some, there needs to be one specific agency to link all these areas together; and he does have plans. He went on he was up late, all night; he has aggressors; what he wants is the Freedom of Information Act (FOIA) information for, because his understanding is the building across the street is tax exempt for being a non-smoking building, yet they smoke on the property; and that is where a lot of his instigation is coming from. He continued to say the smokers are right outside of his driveway; all these other issues that are not attended to at his house, but they are attended to everywhere else; he has everything outlined; he needs to look over the County's rules and regulations to see where he fits in; he is looking for his special rules and regulations; and asked if there is anybody who wants to work with him to help him and the community to resolve these issues that have been going on since Palm Shores came up to him, surrounded his property, and tried to run him off his property. He asked where does he go; he stated he is looking for a friend, a community affairs person that will work together to resolve all his issues; he still has a lot of information that he will provide; he has to sort through his list every time; he will get it all worked out; and again, he asked for a liaison.

Commissioner Smith asked if he had his office number.

Mr. Tovey stated yes sir.

Commissioner Smith asked him to call his office.

Mr. Tovey stated he has.

Commissioner Smith told him to call him personally. He will return his phone call.

Mr. Tovey expressed his thanks, and stated if anyone would like an appointment with any agency he has help; and all he wants to do is help the situation.

ITEM IV.A., CONSIDERATION OF APPEAL OF KIMBERLY REZANKA, CANTWELL AND GOLDMAN P.A. ON BEHALF OF BAYTREE COMMUNITY DEVELOPMENT DISTRICT (CDD), RE: STAFF INTERPRETATION OF SEPTEMBER 8, 2016, SPACE COAST CREDIT UNION (SCCU) MARCH 17, 2015 BINDING DEVELOPMENT PLAN (BDP) (ORB 7326/PG 1611)

Chairman Barfield called for a public hearing to consider the appeal of Kimberly Rezanka, Cantwell and Goldman P.A. on behalf of Baytree Community Development District (CDD), for staff interpretation of September 8, 2016, Space Coast Credit Union (SCCU) March 17, 2015 Binding Development Plan (BDP).

Kim Rezanka, Cantwell and Goldman P.A., stated the Community Development District is also known as Baytree CDD; this is a very unique process for an appeal of a staff interpretation; she has five witnesses; and she asked that it be waived to allow them to present their case. She continued this is a due process issue and the Board is acting as a court. She commented she is here with Jason Showe, the CDD District Manager, Michael Pawelczyk the CDD District Counsel, Mel Melville a member of the Board of Supervisors, and Wilson McBurney, McBurney a landscape architect with Atkins, which is the district engineer; the Baytree Community Development District is a local special purpose government created by Ordinance as an alternative method of planning, acquiring, operating, and maintaining community wide improvements in the Baytree Subdivision; the Baytree Subdivision consists of 461 homes; the Kingswood community in Baytree has 48 homes; Kingswood is the street that abuts the Space Coast Credit Union (SCCU) to the south; and the Baytree CDD is here today, fully represented by its agents and members, because the Board of Supervisors and many of the Baytree residents believes SCCU has violated the Binding Development Plan (BDP). She went on to say SCCU has violated the BDP in failing to install a solid landscape buffer as required by paragraph two of the BDP; this is a community wide issue and does not impact a mere five residents as stated by Susan Hall at the October 18 community, County Commission Meeting; she asked how many times has the Board heard residents ask, "how are we going to hold the developer's feet to the fire to abide by its promises that it makes in its BDP?"; and the response is always "come back to us and we will enforce it." She continued that is what Baytree CDD is doing today; it first asked Natural Resources Department for help and Natural Resources responded "it meets Code", more telling Natural Resources stated in January 2016 that the buffer was only 50 percent opaque. She advised Natural Resources opined in September of 2006 a purely subjective opinion that the buffer was 70 to 75 percent of the expected mature screening in most areas; she asked how 50, 70, or 75 is in most areas equal to opaque; and she noted here is one of the pictures that was taken on October 24, just last week. She stated anyone can see straight through the slatted fence; opaque is from the Latin word meaning dark; and by any dictionary definition means not able to be seen through, impenetrable to sight, not transparent or translucent, not allowing light to pass through and this is not opaque. She continued what is important to recognize in this appeal, is Baytree CDD is not claiming that SCCU violated Brevard County Code Section 62-4342 a type A compatibility buffer; it does have the definition of the landscape buffer requirements in Section 62-4342; and the type A compatibility buffer says where a fence or wall is required a type A buffer may be utilized in lieu of a fence or wall. She went on to say a fence or wall would be required between SCCU and the Baytree CDD; it is a residential Subdivision; the type A buffer shall be completely opaque from ground up to a height of at least six feet; a minimum 20 foot wide vegetative area shall be provided; and the opaque buffer may utilize a masonry wall, wood fence, landscape earth berm, planting or existing vegetation or any combination thereof that maintains the completely opaque buffer. She stated the true issue before the Board is whether SCCU has lived up to its promises as reflected in the BDP, not whether it lived up to a type A buffer; SCCU promised three things in the BDP which is on page 233 of the Agenda packet; the BDP, paragraph two says the landscape buffer shall be installed by developer on or before six months from the date of issuance of the initial building permit of the project; the buffer shall be a solid landscape buffer

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and shall screen buildings B - D as shown on exhibit B; therefore, they were to install a landscape buffer within six months, it was supposed to be solid, and was supposed to screen buildings B - D. She continued exhibit B of the BDP, shows the green slatted fence, Kingswood Way, and building D that is now under construction; and she pointed out the building that is to be constructed, as part of the Binding Development Plan. She went on to say on October 24, 2016, the buffer was not solid, not within six months, and it does not buffer existing buildings or building B under construction; SCCU's response to Baytree CDD has been frankly dismissive; SCCU claims it did more than the code requires; SCCU stated to the Board on October 18, that it anticipated the buffer to be complete after a reasonable amount of time, three to five years; and Baytree CDD did not negotiate a BDP merely to have SCCU meet code requirements of a type A landscape buffer and it never understood the buffer would not be complete for three to five years.

Chairman Barfield asked Ms. Rezanka if she was going to read all this, or have somebody else speak, because she was way over the five minutes, already.

Ms. Rezanka commented with all due respect, this is an appeal; this is a quasi-judicial proceeding; and she needed time to present her witnesses.

Chairman Barfield stated the Board goes by the cards and she asked her to finish up and let somebody else who has a card speak.

Ms. Rezanka replied alright. She went on to say SCCU as seen in the packets, promised that the landscape buffer would stay as existing; in the Agenda packet from the December 4, 2014, Agenda there was an Agenda packet, and a site plan that said the buffer was between Baytree to the south; this project was previously approved to be a mix of fencing, and preserved vegetation; and as the photographs show, the existing landscape was completely destroyed. She stated in fact Mr. Nohrr stated to the Board on December 4, because she watched the video again last night, that the buffer would remain; the representatives repeatedly said the buffer would stay, so this was in the Agenda pack from December 2014; and on the back side is an exhibit that was provided by Mr. Nohrr that shows what they did is they merely put an overlay on the existing conditions and they showed the landscape that was existing, so Baytree CDD believed that the existing landscape would stay. She stated the exhibit shows that existing landscape did not stay; SCCU clearly cut almost all existing vegetation; if that is what they planned to do, that should be forthcoming; they failed to live up to the requirements of the Binding Development Plan to install a solid landscape buffer within six months; and Baytree CDD never asked for the buffer to screen the existing buildings, which it does not because it justifiably relied upon Space Coast's representation that the existing buffer would stay.

Chairman Barfield asked Ms. Rezanka to please finish up; and stated the Board has read the package and will ask questions if they have any.

Jason Show stated he works for governmental management services and serves as the district manager for the Baytree Community Development District; he has done it proudly for over nine years; and his responsibilities include running the day-to-day operations of the Baytree CDD under direction of the Board of Supervisors. He commented he took some photos of the sight, and he believes they start about page 298 in the Agenda Packet; they were taken on October 24, 2016; this is approximately nine months after the buffer was installed; the first photo is from Kingswood Way and Ashburn Court; and it is approximately 50 feet south of the property line. He continued the next three photos are to the west, which is 8017 Kingswood Way and that is about 65 feet from the property line; he took those straight from the driveway without any zoom; in all these photos, anyone can see straight through the fence; and in any case, where that building is being constructed, that building is clear as day, from every angle. He stated the next photo included actually shows through their site, through their buffer, through Wickham Road

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and to the car repair place on the north side of Wickham Road; additionally he took some photos where the parking lot is viewable, and actually the construction site's vehicles are viewable right through the fence; and he provided some photos from 8007 Kingswood Way, which is the far east of the project. He went on that is approximately 35 feet south of the property line; they have also provided some video, which he asked to be run, which again demonstrate the view directly through the fence.

Commissioner Infantini asked if Baytree would rather have a concrete wall.

Mr. Showe replied they do have a landscape architect who will speak of some preferred options. He stated all of these photos demonstrate the buffer that is in place is neither solid nor does it screen buildings B through D, which was a specific requirement of that BDP; additionally, he pointed out that the Baytree CDD has been incredibly proactive in not coming here today; they wanted to resolve these issues far in advance and to do that they have provided the Board with some memos that we've sent directly from our office; and the first memo is from April 2015. He went on to read some key highlights of this memo; he went on to say this is April 2015, and they noted that much of the existing vegetation will be destroyed during construction; that speaks to the fact that they did change their plans after they saw it; they noted that the bamboo, as planned would not provide the buffer; and they asked for a tighter planting of bamboo. He continued they also asked for a berm which would go the entire length of the project; which would help plants grow and also provide a better visual buffer; and they did not receive any comments of substance on that, in response, and that was sent to both the SCCU and Robin Sorbrino, Planning. He stated they reviewed the final landscape plan in July 2015, sent this memo, again with their concerns; the Silver Saw Palmetto, which will take several years to provide any value buffering; the Oak trees, Pine trees, and Bamboo will not provide immediate buffering; the soil should be bermed up to help the plants grow, and also provide a bigger buffer; and the BDP requires a solid landscape buffer that shall screen buildings B - D. He went on to say the BDP does not limit the height of the buffer or allow for a five-year grow-in period; the screening shall perform upon installation; and that was the expectation of the BDP. He stated once they saw construction they did send a letter which went to the County Manager, SCCU, and Planning; during several public meetings, prior to the recording of the BDP, SCCU represented to the Districts, the residents of Baytree, and the County, that once the landscape buffer was installed the residents of Baytree would not be able to see any portion of the SCCU Project; and based on that representation they have prepared to require the solid landscape buffer at the time of installation and all parties to the BDP agreed to that clear and unambiguous standard. He went on to say it is with the evidence presented to the Board, that they believe the buffer is not solid nor does it screen buildings B-D, which is a requirement of the BDP.

Commissioner Fisher asked if at one time it was an option to put up a wall.

Mr. Showe replied he does not believe that option was ever presented during this process and that it may have been prior to his time.

Jason Bartlett stated his understanding, in the initial building construction in 2000-2001, he was not around, but he believes that Baytree CDD did not want any kind of concrete wall, so Space Coast elected to use an entire landscape buffer over the developed portions of the property.

Commissioner Fisher stated he thought he had heard that; and he does not understand how to get 100 percent blockage without having some kind of growth.

Michael Pawelczyk stated his firm has served as District Counsel for Baytree for approximately 10 years; they came in right before Mr. Showe did, as District Manager; when the new Board came in, they were changing professionals in there; and he will be brief. He continued his experiences include doing special district work for 10 years; he has been a municipal lawyer;

has served in positions of a County Attorney; and he has negotiated, reviewed, and looked at thousands of agreements during his career since 1995. He went on to say he has been involved in this, including interlocal agreements, like the development agreement they have here, the BDP, and similar types of documents; this item came to him in 2014, when the District was concerned that their monument was going to be removed, the monument at Baytree and Wickham, and that was what really reciprocated this. He stated the District met, they were able to contact the County staff, Commission, and eventually SCCU through their Counsel, Phil Nohrr and they started talking about this; at the CDD Board meeting in December of 2014, the primary focus that was presented by the Board was to protect the monument; and they were concerned about the buffering of the Kingswood Way corridor while at the same time maintaining the aesthetics that are at Baytree now. He continued there was a landscape buffer already there, it included invasives, but was already there; they were under the impression that the buffer was going to stay; the invasives were going to be removed, not that the whole thing was going to be clear cut; and the landscape plan, which had not been presented to them yet because it was not done, was going to include supplementing that, therefore, it would in fact be a solid landscape buffer. He went on regardless of what the Board thought it was looking at, that is what was always intended; that was what was represented to him by Counsel Mr. Nohrr; and that was what was represented to the Board of Supervisor's by Mr. Nohrr, and those presenting to the CDD Board. He stated that was what he represented to Commissioner Smith when he came to a Board meeting to speak regarding this matter; that was always clear in that regard; if we were to negotiate any agreement that said that the landscape buffer should meet the minimum requirements of the Brevard County Code then that is what they would have put in the agreement; and they would not have called it a solid landscape buffer. He continued there was documentation, slides, and poster boards presented that showed a site triangle from the top of building D, and once the solid landscape buffer was installed no one should be able to see a Baytree home; therefore, the Baytree home would not be able to see the top of that building. He reiterated that was always the intent; that was what was represented to them, and that was what they understood. He stated the other thing is the slats on the fence; they had never discussed putting slats on the fence to make it opaque because it was already opaque; and the buffer was already opaque, it might include invasives, but they understood that the chain link fence would stay or a new fence would be installed, and that the landscaping would grow through the fence. He continued the new landscaping with the existing fencing would be opaque or a solid landscape buffer. He pointed out there has been a lot of mention that the SCCU will provide the District with \$30,000; that \$30,000 was intended to supplement the solid landscape buffer and to lessen the impacts that this development was imposing upon the Baytree Community; paragraph three does not say that all that landscaping has to go along Kingswood Way to help buffer the SCCU property there; it was included because they were not sure of what the impacts were going to be on Baytree Drive where the monument is, and that is why they made that particular provision flexible, for irrigation, upgrading the landscaping along Baytree Drive where the monument is, all the way up to where the entrance of the District or the residential community, and maybe use that limited space between Kingswood Drive and the SCCU property to put some additional trees in there to help buffer, or supplement the solid landscape buffer, not the class A buffer that they are referring to, or the buffer that meets the minimum standards required by the Code. He noted he was asked to just basically say what the intent was; that is what his notes reflect; that was what his telephone calls with Mr. Nohrr were; and that is what the minutes reflect in the Baytree CDD meetings in which SCCU appeared, and that is what was represented to him.

Melvin Mills stated he has been a resident of this beautiful County for 14 years having come from Maryland; He can appreciate the Board's input and the County's concerns, especially economic development; he was politically involved up in Maryland, and served on the Economic Development Commission up there for 20 something years, also the Baltimore Regional Planning Council; and he went on to introduce Nancy O'Hara, Maria Hernandez, and Ed Rizzotti. He continued they represent 461 homes in Baytree, 923 voters, with over \$2 million

dollars in taxes; they take care of their own streets, sidewalks, and all of the common area that the residents of Baytree enjoy every day; and he can certainly appreciate economic development but there are two sides to economic development. He went one to say one is reducing the tax burden on residential home owners; one of the things that the SCCU has done is put the burden on the Baytree residents; this is not just a Kingswood issue, it is a Baytree Community issue; and when entering the front gate to the right there is construction going on. He commented he is not going to repeat what has already been said; he was told that there would be 25 foot trees minimum and have 18 foot trees; that is not what was understood would be there; they watched as the installation of their buffer was put in; they saw that they took out; and they did not ask for that, it was County input to make it a solid buffer. He went on to say a fence is not landscape, it is hardscaping; and he asked the Board to see favorably for this appeal, and to enforce the BDP.

Willson McBurney stated he is a landscape architect and he works with a company called Atkins, who is the CDD engineer; he is here to speak on behalf of the CDD Board and the Baytree residents, specifically about this landscape buffer; and he will not repeat what others have said. He continued the residents, along with some of the staff, have understood that the solid landscape buffer would be solid when it was planted; the buffer would in fact buffer buildings B through D; the buffer is not solid; and the buffer does not screen the development. He went on to say in his opinion, this buffer is only about fifty percent effective today; in order for a buffer like this to be achievable, there are three variables, time, space, and money; and he feels those variables really have not been met in order to achieve this buffer. He stated proper planning and design of a buffer of this type really needs to happen upfront during the site planning process of a project like this; many times commercial development sites just are not designed to accommodate large landscape areas; this site is designed to accommodate parking, buildings, drainage, utilities, and things like that; and many times buffers like this are not designed early and upfront in the process. He continued many times the space required for these buffers is not even considered; he thinks this is a specific case where the buffer design should have been considered early; in his opinion, this BDP buffer should have consisted of eight foot tall earth and berm in order to elevate the plantings; and that would eliminate the need for slats in a fence or a wall which is a hardscape. He went on to say he believes 20 foot tall trees could be planted 10 to 15 feet apart in order to achieve this type of buffer; the bamboo that has been used should have been 25 feet tall upon installation and probably should have been planted about six to eight feet apart; evergreen shrubs should have been installed at about eight feet tall and six to eight feet apart; and the fence would not be necessary, except for security, and the slats in the fence would not be necessary because an eight foot berm would provide that eye level buffer that is necessary to screen cars in the parking lot, lights at night, and things like that. He commented this type of densely planted buffer does require special care; when trees and shrubs are packed together like that they need to be managed; they are creating a forest and it needs to be managed; and in the buffers current state, he thinks there are some things that could be done to amend it. He stated 25 foot tall trees could be planted in tighter spacings; additional bamboo should be planted at tighter spacing; even more dense understory of shrubs could be considered; and he feels that in order to effectively plant a buffer in this place that has been allowed, there should have been a tripled number of plants and larger than those that were actually installed. He went on to state there had been some conversation about placing a vine on the fence and that is certainly a viable option to hide the fence; the issues with that, technically there are wet soils in those areas, and vines do not typically like wet soils but it can be done; and there is the wind loading. He reiterated the Baytree residents expected a 26 to 30 foot tall buffer and really did not get that.

Rich Mercadante stated the issue is simple; the Credit Union entered into a three-way binding agreement with the County and the Baytree CDD, in which they committed to installing a solid landscape buffer that would completely screen the buildings from the community, just as they had before the project; that solid buffer was to have been completed six months from the time

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the first permit was issued, in other words, by this past January 30; it is now nine months since that deadline past; and SCCU have completely and utterly failed to meet that commitment. He continued on any given day, he and his wife look at the construction equipment, portable toilets, construction activity, and the backside of the headquarters building; last week he sent the Board pictures of the buffer before the project to show what it looked like in April after the deadline had past and again last week; and it has only gotten worse. He went on to say furthermore, the security fence is not part of the landscaping plan; no one is asking the credit union to over plant immature landscaping in order to provide the solid buffer; what they need to do, just as any other major business, as a good neighbor, is to plant mature landscaping to give the needed density and height; and his house is 190 feet from the berm and 390 feet from the closest building. He continued the trees along the berm need to be at least 32 and a half feet in height; for other homes along Kingswood Way, that requirement ranges from 33 feet to over 39 feet; he does not want a wall or a fence; they did not build their homes along I-95; and to put it simply, the landscaping needs to be at least 30 feet in height and mature to provide the coverage that was committed to; and he urged the Board to support the CDD's appeal and to enforce the Binding Agreement that it approved..

Richard Bosseler stated he lives next door to Rich and Jamie Mercadante; and he provided the Board with a very clear picture of the berm.

Albert Feucht asked the Board to support the appeal. He stated he attended a meeting at the CDD, where the representative from SCCU promised that residents would not be able to see anything; recently while have his car repaired, he was looking across Wickham and could see the houses on Kingswood Way; and he commented the current situation with the buffer is unacceptable.

Maria Hernandez stated she concurs with all of our professionals and residents who have spoken today; the Baytree residents have a signed agreement with the SCCU which has been violated; they did not get what was promised; the residents in the Kingswood neighborhood of Baytree have been awakened in the middle of the night with major construction noise that rattled the dishes in their china closets; construction at this time of night is in violation of County regulations, yet they continue to violate these regulations; and she asked where the enforcement is. She continued most of the residents of Baytree go to court at the residents expense to get County Regulations enforced; they have made their case to the Board today; and she hopes that the Board will seriously consider what it has heard. She went on to say they have been promised so much that has not been fulfilled, and they need the Boards help to protect the residents of this community from a major eye sore.

Nancy O'Hare stated she represents 461 homes and 923 registered voters as a Supervisor of the Baytree CDD; she wanted to echo and support her fellow residents in the District; the SCCU has not lived up to the terms of the mutually agreed upon Binding Development Plan; the buffer is not a solid landscape buffer which is required by the Agreement; and as a Supervisor on the Board, they worked extremely hard to craft a document that was fair to all parties and mutually agreed to it. She continued they were promised in the BDP they would have a solid landscape buffer that shall screen buildings B-D from the south, which is Kingswood Way; building B is under construction now and can be seen from all angles; and this is not what was negotiated. She went on to say they need the County to enforce the Zoning Ordinance and the BDP; she strongly urged the Commission to approve the appeal and to ensure the Space Coast Credit Union lives up to the commitments it made before the Baytree CDD Board.

Jason Bartlett stated he would like to address a couple of items that were brought up earlier; there seems to be some confusion over whether or not SCCU took down a landscape buffer; and he had explained to Chairman Barfield at meeting yesterday, that the original landscape buffer from the initial construction consisted of 150 to 160 feet of that 900 feet of the entire

property, and they had a small parking lot going all the way back, that abutted the Baytree property, and along that parking lot was where SCCU had installed a landscape buffer to maintain. He continued the entire 750 feet of the balance of that property was not cleared, or non-developed commercial property zoned AU, so in order to install a required landscape buffer they had to clear the undeveloped property and install the appropriate 20 foot width landscape buffer so that, just to have a clarification, the entire property from one corner to the other was not a landscape buffer that they took down; there was only a small portion, less than 20 percent of that was a landscape buffer that was removed in order to install a continuous buffer across the entire property; and another aspect was the issue of the \$30,000 to be used for Kingswood Way improvements, as well as Baytree Drive improvements. He stated the initial draft of the Binding Development Plan had limited that expenditure to the Kingswood Way corridor, and that was SCCU's initial intent; upon negotiations SCCU conceded as the request was made and further plans to be able to use that funds in other places on the property; and as far as the first building permit, it was issued on August 7, 2015. He continued the six months that is stated in the BDP, the Brevard County Natural Resources accepted the buffer on January 28, which was well before the required six months, so from SCCU's standpoint they called in the inspection; they operated on the last nine months, assuming Brevard County has accepted the landscape buffer; and they had installed it in the time required in the request by Brevard County. He went on to say the landscape plans were submitted according to the BDP to the Baytree CDD 15 days prior to their very first submission to Brevard County; they specifically did not give the Baytree CDD approval rights, but review rights anticipating that they would make comments, provide those comments to Brevard County staff, and let Brevard County staff through the permit approval process mitigate and apply the comments that they deemed appropriate according with the Code and the BDP; and he feels they did follow the Plan, and they gave them the 15 days required prior to the very first admission. He stated based on the initial comments of those plans made by Baytree CDD and Brevard County staff they made revisions prior to permitting approval to increasing the density as requested by the Baytree CDD; they increased the intensity and the plantings of the Oak trees and the Pine trees and then added large Wax Myrtles and Simpson Stoppers; and on the second review of their final plan the Baytree CDD landscape architect Willson McBurney stated, during his review of the final approved Plan, the Stoppers and the Wax Myrtles would provide a very nice under storage buffer upon planting and he also went on to state that the Oak trees, the Pine trees, and the Bamboo are sized and spaced to provide a very nice buffer upon planting; and those were Mr. McBurney's words after his review of SCCU's final Plan showing that they had made adjustments based on Baytree CDD's comments. He continued Mr. McBurney commented that the Bamboo will provide the quickest buffer, but is only directly adjacent to the new parking lot but it does not continue past the retention pond to give a complete screening from one corner to the other corner of the property; SCCU elected to spend an additional \$20,000 based on those comments to increase the density of the Bamboo and to continue the Bamboo screening all the way from one property corner to the other immediately behind the buffer; and SCCU has made other offerings in good faith. He stated Brevard County Code requires that a Type A buffer be 20 feet wide, so SCCU has a native buffer that is 20 feet wide, they have also added an additional 15 feet to the buffer beyond the code to add the Bamboo plantings for a total buffer of 35 feet; by doing this SCCU has donated over a quarter acre of commercial land on Wickham Road, which has probably close to a quarter million dollar value, to a landscape buffer that has no benefit to the credit union; SCCU has increased the height of the Bamboo from 15 feet on the approved Plan to 25 feet upon planting, there was only one grower in the State of Florida in Tampa that had 25 foot Bamboo, and they bought every single plant they had; SCCU increased the quantity and the density of planting from 37 Bamboo trees to 60, making a tighter spacing as requested; Brevard County requested that a six foot high chain link fence with slats be installed, SCCU on their own elected to install an eight foot chain link fence because they saw that the property line was about two feet lower than the grade elevation of Baytree Road, so they elected, at their cost, to increase the size of the fence 25 percent; and SCCU elected to use the most expensive and largest mitigation Oak trees and Pine trees required for the rear buffer, by

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using these mitigation Oak trees and putting them in the rear of the buffer SCCU received no benefit to this property where they could have taken the largest trees that they were required to put in, put them in the front of their property where they could have received benefit and curb appeal, but instead used these trees in the back for the landscape buffer for the Baytree CDD. He commented SCCU has always been a good neighbor; in almost 20 years of commercial construction, he has never seen a development or commercial business make the sacrifices or dedicate the resources SCCU has had to, to abide by this BDP; and the question before the Board is important because it is going to set a precedent. He stated the County Code requires a solid landscape buffer; if they are saying that it will not be achieved with landscaping, the Code requires a combination of fencing, a wall, vegetation, or any combination thereof; if a developer can see that he will never achieve a solid buffer with landscaping then the County is going to have, across all incorporated Brevard County, a six foot wooden fence from a developer's standpoint; and asked the Board on behalf of SCCU, to accept Option One, deny the appeal, and apply the Ordinance and the BDP as presented by Natural Resources letter dated September 8.

Virginia Barker, Natural Resources Director, stated this is a difficult issue because she feels it comes down to the word solid and buffer because there are different interpretations of what that is going to look like. She continued the way the process has worked is SCCU got a zoning change with an understanding they were going to enter into a BDP; that BDP included one paragraph on landscaping, Ms. Rezanka read the Board most of that paragraph, that talks about the buffer should be a solid landscaping buffer and shall screen buildings B - D shown on exhibit B from the property to the south; the developer shall be responsible for continuing maintenance of the landscaping buffer; and the last sentence that was not read previously, "The developer shall provide the CDD with a copy of its landscaping plans for the landscape buffer 15 days prior to the developer formally submitting it to the appropriate governmental entity for approval", that is what Mr. Bartlett was just speaking about. She went on to say SCCU developed that landscaping plan and they provided it to Baytree to review ahead of time; there was a meeting, with comments made by Baytree CDD; the landscaping plan was amended as Mr. Bartlett just described, extending plants and putting in larger plants; and that was what the County received, which she believes was after fair negotiation between the two parties as to what that landscaping plan would achieve. She stated it contained two and a half times the planting required by Code; the Code requires trees and shrubs, and small ground cover; everything was larger, denser, thicker, and wider than what the Code requires; so when the County was asked if SCCU met the BDP they looked to the Code. She continued they looked at what the County has to go on. She noted SCCU installed what was specified, what was agreed to in that landscaping plan; what they did exceeded the Code; if the intent of the BDP's use of the word solid, was something more than what the landscaping plan said, staff would have no way to read people's minds to know that; and what they did was ensure that the landscaping plan that was submitted was what SCCU implemented.

Commissioner Anderson stated SCCU went over and above the County's Landscaping and Tree Ordinance, and it is something he has complained about for eight years on this Board; he think it is burdensome and onerous on especially small business owners; and asked as far as exotic invasives, if the Code addresses whether those have to be removed when they redevelop a property or if they can use the pepper trees that exist as part of their buffering or landscaping.

Ms. Barker replied she believes they have to be removed.

Commissioner Anderson asked if the intent is to get rid of exotic invasives.

Ms. Barker commented that it is certainly an opportunity that occurs at the time of development.

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Commissioner Infantini stated when she thinks of the word solid she thinks of a wall and when she thinks of a buffer she thinks of trees; trees can be planted really dense by staggering them; the trees will grow to fill in all the gaps, but if they were to plant in all of the spaces so that there was no gap, that would mean having to stagger; and she does not know if there is enough space to stagger and still have the same height because shrubs are needed to fill in the lower space and trees for the higher buffer. She went on to say she does not know how a solid landscape buffer is going to be achieved by the way it is being interpreted; she understands the thinking, but she does not see how that could actually be achieved unless there were full mature trees that are already tall and then in between layers of trees there were shrubs that were lower; and she believes the only way to get a solid buffer would be to build a wall and she does not believe a community like Baytree would be well served with a wall. She stated it seems as if SCCU have complied with the Ordinance; she read through the BDP and she cannot see where it says how many feet and how close; and she tried to find the definition of a solid landscape.

Commissioner Smith stated he has not been able to find a definition of solid, when it comes to landscape, that says it is like a wall and cannot be looked through; this picture was taken on November 15; and he asked if this is an example of what Baytree CDD thinks it should look like, or is it an example of what they think it should not look like.

Mr. Bosseler stated it is an example of what it used to look like; and the building was viewable in the top left corner; it took 13 years for that to grow so we could not see anything; and now if SCCU is allowed to get away with this, it is going to take a minimum of 13 years to get solid again, while most of those in Baytree do not have 13 years.

Commissioner Infantini stated but this picture does not show it as solid; she can still see the building through it; and it was not as visible as it currently is, but she can still see through it.

Commissioner Anderson stated it is hard to see in this small picture, but he could identify some pepper trees in there that the County is making an effort to remove throughout the County.

Commissioner Smith stated his point is that it is rather dense but it also has many gaps; so this does not represent a solid buffer; and it is a difficult question and obviously emotion has gotten involved with this. He continued whenever emotion gets involved in something, facts go out the window and emotion takes over; then it becomes like a burr under a saddle; and it just does not go away, it is problematic. He went on to say he spoke to the architect at Baytree CDD's meeting last year; he made the comment that SCCU did a very good job and he could not have done a better job unless he had more money to spend; and he applauded the types of Bamboo that were picked because they would spread and they would grow. He stated he shares their concern because if he lived there and he had the idea that he was not going to see this construction site, he would not want to see the construction site; but the Board and the County have rules to go by and rules to live by which leaves him caught between the two; he has spent a lot of time on the phone with Mr. Bartlett; and he has spent a lot of time on the phone with Ms. Rezanka trying to resolve this without getting to this point. He continued both have legitimate reasons; the last time he spoke to both of them, he said there is nothing else he can do; it is going to have to come before this Board; and if that does not satisfy the parties, then they are going to have to go somewhere else, and he would hate to see that because he is big on compromise.

Commissioner Fisher asked for clarity on the 15 day prior to the development; he asked what did the homeowner's association see, when they say landscaping plan; did it actually have the materials on there with height; and was that plan approved once the home owners association saw it.

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Ms. Barker stated yes the BDP just says that there will be a landscaping plan and the landscaping plan is sort of the layout of the property and it has circles for all of the different kinds of trees and shrubs.

Commissioner Fisher asked if the Board has that.

Ms. Barker replied she does not think so.

Commissioner Fisher asked if anybody had a copy of that.

Commissioner Fisher asked if this plan gets presented to the Board, and if it specs out the trees and stuff.

Ms. Barker replied the varieties of trees, the counts of trees, the sizes of the trees, and the placement of where they will go; and Ms. Rezanka just passed out is the plant list.

Commissioner Fisher asked if this is the plant list.

Ms. Barker stated that shows where the plants go; the different sizes and shapes of circles represent different kinds of plants that are on that plant list.

Commissioner Fisher asked if this plant list was approved by the Baytree CDD Board.

Ms. Barker stated they did not actually sign off on it; they received it; and there was a meeting to discuss it.

Commissioner Fisher asked if they made recommendations on it.

Ms. Barker stated she was not party to any of these conversations; she is trying to put the history together to the landscaping plan, based on comments received from Baytree; there had to be some sort of communication; and she does not know whether the Board wants folks here to fill in the gap.

Mr. Bartlett stated there was a 15-day process; they received an initial round of comments on April 24; they knew there was going to be a lot of back and forth with Brevard County; during the permitting process there were three or four different reviews, changes, reviews, back and forth, so they took the comments that were provided to the County so they could incorporate any of their comments; and one of the comments, not relating to the landscaping was that SCCU repave Baytree Drive from the intersection back to SCCU; and so Brevard County had these comments and they took what they deemed was appropriate and applied it to SCCU's comments to make changes.

Commissioner Fisher asked about the homeowner association's comments.

Mr. Bartlett stated they made comments on April 24; SCCU looked at them, Brevard County looked at them, and comments were made; they incorporated the comments they deemed were appropriate; and then a new set of comments were generated. He went on to say after the final review and some of the comments he acknowledges more changes were made.

Ms. Rezanka stated the BDP just said they have to show it to Baytree, they did not have to listen to what they said; they did not have to negotiate with Baytree; they showed it to them; and their plan was approved in July. She continued Baytree CDD provided comments in August; Mr. Showe went through them; there was a whole list that was provided; and number four said the proposed building and parking lot in the back will be immediately buffered with this planting. She

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went on to say this was August; they made no changes from July to the last set of comments; Baytree CDD asked for a meeting with the landscaper and they were denied a meeting after the August comments; therefore, they did not have the ability to negotiate. She stated they got what they got, they were told they would get 26 foot trees, and they got 20 foot trees.

Commissioner Infantini asked if Baytree made a suggestion as to what should be used instead.

Ms. Rezanka replied it was the landscape architect who sent the email that went to SCCU representatives and the County; he said this will not do it, let them have a meeting; and they never got a meeting after August.

Commissioner Infantini asked if nothing else happened.

Ms. Rezanka replied nothing else happened; they just got what they got.

Commissioner Fisher asked if the fence was the County's suggestion and not the homeowners association's suggestion, to create more of a buffer.

Ms. Barker commented apparently it was originally BU-1, business use; and a residential use, next to a business use would have been required to have this type of buffer that the County was reviewing this plan against.

Commissioner Fisher asked if a Walmart, Lowe's, Home Depot, or something like that could have been in front of Baytree.

Ms. Barker replied that is correct, some other business use.

Commissioner Fisher stated he is having a hard time because SCCU exceeded the Code that is in place; they actually went to the homeowner's association and submitted a plan that got comments, whether they liked them or not; but the comments were to add additional buffering and trees; and then the County added a fence, a six foot fence; and if Lowe's or big box store would have come in there, there could have been pipes sticking up there that the home owners could have been looking at. He continued he thinks SCCU with the median and the \$30,000 have gone way out of their way to accommodate the residents that back up to a commercial site; he feels they are trying to do their best to please them; and he thinks the Board is being unfair, if it does not approve it.

Commissioner Anderson stated this summarizes what Commissioner Fisher said; they did everything the County asked in the BDP; they are not only in compliance, they are well above the County's landscaping Ordinance; he cannot beat up on somebody that is doing more than the Code requires, and his motion is deny the appeal.

Commissioner Fisher stated in discussion the Board has talked about government not making development so hard and here it is making them double the amount of buffering, putting \$30,000 in to it, and it is not fair.

Chairman Barfield stated he also thinks they have gone over and above what they needed to do, especially dealing with the Code and what they have done.

Commissioner Smith stated he would like to appeal to Mr. Bartlett; he knows his employers have dug in their heels as the Baytree folks have; and he requested that SCCU reach out to Baytree CDD's landscape architect and see if some more compromise is possible. He continued take the emotion out of it and see if Mr. McBurney and SCCU's architect can come up with something that is reasonable, that both sides can live with.

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Mr. Bartlett stated there is a \$30,000 that has not been spent that could create a substantial, additional buffer on their side of the property; when looking at a line of sight diagram, the closer the screen the more restrictive; standing back from a wall someone can see over it, but if someone walks up next to the wall, their view would be more restrictive the closer they get to it; and if SCCU could take that \$30,000 that has not been spent yet and add it to density and put it closer to the houses, that screening would be increased. He went on to say the height that they achieve with \$30,000 and the help of their landscaping architect could make a bigger impact for the screening; and he just wanted to propose that now and it could be a great consideration in working with that.

There being no further comments, the Board approved Option 1, to deny the appeal of Kimberly B. Rezanka, Cantwell & Goldman P.A., on behalf of Baytree CDD, and to apply the Ordinance and BDP as presented in Natural Resources Management's September 8, 2016, letter of interpretation.

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

The Board recessed at 11:12 a.m. reconvened at 11:21 a.m.

ITEM IV.C., RESOLUTION, RE: PETITION TO VACATE PART OF THE 14.00 FOOT RIGHT-OF-WAY BETWEEN ROSE STREET AND MYRTICE AVENUE - :MERRITT ISLAND" - MARK SUTTON

Chairman Barfield called for public hearing to consider a resolution for a petition to vacate part of the 14.0 feet right-of-way between Rose Street and Myrtice Avenue by Mark Sutton.

John Denninghoff, Public Works Director, stated this Item is a petition to vacate a 14 feet wide public right-of-way, which is really an alleyway, on Merritt Island; it is located just north of S.R. 520, west of S.R. 3 and runs between separate parcels that part of Sutton Pools; and he has received no objections to this point.

There being no further comments or objections the Board adopted Resolution No. 16-196, vacating part of a 14.0 foot wide public alley right-of-way between Rose Street and Myrtice Avenue, in Section 35, Township 24 South, Range 36 East, as petitioned by Mark Sutton.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM IV.D., AMEND ORDINANCE 2016-15, RE: INFRASTRUCTURE SURTAX TO SUPPORT THE SAVE OUR INDIAN RIVER LAGOON PROJECT PLAN

Chairman Barfield called for a public hearing to consider amending Ordinance 2016-15, for infrastructure surtax to support the Save Our Indian River Lagoon Project Plan.

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Scott Knox, County Attorney, stated this an amendment to Ordinance No. 2016-15, that was adopted for the Indian River Lagoon (IRL) infrastructure surtax; and it is just to add the date of the levy that is requested by the Department of Revenue (DOR).

Commissioner Infantini stated at the last meeting there was discussion on the approval by the DOR of the Save Our Lagoon tax being put to the voters; Attorney Knox had told her that it had passed the DOR approval and they did not have any problem with the language except for the start date; she contacted DOR, and she was told DOR has no jurisdiction over the legal wording or legality of the Ordinance; and the DOR just makes sure the administration of the Ordinance is completed. She continued because of that and the language in the Statute she does not believe that the tax is legally permissible; the statutory language specifically states, if bonding out of a revenue stream, the bond proceeds must be used on capital improvements; maintaining and dredging the Lagoon is a maintenance project; the half-cent infrastructure tax states, it can be used, if it was not bonded, on maintenance as long as the project itself was built with the infrastructure tax, which we have not started collecting yet; and she really thinks there is a legal problem that is going to end up being decided by the courts, should this Lagoon tax pass. She went on to say even Commissioner Barfield presented, when he was first doing speeches, that he knew there was an issue with the legality of demucking; it was already brought up to the Board and Attorney Knox that the legality of the proposed idea was in question; and she does not believe the Board should move forward with this tax as planned until the legality has been resolved.

Commissioner Anderson stated it is already on the ballot and it cannot be stopped now; somebody else can later if they want to take it to court, he will not be on the Board then.

Commissioner Infantini stated she thinks the Board should go on record as recognizing the fact that it is rescinding this from going to the voters even though it is already on the ballot because she does not believe it is legal use; and it is probably going to be contested in court because of the language on the ballot.

Commissioner Fisher asked the County Attorney to address this.

Attorney Knox stated there are two things; number one, the DOR, this individual believed that he did not have to look at the issue of whether it was legal or not, but has specific authority to administer and enforce the assessment and collection of taxes under Chapter 212 where infrastructure tax is; that is a State law so whether he believes he should do it or not, he does not really care, State law says it is their responsibility to check on the enforcement of an assessment of the tax; what the County is doing by enacting and levying the tax is assessing that tax; and that is part of what they look at. He continued number two he went into very long written opinion about why this is legal; removing muck from the IRL is something that has never happened and it is not something that is going to be done on a regular basis, it is a capital maintenance thing recognized by the Supreme Court as capital maintenance; and law Counsel has indicated he agrees that dredging is a capital maintenance project which can be financed as a capital improvement.

Commissioner Infantini stated the bond counsel said it depends on how demucking is currently handled, whether it is a capital maintenance; Mr. Petersen stated to her the demucking that has been done thus far has been handled as a maintenance project and as an expense, not a capital project; and it has not been established by the Constitution. She continued the Case Law that was sighted, says it is for capital improvements to prevent beach erosion, not replenishing sand, that is why the Supreme Court overturned that original decision; and she has to let the tax payers know that South Florida Water Management District demucked the waters in Palm Beach County, they demucked the Lagoon in St. Lucie County, Brevard County is the only

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County in the State taxing ourselves for demucking rather than having the Water Management District doing it, which the tax payers are already paying plenty of taxes into.

Commissioner Anderson stated the difference between St. Johns River Management District and South Florida is probably, as far as revenue derived, a thousand percent different; South Florida Water Control District has their own helicopters that they fly their personnel around; they have so much money because of the density down there; the two cannot even be compared; St. Johns does not have that kind of money to do that; and if they had the State would have directed them, or the Governor would have directed them to do so.

Commissioner Fisher commented if it is put just on the Water Management Districts and then tourists and other people do not have to pay for it; the way the sales tax is set up, tourists and other people will actually pay for it; and he thinks that benefits the property owners.

Commissioner Infantini stated she is just saying all the other Water Management Districts do it for their residents; it is what they are permitted to do; and that is one of the permitted uses of St. Johns water Management funding, just like South Florida Water Management Funding. She went on to say and they removed five million cubic yards from either Martin or St. Lucie County; their Water Management District does it; and only Brevard County taxes itself additional money.

Commissioner Anderson stated he does not think the other Water Management Districts are doing what South Florida is doing, at least not that he is aware of.

Commissioner Infantini stated they do not have the muck problem and she asked why they would do it, if they were not having a problem with it.

Commissioner Anderson asked if Apalachicola did not have a problem.

Commissioner Infantini stated she does not know, she does not follow Apalachicola.

Commissioner Smith stated St. Johns Water Management has divested its control and management over the IRL to the IRL Council because they were not funding projects in the IRL, they were focused on the St. Johns Water Management; they knew that there is a conflict between what they were doing and what they were charged to do; and that is why the IRL Council now receives the money from the State and the Federal Government that use to go to the St. Johns River Water Management District (SJRWMD) for the IRL.

Commissioner Infantini stated if one organization wants to tax the people extra money and take over that responsibility that is fine; but it is the charge of SJRWMD to maintain Brevard County's waterways; whether or not they have subrogated that responsibility to the IRL Council.

There being no further comments or objections Board adopted Ordinance No. 16-24, amending Ordinance 16-15 of Brevard County, Florida, relating to the levying of a public infrastructure surtax for the purposes of funding the Save Our Indian River Lagoon Project Plan; clarifying the commencement date of levy; providing for severability; providing for inclusion in code; and providing for an effective date.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
NAYS:	Trudie Infantini

ITEM IV.B., RESOLUTION, RE: PETITION TO VACATE PART OF THE 50.0 FOOT RIGHT-OF-WAY OF LONDON BOULEVARD - KELLY PARK CAN COMPANY, KEITH NOTARY, ZVONIMIR MATKOVIC, AND RADOVAN CVETKOVIC

Chairman Barfield called for a public hearing to consider a resolution for petition to vacate part of the 50.0 foot right-of-way of London Boulevard - Kelly Park Can Company, Keith Notary, Zvonimir Matkovic, and Radovan Cvetkovic.

John Denninghoff, Public Works Director, stated this is a vacating petition for a right-of-way known as London Boulevard; it is located north of S. R. 528 and west of North Banana River Drive on Merritt Island; it is an undeveloped right-of-way that runs between various private properties; and it is subject to some dispute regarding the adjacent property owners. He reminded the Board that the County's vacating process does not assign who ends up owning the property; the County Attorney can explain that further, but his office does not take a position on that; and what he is here for is to determine whether or not the public will release any rights to that right-of-way or not. He went on to say to his knowledge there have been no objections to the vacating petition.

Chairman Barfield stated by vacating this, it does not give it to a certain individual; it is in his District; and he thinks it is the right thing to do.

Commissioner Infantini asked if the Board would be deciding who it goes to; why the Board is giving the land away and not selling it; and stated the Board keeps talking about selling property for money.

Christine Lapore, Assistant County Attorney, stated this is a platted right-of-way; the County does not have ownership; the County has dedicated public road right-of-way, which amounts to an easement; and the County cannot sell it on the market to a private entity.

There being no further comments or objections, the Board adopted Resolution No. 16-197, vacating part of the 50 foot right-of-way of London Boulevard in Kelly Park, Merritt Island, in Section 07, Township 24 South, Range 37 East, as petitioned by Keith Notary.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM IV.E., ORDINANCE, RE: BEAR MANAGEMENT

Chairman Barfield called for public hearing to consider an ordinance for bear management.

Scott Knox, County Attorney, stated this is the Bear Management ordinance that was brought before the Board a few weeks ago as an Emergency Item which was deferred on the

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emergency part of it; and it is back for the Board's consideration whether it wants to go forward with it or not.

Chairman Barfield stated he has gone through the ordinance in detail; some of the restrictions are so restrictive that he is amazed at everything that is going into this with Brevard County having such a small amount of bears; the different types of requirements for specific types of containers that citizens would have to bare the cost of; it is too much for such a small amount of bears in this County; he was interested in moving forward with it; but, after reading the ordinance, he just cannot support it.

Commissioner Anderson asked if this ordinance is a pre-empt to City Code.

Attorney Knox replied no.

Commissioner Anderson stated that is his biggest thing; most of the shaded area in exhibit A is in the St. John's basin on the swamp; even if it some occurred down in the south towards Indian River, or Palm Bay city limits he has to agree with Chairman Barfield; and he thinks the problem does not exist.

Chairman Barfield stated if it becomes a problem, it can be brought up again.

Commissioner Smith stated that is what he said last time when he voted no; he was asked the reason why he voted no; and his answer was the County is looking for a problem that does not exist, and to further that comment like Chairman Barfield stated, if there is a problem in the future we can bring it back up. He went on to say he is big on unintended consequences and there are so many unintended consequences that the Board could be wading into with this; he does not think it is needed; and he would vote to oppose it.

Commissioner Fisher stated he was just trying to get the money if the County had the problem.

There being no further comments, the Board denied the consideration of an ordinance relating to bear management specifically to set forth standards and conditions addressing the control, disposal, and collection of bear attractants to reduce instances of human encounters with bears with common bear activity.

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

ITEM V.A., APPROVAL OF AMENDMENT TO CONTRACT WITH SUN TRUST BANK, RE: BANKING SERVICES

Stockton Whitten, County Manager, stated this is a request for an amendment to the contract for banking services; there was a question at the last meeting and Mr. Petersen is here, he had submitted an email to the Commission on October 19, which is in the Board's packet.

The Board granted approval for amendment to contract with Sun Trust Bank for banking services.

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

ITEM VI.A.1., APPROVAL, RE: REVIEW AND RANKING OF VOLUNTEER APPLICANTS; CONSIDER AND CONFIRM SELECTIONS MADE BY THE LEAGUE OF CITIES; AND APPOINT APPLICANTS TO THE REMAINING VACANCIES OF VOLUNTEER APPLICANTS TO THE SAVE OUR INDIAN RIVER LAGOON CITIZEN OVERSIGHT COMMITTEE

Virginia Barker, Natural Resources Director, stated this is for the ranking and appointment of volunteers who have applied to serve on the Save Our Indian River Lagoon Citizen Oversight Committee; there was a wonderful showing of applicants very qualified and committed to serving in this capacity for the Lagoon and the community; in the Board's packet there are ranking sheets for the Board to rank the individuals; and then during a break she will place the rankings on a spreadsheet to see who the best scoring individuals are and bring that information back to the Board as quickly as possible.

Commissioner Infantini asked if the Board is to give each applicant a number.

Ms. Barker stated the Board was requested to rank the top three candidates in each field of expertise with one being the best score; then she will add up the scores of each of the five Board Members so that the lowest score is the highest ranked applicant overall in each field.

Commissioner Smith asked for more clarification.

Ms. Barker stated for the Board to rank the top three and everyone else will get a four.

Commissioner Fisher stated this does not address representation throughout the County; tourism has representation of the County; and he saw that Danielle Bowden was the one in the north end that could help with District One.

Commissioner Smith stated he has spent a lot of time on the summaries of all these people; he feels these selections and this issue are extremely important; the revival resurrection of the Lagoon is extremely important to him; and he took his rankings very seriously in picking these people. He continued he is concerned that one person picked by the League of Cities that he thinks should be in question; he has had a number of people reach out to him about his opinion; he does not have anything personally against this person; however these positions have to be beyond reproach; this is an extremely important subject; and if people are going to the voting box and there is somebody or bodies that they are uncomfortable with that may jeopardize their vote for this project. He asked if the Board can question the League of Cities decisions.

Commissioner Anderson stated he thinks after the ranking the Board can discuss it; those people whom Commissioner Smith is concerned about can be discussed; and he thinks he received the same emails. He continued the Board should wait for the initial ranking and see if that person even appears.

Commissioner Smith stated that person has already been picked by the League of Cities; they get to pick three with alternates; and the Board gets to pick three with alternates; and she has already been picked. He went on to say his concern is that is not beyond reproach, never been tried in a court of law; but there are many people who have an issue with this person. He

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continued whether he likes her or does not like her; if it was Chairman Barfield he would raise the same issue because he feels the Lagoon issue is more important than the individual.

Chairman Barfield stated to go through all the resumes and all the criteria of what each applicant presented for who the most sound, technical, scientific, or whatever the category is for that position; that is how he came up with him; when he went to check the other ones, there were a couple he disagrees with on their suggestion; and the main thing he was looking at was an objective look, not paying much attention to the names as to what was submitted and what the credentials were.

Commissioner Infantini stated she has people's names in three and four different fields.

Chairman Barfield stated when the application was sent in, the applicant checked different things they could do.

Commissioner Smith asked the County Attorney if the Board has any oversight on the League of Cities.

Commissioner Fisher stated he believes the Board has oversight on all of it; he thinks the Board can make a decision, they do not have to take the League of Cities Tourism, or Real Estate decision on rankings.

Stockton Whitten, County Manager, referred Attorney Knox to what the Ordinance states.

Attorney Knox stated the Board has to pick the League of Cities candidates; the Board has no choice on the matter.

Commissioner Fisher asked why the Board is even there then.

Attorney Knox replied because the Board has four other applicants to pick.

Ms. Barker stated there are seven members and seven alternates; the League gets to pick three members, the Board picks four members; the League picks four alternates; and the Board picks three alternates. She continued each body gets to pick have of the representatives.

Commissioner Anderson asked if they already have the X member or Alternate then the Board should not rank those people.

Ms. Barker replied that is correct.

Commissioner Fisher asked if you want a League Alternate to be a member.

Ms. Barker stated she asked the League of Cities that question, if the Board wanted to promote someone who they had selected as an alternate to a member and they said they would accept that modification.

Commissioner Fisher asked if he wanted Danielle Bowden to be a member he could place a one by her name.

Ms. Barker stated yes, the exact language, and Attorney Knox can correct her, the County Commission will appoint the League of Cities nominees to the Oversight Committee and fill the remaining seats; so if the Board is taking a nominee and placing them in a voting seat then she believes the Board is still appointing their nominees to the Committee, and it is still filling the remaining seats.

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Attorney Knox stated Ms. Barker is correct.

Commissioner Smith clarified the Board can absolutely not remove or dispute one of their nominations.

Attorney Knox stated no, remember this was a long process to get through, the city as well as the County.

Mr. Whitten stated seven members, seven alternates; the League picks three members and four alternates; and then the Board picks four members and three alternates.

Commissioner Fisher stated in the Leagues case he asked if it was elected officials who voted on the members; and if that was how the League got their alternates.

Ms. Barker replied yes.

Commissioner Fisher asked about the science side of it.

Ms. Barker stated the League's executive committee met and came up with recommendations that were taken to the next full League meeting and the League voted for the slate that the Board has.

Commissioner Fisher asked if the word alternate means that if someone does not show up they get to step into that place.

Ms. Barker replied right; they would be voting for that meeting.

Commissioner Fisher stated for clarification that there are seven of those.

Ms. Barker replied yes.

Commissioner Fisher asked if the Real Estate member does not show up, then the alternates would take that place; and he asked if a League alternate would be in a Real Estate Alternate spot.

Ms. Barker stated it would be by field of expertise and all 14 people should attend all meetings that they can so they are ready to step into that voting seat as necessary.

ITEM VI.A.3., APPROVAL, RE: PROPOSED GRANT OF AERIAL, SUPPORT, TEMPORARY CONSTRUCTION AND DRAINAGE EASEMENTS IN AND OVER PINE STREET TO ALL ABOARD FLORIDA

The Board tabled consideration of the proposed grant of aerial, support, temporary construction, and drainage easements in and over Pine Street to All Aboard Florida to the November 3, 2016 Zoning Meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM VI.E.1., PERMISSION TO ADVERTISE ADOPTION OF ORDINANCE, RE: GEOGRAPHY OF NORTH BREVARD ECONOMIC DEVELOPMENT ZONE

Troy Post, North Brevard Economic Development Zone (NBEDZ) Director, stated his request for the Board is to allow him to advertise for an ordinance approval; this reflects the geography of the NBEDZ; in economic development there has to be science to be able to compete; they have a lot of competition that they face with other states, particularly in aerospace; and what they would like to do as part of their planning and trying to forecast what would be more demand for space in the future, is take the area of Exploration Park, which was part of an amendment to the ordinance from back in 2012 to include phases one and two, to make the areas eligible for incentives from the NBEDZ. He continued they would like to have the ability to work with prospects that may want to consider some of the other acreage that is adjacent to this section of Exploration Park; they believe it is appropriate to really take these steps now, although it does not mean that there is a deal imminent at the moment, but they are always working with different projects; and to have that capability to make an incentive package to win this deal for the County, they feel it is appropriate to add this acreage. He went on to say at the moment phase three is approximately 140 acres; the ordinance has been worded so that they can allow for the ability to work with any other designated phases out at Exploration Park; this is federally owned land; some sections are under a long term ground lease with Space Florida; that is not necessarily the case with this particular phase three, that may or may not happen in the future; they are just trying to do appropriate planning at this point to have the ability to give incentive deals that might look in that area. He stated when the Board considered this a few years ago, the economy was a lot different looking than it is today; they have had some successes; the one web satellites is taking some of the acreage and what is considered phase one of Exploration Park; and the Blue Origin Project will take essentially all of what is the phase two side, so there has been a much quicker absorption of land than anyone anticipated, which is a good problem to have; but, it also means they still need to be prepared and need to have some land available to accommodate the next deal that comes around.

Commissioner Infantini stated she has an idea for how to increase the flexibility for the NBEDZ, to expand it to cover the entire County; and to just think of the flexibility the NBEDZ would have if they used some of that funding to help the entire County.

The Board granted permission to advertise a proposed ordinance amending the geography of NBEDZ to include a portion of Exploration Park on Merritt Island, identified by NASA as Phase 3, an area encompassing approximately 140 acres, and any future phase of Exploration Park.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
NAYS:	Trudie Infantini

ITEM VI.F.1., CITIZEN REQUEST BY JOHNNIE B. DENNIS, RE: TERM LIMITS FOR ALL CONSTITUTIONAL OFFICERS TO TWO TERMS ONLY

Reverend Johnnie B. Dennis stated he has received a high volume of calls and complaints from concerned citizens, such as when the elected officials get into office they forget the voters, tax payers, and the communities; they cave in to special interest and big businesses; tell the community they have no money, but find it for big business; therefore, the National Action Network on behalf of all concerned citizens in Brevard County proposed a resolution for term limits for all Constitutional Officers in Brevard County starting with the Sheriff, Clerk of Courts,

Property Appraiser, and Tax Collector. He continued this matter should be placed on the 2018 ballot for the voters to decide; this action is a two-step process; first a minimum vote of 4:1 is needed by the Board which has power and duty by the County, which are not inconsistent with the Charter; and step two, a majority of votes would have to vote for term limits, without term limits elected officials become entrenched, some become too powerful, term limits is also a tool to fight corruption and organized crime in the County. He went on to say term limits are not to give more power to lobbyists and special interest; referendums to establish term limits has a 90 percent rate of passing; eight years, which is two terms is long enough; and be it resolved that this Board of County Commissioners vote today for terms limits and place it on the 2018 ballot. He stated this is a County Charter proposal respectfully submitted by the National Action Network, Cocoa, Florida Chapter.

Ron Taylor stated the Board does have the power on the Constitutional Offices that Reverend Dennis mentioned; the Board does have the power to put out for resolution to the citizens to give them the opportunity to vote on it; he did research on this and what he found was the benefit of having a Constitutional officer is they have the experience, therefore they will have the efficiencies to do a better job which would be the strongest argument for maintaining no term limits; however there have been numerous studies done on that particular issue and what they found is issues of corruption. He continued it is mentioned overwhelmingly putting term limits on Constitutional officers is a net benefit; by bringing new people in to these positions is the benefit of new ideas, new approaches to problems; and he decided to come before the Board to voice his opinion and he supports the resolution for term limits to be put to a vote and decided by the voters. He recognized some of the Commissioners will be leaving the Board and thanked all the Board members for their service and wished the great success in their future endeavors.

Commissioner Smith stated he asked for feedback on this proposal several months ago; while he is strongly in favor of term limits, he wanted to know what the people thought about the term limits regarding the Constitutional Officers; he was not ready to make a proposal he just wanted feedback; and feedback is what he received. He continued what he received from the feedback was these are Administrative positions, not Legislative positions; that was the weighing factor for him because they are Administrative positions and do not affect Legislation or policy making; for that reason he backed away from the idea; and he thinks from the standpoint of Administrative positions the ballot box determines it, if people decide they want to remove a Constitutional Officer they can do so with their ballot and if there is corruption involved, there are good people out there to keep their eye on the elected officials, so that would be exposed; and he stated he is not in favor of term limits.

Commissioner Infantini stated she is in favor of term limits and makes the Motion.

Chairman Barfield stated he does not want to attack this right now; there will be three new County Commissioners; and they should have a say so in it.

Commissioner Infantini stated it is interesting that Chairman Barfield thinks this should wait for the new Commissioners to get in on this Item, but he did not think it was good to wait on the new Commissioners to weigh in on the Impact Fees that do not take effect until after they take office; this Board got to vote on who will sit on the IRL Oversight Committee, even though that will not take effect until Members of this Board are out of office; and it seems to her Chairman Barfield picks and chooses what he would like the existing Committee members to weigh in on and which ones he would not want them to weigh in on.

Chairman Barfield stated first of all, there was a number of fish kills and the County did not want to keep putting it off for two years while the Lagoon is dying; and he asked what the other one was.

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Commissioner Infantini stated the Oversight Committee, which was already approved, but will not be overseeing until January; and the other one was Impact Fees.

Chairman Barfield stated the Oversight Committee was important because the Board wanted the voters to know who would be on that Committee; he believes that adds to the fact when the voters are voting; and the impact fees, when Commissioner Smith and he first became Board Members they were struck with that at their second meeting and he did not think that was fair, so he did not feel it would be fair to do that to the new Board Members. He went on to say, it could be rescinded later, if that is what the new Board chooses to do.

Commissioner Smith asked Attorney Knox if Reverend Dennis could pursue this request with a petition.

Attorney Knox replied yes there is a petition option.

Commissioner Smith stated there is plenty of time for Reverend Dennis to get ballots, got to town hall meetings, and get other people interested; and if there are people interested, they will carry it to their friends and such.

Chairman Barfield stated the motion dies due to lack of a second.

The Board acknowledged Citizen Request from Reverend Johnnie B. Dennis for term limits of all Constitutional Officers to two terms; but took no action.

ITEM VI.F.2., CITIZEN REQUEST OF CINDY BONSIGNORI, RE: REDUCTION OF FINE, AND WAIVER OF FEES TO ZERO BALANCE

Cindy Bonsignori stated her grandparents and herself purchased this property in 2007; they both got very sick and had passed away; the property was given back to the bank for financial reasons; and seven years later she received a letter from the bank stating they had stopped the foreclosure and no longer wanted the property. She continued along with that she found out there were code violations that had accrued with that property; she was not aware of the violations; and once she found out, she thought the bank would have been responsible for them. She asked the Board to reduce the fine and waive the fees.

Robin DiFabio, Planning and Development Director, stated her office did receive a complaint back in 2014; the property was inspected in June of 2014; they found there was trash and debris on the property, a couple broken windows, and overgrowth; and at that time, the owners were notified by certified mail, evidently it was returned undelivered. She continued since that time, no change in property had occurred they were brought to a Special Magistrate in July of 2014; at that time, they found out that the violation existed and he gave them 14 days to bring the property into compliance, which did not happen; failure to do so, the Special Magistrate had sited them for \$25 a day until the property came into compliance; fast forward two years, her office heard from Ms. Bonsignori in July of 2016; she reached out to the County and wanted to find out about the Code Enforcement violations; and when the situation was explained to her, she requested that she be able to appear before the Special Magistrate to seek a reduction; by that time the fines had accrued to over \$18,000; the Special Magistrate reduced the fines to a recommendation of \$4,528; and Ms. Bonsignori is here to ask for a reduction of that fine.

Ms. Bonsignori stated she was not aware that she still owned the property, because she had not received anything from the City; once she received the letter from the bank saying they were giving the property back, that is when she found out about the Code violations;

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she immediately took care of the violation and brought it to compliance; at the hearing with the special magistrate the fine was reduced; and she did ask for a further reduction to a zero balance because she paid \$550 for the cost of the hearing. She went on to say she was told their hands were tied because they could not do more than down to a 20 percent reduction; and she was told she would have to go before the Board to request that.

Commissioner Anderson asked what the staff has invested in this.

Ms. DiFabio replied the actual cost was \$1,383.00 of which \$550 in court cost has already been paid by Ms. Bonsignori.

Commissioner Anderson asked if the court cost was above the \$1,383.00.

Ms. DiFabio replied no, it was included in that so there is still an outstanding balance in order for the county to recoup their actual cost, of \$833.

Commissioner Fisher asked what the property looks like today.

Ms. DiFabio stated the property is in compliance now, otherwise Ms. Bonsignori would not have been eligible to ask for a reduction.

Ms. Bonsignori stated she has not had the opportunity to do anything with the property yet; the code violations were overgrowth and broken windows; and that has all been taken care of, but no other improvements as of now, but that is her intention.

Commissioner Anderson stated the Board has been pretty consistent with that; he knows she was put in a bad situation; but it tries to recuperate the cost of code enforcement so that the general public, tax payers do not have to; and it is not zero, however it is a big reduction.

Ms. Bonsignori stated she understands that, and really appreciates it.

The Board granted Citizen Request from Cindy Bonsignori to reduce the fine to the amount of \$833.00, for the property located at 5540 North U.S. Highway 1, Cocoa, Florida.

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

ITEM VIII.A., STOCKTON WHITTEN, COUNTY MANAGER

Stockton Whitten, County Manager, stated he wanted to show a short video of the third annual Hispanic Heritage Month Celebration; it is a wonderful opportunity for members of the community to participate in celebrating not only their culture but the culture of others; but also to feel a part of government; for many of them, it is their first time in a government complex; and Ms. Valdengo, Assistant County Manager, and the diversity team did a great job in celebrating the many diverse cultures in this community. He continued the second item is, the Board has delegated to the Chairman to enact Emergency Proclamations; and there needs to be a fourth extension of the Emergency Proclamation; the County is still in the middle of hurricane debris pickup; and Federal Emergency Management Association (FEMA) continues to clarify their

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rules with regards to emergency debris pickup. He went on to say this extension is largely to take care of that; there are still some issues dealing in terms of beach nourishment; and on Thursday the Board will hopefully review and approve an Emergency Ordinance that allows the County to do hurricane debris pickup on private roads. He stated that another FEMA requirement is for the County to have an Ordinance in place that allows the County to make those pickups in private communities; therefore, he requested for the Chairman Barfield to execute a fourth extension of the Emergency Proclamation, as the third extension expires today.

ITEM VIII.B., SCOTT KNOX, COUNTY ATTORNEY

Scott Knox, County Attorney, stated some documents from the Nationals were sent out; one in which is a joint Public Announcement, which they asked the Board to consider and to have the Chairman authorize to sign that sets forth the Agreement relating to their departure from the stadium; they have given notice that they intend to extend the lease until next year; however they want to make clear that they have the option to declare a vacation notice sometime in December, which will trigger them moving in 2017. He continued they have asked the Board to sign a joint statement to that affect.

Commissioner Fisher stated this is an Agreement to what has already been agreed to as far as the transition between them and SSSA; and he has talked to both parties and they have agreed to cooperate with each other on the transition when it does happen.

Attorney Knox stated he needs a motion to allow the Chairman to sign.

The Board executed Joint Public Announcement with Washington Nationals relating to their departure from the Space Coast Stadium, giving them the option to declare a vacation notice sometime in December, which will trigger them moving in 2017.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM VIII.B., SCOTT KNOX , COUNTY ATTORNEY (CONTINUED)

Attorney Knox stated the second Item is a Contract for Sale on a piece of property in Spaceport Commerce Park; there is a closing date as of today; and there needs to be an extension so he needs the authority of the Chairman to sign the extension.

The Board executed Addendum to Contract for Sale and Purchase with Tango RE LLC, for property located in Spaceport Commerce Park, to extend the closing until November 30, 2016.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM VIII.F., CURT SMITH, DISTRICT 4 COMMISSIONER/VICE CHAIRMAN

Commissioner Smith thanked those who joined his team in supporting Breast Cancer Research; they raised over \$5,000, which ranked his team third overall in the County; and he would like to

challenge his fellow Commissioners, as he did last year, and County staff to raise awareness for Prostate Cancer for the month of November, to grow a beard, a mustache, or longer sideburns. He continued if anybody would like to support that research they can write a check to the American Cancer Society and get it to him or his office to be delivered to the proper place.

ITEM VI.A.1., APPROVAL, RE: REVIEW AND RANKING OF VOLUNTEER APPLICANTS; CONSIDER AND CONFIRM SELECTIONS MADE BY THE LEAGUE OF CITIES; AND APPOINT APPLICANTS TO THE REMAINING VACANCIES OF VOLUNTEER APPLICANTS TO THE SAVE OUR INDIAN RIVER LAGOON CITIZEN OVERSIGHT COMMITTEE (CONTINUED)

Virginia Barker, Natural Resources Director, stated there were some clear selections and a lot of ties, but she thinks she has a solution; for Tourism the selection was David Lane; for Real Estate the selection was Gene Artusa; and after that it got complicated because John Byron received the best score in multiple categories; he received the best score in Economics and Finance, tied for the best score in Technology; he received the best score in Education and Outreach; he was tied for the best score in science, and he had the best score in Lagoon Advocacy; and looking at all of those categories, the one where the difference between his score and the next closest person's score was the greatest was Lagoon Advocacy.

Stockton Whitten, County Manager, stated Ms. Barker's recommendation would be for the Board to choose John Byron as the selection for Lagoon Advocacy; and go to the next highest score in those remaining categories.

Ms. Barker stated that means Economics and Finance would be Todd Swingle; in Technology the tied score was with Terry Casto, so if John Byron is not it, then Terry Casto is it.

Venetta Valdengo, Assistant County Attorney, stated it was a three-way tie in Technology, but Lorraine was actually tied with John Byron in Science, so she would be selected for Science.

Ms. Barker stated jumping down to Science, John Byron has already been selected for Lagoon Advocacy; so Lorraine Koss in the candidate for Science which would take her out of the running for the three way tie in Technology; Terry Cast wins for Technology; and Education and Outreach the next best candidate was Steven Ferenz after John Byron. She continued from the top the Board's selection for Tourism is David Lane and the League of Cities alternate is Karen McLaughlin; for Real Estate the Board's member is Gene Artusa and the League's alternate is Danielle Bowden; for Economics the League's member is Courtney Barker and the Board's alternate is Todd Swingle; for technology the Board's member is Terry Casto and the League's alternate is Vinny Taranto; For Education and Outreach the League's member is Stephany Eley and the Board's alternate is Steven Ferenz; for Science the Board's member is Lorraine Koss and the League's alternate is Charles Venuto; and for Advocacy the League's member is John Windsor and the Board's alternate is John Byron.

Mr. Whitten stated if Mr. Byron had the most number of votes in a number of different categories for the Board and he only ends up as an alternate as opposed to the Board's member that does not seem quite right.

Commissioner Anderson asked how that could be fixed.

Commissioner Infantini stated he could be the member in Technology and then Terry Casto and another person received about the same number of votes.

Ms. Barker stated yes, in Technology.

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Commissioner Infantini stated he needs to be either in Technology or Science; and Lorraine Koss and Terry Casto need to have a run off.

Commissioner Anderson asked where John is.

Commissioner Infantini stated the outcome was not fair.

Commissioner Anderson asked where to put John.

Commissioner Infantini stated Mr. Byron should be Science.

Ms. Barker stated he could be Science or Technology but his score was one point better in Technology.

Chairman Barfield stated then that is where he needs to be.

Commissioner Anderson stated he changes the Motion to Mr. Byron going to Technology, and then everything else can be fixed.

Ms. Barker stated yes, and then there is a ricochet effect.

Lagoon Advocacy could have Terry Casto as the member alternate because John Byron was the alternate and that would put all of the people who the Board had voted for.

Commissioner Anderson added that to his motion.

Mr. Whitten went over it again, the Board's member for Tourism is David Lane; Real Estate the Board's member would be Gene Artusa; under Economics and Finance the Board's alternate would be Todd Swingle; the Board's member for Technology would be John Byron; under Education and Outreach the Board's member alternate would be Stephen Ferenz; under Science the Board's member would be Lorraine Koss; and under Advocacy the Board alternate would be Terry Casto.

The Board reviewed and ranked the volunteer applicants for the Save Our Indian River Lagoon Citizen Oversight Committee; confirmed selection of applicants made by the League of Cities to include Courtney Barker as Finance Member, Stephany Eley as Education/Outreach Member, John Windsor as Lagoon Advocacy Member, Karen McLaughlin as Tourism Alternate, Danielle Bowden as Real Estate Alternate, Vinnie Taranto as Technology Alternate, and Charles Venuto as Science Alternate; the Board appointed applicants David Lane as Tourism Member, Lorraine Koss as Science Member, John Byron as Technology Member, and Gene Artusa as Real Estate Member; and appointed Todd Swingle as Economics and Finance Alternate, Terry Casto as Lagoon Advocacy Alternate, and Stephen Ferenz as Education/Outreach Alternate.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

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Upon consensus of the Board, the meeting adjourned at 12:32 p.m.

ATTEST:

A handwritten signature in black ink, reading "Scott Ellis", written over a faint circular official seal.

SCOTT ELLIS, CLERK

A handwritten signature in black ink, reading "Jim Barfield", written over a horizontal line.

JIM BARFIELD, CHAIRMAN
BOARD OF COUNTY
COMMISSIONERS
BREVARD COUNTY, FLORIDA

As approved by Board 12/20/2016