

Kimberly Powell

From: Kimberly Powell
Sent: Tuesday, January 10, 2017 3:26 PM
To: 'Lewis, Sally A'; 'Scott.Knox@brevardcounty.us'
Subject: 12-06-2016 Minutes approval
Attachments: 12-06-16 Regular.doc

Attached are the minutes of December 6, 2016, which will be considered by the Board on January 24, 2017.

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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 December 6, 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
Rita Pritchett	Vice Chairwoman/Commissioner District 1	Present	
Jim Barfield	Commissioner District 2	Present	
John Tobia	Commissioner District 3	Present	
Curt Smith	Chairman/Commissioner District 4	Present	
Kristine Isnardi	Commissioner District 5	Present	

INVOCATION

The invocation was given by Pastor Dr. Wayne Moore, First Baptist Church, Malabar.

PLEDGE OF ALLEGIANCE

Commissioner Barfield led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved the October 4, 2016, Regular meeting minutes.

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

APPROVAL OF MINUTES

The Board approved the October 13, 2016, Zoning meeting minutes.

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

ITEM I.A., RESOLUTION, RE: RECOGNIZING DECEMBER 21, 2016, AS NATIONAL HOMELESS PERSONS' MEMORIAL DAY

Commissioner Barfield read aloud, and the Board adopted Resolution No. 16-212, recognizing December 21, 2016, as National Homeless Persons' Memorial Day.

Representatives of Brevard Homeless Coalition expressed their appreciation for the Resolution.

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

ITEM I.B., RESOLUTION, RE: PROCLAIMING NOVEMBER 16-23, 2016 AS FARM-CITY WEEK

Chairman Smith read aloud, and the Board adopted Resolution No. 16-213, proclaiming November 16-23, 2016, as Farm-City Week.

Several farmers expressed their appreciation to the Board for the Resolution.

Commissioner Tobia stated that the first item on the Consent Agenda is an appropriation from the State of more than \$21 million for cleaning the Lagoon and had it not been for Steve Crisafulli, Speaker of the House, whose stewardship and leadership prioritized the Indian River Lagoon that would not have been possible. He went on to say this has been a great family who has been helping with the citrus industry and they continue with the environment on other levels.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Chairman/Commissioner District 4
SECONDER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM I.C., RESOLUTION, RE: DECLARING DECEMBER 13-20, 2016, AS POST TRAUMATIC STRESS DISORDER WEEK IN BREVARD COUNTY

Chairman Smith read aloud, and the Board adopted Resolution No. 16-214, declaring December 13-20, 2016, as Post Traumatic Stress Disorder Week in Brevard County.

A representative from the Brevard Homeless Coalition expressed his appreciation to the Board for the Resolution; and he challenged the elected officials to a balloon fight on December 17, for Post-Traumatic Stress Disorder awareness.

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

ITEM II.A.1., ACCEPTANCE, RE: \$21,500,000 IN STATE LEGISLATURE APPROPRIATED FUNDS IN SUPPORT OF INDIAN RIVER LAGOON (IRL) RECOVERY AND THE BREVARD COUNTY MUCK DREDGING PROJECT

The Board executed a Grant Agreement and any necessary amendments between Brevard County and the State of Florida, with County Attorney and Risk Management approval, to accept funds for this project; waive legal venue in Brevard County, as the current agreement indicated legal venue in Leon County; authorized the County Manager or designee to execute task orders, contracts, agreements, and change orders, as required and in excess of \$100,000,

to accomplish the work approved under this State Contract; and authorized any necessary budget change requests.

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

ITEM II.A.2., AGREEMENT WITH UNIVERSITY OF CENTRAL FLORIDA (UCF), RE: DEVELOPING A SHORELINE HABITAT RESTORATION AND MANAGEMENT PLAN - PHASE 1

The Board executed the Memorandum of Agreement (MOA); County Manager or designee to execute future amendments as required to implement the work approved under the Indian River Lagoon Council (IRL Council) Cost-Share Agreement #IRL2016-013; and approved any necessary budget change requests.

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

ITEM II.A.3., PRELIMINARY PLAT/FINAL ENGINEERING APPROVAL, RE: STONECREST AT ADDISON VILLAGE SUBDIVISION - THE VIERA COMPANY

The Board granted preliminary plat/final engineering approval for Stonecrest at Addison Village Subdivision, subject to minor engineering changes as applicable, and the developer is responsible for obtaining all other necessary jurisdictional permits.

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

ITEM II.A.4., PRELIMINARY PLAT/FINAL ENGINEERING APPROVAL, RE: VIERA SELF STORAGE - THE VIERA COMPANY

The Board granted preliminary plat/final engineering approval for Viera Self Storage, subject to minor engineering changes as applicable, and the developer is responsible for obtaining all other necessary jurisdictional permits.

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

ITEM II.A.5., PRELIMINARY PLAT/FINAL ENGINEERING APPROVAL, RE: ADDISON DRIVE AND STADIUM PARKWAY SOUTH EXTENSION - THE VIERA COMPANY

The Board granted preliminary plat/final engineering approval for Addison Drive and Stadium Parkway South Extension, subject to minor engineering changes as applicable, and the developer is responsible for obtaining all other necessary jurisdictional permits.

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

ITEM II.A.6., BINDING DEVELOPMENT PLAN, RE: MIKE ERDMAN MOTORS, INC

The Board executed a Binding Development Plan (BDP) with Mike Erdman Motors, Inc., for property located on the north side of Viera Boulevard, approximately 100 feet west of U.S. 1.

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

ITEM II.A.7., CONTRACT FOR SALE AND PURCHASE AND ADDENDUM WITH ROBERT A. CASEY, RE: ACQUISITION OF PROPERTY LOCATED AT 517 HOLLYWOOD BOULEVARD AS PART OF THE PROPOSED HOLLYWOOD BOULEVARD WIDENING PROJECT

The Board executed a Contract for Sale and Purchase and Addendum for property located at 517 Hollywood Boulevard.

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

ITEM II.A.8., RESOLUTION AND LOCAL AGENCY PROGRAM (LAP) AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: COUNTYWIDE INTELLIGENT TRANSPORTATION SYSTEM (ITS) OPERATIONS PROJECT FPN 428930-1-88-01

The Board adopted Resolution No. 16-215, and executed a Local Agency Program (LAP) Agreement with the Florida Department of Transportation (FDOT) for the Countywide Intelligent Transportation System (ITS) Operations Project FPN 428930-1-88-01; and approved any necessary budget change requests associated with this request.

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

ITEM II.A.9., TEMPORARY CONSTRUCTION EASEMENT TO INCLUDE PARCELS 700 AND 701 FROM ALAN M. AND JACKIE M. O'CONNELL, RE: WASHINGTONIA CULVERT REPLACEMENT PROJECT

The Board accepted the Temporary Construction Easement from Alan M. and Jackie M. O'Connell.

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

ITEM II.A.10., RESOLUTION, RE: RELEASING CONTRACT AND SURETY PERFORMANCE BOND FOR ST. ANDREWS MANOR, PHASE 3 SUBDIVISION - SAWGRASS LAND DEVELOPMENT CO.

The Board adopted Resolution No. 16-216, releasing the Contract and Surety Performance Bond dated March 1, 2016, for the St. Andrews Manor, Phase 3 Subdivision.

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

ITEM II.A.11., APPROVAL, RE: GRANT OF EASEMENT FROM PATRICK AIR FORCE BASE (800) NEEDED FOR THE SOUTH PATRICK DRIVE BAFFLE BOX WITH DENITRIFICATION BIOREACTOR PROJECT

The Board executed the Grant of Easement from Patrick Air Force Base for the South Patrick Drive Baffle Box with the Denitrification Bioreactor Project.

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

ITEM II.A.12., APPROVAL, RE: REJECT OFFER TO TRANSFER OWNERSHIP OF END OF MOCKINGBIRD LANE, MICCO, FROM ST. JOHNS RIVER WATER MANAGEMENT DISTRICT TO BREVARD COUNTY

The Board rejected the offer to transfer property located at the southerly end of Mockingbird Lane and the intersection with C-54 Canal from St. Johns River Water Management District.

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

ITEM II.B.1., REAPPOINTMENT, RE: AFFORDABLE HOUSING COUNCIL

The Board appointed/reappointed **Marvin L. Shelton, Ronnie Brewer, Corey Lancaster, and Susan F. Baiocco** to the Affordable Housing Council with said appointments to expire December 31, 2018.

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

ITEM II.B.2., REAPPOINTMENTS, RE: ENVIRONMENTALLY ENDANGERED LANDS PROGRAM SELECTION AND MANAGEMENT COMMITTEE

The Board appointed/reappointed **Kim Zarillo, Laurilee Thompson, D. Scott Taylor, Paul Schmalzer, Charles Ross Hinkle, Sue Hann, and David R. Breininger** to the Environmentally Endangered Lands Program Selection and Management Committee with said appointments to expire December 31, 2018.

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

ITEM II.C.1., PERMISSION TO BID, AWARD, AND EXECUTE THE AGREEMENT, RE: TRANSPORTATION AND FINAL DISPOSAL OF MULCH AND WOOD WASTE FROM SARNO YARD WASTE PROGRAM, MOCKINGBIRD MULCHING FACILITY, AND CENTRAL DISPOSAL FACILITY, AND AUTHORIZE SOLID WASTE MANAGEMENT DIRECTOR TO EXECUTE ANY RENEWALS TO THE AGREEMENT

The Board granted permission to bid and award; authorized the Chairman to execute the agreement with the awarded contractor and the Solid Waste Management Director to execute any renewals to the agreement at the same terms and conditions for the transportation and final disposal of wood waste from the Solid Waste disposal facilities, at the current price of \$8.25 per ton, and if the price per ton is exceeded, the Item will return to the Board for permission to execute the contract.

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

ITEM II.C.2., RESOLUTION AND LEASE AGREEMENT WITH STATE REPRESENTATIVE ELECT RENE PLASENCIA, FLORIDA HOUSE DISTRICT 50, RE; NON-COMPETITIVE LEASE OF COUNTY PROPERTY, OFFICE SPACE IN BREVARD COUNTY GOVERNMENT CENTER NORTH

The Board adopted Resolution No. 16-217, allowing the non-competitive lease of County property, office space in the Brevard County Government Center North to Representative Rene Plasencia; and executed the Lease Agreement with State Representative Elect Rene Plasencia, Florida House District 50.

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

ITEM III., PUBLIC COMMENTS

Reverend Johnnie Dennis noted the Board tabled his resolution the last time he was on the Agenda, until the new Commissioners took office. He stated the National Action Network on behalf of all concerned citizens in Brevard County propose this resolution for term limits for all constitutional officers with regards to the Sheriff, Clerk of Courts, Property Appraiser, and the Tax Collector; this matter should be placed on the 2018 ballot for the voters to decide; this action is a two-step process; first a vote is needed by the Board which has power and duties with the County and are inconsistent with the County Charter; and step two is a majority of voters would have to vote for term limits. He continued without term limits of elected officials, some become entrenched and some become too powerful; term limits is also a tool to fight corruption and organized crime in the County; term limits do not give more power to the lobbyist and special interests; referendum to establish term limits has a 98 percent rate of passage; and eight years, which is two terms, is long enough. He went on to say therefore, be it resolved, this Board vote for term limits and place it on the 2018 ballot; and this is a County Charter proposal respectfully submitted by the National Action Network.

Sandra Karwel stated on November 8 she had a home invasion where the Brevard Sheriff and allegedly seven Brevard Sheriff Deputies, plus 12 Palm Bay police officers, rammed her front door, breaking the door frame and arrested her from inside her house of 48 years; she has lived there since 1968 when her father purchased it with a 30-year mortgage and had a warranty deed, which she quit claimed to herself when he passed; therefore, she is the legal owner of her home. She continued she uses the word home as a legal term, meaning it is her home by right; the Palm Bay Police under Steve Shiddell arrested her for misdemeanor trespassing; 14 days later the State Attorney filed a No Information which dropped that case; and she wants the Board to be aware of it because she is issuing a public records request to the Sheriff today. She went on to say four of her inside cats are lost and unaccounted for; those cats still belong to her; this was not a criminal offense in any way; and the State Attorney made that point by saying this was not a misdemeanor that she lived in her home that she has lived in for 48 years. She stated she also has a small baby bird that Steve Anderson from Brevard Animal Services said they took to the Florida Wildlife Animal Hospital and Sanctuary; she is making a public records request to find out where that bird is because she wants it returned; and she will be at the County Commissioners meetings from now until this situation is resolved. She continued a website has been created that is faithfully documented with all of the legal documents, videos, and photographs of exactly what happened; she is putting this illegal and violent home invasion that was perpetrated against her, her family, and friends whom had things in her house, to the attention of the Board; she had a fully stocked three bedroom, two bath, two car garage, and a

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legacy of 48 years completely emptied; the Palm Bay Police and the Sheriff's Department actually helped Robert Lemke and his son put her valuables inside of a private entity's car; and let them drive off. She went on to say this lasted four hours; she reiterated the public records request will go out today and she will be back at the next County Commissioner's meeting to see how things have progressed on this issue; she stated she is the home owner and that house has never changed from her ownership; and this is already in Federal Court because she had a home invasion by public servants.

Charles Tovey stated he is still fighting for his right to live; he asked if it does not happen to others at their house, why does it happen to him at his house; he has other information; what he is looking for is a way to submit his Lagoon ideas; he noticed today that the State entities are still working; and he has a way to make the County money, clean the Lagoon, and other things. He continued going back to his right to live, he does not know what else to do; he has people just helping themselves, like the woman prior to him stated; she has issues and he has issues; and he is looking for a liaison to look into his problems, so they can work things out together. He went on to say he is at a stance where he has \$50,000 in liens against his property, which were invoked against him and his property within six days of the arson; he has not had access to public record, he barely has access to attend these meetings; he has been harassed and threatened to be shot; he is waiting for this to change and slowly things are being safe at his house; however, he has incurred a plethora of damage that cannot be replaced and he does not know how to resolve it. He stated he cannot go through the rest of his life in the United States with the aggression that has been used against him for the overtaking of his property; he appreciates the Boards efforts to change the trajectory of the County, the Country, and the welfare of the citizens of Brevard County; this is where the Country starts, right here with the Board; and he expressed his appreciation to the Board for being open minded and not making any prejudicial judgments against him, because he has justification and rationalization for most things he does if the Board would just give him a moment to understand. He continued he will just forward the legal issues and disregard the rights of citizens; he does not have safety and he cannot live life, liberty, and the pursuit of happiness; he is trying to change as the County changes and the environment changes; he does not mean to aggress against anybody's rights, he respects everybody and their right to live; and he does not invade their rights, so please do not invade his rights.

ITEM IV.A., RESOLUTION, RE: PETITION OF A PARTIAL VACATING OF A 10.0 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT OF REBECCA DRIVE, TWIN RIVERS SUBDIVISION, MERRITT ISLAND - FRANK AND JULIET VENZARA

Chairman Smith called for public hearing to consider a resolution for petition of a partial vacating of a 10.0 foot wide public utility and drainage easement on Rebecca Drive, Twin Rivers Subdivision, Merritt Island.

John Denninghoff, Public Works Director, stated this is a vacating petition for easements associated with a residential property; and there have been no objections to this petition.

There being no further comments or objections, the Board adopted Resolution No. 16-218 vacating a part of a 10.0 foot wide public utility and drainage easement in Twin Rivers Subdivision, Merritt Island, as petitioned by Frank and Juliet Venzara.

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

ITEM IV.B., RESOLUTION, RE: PETITION TO VACATE PART OF A PUBLIC UTILITY AND DRAINAGE EASEMENT ON CINNAMON TRAIL DRIVE IN HIDDEN LAKES, PHASE ONE, UNITONE, REPLAT, MIMS - MARTARELLI AND DEBORAH FAGUNDES

Chairman Smith called for public hearing to consider a Resolution for petition to vacate part of a public utility and drainage easement on Cinnamon Trail Drive in Hidden Lakes, Phase One, Unit One, Replat, Mims.

John Denninghoff, Public Works Director, stated this is a petition for vacating and he has received no objections to this petition.

There being no further comments or objections, the Board adopted Resolution No. 16-219 vacating part of a public utility and drainage easement on Cinnamon Trail Drive in Hidden Lakes, Phase One, Unit One, Replat, Mims, as petitioned by Martarelli and Deborah Fagundes.

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

ITEM IV.C., RESOLUTION, RE: PETITION TO VACATE PART OF A PUBLIC UTILITY AND DRAINAGE EASEMENT ON CALPH AVENUE, PORT ST. JOHN UNIT EIGHT, COCOA - PATRICK FERRARO

Chairman Smith called for public hearing to consider a resolution for a petition to vacate part of a public utility and drainage easement on Calph Avenue, Port St. John, Unit Eight, Cocoa.

John Denninghoff, Public Works Director, stated this is a vacating petition on residential property and there have been no opposition to the vacating.

There being no further comments or objections, the Board adopted Resolution No. 16-220 vacating a part of a 20.0 foot wide public utility and drainage easement on Calph Avenue in Port St. John, Unit Eight, Cocoa as petitioned by Patrick Ferraro.

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

ITEM IV.D., RESOLUTION, RE: PETITION TO VACATE PUBLIC UTILITY AND DRAINAGE EASEMENT ON SPINAKER DRIVE, SOUTH INDIAN RIVER ISLE THIRD ADDITION, ROCKLEDGE-THIRREL AND ROBERTA ALTMAN

Chairman Smith called for public hearing to consider a resolution for petition to vacate public utility and drainage easement on Spinaker Drive, South Indian River Isle Third Addition, Rockledge.

John Denninghoff, Public Works Director, stated is a vacating petition; there are some conditions that are outstanding on this one; the petitioner has requested a continuance of this hearing to the December 20, Regular Board meeting.

There being no further comments or objections, the Board continued consideration of a Resolution for a petition to vacate public utility and drainage easement on Spinaker Drive, South Indian River Isle Third Addition, Rockledge-Thirrel and Roberta Altman to the December 20, 2016, meeting.

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

ITEM IV.E., PUBLIC HEARING, RE: LAKE WASHINGTON ROAD AT WASHINGTON DRIVE DRAINAGE IMPROVEMENTS CONSTRUCTION PROJECT

Chairman Smith called for public hearing to consider a drainage improvement construction project for Lake Washington Road at Washington Drive.

Virginia Barker, Natural Resource Management Director, stated this is a public hearing asking the Board to consider finding it in the public interest for the County's Public Works Department to perform the work for constructing one last culvert upgrade along the intersection of Lake Washington Road and Washington Drive; this is the last piece of the upper Eau Gallie improvements that the County has been actively working on since 2008; it is an over \$8 million batch of projects, where \$7.29 million have been bid out; and the County only requests permission to use the resources of Public Works when there are lots of underground utilities and the potential for surprises.

There being no further comments or objections, the Board approved a drainage improvement construction project for Lake Washington Road at Washington Drive with any necessary budget changes.

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

ITEM VI.A.1., RANKING AND APPOINTMENT OF VOLUNTEER APPLICANT, RE: SAVE OUR INDIAN RIVER LAGOON CITIZEN OVERSIGHT COMMITTEE

Virginia Barker, Natural Resource Management Director, stated this is the ranking of a new volunteer applicant to serve on the Save Our Indian Lagoon Citizens Oversight Committee; the

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prior Board selected its half of the committee; one member has had to recuse himself; and this is reappointment from the initial pool of applicants.

The Board ranked the volunteer applicants of the Save Our Indian River Lagoon Citizen Oversight Committee; and appointed John Durkee as the Committee member.

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

ITEM VI.C.1., LEASE AGREEMENT WITH SCHOOL BOARD OF BREVARD COUNTY, FLORIDA, RE: PROPERTY FOR FUTURE CONSTRUCTION OF A NEW EMERGENCY OPERATIONS CENTER AND COMMUNICATIONS CENTER

Kimberly Prosser, Emergency Management Director, stated she has received a Lease Agreement from the School Board of Brevard County for a 4.93 acre site on Huntington Lane in Rockledge for future construction of a new Emergency Operations Center (EOC); the lease is for \$1 per year for 99 years; and she requested the Board approve the lease.

Commissioner Barfield stated the County is in desperate need for a new EOC; the property has been accessible to the County but in order to make it firm the Board should make sure it gets the property locked up; and he feels the School Board was very generous to let the County lease the property.

Commissioner Tobia stated the tax payers would be the generous ones; his understanding is this property could potentially go on surplus in over \$300,000 that could potentially shore up much of the debt service that the School Board has accumulated; and the County has current land that the architect's design group identified as a plausible location. He asked what the issue would be with using land that is available to the County and let Brevard County Public Schools potentially surplus their land and deal with the money to plug some of the holes they have.

Stockton Whitten, County Manager, stated this property has two vacant plots; one is in between this building and the Health Department; and the other is on the side of the parking lot by the Courthouse. He went on to say in 2012 the study ranked three different locations; the Cedar Street location was ranked as the first location and that location has buildings and the current EOC; the advantage there, is it could be more of a campus so the current buildings could be repurposed or refurbished to make that a better functioning EOC campus; and this site is undesignated because of administrative and court needs in terms of space, it reserves the ability to expand as needed for the court and other quasi state services such as the Public Defender, State Attorney, or County government. He continued his preference as staff would be to reserve that vacant lot on this campus for other administrative court or Charter needs.

Commissioner Barfield stated the City of Rockledge is on-board with this; they will provide a lot of the fast track permitting, a number of maintenance activities, and a lot of the planning and development; and it makes sense for a campus of public safety EOC.

Commissioner Isnardi noted the County Manager stated the School Board was willing to give up this land for the County and that the idea was to keep the public safety campus in one area; if the County can collectively work with another government entity that best serves the public as a government then it is doing its job; and she is willing support this.

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Chairman Smith asked if the Board was making a commitment that requires an obligation on its part; if the Board accepts this and a year from now the County has not built an EOC and there are no plans to build it or use the property and something comes up or a different solution arises is the County committed to it.

Scott Knox, County Attorney, stated the County can terminate the lease any time with five years notice, and that can be accelerated if the Board agrees to it.

Chairman Smith asked if the Board is leasing this now, and if that is the commitment it is making.

Attorney Knox replied yes.

Chairman Smith stated the County has no plans and no money to build the building; and he asked if something else came along in two years is the County still committed for three years to the School Board.

Attorney Knox reiterated the lease can be terminated with five years notice, and if the Board wanted to do that he is sure the School Board would be happy to accelerate it.

Chairman Smith stated he is cognizant and he tends to agree with Commissioner Tobia, but at the same time he has been very involved with the EOC and trying to get funding; he knows the State and Federal government wants to see Brevard County get in the game; and if it cost the County \$1 or \$5 for the five years, he is willing to go with it.

The Board granted approval of a Lease Agreement with the School Board of Brevard County for property for future construction of a new Emergency Operations Center and Communications Center; and authorized the Chairman to execute the Agreement.

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

ITEM VI.D.1., REQUEST FOR EXECUTIVE SESSION, RE: LOUIS C. MOREHEAD, III V. BREVARD COUNTY, CASE NUMBER.: 05-2007CA-006126-XXXX-XX

The Board approved the Request for Executive Session for Louis C. Morehead, III v. Brevard County, Case No. 05-2007-CA-006126.

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

ITEM VI.E.1., APPROVAL, RE: 2017 BOARD OF COUNTY COMMISSIONERS SCHEDULE

Stockton Whitten, County Manager, stated this is the request to approve the Board's annual schedule; he had one request from Commissioner Pritchett who has scheduling conflicts on most Thursdays; she will be there for the Transportation Planning Organization (TPO) meetings

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and is requesting that the Workshops be scheduled on TPO Thursdays to begin in the afternoon; therefore, the February 23 Workshop would move to noon on February 9, and the March workshop would move to March 9. He went on to say those Workshops that are not on the TPO Thursday would simply move to TPO Thursdays and begin at 1:00 p.m.

Commissioner Pritchett stated just for consideration would it be possible to maybe consider moving the Planning and Zoning (P&Z) meetings to the Board of County Commissioners (BOCC) meetings; that has been done on the city level and she wondered if that would be a consideration; she would think if the Board could get the meetings moved to certain days, that would free up the Board's time to do other community activities; and she just wanted to bring that for the consideration of the Board.

Commissioner Isnardi stated she had some of these same questions when she had briefings with staff; she never quite understood why the Board would not make better use of its time and staff's time by including those things within its regular meetings; she understands that the P&Z meetings were moved to their own date due to scheduling, but she has also heard the argument that BOCC meetings are held at a time when most people work; and an argument can be made either way. She continued if requesting changes as large as a zoning change then the individual could probably afford or make the time to come to a meeting if it is during the day and she would be in favor of that to save staff time, Commission time, and to be more efficient.

Stockton Whitten, County Manager, noted if the Board is going to make that change then this would be a change to Resolution No. 14-219, which outlines the Board's operating procedures; under Section three it states Zoning meetings shall commence at 5:00 p.m.; and unless Robin DiFabio, Planning and Development Director, has some issues as to why the Board cannot have the meetings in the daytime, he has no other concerns.

Commissioner Isnardi stated often times people are delayed in their projects or in their zoning requests because they missed the cutoff because the Board only hears those issues once and this would give the opportunity to expedite some of those requests for zoning changes.

Scott Knox, County Attorney, pointed out that sometimes decisions have to be made after 5:00 p.m. in certain circumstances.

Chairman Smith asked why that would have to occur.

Attorney Knox stated because people work during the daytime and like to come to the Board meetings.

Commissioner Isnardi stated she addressed that in her original comments; she sympathizes with the individual that has to wait until after work to attend; however, she does not think that is a law or a requirement for the Board not to consider moving the P&Z Items to the regular BOCC meetings. She went on to say the same argument could be made for either, and that is not a factor for her.

Attorney Knox replied the law does require for certain meetings to be held after 5:00 p.m. and he is pointing that out because there will be times when the Board will not have a choice because of what the law requires.

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Commissioner Isnardi asked for that to be forwarded to her so she can understand what that law is because she has never had that issue before.

Attorney Knox replied yes.

Commissioner Barfield pointed out just because the Board has a P&Z meeting at night, does not mean there cannot be other Agenda Items as well; the Board has in the past, realized some items are big in the community and had them placed on the evening session because it was more accessible; therefore, at any time the Board could move a meeting scheduled out in advance to an evening meeting, but he thinks it is nice to have an evening meeting in some way, shape, or form because it does give the public much more of an opportunity to attend; and he would hate for there to be something placed on the Agenda that truly is impacting a lot of people and the people to not have access to come to the meeting one way or another. He went on to say he thinks it is something the Board needs to look at as he has always wondered why these meetings were on Thursday evenings.

Commissioner Isnardi stated she agrees with Commissioner Barfield; in a perfect world all the meetings would be in the evening; and with this being her first meeting she did not want to bring that to the Board and suggest it do such a thing; for her, her residents, and all the people she represents she would have every meeting start after 6:00 p.m. She continued she understands, she has been in Council meetings herself and they have gone on until midnight or 1:00 a.m. but generally that only ever happens with an extremely controversial issue; and if the Board is openly talking about meeting preferences and are concerned with following the law, then she would like to have all of the meetings in the evening.

Chairman Smith stated he has had a lot of people over the past two years ask why the Board has meetings that not everyone can attend and his response has always been, that the Board does have meetings that occur at 5:00 p.m.; and the Board does include other County and business items other than just P&Z. He continued it is an interesting concept and he would be willing to look at it; but he is not ready to make a positive decision on it right now; if anyone wants to make a motion it can be voted on; however, his personal opinion is to wait and talk about it again.

Commissioner Isnardi stated she would like to hear some thoughts from other Board members on the possibilities of moving the meetings to the evening because every municipality in this County has evening meetings; she understands this is a different entity with a bigger budget, and larger issues at hand, but it would be more like the other municipalities and sister cities that do that; and she would be interested in hearing, so that they are not wasting staff's time or Commissioner's time by bringing it up in the future, if it does not appear that the Board is leaning that way.

Commissioner Barfield stated before voting on this he would like to look at what has been done in the past to see who would be impacted; he thinks the Board could maybe increase the number of evening meetings, but not all of them because there are people on both sides of the walk of life; and he would like to get a feel from the community on what the impacts would be, before making a vote on it.

Commissioner Isnardi stated what she used to do for items that there had been issues with or people who had to get home, they would have time certain placed on those issues.

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Commissioner Barfield stated one of the major issues is the bus service, a lot of people use the bus service to come to the meetings.

Commissioner Pritchett asked if she could make a recommendation instead of jumping all in with both feet, to only move one of the meetings to the evening and mix it in with the P&Z meeting to see how it will affect staff; she stated she knows there will be a cost to move all the meetings and for advertising; and maybe the Board would consider just one meeting a month to experiment with how it affects the community and the Commission meetings.

The Board defeated the motion to move all BOCC meetings to the evening with start time to be determined by the Board.

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

ITEM VI.E.1., APPROVAL, RE: 2017 BOARD OF COUNTY COMMISSIONERS SCHEDULE (CONTINUED)

Commissioner Isnardi stated that was rather confusing.

Commissioner Tobia asked for the motion to be reread.

Commissioner Isnardi stated that she thinks the Board got a little convoluted on what it was going to do; Commissioner Pritchett offered the idea of possibly having one meeting in the evening and she thinks it would be a step forward in the right direction; no matter what the Board does it is going to impact people; however, she believes that it touches a larger amount of people by having meetings when people are usually home from work. She went on to say she will support any measure that moves the Commission in that direction; she does not know if moving the first meeting a month to the evening makes it difficult for staff.

Stockton Whitten, County Manager, stated the Workshop item was a part of the annual schedule, the Board then started talking about P&Z meetings; and he asked what Item the Board was on because he thought they were dispensed with the schedule Item and the Workshop. He stated the first order of business for him was Item VI.E.1., the approval of the annual schedule and the request to move those undesignated Workshops to the Thursday TPO meeting days at 1:00 p.m.; that was the first question put before the Board; and he thought Commissioner Isnardi made that motion.

Chairman Smith stated Commissioner Pritchett seconded that motion.

The Board approved the 2017 Board of County Commissioners meeting schedule amending it to include all Workshop meetings to be scheduled at 1:00 p.m. after the Transportation Planning Organization (TPO) meetings.

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

ITEM VI.E.1., APPROVAL, RE: 2017 BOARD OF COUNTY COMMISSIONERS SCHEDULE (CONTINUED)

Commissioner Pritchett asked if it would be appropriate to make a motion to move one meeting a month to the evening and include Planning and Zoning (P&Z) with that meeting.

Chairman Smith stated it is worth thinking about; however, he is not ready to vote on that.

Commissioner Barfield stated that some P&Z meetings can go until 11:00 p.m. or 12:00 a.m. and to combine that with a meeting, the Board would be there regularly for a good six hours; he thinks it may be a good idea to consider routinely how the Board can do night meetings; and he noted it can always change the schedule, vote it in, vote it out, or change it later.

Chairman Smith stated he thinks that is good advice because it might be good for them to see it in two or three months from now, to get an idea of what the P&Z meetings are and how long they last; the Board does do County Business in those meetings; and the public shows up because it is one meeting a month that starts at 5:00 p.m. He continued if they have business that they would like to conduct with the County, they can request it be at that meeting; they are not locked in at 9:00 a.m.; and as Commissioner Barfield stated, some of those meetings last until 10:00 or 11:00 p.m. He went on to say that former Commissioners have stated that some of those meetings went until 2:00 or 3:00 a.m. and he likes the suggestion, but would like the Board to give it two or three months before making a decision.

Commissioner Tobia asked for clarification that the Board has approved the calendar; and if Commissioner Pritchett put forth a motion for that evening meeting, because he believes this would be the time to do it if she so desired.

Commissioner Pritchett stated she withdraws the motion to give a little time for wisdom to see how it plays out with the community.

Commissioner Isnardi stated that the P&Z meetings can go awhile, especially if they are contentious; if those P&Z issues were divided between the two meetings then P&Z Items would not have to be heard only once a month; P&Z meetings are not designed for regular meeting items; everything put on a P&Z Agenda should not cover other County business; and if so and it is important business, then it needs to be advertised. She continued she does not want to get in the habit of using P&Z meetings for talking about a lot of County business that should be conducted in a regular Board of County Commission (BOCC) meeting; if it is just minor items such as housekeeping and the public wants to come express themselves that is fine, but at the very least if the P&Z items are not moved to the Agenda she would at the very least motion to have the first meeting of the month moved to the evening; and she thinks that would be a good compromise for the City folk that have done this for a while and it works very well. She went on to say it would give this Board a chance to see how the evening meetings work; and maybe it works so well that it is kept

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that way forever, because it hits the public that can only come during the day and the public that can only come in the evenings.

Chairman Smith asked if that was a motion and at what time the meeting would start.

Commissioner Isnardi stated 6:00 p.m. would be a better time to give people a chance to get there.

Commissioner Barfield stated before he could vote for that, he would like to see what the fiscal impact would be because there needs to be staff available and a lot of other things.

Commissioner Pritchett stated she likes it also and would not mind bringing it back to the next meeting just so the Board has an opportunity to hear from staff; however, she would be up to voting for it now.

Chairman Smith commented whenever he makes decisions, many times the decision seems to be good at the initial moment, and that pertains to other things as well not just this; he is big on unintended consequences; and he would like to let himself think about this and converse with other County employees to see if there are any unintended consequences that may make this decision, not a good decision six weeks or six months down the road.

Commissioner Isnardi stated she understands that; obviously every municipality has had to face those same difficult questions; and with all due respect, staff is not going to like the idea, because people do not like the idea of coming to work in the evening if they have been used to working nine to five. She continued she is not saying all staff, but there are always other options; the City, during its financial down turn, would flex the employees time if they were forced to attend an evening meeting, because they do not require a full housing of staff for every meeting; she thinks it is a good idea; and it is alright with her, if the Board wants to review the fiscal impact next time. She went on to say although staff may not like it, she can promise that residents would; she has been there and done it for two terms; she knows a little bit about government herself; and although the motion may fail, she is not removing it.

Stockton Whitten, County Manager, stated it would not be a big issue with staff because most of them are department Directors who are overtime exempt and they would just flex schedules; there may be minor issues in Facilities, but that could be handled with flexing schedules; and he does not think staff would care one way or another.

Commissioner Pritchett asked if the Board moves forward with this and it became something it did not like, could it go back to normal scheduling.

Scott Knox, County Attorney, stated the schedule is at the Board's discretion, subject to what the law requires for it to meet after 5:00 p.m. which is generally only when cases involving 10 or more acres and changes in the Ordinances that change permitted uses, unless it votes 4:1 to hold it some other time; and Budget meetings have to be held after 5:00 p.m.

The Board approved changing the first BOCC meeting of each month to an evening meeting beginning at 6:00 p.m.

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

ITEM VI.E.2., APPROVAL, RE: BREVARD COUNTY 2017 LEGISLATIVE PROGRAM

Stockton Whitten, County Manager, stated this Item is the submission of the annual legislative program; the Board has been given a host of proposals; he thinks the County has done a better job prioritizing those into certain categories; and those categories include, Policy Statements, County Initiatives, County Department Issues, Brevard County Space and Technology; and then Transportation Funding. He continued this is asking the Board to either adopt the program as submitted or make amendments to it and identify its priorities to present to the Brevard Legislative Delegation.

Commissioner Tobia stated he has a number of issues from the macro as well as the micro levels; he got the 2016 Legislative Program Summary and he noted that there were not all that many changes; he thinks there probably were not that many changes because there was not a whole lot of success; and he believes, given the confines that the State is currently under, as some members may recall, the last Budget Session in Tallahassee there was a \$1.2 Billion surplus. He continued the next revenue estimated conference is December 16; the Speaker of the House is expecting between \$500 million and a \$1 billion deficit; in other words there are going to be less resources available to the State and consequently less passed down to the County; and what he would be asking for is a bit of clarification on some of these. He went on to say Florida House Rule 514, as accepted by the Florida House two weeks ago, says all funding requests for local projects must go through the Bill process; this is unique and something that has never happened before; these expenditures are usually thrown in behind closed doors at the last minute; and Speaker Corcoran, in an effect to have open discourse, has intended to do that by requiring these expenditures be stand-alone Bills, in other words, if there is an ask on any of these it would be incumbent on the individual making the presentation to the Delegation to ask for a sponsor for each one of these Bills, if they are going to pass. He stated his intent is to have something that is more successful; and the rules have changed since last year, but this County's requests have not.

Commissioner Barfield asked Commissioner Tobia how this new approach works.

Commissioner Tobia stated the new members are working in a new environment because the Senate has not adopted similar rules; he will see how the budgetary plays out; but he guarantees it will not be very smooth not only with the process but with the ideology between the House and the Senate. He continued Senator Debbie Mayfield represents more than one County; there are a number of representatives that represent other counties; there are some individuals that will have dual roles; and if there is a similar Bill, the second filed sponsor is informed there is a first one and there can be a prime co-sponsor if that were the case. He noted that would do away with duplication.

Commissioner Pritchett stated anything involving Amendment One needs to be something the Board continues to work on.

Commissioner Barfield stated those actually match up to Florida's Association of Counties (FAC) Policy Initiatives as well; he thinks the Board needs to come up with five priority items because when he presents them, he only has three minutes; and the others can be in the back,

but he needs to focus on the priorities because time is going to go quickly. He continued one of those is the Emergency Operations Center (EOC) which is going to be the difficult one because it does not really impact a lot of other counties on the face value, but it can impact other counties because of how the launch operations are commercialized; another one that is a thorn in the side is the 100-acre correctional institution that was acquired by the State, who placed a prison on the property, then abandoned the prison and gave it back to the County as contaminated property; the site is going to cost about \$4 million, but could be used to unload; the Amendment One for matching funds, which FAC is supporting too, along with beach renourishment, and all coastal areas are trying for a recurring draw from Amendment One dollars; and Amendment One dollars for properties that a number of other counties have had referendums for. He went on to say another priority is for certification of the Building Code Inspectors, it is a very stringent requirement that is difficult to meet and he feels it needs to be changed; he thinks it needs to be addressed but does not know if it would be a priority.

Commissioner Tobia stated the overall arching decision is a good one; given three minutes, it is very difficult to present five, let alone 45; he thinks the Board needs to not only be able to present this to the Brevard Delegation, but follow through; the certification one is a great idea, there is not a fiscal associated with it, and if there is it is probably insignificant, plus it could have some lasting positive impacts not only on citizens of this County, but taxpayers across the State; and a case can be made that the EOC is larger than just for the residents of Brevard County, but a veto took that money away, the State no longer has as much money, the power players are no longer at the top of the roster, and he does not think placing it as a priority is the best course of action. He continued he believes the Board should be very careful with Amendment One because General Revenue dollars spend the exact same as Amendment One dollars; on the Consent Agenda, the \$21 million for Lagoon cleanup that came from the taxpayers via the State is going to clean up the Lagoon whether it is Amendment One dollars or General Revenue dollars; he also thinks to put a match on it is very scary because a \$32 million match is big, maybe they can only come up with \$25 million but not a match and decided not to give any of it, he feels there should be more leeway; and he understands the beach nourishment issue, but it is very difficult and the County will be spending Federal, State, and local dollars renourishing beaches in front of houses that are inhabited by people whose income is far above the median of Brevard County. He stated transportation may be a larger priority before putting sand in front of multi-million dollar houses; there are certain things in here, including Brevard County Tourist Development Tax where the Board is advocating keeping a tax; he wants to make sure that if the Board does choose five priorities, it does not have the addendum of other things in here because there is not any way with good conscience that he could advocate supporting the ancillary requests in here; and him knowing many of those who were elected to the Florida House, neither will they. He continued Visit Florida does not function in this sunshine; two newspapers were not able to identify how much resources were spent securing an endorsement from Pitbull, so advocating that the Board needs to spend money on rappers or a European car circuit without the ability to see where those resources are being spent is unnecessary; this list says the County does not want to expand the way in which those resources are used; there are things that run counter intuitive to not only open government but better and more conservative government; and he thinks five is a great number but is concerned with the other stuff. He went on to say coming with a package is not going to be met very well with the conservative members.

Commissioner Isnardi stated she would agree with most of what Commissioner Tobia just said given that there is a new Legislature in place and judging by things that were said, not just when they were running for office, but their stances on issues; as much as the County values its park system and sand on the beaches, she does not see the Legislature supporting measures that put those as a priority; obviously transportation funding is big for her; there is a St. Johns Heritage Parkway, which has received a lot of state funding and has already had taxes paid back, Ellis Road improvements, A-1-A improvements, S.R. 528, all of these impact this County;

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and she would put that as a number one priority, because that is a core function. She continued she does not believe the Indian River Lagoon (IRL) issues will ever be doubted because the Legislator's constituents are telling them the same thing; she thinks the Board needs to be careful by letting them know that it is a priority but the infrastructure, drainage, and everything tied to that affects the IRL; and she also supports the EOC because she understands the logistics of how that works, and the need to make sure that funding is secured because she would like to make sure staff and resources are deployed in an effective manner. She went on to say those are her priorities and everything on the list is very important but they are very conservative.

Commissioner Barfield stated the Board may be in agreement that the priority is transportation funding, it will try to put together five or six priorities; and then it will go from there.

Chairman Smith stated regarding the prison, the State gave the County that property and it is contaminated; the State gave \$800,000 for clean-up, but it is going to cost about \$4 million; he thinks the State should come to the table and help with it; he knows All Aboard Florida is on that list, but does not think it is important at all; he would suggest the Tourist Development Tax be expanded to the IRL; State Legislature has restricted how the Tourist Development Commission (TDC) can spend their money; but he does not think anyone could have a valid argument that the IRL or the beaches are not tourist related. He noted the County is given money to expand the beaches, but not given money for lifeguards, who obviously help tourism, and he thinks that would not cost the Legislature or the taxpayers anything, it would just redirect the money and give the option to the local TDC's to expand its use.

Commissioner Barfield stated frame the top as top priorities and then the Board could go through and remove things that do not need to be presented.

Commissioner Tobia stated transportation funding for Brevard County road projects, and to do away with anything under Trails; there needs to be dollar figures specific to Brevard County; all Bills must be filed before the first day of session at noon; and this makes it a lot more difficult on the Board but it opens up the process for more involvement, where all five Board members can track the Bill as it moves through the process. He continued he would start with the Space Coast Transportation Funding with the four projects listed and dollar figures; he noted members of the House get six Bills according to House rules; and the funding Bills do not count against that.

Chairman Smith stated he likes the idea of asking a specific Legislator and receiving a specific answer.

Commissioner Barfield stated he would like the EOC to be one of the priorities; during Hurricane Matthew, the Governor came in and saw what the County has; he thinks the time to ask for this is now if there are funds available; and it could be that he will just ask for the design part, and then follow up later.

Mr. Whitten stated he could do it that way; he could ask for the construction portion of it; he is hesitant to just ask for the design because the County would be left out in regards to the construction; and he thinks he can provide a reasonable estimate on design and construction.

Commissioner Tobia asked if this is a \$20 million project.

Mr. Whitten replied it depends on the square footage; the 2012 study was a certain square footage and came back with a \$25 million price tag; he does not know if it needs to be 60,000 or 66,000 square feet but that could be looked at very quickly; and it is obviously going to be a square footage price.

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Commissioner Tobia stated he would advocate getting those numbers relatively quickly so that can be a priority.

Chairman Smith stated he agrees and he thinks Senator Mayfield would be a good one to ask for that request because she has been in his office several times, and the topic is always about the EOC; she understands the crisis that exists in this County for not upgrading the EOC, and it is only going to get worse; however, on the House side he does not know who to ask specifically, maybe Representative Fine because he liked the idea as well. He continued the EOC is extremely important; the Governor did veto it last year, but he has seen it firsthand; he has heard the Governor had a change of heart; and now the question remains if there will be funding this year or next year while he is still in office.

Commissioner Pritchett stated she is in agreement with the EOC; she believes Commissioner Barfield is only going to have time to sell three or four things; she does believe that it is important to have some dollar amounts connected to them, otherwise it is too abstract; she does support the correctional institute, and she thinks it is only appropriate that the State fix what it gave the County; she believes they are all important; and she agrees with the transportation issue and she thinks the Board should zone in on a specific target and a dollar amount. She continued those are the things she would support and she believes they can be approved; she likes the idea of fixing the examination for certification for the Planning and Zoning Department, it would free up a whole lot of finances and it would help the people trying to build, not be so frustrated; and she feels that is another need that should be represented.

Commissioner Isnardi stated she agrees, but the certification is probably something that the Board could talk to the Legislature about either in email, a phone call, or a lunch because there are no dollars tied to it; transportation is number one for her; she also thinks unfunded mandates, and unnecessary restrictions on local government, or anything that opposes any action against local government for Home Rule definitely needs to be a priority, because often times it is easy to legislate, not in Commissioner's faces, because they do not see the impact that they have on their local governments and municipalities; however, it is not a funding issue so she does not know given the short amount of time, if it would be a first priority.

Commissioner Barfield stated when he starts the discussion he can make a statement that Brevard County strongly supports Home Rule; he would like to make a priority on Amendment One dollars, because there has been different issues on how that money has been allotted at the State level; he wants to stick with the management of endangered lands; he believes that is an issue across the State; he would also like to keep in the issue with funding for the IRL, with continued money; and it does not have to be just from Amendment One, it can be changed to say State funding.

Chairman Smith stated in his conversations with the Governor's office, they are strongly in favor of providing Brevard County with matching funds, since the Board has passed this and shown it has skin in the game; Senators Nelson and Rubio's offices are in favor as well; and that is an important point.

Commissioner Barfield stated the Board can come up with a funding amount; it probably would not be the complete amount of the projects already planned, but he could give a number and work off that number.

Chairman Smith stated he would like the Board to determine who Commissioner Barfield should ask to support each point and he recommended Altman for the IRL issue.

Commissioner Isnardi stated she is hesitant with asking for Environmentally Endangered Lands (EEL) money as a priority because with management comes costs; she understands the

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program is supposed to take care of itself but she knows some of the things that were done in the past with EEL's money and funding and she has not always agreed with it; therefore, that would not be a priority for her, but IRL funding would be.

Chairman Smith stated he is in agreement, he is favor of the EEL's program, but the wording in the ballot initiative provided that those funds would be used to purchase and maintain; and he thinks the maintenance should be locally funded since it was voted on.

Commissioner Isnardi stated it makes her nervous to talk about land acquisition because she does not think government should own more land than the private sector.

Chairman Smith commented especially in this County where the Government owns 52 percent of the property.

Mr. Whitten stated he has a couple issues; he thinks the intent of staff was to draw down Amendment One dollars, the initiative was for the management of environmentally sensitive lands and other types of lands, not for the acquisition of more land; it is to use EEL dollars and Amendment One dollars as intended by the State referendum initiative; staff, in devising the plan for the Lagoon, had a sit down with State agencies and their strong suggestion was to have a local source, which is required to draw down the State dollars; and he thinks it is consistent with the direction that staff received from the State agencies to use the local funding, the half-cent sales tax, to draw down the State dollars. He continued as he has listened to the Board, he thinks the Board's priorities are Transportation Funding, and if there is not enough time to cover the Bullet points, then perhaps Commissioner Barfield can give them a hand out with the priorities in regards to Transportation funding; State General Revenue and Amendment One dollars for match drawdowns for funding the IRL Plan and management of EEL's properties, with the Board to decide if it wants to add in the EEL's properties; the EOC is another priority; the 108 acres in which the State returned hundreds of thousands of square feet of really bad property; and he asked the Board for direction of what is left on the list that it does not want staff to advocate for during this session. He went on to say he thought he heard Commissioner Tobia and Chairman Smith mention a couple things that they are not in favor of with regards to Tourist Development tax; if the Board does not give staff that direction then staff will take it as they have the authority to still advocate for all the things on the list; and he stated he does have a concern that if one Legislator is not interested in one of these, would that preclude Commissioner Barfield from asking another, who may have an interest in that item.

Chairman Smith stated since State Legislature is not bound by Sunshine, Commissioner Barfield can approach the Legislators chosen, and if they are not interested he will know beforehand, and he can reach out to someone else.

Commissioner Barfield replied as long as he has enough time.

Chairman Smith pointed out that Commissioner Tobia had stated it would be better to pointedly ask somebody to support this and get a commitment, and then the Board knows it has someone in Tallahassee fighting for these items.

Commissioner Tobia stated he does not want to put anyone on the spot; he believes in asking Representative Thad Altman for the EOC because he has sat on the Board and he has probably been in the EOC building and understands the importance of that.

Chairman Smith stated he is a big advocate for the IRL.

Commissioner Tobia stated he would like to spread the wealth around.

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Chairman Smith replied Representative Fine is big on the IRL as well.

Commissioner Tobia stated he would be hesitant to mention hired lobbyist because Government hiring lobbyists is a pet peeve of the Speaker of the House; Pasco County no longer has a hired lobbyist because of that; therefore, this is a little more incumbent upon the Commissioners to follow through, and a lot easier if there are only two or three priorities. He continued his suggestion for the house keeping for Mr. Whitten would be instead of going through each and every one of these, that the Board highlights the three or four mentioned and strike everything else.

Commissioner Barfield asked for clarification from Commissioner Tobia on striking everything else; he stated at some point a lot of these things really are needs; and he asked if these can be addressed at another time.

Chairman Smith stated his take from speaking with representatives is the incoming leadership is not going to have the latitude that it once had to bring up more than one Bill; the idea is they want to highlight their pet Bills and go with that; and he asked Commissioner Tobia to shed some light on that.

Commissioner Tobia stated he thinks quite the opposite; instead of the way Tallahassee used to do business where three or four people would sit down in the middle of the night and decide one million dollars will be spent on a bridge; what the Speaker of the House has done is taken that power, placed everyone's priorities on the table to have every member engage, and let them all decide if these priorities are worthy of the funding, and if they serve a need Countywide or Statewide; the Speaker of the House has asked how each priority benefits people in the House District, the Delegation, and Statewide so when other members see it, they see the importance of it; therefore, he does not see the Speaker of the House ruling with an iron fist, he believes he is opening up the process. He continued he sees the likes of Representative Fine, being a freshman, having the ability, given the merit of these projects to work it through in the light of day, and allow local Government to follow as it progresses, make the phone calls, speak to constituents, and get them to call representatives as they make votes while it moves through the committee. He went on to say he is sorry he was not able to serve under someone with the vision to expand at the authority and budgetary making priority to the individual members; he is very excited and he believes the County has a larger chance of getting these things through; and he believes these issues serve more than just the people of Brevard County and are worthy stand-alone Bills.

Commissioner Barfield clarified the priorities are Transportation with the four bullet items, the IRL tied in with Amendment One and General Revenue, EOC, the prison, and depending on the time he may have to do the inspectors independently.

Mr. Whitten commented Commissioner Tobia stated to strike everything else; on page two under Library Services, there is support State-aide to Libraries which is funded each year; and staff is going to continue to work on in the associations that they are part of, and through the State Agencies; and he asked for clarification from Commissioner Tobia if that is what he is talking about when he said strike everything.

Chairman Smith stated that was not his intent; what the Board is doing is limiting the priorities before the Legislative body.

The Board reached consensus in identifying the priorities for the December 16, 2016, Legislative Delegation meeting, as follows: Transportation Funding Supporting St. Johns Heritage Parkway System, Ellis Road Improvements, A-1-A Corridor, and State Road 528; Indian River Lagoon Restoration and Stormwater Treatment and Management of

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Environmentally Endangered Lands (EEL) Properties through Amendment 1 and/or General Revenue for Matching Funding drawdowns; Brevard County Emergency Operations Center (EOC) Funding; Funding for Environmental Cleanup of 108-Acre Site of Former Brevard Correctional Institute; and Modifying Current Standards for Building Code Inspectors and Plans Examiners. Staff is still permitted to work on or advocate other items within proposal.

ITEM VI.F.1., CITIZEN REQUEST BY ANGELA M. FIORENTINO, ESQUIRE, RE: 40-DAY EXTENSION OF TIME TO MAKE PAYMENT; LIEN FOR BANK OF AMERICA AND ARNS, INC., MERRITT ISLAND

Angela Fiorentino stated she wanted to make one thing clear, she was requesting an extension of 40 days for time to pay, which ends today; she has cashier's checks in the event the Board approves her request for the extension of time; and she will be paying the \$3,300. She continued her client was initially cited for a safety violation related to the cover of a pool at a home; her clients thought they had complied with the Code violation notice; they had put a cover on the pool, which is an ATSM barrier, holds up to 480 something pounds, and attaches to the pool so that children and pets cannot get in the pool; her client received another notice nine months later for a hearing on the matter, apparently the County did not agree that the barrier was sufficient, they wanted a screen enclosure on the pool; as soon as her clients understood that was what the County wanted, they remedied it; and then they went before the Magistrate to ask for a reduction in the amount of the lien which at that time, it has accrued to about \$78,000. She went on to say they had agreed with the County for a reduction down to \$3,300 and the Magistrate recommended approval; she came before the Board and it confirmed; the Magistrate's order required payment within 30 days of approval by the Board; and she had some difficulties with the hurricane and office closures, so she had asked the County for additional time to pay. She stated the County said it could not give her permission, she would have to ask the Board's permission; therefore, she is now asking the Board for an extension of time to pay.

Robin DiFabio, Planning and Development Director, stated this is related to a 2014 Code and safety violation on an unsecured pool; approximately 18 months after the notice of violation was sent to her client, Bank of America, the owner of the property through foreclosure did not respond to taking action; the Special Magistrate found them in violation; ultimately a hearing was scheduled to impose the violation as a lien and sent notice to her client; Bank of America forwarded that notice and the County received a response from Ms. Fiorentino who asked the County to postpone imposing that lien; the Special Magistrate had imposed the lien, at which time the fine had accrued to about \$50,000; and Ms. Fiorentino did ultimately bring the property into compliance by virtue of correcting the screen enclosure, which according to the Building Code was one of the methods for securing the pool. She continued the cover which was placed on the pool was not in accordance with Building Code requirements for securing a pool; it was not until the screen enclosure was repaired that the violation was cured; Ms. Fiorentino appeared before the Special Magistrate and requested a fine reduction to \$3,300; the Magistrate, who makes the recommendation to the Board, did recommend the reduction, stipulated to payment within 30 days of the Board's decision; Ms. Fiorentino appeared before the Board on October 4, requesting the reduction; and the Board agreed to the Special Magistrates recommended order of \$3,300 and payment within 30 days. She went on to say on November 4, which was the last day of the 30 days Ms. Fiorentino reached out to the County about not being able to pay on time; it was explained to her that since it was a Board action, staff did not have authority to override the Board's action; Ms. Fiorentino offered to pay by electronic check, which would be immediate payment and the County accepted it; ultimately the next week, the County's bank notified staff that there was a stop payment placed on the check made by Ms. Fiorentino's clients; and the County incurred another \$165 for a Non-Sufficient Funds (NSF) fee by the bank because of that cancelled transaction. She stated Ms. Fiorentino is now requesting that the Board give a retroactive extension of time for the fine reduction.

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Ms. Fiorentino asked if she could clarify a few things; she stated they did not stop payment on the check, it was a law firm check and she was not aware that her bank would not allow payment by phone, so her bank refused the check; her understanding was, it was the last day and she had to submit some payment, and she could not pay enough by credit card for what the County would accept, so payment was made by phone without her confirming with her back that it would accept a payment by phone; and she apologized for the inconvenience.

Commissioner Tobia asked if the Board does not grant this request if it would revert back to the original fine.

Ms. DiFabio replied it would revert back to the \$68,800, which was the original fine.

Commissioner Tobia asked if there is an intermediary between the reasonable \$3,300 and the original \$68,800; he stated he finds it disingenuous that a hurricane stopped business for 30 full days; the fact that a bank, other than the County's bank, would be blamed for not putting those resources back; and he believes it is extremely punitive to go from the \$3,300 to the \$68,800, and unreasonable.

Ms. DiFabio stated staff would look to the Board to consider other alternatives, or something in between.

Commissioner Isnardi asked how long the property was in violation before it was corrected, and for confirmation if the property was notified more than once about the violation.

Ms. DiFabio stated they were notified more than once; the property was in violation in March 2014; and it came into compliance in the spring of 2016.

Commissioner Isnardi asked how long Bank of America had been in possession of that property.

Ms. DiFabio replied the entire time.

Commissioner Barfield stated his problem with all of this is the public safety; he is concerned of what would have happened had some child drowned in that pool; he sees an issue when something of this nature is in non-compliance for a period of 18 months to two years; and it scares him to death when these types of situations are not addressed quickly enough. He went on to say he is dumb-founded that it has been two years and there is a pool in non-compliance that could have resulted in a death.

Ms. Fiorentino stated her clients firmly believed they had complied; the cover was an ASTM certified barrier, which meets all of the County Codes she could find online; it is an option in the applicable Ordinance as something that is sufficient for compliance; no pet or person could have gotten into the pool with this barrier on it, unless they were in excess of 485 pounds; the property did change hands, it is no longer owned by Bank of America, it went to a different entity; therefore, there were notice issues as well. She continued she and her client chose not to contest these things because they had come to an agreement with the County for a reduced amount of the fine.

Commissioner Pritchett stated she had talked to staff yesterday; she does not think it is fair to go back to the original fine of \$68,800; she does think the fine is appropriate as a reduced amount; however, there are now staff costs; and she believes it is \$100 per day since the last time the payment was supposed to be made. She went on to say payment could have been brought in after that and the Board could have negotiated the rest; she thinks there are 31 days at \$100, \$165 for a bounced check fee, and the original \$3,300; she would be willing to split the

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\$100 a day fine and make it \$50 for 31 days bringing the settlement to \$5,015; and she thinks that would be very fair to Ms. Fiorentino and cover what staff has had to endure.

Commissioner Tobia asked how long they would be given to pay; and what recourse they would have if they once again disregarded the gift of a reduced amount and violated the agreement.

Chairman Smith stated that is a Board decision.

Ms. DiFabio stated the way the Board could word the motion would be \$100 a day based upon the day it was due on November 4 until such time payment is made plus the \$165. She then asked if Commissioner Pritchett said \$50 a day.

Commissioner Pritchett stated if they were able to pay today the County would split it with them and make it \$50 for 31 days.

Ms. DiFabio stated whatever the Board's wish is; that it needs to be paid in a requisite amount of time such as perhaps Friday; and by way of a cashier check.

Chairman Smith stated he was one of the Commissioners who gave her the extension; he finds it disingenuous that a bank of all organizations cannot write a \$3,300 check in a 30 day period, no matter how many hurricanes occur; and he thinks the fine of \$100 a day is appropriate.

Commissioner Isnardi stated given the gross reduction of the original fine and the breach of the agreement she would agree to keep the fine at \$100 a day; that is the least the County should retrieve for its time, effort, and the Board's own briefings on this matter; she thinks whether or not that was a decision by her firm or Bank of America to come back to this Commission and say it was because of a hurricane, it could not be paid in 30 days is disingenuous.

The Board defeated a motion for \$50 per day since November 4, to be added to the \$3,300 plus the \$165 NSF fee due to no second.

The Board approved citizen request by Angela M. Fiorentino, Esquire, for an extension of time to make the \$3,300 payment, per the Special Magistrates recommendation, including \$100 per day since November 4, 2016, for each additional day the fine was not paid, and \$165 for the rejected telephone payment, for property located at 235 Northgrove Drive, Merritt Island; and the Board further directed the payment be made in full by Friday, December 9, 2016.

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

ITEM VI.F.2., AUTHORIZATION, RE: FLORIDA SOLAR UNITED NEIGHBORHOODS (FL SUN) TO USE COUNTY LOGO

Commissioner Barfield asked if the Board has any liabilities or legalities with this.

Scott Knox, County Attorney, stated the Board is granting without any conditions, so if it wants protection from liability it probably needs some type of indemnification agreement with them.

Chairman Smith stated what the Board would be doing is authorizing the use of the County seal on promotional materials to be used to educate the public; there is no selling involved; and there

are no recommendations to any particular solar company. He went on to say this promoting educational of the issues and the Board can restrict it to that; what they are doing is promoting solar powered co-ops; what a co-op does is approach homeowners associations and encourages them to learn about solar production; and if the homeowners association decides that they wish to seek bids from solar companies, they help them do that.

The Board authorized the Chairman to execute a letter authorizing the use of the Brevard County logo on Florida Solar United Neighborhoods (FL SUN)'s website and literature as a partnership effort on FL SUN's Space Coast Solar Co-op, with no selling involved or no recommendations to a particular solar company, and to be conditioned upon an indemnification agreement.

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

ITEM VIII.A., STOCKTON WHITTEN, COUNTY MANAGER

Stockton Whitten, County Manager, stated he wanted to pass out to the new Commissioners the power points which outline the State Funding that the County has received over the past three years for the Indian River Lagoon (IRL); he believes the amount is somewhere in the excess of \$70 million; and that it is just an informational piece for them.

ITEM VIII.E., KRISTINE ISNARDI, DISTRICT 5 COMMISSIONER

Commissioner Isnardi expressed her appreciation to all of Brevard County staff for showing her around; for their time and troubles; and she enjoyed her time with them. She continued her new staff is well trained and patient; she is not used to having staff so for her it is difficult to give up control, but she appreciates their help more than they know.

ITEM VIII.F., RITA PRITCHETT, DISTRICT 1 COMMISSIONER/VICE CHAIRWOMAN

Commissioner Pritchett stated she has enjoyed the time she has been able to learn so many new avenues of the County; she expressed her appreciation for everyone's patience; and stated she is looking forward to working with the County.

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

Commissioner Smith stated he would like to give a shout out to Euri Rodriguez, Director of Solid Waste Management, and his staff for doing a phenomenal job after Hurricane Matthew went through; there were a lot of complaints about the process of picking up yard waste; he understands everybody wants to be first to get things picked up, so after a week or two people get frustrated; but he believes kudos are in order because when the official number came in, it was astounding. He went on to say there was over 700,000 cubic yards of yard waste collected; to put that into perspective that was more than was collected during two of the 2004 hurricanes, which was slightly more than 500,000 cubic yards collected; Federal Emergency Management Association (FEMA) was happy; and the tax payers will be happy because they will be fully reimbursed by FEMA. He officially welcomed his new fellow Commissioners; he stated it is

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going to be interesting, entertaining, and fun to have them on the Board; he appreciates their input and looks forward to working with each of them.

ADJOURN

Upon consensus of the Board, the meeting adjourned at 11:26 a.m.

ATTEST:



A handwritten signature in black ink that reads "Scott Ellis". The signature is written in a cursive style and is positioned over a faint circular seal of the Board of County Commissioners of Brevard County, Florida.

SCOTT ELLIS, CLERK



A handwritten signature in black ink that reads "Curt Smith". The signature is written in a cursive style and is positioned above a horizontal line.

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

As approved by Board 1/24/17