

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

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on October 20, 2015 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	Vice Chairman/Commissioner District 1	Present	
Jim Barfield	Vice Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

INVOCATION

Commissioner Infantini read aloud an invocation provided by Regina 'Rocket' Weiler who works in the District 3 Commission Office.

PLEDGE OF ALLEGIANCE

Commissioner Anderson led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved the July 16, 2015 Special Meeting Minutes, August 6, 2015 Zoning Meeting Minutes, and the September 1, 2015 Regular Meeting Minutes.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM I.A., RESOLUTION, RE: RECOGNIZING CHRISTINE TOMASETTI AS ZONTIAN OF THE YEAR

Commissioner Infantini read aloud, and the Board adopted Resolution No. 15-199, recognizing Christine Tomasetti as Zontian of the Year.

Christine Tomasetti expressed her appreciation to the Board for the Resolution.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM I.B., PRESENTATION, RE: GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) "DISTINGUISHED BUDGET PRESENTATION AWARD" FOR FY 2014-2015

Stockton Whitten, County Manager, stated this is the presentation of Government Finance Officers Association "Distinguished Budget Presentation Award" for the Fiscal Year 2014-2015; GFOA is a non-profit association serving nearly 18,000 government finance professionals throughout North American; the GFOA's "Distinguished Budget Presentation Award" Program is the only national awards program in governmental budgeting; and in order to receive the award, Brevard County had to satisfy nationally recognized guidelines for effective budget presentation. He went on to say the budget has to be rated proficient in four areas, a policy document, a financial plan, an operations guide, and a communications device. He pointed out there are 27 criteria that they were judged by in order to receive the award; and he wants to recognize the great work of the Budget Office, the rest of County staff, and the Board in providing policy direction.

Tom Rosenberg, Budget Office Director, introduced John Meshberger, Pam Wallace, Jill Hayes, Connie Lee, and Demetrie Jon Pierre; and he stated Karen Petters is not present today.

The Board acknowledged the presentation by Stockton Whitten, County Manager, who presented the Government Finance Officers Association (GFOA) "Distinguished Budget Presentation Award" for the Fiscal year 2014-2015 to the Budget Office.

ITEM I.C., RESOLUTION, RE: RECOGNIZING NOVEMBER 1-7, 2015, AS WEEK OF THE FAMILY IN BREVARD COUNTY

Commissioner Smith read aloud, and the Board adopted Resolution No. 15-200, recognizing November 1-7, 2015, as Week of the Family in Brevard County.

A representative of the Church of Jesus Christ of Latter Day Saints expressed her appreciation to the Board for the Resolution.

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

ITEM I.D., RESOLUTION, RE: RECOGNIZING DOCTORS GOODWILL FOUNDATION 1ST ANNUAL WALK 4 LIFE

Chairman Fisher read aloud, and the Board adopted Resolution No. 15-201, recognizing Doctors Goodwill Foundation 1st Annual Walk 4 Life.

Dr. Kantilal Bhalani expressed his appreciation to the Board for the Resolution.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER: Trudie Infantini, Commissioner District 3
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM I.E., RESOLUTION, RE: PROCLAIMING THE MONTH OF NOVEMBER 2015 AS PUERTO RICAN HERITAGE MONTH

Commissioner Barfield read aloud, and the Board adopted Resolution No. 15-202, proclaiming the Month of November 2015 as Puerto Rican Heritage Month.

Sam Lopez expressed his appreciation to the Board for the Resolution; and he introduced Mr. Rivera, President of Florida Puerto Rican/Hispanic Chamber of Commerce.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER: Curt Smith, Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM I.F., RESOLUTION, RE: RECOGNIZING OCTOBER 24, 2015, AS MAKING STRIDES AGAINST BREAST CANCER DAY

The Board adopted Resolution No. 15-203, recognizing October 24, 2015, as Making Strides Against Breast Cancer Day.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Trudie Infantini, Commissioner District 3
SECONDER: Jim Barfield, Vice Chairman/Commissioner District 2
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM I.G., RESOLUTION, RE: PROCLAIMING THE MONTH OF OCTOBER 2015 AS NATIONAL PHYSICAL THERAPY MONTH

Commissioner Smith read aloud, and the Board adopted Resolution No. 15-204, proclaiming the Month of October 2015 as National Physical Therapy Month.

Amada Mendoza, representing the Florida Physical Therapy Association, expressed his appreciation to the Board for the Resolution.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Jim Barfield, Vice Chairman/Commissioner District 2
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.A.1., RESOLUTION, RE: SUPPORTING HOME RULE FOR LOCAL REGULATION OF SINGLE USE PLASTIC CARRY-OUT SHOPPING BAGS

The Board adopted Resolution No. 15-205, supporting Home Rule for Local Regulation of single use plastic carry-out shopping bags.

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

ITEM II.A.3., ACCEPTANCE OF SANITARY SEWER, FORCE MAIN, AND LIFT STATION EASEMENT FROM TROPICAL COVE CONDOMINIUM ASSOCIATION, INC., RE: SERVICE THE TROPICAL COVE SUBDIVISION AND SURROUNDING PROPERTIES (C-16 LIFT STATION)

The Board accepted the Sanitary Sewer, Force Main, and Lift Station Easement from Tropical Cove Condominium Association, Inc. To service Tropical Cove Subdivision and surrounding properties (C-16 Lift Station).

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

ITEM II.A.4., ACCEPTANCE OF PERMANENT INGRESS AND EGRESS EASEMENT FROM DARROL AND PAULA RAE HIGGINBOTHAM, RE: N-03 LIFT STATION

The Board accepted the Permanent Ingress and Egress Easement from Darroll and Paula Rae Higginbotham for the N-03 Lift Station.

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

ITEM II.C.1., PERMISSION TO PURCHASE USING AN EXISTING STATE, SHERIFF'S ASSOCIATION, OR OTHER FLORIDA GOVERNMENT CONTRACT, RE: ANY HEAVY EQUIPMENT BUDGETED FOR PURCHASE IN FY 2015-2016 VALUED AT \$3,253,782.67, AND PERFORM A SECOND LIFE MACHINE REBUILD ON A CATERPILLAR D7R DOZER THROUGH RING POWER CORPORATION

The Board granted permission to purchase using an existing State, Sheriff's Association, or other Florida government contract for any heavy equipment budgeted for purchase in FY 2015-2016 consisting of three (3) vehicles (two Chevrolet Blazers and one Chevrolet pickup truck ranging from 11 to 14 years old), six (6) tractor trucks (ranging from 7 to 8 years old), one (1)

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compactor (3 years old), one (1) water wagon (8 years old), one (1) manlift (10 years old), and one (1) dozer (9 years old); and granted permission to perform a second life machine rebuild on a Caterpillar D7R Dozer through Ring Power Corporation.

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

ITEM II.C.2., SUBMITTAL AND AWARD OF FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, RE: VOLUNTEER FIRE ASSISTANCE GRANTS

The Board approved the submittal of the Volunteer Fire Assistance Grants in the amount of \$40,761.30; approved the Award when awarded; and authorized Chief Mark Schollmeyer, Fire Rescue Director, to execute any additional follow up documentation and amendments necessary to secure the funds for grants to be utilized to purchase eleven (11) VHF Base Station radios, Antennas, small towers, when needed, and installation in Brevard County Fire Rescue Fire Stations 21, 22, 24, 29, 40, 44, 64, 65, 82, 86, and 87.

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

ITEM II.C.3., APPROVAL, RE: ADD DELEGATES ON THE AUTHORIZED SIGNATORY LIST TO THE CURRENT MASTER LEASE AGREEMENT WITH DELL, INC.

The Board granted permission to add delegates to the Dell Master Lease Agreement's Authorized Signatory Certificate in order to designate them as duly authorized representatives to sign documents relating to the current Master Lease Agreement with Dell; and authorized the delegates to expend up to the Board's current Policy for authorized spending thresholds.

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

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

The Board appointed/reappointed **Clifford Barber**, **Bud Crisafulli**, **Roger Drabyk**, **Albert Underwood**, and **Nick Witek** to the Contractors' Licensing Board, with terms expiring December 31, 2016.

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

ITEM II.D.4., APPROVAL, RE: BILLFOLDER

The Board approved the Billfolder, as submitted.

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

ITEM II.A.1.a. PRELIMINARY PLAT/FINAL ENGINEERING APPROVAL, RE: SAVANNAH RIDGE OPEN SPACE SUBDIVISION - COURTENAY PARKWAY PROPERTIES

Commissioner Infantini stated this Item involves Harvey's Groves; she voted against this development back when it first came before the Board; and she is not in favor of approving this Item. She went on to say she thinks the community spoke loud they were not in favor of this; it is inconsistent with the neighborhood; and to vote for it now would be inconsistent voting.

The Board granted preliminary plat and final engineering approval for the Savannah Ridge Open Space Subdivision, subject to minor engineering changes, as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

RESULT: ADOPTED [3 TO 2]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Jim Barfield, Vice Chairman/Commissioner District 2
AYES: Robin Fisher, Jim Barfield, Andy Anderson
NAYS: Trudie Infantini, Curt Smith

ITEM II.B.1., APPROVAL, RE: TOURIST DEVELOPMENT COUNCIL (TDC) PROPOSED FY 2015-2016 MARKETING AND MEDIA PLAN, AND TOURISM DEVELOPMENT OFFICE (TDO) STAFF TO NEGOTIATE RATES AND EXECUTE AGREEMENTS WITH VENDORS OVER \$100,000

Commissioner Infantini stated this Item is allowing the Tourist Development Council to make acquisitions greater than \$100,000 without coming before the Board for approval; the Board meets roughly three times a month; and she cannot think of anything that needs to be approved more frequently than that. She pointed out she would like the expenditures over \$100,000 come back to the Board for approval; she appreciates the job Eric Garvey, Tourism Development Director, is doing; and until she sees some expenditures going forward, she would like to hold off giving that approval.

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Mr. Garvey noted all of the expenditures are approved through the Marketing Committee and the Tourist Development Council before coming before the Board; and based on this plan, it will probably be 15-20 requisitions that will be over the \$100,000 amount.

Commissioner Infantini stated there are two regular meetings and one zoning meeting every month; and that is why the Board is in place to make the tough decisions.

Chairman Fisher inquired what examples are of some of the expenditures Mr. Garvey may have over \$100,000; and are those advertising dollars. Mr. Garvey replied the one the Board is most familiar with is the Outdoor Billboard Program; they are currently negotiating with the larger companies for buys on billboards; and those are in negotiation right now. Chairman Fisher inquired if those tourist tax dollars can be spent on what. Mr. Garvey replied this particular area is all marketing and promotion, Fund 1441; and it is used strictly for advertising and marketing purposes.

Commissioner Infantini stated with regard to the billboards, there was actually a great deal of ridicule that took place as a result of some of the advertising that was placed on the billboards; there was one that said something about Palm Bay, but it was hard to see the exit number, and what kind of adventures were there; there were about six signs saying go to Titusville; and she has not seen the billboard planning was done properly.

Chairman Fisher stated he thinks when the billboards were done they wanted to be fair to all of the cities.

Mr. Garvey explained to the Board it also includes cooperative partners; the cities actually participate with their own funds to leverage the buying power; and some of the billboards around Palm Bay were purchased with city dollars.

Commissioner Barfield stated he complained about the billboards before, because he did not feel they provided a message; he goes to Macon, Georgia, at least three times a month; and the County's billboards are much better now.

Commissioner Smith pointed out the billboards in question are before Mr. Garvey. Mr. Garvey advised there are some older designs they are working to improve. Commissioner Smith stated if he did not know where Titusville and Palm Bay were, he would not know if they were even in Florida. He inquired if they are asking to approve over \$100,000 promotional costs. Mr. Garvey replied they would like to be in the marketplace by January 1st; there is a timing issue of when they receive approvals through the Marketing Committee, through the Tourist Development Council, and back to the Board; and it can be problematic in executing those timely. He stated if they are not flexible, it may cost money or miss marketing opportunities.

Stockton Whitten, County Manager, stated it addresses an operational timing; there are events that take place at a certain point in time; and this is operational in expediting Mr. Garvey getting the advertising in the market. He went on to say these dollars can only be used for marketing and advertising. He stated what is being asked is after the review of the Marketing Committee and the Tourist Development Council approval of that plan in the budget, then he would be allowed to go to market in essence group purchases or individual purchase over \$100,000 that if he has to delay over a week or two, he could miss some market opportunities.

Chairman Fisher stated with billboards, it is also an availability issue as well.

The Board approved the Tourist Development Council's (TDC) proposed FY 2015-2016 Marketing and Media Plan; authorized the Tourism Development Director and the County Manager, or his designee, to negotiate advertising rates and execute agreements with the

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vendors; and authorized the Tourism Development Director to execute purchase orders to advertising vendors for ad placement and promotion costs over \$100,000, as recommended by the County Manager.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
NAYS:	Trudie Infantini

ITEM II.D.2., RESOLUTION, RE: AD VALOREM TAX ABATEMENT FOR PROJECT FLOTILLA

Commissioner Infantini stated this Item is for a tax abatement; the reason she is against it is because this is in the City of Titusville; if the tax abatement is offered, the County will not be collecting the tax dollars from the recipient; and the County will be paying those tax dollars out of the General Fund into the Titusville CRA or the North Brevard Economic Development Zone (NBEDZ). She asked the Board where it plans to find the money for the tax abatement to pay into the NBEDZ.

Commissioner Barfield stated the way he reads it, it is a resolution requesting the Property Appraiser conduct the required analysis and to provide the Board with a report, and the Economic Development Commission of Florida's Space Coast conduct an Economic Impact Analysis (EIA); it is not an approval for everything else; and it is to get to the first step so the Board knows what the financial means is.

Commissioner Anderson stated the ordinance would follow that would have that information.

Commissioner Infantini stated the point is why would the work be done without knowing where the money is coming from in next year's budget or the following year; and those abated taxes that are being forgiven have to be taken out of the General Fund. She noted at some point the Board has to stop doing this, because it does not have the funds to continue to try to create more jobs.

Commissioner Anderson stated the Board does not know what the abatement is going to be; and the information cannot be gotten until the analysis is run.

Chairman Fisher stated the reason the Board does it is because there is an Ordinance that 95 percent of the taxpayers said if a business meet a certain criteria to be eligible, they can apply.

Stockton Whitten, County Manager, stated he wants to make sure the Board understands that tax abatements are exemptions; once the exemption is applied, the Board is not paying against 100 percent of the tax base, it is paying against whatever the exemption amount is; what the County used to think it was paying into increment district dollars it was not collecting, it is not the case; and if it is exempted, it never gets on the tax roll.

Commissioner Smith stated he looks at these things as basically a research where the Board finds out what the tax abatement could be as it does not know yet; and until it goes forward, the Board will not know. He went on to say what the Board does know is they are going to create jobs averaging \$44,500, and invest \$2.9 million; if there is a company that wants to spend \$2.9 million in capital improvements and will provide this many jobs, that will create a real economic

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boost to the area; and they will still be paying taxes. He pointed out it is a net gain from the get go, and once the abatement goes away, the County gets all of the taxes. He noted this is a benefit to the community.

Commissioner Barfield stated looking at \$44,500 salary with 65 people, it is over \$3 million a year going directly into the economy; it is a marine industry, which is building back in the area; and he thinks this should be approved.

Commissioner Infantini inquired if it is such a good idea to forgive taxes because companies are going to create jobs, why not forgive taxes for all of the companies; and why does the Board pick and choose. She noted she disagrees with this fundamentally.

Commissioner Smith stated three times in the last 10 years the taxpayers voted overwhelmingly of this legislation; it is not just something the Board picks out of the air; and the Board is not careless and just giving away money. He noted if the companies do not meet parameters, it does not receive the money.

Chairman Fisher stated Governor Rick Scott is lobbying the legislature to continue to have business leaders pressure the law makers for more incentive money to help attract companies to Florida.

Commissioner Smith stated he just finished a book called *The Last Train to Paradise*; it is about Henry Flagler building his train through Florida; and it is arguably is the main reason Florida actually bloomed, because he built towns as he went down the coast. He stated he knows an awful lot of people who point fingers at the Board and at the Governor of Florida for the government giveaways; the facts are Brevard County is competing against 66 other counties in the State of Florida for jobs; they all have palm trees, sunshine, and warm weather; and Brevard County has to be a little bit different than the other 66 counties. He advised the Board with all of the benefits being offered across the State of Florida and the country, businesses will not just choose Brevard County because it is a cool place; and they will choose the county or city that gives them the most benefits and reason for being there. He stated the Florida Legislature in 1889 set aside 10 million acres of land to encourage railroad builders; they understood a long time ago that economic incentives were important; and Henry Flagler got 8,000 acres for every mile he built, and he still spent \$31 million building the railroad.

The Board adopted Resolution No. 15-206, qualifying Project Flotilla as an eligible business under the County's Tax Abatement Program; and authorized a public hearing to consider adopting an exemption ordinance.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
NAYS:	Trudie Infantini

ITEM III., PUBLIC COMMENTS

Chris Kane expressed her appreciation to the board for the resolution supporting Home Rule for local regulation for single-use plastic bags; it has taken a while since she first submitted her suggestion; but she is so pleased it has received the Board's support. She went on to add requesting Home Rule is the most logical step in the process; counties should have the

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authority to make these decisions at a local level as counties are much closer to the will of the people; the State's failure to act is an impediment to the protection of the environment; and Brevard County's action is forward thinking and shows its leadership on the issue. She stated Brevard County with its vast coastal shoreline has a vested interest in the preservation of the environment for numerous reasons; whether looking at this as a purely economic one, a simple Home Rule one, or see the implications it brings with it, for the environment, the wildlife, the Lagoon, the ocean, or for the tourist industry, there is no shortage of reasons for the Board's support of the resolution; and she appreciates the Board's support.

Roger Gangitano stated the Oregon school shooting on October 1 was the 142nd mass shooting since the Sandy Hook Elementary School shooting in 2009; the Crime Prevention Research Center has released a number of reports on mass shootings, which reflect consistent data from January 2009 to July 2014 there has been 180 people killed, and 92 percent died in gun-free zones; a gun-free zone attracts cowardly criminals and terrorists by providing a place where all the people are unarmed and make for easy, defenseless targets; and Florida Statute 790.06, states what criteria must be met by those seeking a concealed weapons permit, when the permits would be issued, and where a concealed weapon holder cannot carry a firearm. He went on to say the specific restriction mentions "Any meeting of the governing body of the County, public school district, municipality, or Special District"; any meeting of the Legislature or committee thereof; he stated Policy BCC-55 was passed in 2014 restricts the County concealed weapons permit holder further than the Statute by restricting the carrying of an otherwise legal firearm anywhere on the property of the Brevard County Government Complex, specifically this County meeting room; and even when an unofficial meeting is going on. He stated considering the obvious an increasing risks that gun-free zone continues to pose to the unprotected public, he requests the Board amend the text of Policy BCC-55, so the County restricts are consistent with and no more restrictive than the Florida Statute; and he wants Brevardians safe whenever and wherever possible.

Chairman Fisher inquired what is in the Statute.

County Attorney Scott Knox replied it means a person cannot carry a gun in the County Commission meeting, but he or she can carry a weapon anywhere else.

Mr. Gangitano stated the Statute says, "To any meeting of a governing body of a county, public school district, a municipality, or a special district." He pointed out he is only asking the County Policy to be amended to be no more restrictive than the Statute.

The Board authorized the County Manager to amend Policy BCC-55, Public Meetings at the Brevard County Government Center, to be consistent with Florida Statute 790.06, License to Carry Concealed Weapons or Firearms.

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

Fred McMillian stated he has been out on a health sabbatical, and he got his smile back. He stated he even called the Waste Management Office about customer commercial lawn service dumping trash in front of his property when it should be going to the dump; and he took it upon himself to confront the perpetrator, which is a neighbor, who has a lawn service. He went on to say he put up a sign at the parameter of his property to not allow any dumping. He pointed out

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bulk pickup has been neglected. He stated he would like to commend Space Coast Area Transit (SCAT) and Jim Liesenfelt; he has improved the route on time service for Route 1 and a lot of the other buses in the community; he has asked the Board to improve that; and he noted he would like to speak with Chairman Fisher regarding an issue.

Charles Tovey stated he helped save the Lagoon; he has the right to live; he has lawn services people blowing their garbage on to his property; and he is at the meeting to say it is not okay. He inquired why the County destroyed his mailbox; he stated all of the offenses are being ignored; and illegal aliens have more rights than he does. He noted the County annexed into his property; and he worked his whole life so his property can be destroyed.

ITEM VI.A.1., BOARD WAIVER, RE: RIGHT-OF-WAY AND PAVEMENT WIDTH REQUIREMENTS FOR FLORES DE LA COSTA CONDOMINIUM - DAVID E. SUAYA

Robin Sobrino, Planning and Development Director, stated this is a request by the applicants to seek a waiver of right-of-way of pavement with requirements for a proposed project on the Avon-by-the-Sea area; the County's Code requires a 50-foot right-of-way, and 20-foot of pavement for a street; and they are requesting a waiver from those requirements in order to allow a 12-foot right-of-way, along with a portion having an eight-foot easement to accommodate ingress and egress to the project.

Philip Nohrr, Attorney for the Applicant, stated he believes they are here in some sort of a unique situation; they are dealing with 300 feet of land that abuts the Atlantic Ocean running from Wilson on the south side to Taft Avenue on the north side; it consists of six 50-foot lots; and his clients owns the two 50-foot lots that are in the middle. He went on to say 100 feet to the south is a 10-unit condominium; north of his client is a 50-foot lot that is a single-family home; and north of that there is another 50-foot lot that abuts Taft Avenue that has numerous units on it. He stated across the street from Turtle Beach Lane, they are talking about the facility that services them; there are two single-family houses that abut Turtle Beach Lane. He pointed out in the 1950's a plat was prepared which had access to all six lots off of Ocean Beach Boulevard; somewhere in the late 1950's the Ocean Beach Boulevard right-of-way, which abuts the dunes, was vacated; the result of that is the only access for those six lots; and as staff has correctly pointed out, that is served by a 12-foot right-of-way easement that the County has. He advised the Board of that 12 feet, only seven or eight feet are actually paved, the rest is unpaved and in a deteriorating condition. He stated that is how his client and others on Turtle Beach Lane get their access to their houses, unless they also abut Wilson to the south or Taft to the north. He stated what cause them also to be here today is there are seven units that have been built on his clients property; they have the opportunity to sell the property to a developer who wants to put up a total of 12 units, which is an increase of five units; and he will talk about the traffic consequences of that additional five units. He stated they believe it is insignificant. He stated in order to try to come to some sort of resolution that would allow them to get out of the jam they are in, and recognizing whether or not the development goes through or not, the current occupants of the area have inadequate access to their property; and more importantly, if Brevard County Fire and Rescue has to come to the scene, they have inadequate access. He stated in starting this odyssey that get them here today, they started meeting with County staff, and one of the first places they went was Public Safety to see what the minimum they are looking for to get their vehicles to service the property; they were told 20 feet; and that has been their goal to start with to get to 20 feet. He added to do that they went to the property owners to the south, which is the Surfside Villas Condominium, they have the two 50-foot lots on the south; they asked them to consider granting an easement to the County for right-of-way to get up to 20 feet; the representatives they spoke with at the time said they would, provided they paid for it; in recent conversations, they have asked for a few other things they have agreed to do like paving a parking area for them on the south and get rid of the overhanging wires that clutter up and down Turtle Beach Lane; and speaking further with staff, they were told

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there are existing poles along Turtle Beach Lane that in and of themselves are a safety hazard because they are close to the pavement. He pointed out they have agreed to get rid of those poles and take all of the utilities underground; and the end result of what they are trying to do will result in at least providing 20 feet of pavement for legitimate access to the property on the south, the property across the street to the south, their property, and that consists of 200 of the 300 feet. He stated the only reason they are not going forward for the last 100 feet is they do not own the property, the property is not involved; they have been speaking to those neighbors; they are in favor of what they are trying to do; and they recognize the end result will be a cleaning up of most of the area. He noted what is being presented to the Board is a win-win situation. He stated they are talking about five additional units; the applicant has provided the traffic report; they said it will increase the sites traffic trip generation by 23 daily trips and two peak hour trips; with the improvements of the alley way, traffic operations in the area will be significantly improved; and the additional trips to be generated will have insignificant, if not negligible, impact in the area. He stated the improvement of the alley way will result in safer and improved traffic operations in the area; and it is recommended that the improved 20-foot section of the alley way to be allowed to operate as a two-way street. He provided the Board with a diagram of the proposed 12 unit condominium. He went on to explain the green on the diagram show everything the applicant is taking away, the overhead power lines, four of the poles, moving the south most pole eight to 10 feet further away from the roadway, but they are not moving the existing pole all the way on the north end on Taft Avenue. He went on to say their existing building is 11.9 feet off of the property line; there is another 11 feet off of the property line on their north side going south where there condominiums are; they are moving their building 30 feet off of the property line so the neighbors to the south will get an additional 18 or 19 feet further setback, plus the landscaping they will be putting in as an additional barrier; and the neighbor to the north has large trees along the property lines and a lot of privacy. He noted they are improving what is already in existence in the neighborhood; he thinks it will energize that small area; as far as the safety goes, they are not 100 percent there; but they are improving the existing safety. He pointed out they are providing a common sense solution to the problem; and it will overall be a benefit to the entire area.

Richard Fitzsimmons stated they like rural Florida, that is why they live there; it may be an improvement, or it may not be for most of them; their access will be inhibited; and this underground electrical will cause them to spend money. He stated he would like to make sure that none of the other homeowners incur a fee because of the applicant's improvements.

Chairman Fisher inquired where Mr. Fitzsimmons lives. Mr. Fitzsimmons pointed out where he lives to the Board; and he stated he does not know if this is a good idea. He asked the Board to consider the current residents.

Commissioner Infantini inquired if Mr. Fitzsimmons is opposed to the road being a one-way road, or is he opposed to the 12-unit capacity on the two properties. Mr. Fitzsimmons replied he is almost 70 years old, and he can see all of the cars behind him because the building is going to be behind his; and it will be more congested. Commissioner Infantini inquired if he is opposed to the 12 units because he has a single-family unit. Mr. Fitzsimmons replied affirmatively; and he would like the County to pave the road so the residents do not incur any expenses.

Gary Herr stated his property backs up to the development as he is the person next to it; he understands the electric is going to be put underground; and he was told the expense to hook up to the electric would be the residents expenses. He stated he does not know if the 12 units exceed the development that was supposed to be on that property. He went on to say the one-way issue with the alley way, going to the north he does not want to change the width of that, because he does not have rights to the property; that is so narrow the way it is now between the trees on the property that garbage vehicles cannot turn out of that alley way because it is too

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narrow; and the vehicles only go south to get through it because they have to take a swing to get into the property. He noted he does not see going south to north as it does not work.

Chairman Fisher inquired what Mr. Herr does when he leaves, if he goes south. Mr. Herr responded he does not use the alley way; and he stated his main concern is the power situation and if the residents have to pay to hook up to it.

Commissioner Anderson asked Mr. Nohrr to address the electric issue.

Mr. Nohrr advised it is not the applicant's intention that the residents have any out of pocket costs by hooking up due to the underground utilities; it has to be coordinated with them; but it is not going to be done at their expense.

Commissioner Infantini stated she had two people come before the Board and say they did not know anything about this until yesterday; and she inquired if staff did any type of radius notification that the Board would be discussing their road. Ms. Sobrino replied no, but staff did notify the residents when they met with the applicants early on; she stated staff urged the applicants to be in touch with the residents in order to get a dialog about this because they knew the site plan process, which the applicant has not embarked on yet, is only asking for the waiver right now. She went on to say staff knew the site plan process is an administrative function and would not require public notice; and they put it on the applicant to reach out to the neighbors to make sure the issue is resolved before moving forward. Commissioner Infantini stated she feels uncomfortable moving forward and making a decision without knowing that all of the people within a decent radius of the property have been informed and had a chance to voice their concerns, because she does not feel the residents were informed.

Mr. Nohrr stated Ms. Sobrino is right, staff did ask them to notify the folks; they have had discussions with people immediately to the south; they tried to talk with the gentlemen who spoke today, but they were not home; and cards were left saying they had been there. He stated they did ultimately speak to the property owner on the south; and to their knowledge some of the residents were out of the area. He noted an attempt was made to speak with everyone. He pointed out they are not asking for a change in the zoning; the number of units what is being requested is what is already authorized in the existing zoning; and it is compatible immediately to the south, which is multi-family.

Commissioner Infantini inquired if the applicant would be permitted to do the 12 units if the Board does not approve the variance.

Chairman Fisher stated he thinks the zoning allows the 12 units; it is regarding the improvements to the road.

Commissioner Infantini pointed out the variance is the topic of the conversation; and the residents know it cannot be fulfilled without the variance for the 12 units. She stated if the residents were not informed the Board was going to be discussing their road and the changes, she thinks everyone should have the opportunity to voice their feelings on this issue. She inquired how the two speakers were informed of this issue.

Bret Petrick stated Mr. Fitzsimmons and she have owned the house since 1999; it was a low density area when they bought the house; their primary concern is the construction; their driveway goes right into Turtle Beach Lane; and that is the only access they have to their garage. She went on to say during the construction, she can see where it could be a huge problem for them with the trucks going in and out.

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Mr. Fitzsimmons stated he spoke with a property owner to the south, and they knew about it but did not approve of it; and he is confused what permission the applicant has received.

Ms. Petrick was notified Saturday, because they were not home; but the other people they spoke with do not seem to have been notified.

Commissioner Barfield stated he does not know if many people have looked at the area; it is an area that has been there a long time; there is a need there for very smart redevelopment in the area; the City of Cape Canaveral has already done an overlay ordinance where they are redeveloping; and it is very controlled and structured. He advised the Board it bothers him that this is the seven foot alley ways are going to 20 feet; it will make the area safer; and he thinks it is a great project. He stated he is concerned if the residents have not been talked to, the Board may want to table this until November 3rd.

Motion by Commissioner Infantini to table the Item until November 3rd until all of the residents are notified.

Commissioner Smith inquired if this is all preliminary. Commissioner Infantini replied this is a variance.

Ms. Sobrino explained to the Board this project has not even started on the site plan approval process; typically staff recommends going through a site plan before coming to the Board for a waiver; the applicant is asking for a 12-foot right-of-way, plus an eight foot easement; it is about half of what is required by Code; the waiver the applicant is seeking today would not vest them from complying with other requirements of the Code once they do embark on the site plan approval process; and the site plan approval process is an administrative process and it does not come before the Board as it is a staff-driven process.

Commissioner Anderson stated he is fine with tabling the Item, but he does not see the reason behind it; the public safety aspect is being improved as the roadway is inadequate for roads now to get down; and anytime the Board can improve public access, he thinks the Board is doing the right thing.

Commissioner Infantini inquired if anyone is seconding her motion to table the Item to make sure that all of the people's property rights will not have a right to voice their concern, because once the variance is granted, that will pave the way for the 12 units.

Motion died due to lack of a second.

Chairman Fisher inquired when Mr. Nohrr talks to the property owners, what is he going to offer them. Mr. Nohrr replied the applicant is going to prepare a written document to give to the homeowners; the reason they are doing that is because in the past some developers have made commitments and have not followed through with them; his office has been asked to prepare a document to give to the owners committing, in writing, underground, paving, and doing part of the parking lot for the neighbors to the south, will all be in writing and signed by the developer; and there will be no mystery about what is going to be done. He apologized to the Board that they could not get 100 percent notification of the residents; he stated they tried, but it did not work; and he suggested to the Board that they probably are in the high 90's as to people who were notified immediately impacted by Turtle Beach Lane. He noted before everything is completed, it will be 100 percent; the residents may not agree; but they will be notified.

Chairman Fisher stated he wants to say for the record, there was a fire in his District last night; it was a narrow roadway that a fire truck could not get into; and it ended up being a total loss

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because they could not get to the property due to the narrow street. He assured the residents that Mr. Nohrr will be talking with them.

Commissioner Barfield stated he wants to add to the motion that there be an agreement with the property owners, and in the agreement it will say that there is no cost to the residents.

Ms. Sobrino stated it will also be helpful if the applicant has something in writing regarding the additional eight-foot easement, so it shows the formal approval of the association.

The Board authorized waivers to Section 62-2956(a)(1) and (2) to reduce right-of-way width and pavement width requirements on local public streets for Flores De La Costa Condominium provided that the developer place underground utilities that are within the right-of-way; authorized that the developer execute an agreement with the property owners along Turtle Beach Lane that there be no cost to said property owners for any of the developer's improvements or the reconnection to underground utility service; authorized that the developer obtain formal written consent from the Condominium Association to the south granting the eight-foot easement; and authorized that the County acceptance of said easement will come back to the Board for approval at a later date.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
NAYS:	Trudie Infantini

The Board recessed at 10:47 a.m. and reconvened at 10:57 a.m.

ITEM VI.C.1., BOARD DIRECTION, RE: UPGRADE OF LIBRARY SERVICES PRIMARY DATABASE SYSTEM

Jon Sellers, Information Technology Director, stated this Item is to get Board direction on how it would like staff to move forward with the TLC software, which runs the library system; the software was initially purchased in 2007; and through an extensive Request for Proposals (RFP) process, staff is at the point now where they need to update the hardware. He went on to say staff has looked at different options and talked to TLC; TLC came back with a couple of different options; one was for the County to continue to host the software in house at a five-year cost of \$872,000; they came up with an idea they would host in the Cloud for about \$871,000; and after further discussion, County Management asked staff to go back to see if they were getting the best price as possible. He pointed out they negotiated with TLC; they came back with a five-year hosting cost of \$792,000, about an \$80,000 cut from the original; they also came back with a seven-year option; and that option will be a lower per annual cost, but the down-side is that there would be termination fees associated with it. He stated staff came up with four options and a staff recommendation. He went on to say option one will be to continue hosting in house, the second Option is to move on the Cloud on their proposal for \$792,000, the third Option is to go with the seven-year contract for approximately \$1,000,073; and the fourth Option is to go out for RFP. He stated staff's recommendation is that the Board counter offer that the County takes a five-year option at the lower seven-year cost, with no termination fees; and if TLC chooses not to do that, to go out to RFP.

Commissioner Infantini stated she thinks the Board has learned something from the School Board in that it should probably go out for RFP on this Item.

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Chairman Fisher stated he is not sure there is much to learn from the School Board, as they went out for RFP and that is what happened; he was originally concerned because the Cloud cost was the same as the County hosting in house; and he asked staff to see what could be done. He stated getting the seven-year cost but have a five-year contract would be a good deal for the County; there are not a lot of companies that do this type of thing.

Frank Abbate, Assistant County Manager, stated there are three vendors left in the marketplace that do this; it is important to know this is the maintenance of the current software; it is very much unlike the School Board; it is not that the company is coming in an developing new software for the County, it is already in place; and it is a continuation of what is working for the system.

Stockton Whitten, County Manager, stated if the company does not accept the offer, then it is going out to RFP.

The Board authorized Jon Sellers, Information Technology Director, to make a counteroffer to TLC, Inc. for a five-year option at the lower seven-year cost with no termination fees for the future expenditures of the upgrade to the Library Services Primary Database System; authorized the Chairman to execute any resulting agreements; authorized the Library Services Director to execute any future renewals agreement; and approved going out for Request for Proposals (RFP) if TLC, Inc. does not accept the counteroffer.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
NAYS:	Trudie Infantini

ITEM VI.C.2., REQUEST FROM VIERA COMPLEX FOOD SERVICES, INC., RE: EXTEND SNACK BAR LEASE

Teresa Camarata, Central Services Director, stated in 2007 the Board approved an Assumption of Lease Agreement, which provide Mr. Novick with a six-year lease; that was paid at a rate of \$1,800 a month; subsequent to the original Lease, there were three Amendments; in 2010 Paul Novick was provided with a fixed rent of \$1,200 a month and the Right of First Refusal when the contract would be put back out for Request for Proposals (RFP); and in 2011, another amendment allowed him to have rent relief on the County holidays and days that court was not in session at the Moore Justice Center. She went on to add in 2012, the Board approved a Lease extension for an additional six years, so his current Lease expires in 2019. She stated this Agenda Report was submitted on behalf of the tenant who would like to have an extension through 2027; staff has provided lease options typical of the County's leases, which includes annual increases, common area maintenance, and extension provisions; and staff is requesting the Board provide direction on how it would like to continue with the lease of the snack bars at the Government Center and Moore Justice Center.

Paul Novick stated when he originally asked staff to request the lease extension, Stockton Whitten, County Manager, was still in charge of Facilities; during the time frame that this has been going on, Frank Abbate, Assistant County Manager, took over Facilities; and he thinks there was some sort of misunderstanding to the extent of time he was looking for. He stated certain members of staff are uncomfortable with his request at this point; he would like to amend the original request, so everyone will be more comfortable; currently his rent is fixed through

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2019; he would still like the eight-year extension he requested, however, in 2019 when his current Lease expires, he would like to get an increase on his rent, but he would like to cap it at three percent; and he would like the maximum rent increase per year to be capped at three percent. He stated he would like to request one thing that caused an issue with the legal department; in 2010 he was granted the Right of First Refusal; it benefits the County as much as it benefits him; at some future point if the County does go out for bid and someone outbids him, the County knows what it has with him; and there are no complaints or aggravation.

Commissioner Anderson stated the County was not getting anything until 2019 anyway; and he is fine with the proposal.

Commissioner Smith inquired if Mr. Novick passed away tomorrow, what provision the County has.

Chairman Fisher stated he thinks there is a Lease Agreement with Viera Complex Food Services, so it still stays intact.

Commissioner Smith stated they are talking about 11 years; and he wants to make sure the County is covered.

Mr. Novick advised if he passed away after 2019, it would be his heir's choice whether to continue to operate or sell the business; and if the business is sold, the County is still going to get the Consumer Price Index (CPI) increase.

Scott Knox, County Attorney, advised the Board it is going to depend on what is in the contract if it has a clause that addresses that issue somehow, and then it can do it.

Commissioner Smith stated he would suggest the County do that to protect its interest.

Mr. Novick inquired if he should have the same right to sell the business that any independent businessman has; if the Board puts it out to RFP, he has nothing to sell.

Commissioner Smith advised he is only talking about if Mr. Novick passes away.

Mr. Novick pointed out if he dies and the Board puts it out for RFP, his family has nothing to sell. He stated if something happened to Commissioner Smith when he owned his small business, would he not want his heirs to have the right to sell it.

Chairman Fisher stated the Lease is not really with Mr. Novick, it is with the Viera Complex Services, Inc.; that corporation will have rights through the property; and if Mr. Novick passes away, his family or that corporation still has the same obligation that Mr. Novick has.

Attorney Knox explained to the Board the corporate structure is set up for the purpose of continuing debt down the road if something happens to the principal; and the issue the Board will have is whether this continues to be ran the same way it was before under a new owner.

Mr. Novick noted if the Board puts it out for RFP, it is running the same risk.

Attorney Knox stated the way to deal with that is the same way to deal with any contract, which is to put something in the contract about the quality of service, and if the County is not satisfied with it, it can go out for RFP; but assuming everything goes on as it always has, everything will be fine.

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Ms. Camarata stated the current Lease expires September 2019; the way it is written is with the Complex Cafe as a corporation; and it can be terminated early for a breach of contract, which would include quality of service, quality of good, regular hours, and that sort of thing.

Commissioner Barfield stated there is four years before 2019; and he does not understand why the Board wants to go eight years after that. He inquired if the Board can get the first Right of Refusal to 2019.

Ms. Camarata stated Shannon Wilson, Deputy County Attorney, advised staff after her review that she did not think the Right of First Refusal was still in that Contract.

Mr. Whitten stated the bottom line is it is not in the black and white of the Contract.

Ms. Camarata stated she believes what Mr. Novick is asking is that beginning in 2020 he would have a CPI increase not to exceed three percent that the eight year extension is provided without the benefit of an RFP, and in 2027, he has again the Right of First Refusal.

The Board approved extending the current Lease Agreement with the Viera Complex Food Services, Inc. to 2027 with the Consumer Price Index (CPI) starting in 2020, not exceeding three percent; and authorized the Right of First Refusal.

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

ITEM VI.D.1., APPROVAL, RE: LEGAL ACTION AGAINST ERIC AND AMANDA OBLOY

Stockton Whitten, County Manager, stated the pictures are from a citizen in the audience, and the aerial maps are from staff.

Cristina Berrios, Assistant County Attorney, stated this is a situation that was called into Code Enforcement in June regarding a property owner who had purchased this property in March 2015 and began an eco-tourism business off of the property; what that entails is selling tickets to tourists through Orlando and throughout the area; and then directing people to the back of this property. She stated on the Zoning map the direction to this property is down Courtenay Parkway over Gator Drive, and then crossing over into this Single Residential (SR) property and over into the Agricultural (AU); effectively the property owner is inviting the public and tourists through this property; and there is a concession stand on the property selling things not permitted to be sold in AU zoning. She pointed out the activity is not permitted on the property. She explained to the Board the many problems being caused by Eric and Amanda Obloy, the property owners. She advised the Board that staff is asking for legal action because they have had the problems with the property owners since June; there have been two continuances asked for by two different attorneys; and the property owners have not stopped the violations, but have instead gone full steam ahead. She pointed out the property owner has invited school children on the property; there are questions if fire trucks can get onto the property; the property owner has a petting zoo he asks his eco-tour people over to; and there are questions if there are adequate public restroom facilities.

Commissioner Infantini inquired if the property owner was notified this Item would be on the Agenda. Ms. Berrios responded she did not directly notify him; there was a Code Enforcement

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hearing on Thursday where there was a continuance; and if legal action is taken, the property owner will be notified. Commissioner Infantini inquired if there is going to be a jury, does the person being charged need to be present; and she inquired if staff should have told them this was on the Agenda.

Scott Knox, County Attorney, explained to make it clear, this gentleman is taking legal action as the County has filed a suit in federal court asserting the County has violated his federal constitutional rights; the County is required to defend that suit; and it is not customary to notify a citizen before he or she is sued.

Commissioner Infantini stated it seems frightening that the County is going after a person with a petting zoo.

Attorney Knox advised the property owner is running an operation that is violation of County Codes, State Statutes, and County Zoning Regulations; there is a pending Code Enforcement case where the property owner has been aware of all of these things for several months.

Commissioner Infantini inquired why it is coming before Code Enforcement and coming back to the Board before Code Enforcement has a chance to take action.

Attorney Knox replied because he is operating a business behind a residential neighborhood with trucks going up and down the road, and people from all over the place coming in to see his operation, the longer Code Enforcement goes on with the proceedings, the longer this will continue; and the people who are affected by it are asking this be done. He went on to add there is a provision in State Law saying an injunction can be filed for as part of the Code Enforcement process.

Commissioner Infantini noted the party should have been informed so he could be present.

Attorney Knox pointed out the property owner is well aware of this; he was at a Code Enforcement hearing last week; he was informed the County knew he filed a suit in federal court; and he reiterated he is aware of it.

Commissioner Infantini stated the property owner was not informed there was going to be discussion about him today.

Carol Stevens stated they were not given notice about this business; they woke up one morning and a sign was in front of this business; they bought the house a year and one-half ago; they moved from Missouri to Florida; and now there are 30 or more cars a day present. She went on to say the cars turn around in her yard and come to her door; they moved to a quiet neighborhood, not a business; the property owner did not give them notice; and there are strangers coming into the neighborhood. She inquired why she should put up with someone else opening a business before coming to the Board first.

Patti Laissle stated her home is approximately 400 feet from the entrance of Adventures of Paradise; she has been affected by its proximity; she has noticed an increase of traffic; and this is disturbing to her because building a home on a cul-de-sac was purposeful on their part. She stated in most cases the people who drive the cul-de-sac are either residents or guests of those that live there; now there is an influx of strange vehicles, eliminating their feelings of safety and security; to her all of the cars look like they are canvassing their homes; and the whole atmosphere of the neighborhood has changed. She went on to add she and her husband own the adjacent property directly south of their residence; it is a perfectly maintained, mowed property, and looks like an extension of their residence property, yet cars that have discovered that Dundee Drive was not the way to Adventures of Paradise have driven onto that property,

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which is basically a lawn to execute a U-turn; and a perfectly functional cul-de-sac is a mere 200 feet away. She advised at various times they have heard shooting back on the property, and not just single shots, sometimes rapid firing. She noted there is about on a 14 inch oil stain that originates from Adventures in Paradise's driveway, that goes all the way down Gator Drive and out onto Courtenay Parkway; apparently the people who exit the Adventures in Paradise property think it is a through route and many times when they come out of that property, they do not stop to enter Gator Drive; and on a number of occasions, she has had to stop short because someone was barreling out of the driveway. She stated they have noticed people with golf carts visiting the property and driving down Gator Drive. She pointed out the property owner has a concession stand; he is between two residential houses; and if she cannot put something similar on her front lawn to promote a business, why does he. She added the Adventures in Paradise property was vacant for many years, previously it was a gator farm; she has seen Bobcat, Wild Pigs, Gator, Panther, rats, and snakes there; she read that the business encourages the visitors to walk the trails and see Florida of old; she has concerns about the safety of such a suggestion to tourists ignorant of the dangers of doing that; and to her it is a disregard for human safety.

Betsi Siddell stated their property abuts the property owners on the east and south, so she has a good view of a lot of the problems. She stated she has three written statements which she provided to the Board. She provided photos to the Board for its consideration. She stated Eric Obloy, after having trespassed on their property and was asked nicely to remove the items he placed there, and he took them away when he saw the police cars coming. She stated they have seen the traffic drastically increase from a dozen cars a day on a busy day to between 60 to 100 cars a day, six days a week; during the busy season, they could see 200 or more cars a day; many of these guests drive at speeds well in excess to the 20 miles per hour; and for the six years they have lived there is the children could safety ride their bicycles and skateboards. She pointed out the children do not play outside anymore. She advised the Obloy's have created a situation that is very unsafe; there are people coming from all over; and they have no idea if they should be looking out for any of these people. She stated Eric Obloy is very aggressive and retaliatory; they are not good neighbors; she had to call the police on them; and he placed sign pieces and piping for a sign on their property. She explained to the Board that she approached Mr. Obloy nicely asking him to remove his things from their property; he spoke to her a rude manner; and he told her she had no rights there. She stated yesterday morning he did it again. She noted Mr. And Mrs. Obloy have no intention to cease and desist the commercial activities; and she asked the Board to support seeking the injunction.

Commissioner Barfield stated his office has been innovated with this, and rightly so; it bothers him what the neighbors have to go through; it makes him nervous that there has been no inspections health and safety wise that have been done; and he is looking at an advertisement that is going to the schools. He noted he would not want his children to attend if he knew nothing about it.

Commissioner Infantini stated she is in support of this motion; she did notify the individual to let him know he would be discussed today; and he made the choice not to be present.

The Board granted permission for the County Attorney to take the necessary legal action against Eric and Amanda Obloy, property owners of 165 Gator Drive, Merritt Island, for continuing violations of Brevard County Code Section 62-1334, unpermitted uses within an Agricultural (AU) Zoning Classification.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM VI.F.1., CITIZEN REQUEST BY COMMUNITY CHAMPIONS, RE: FORECLOSURE AND VACANT PROPERTY REGISTRY

Stockton Whitten, County Manager, advised the Board that this is a Citizen Request, and he thinks Mr. Blasie should provide a presentation to the Board.

Scott Blasie, National Employee Relationship Director for Community Champions, stated they have four communities they work with in the County, including the City of Rockledge, which was the first community to partner with them; foreclosure registration ordinance, as seen in the Agenda memorandum, are nationwide; and they have been with them going on 12 years as a result of the housing issues that occurred over those eight to 12 years. He went on to say Community Champions has created a registration administration program that takes the burden off staff in trying to administer that and it consequently saves a lot of staff resources and helps stabilize the property values in neighborhoods; and it hold the banking community responsible for those properties that are in the foreclosure cycle. He explained they save the community a lot of money; they have nearly 90 community partners nationwide; and they picked up their 50th client in Palm Beach County. He pointed out they were selected this year to showcase their best practice model at the Florida Association of Code Enforcement Conference, Florida City, and the County Manager's Association Conference; and probably the biggest honor they could have received is when they were asked by the International City Manager's Association to showcase their program at their annual conference in Seattle, Washington. He stated the program they offer has basically sold itself; it is revenue neutral, and revenue positive to the communities they partner with; they have never had a community drop them since they started in 2009; and all of their partners are very supportive of the program. He noted he has been with the company since 2011; he worked in the public sector for 27 years; and he used Community Champions for two years before he retired. He stated he can attest on a personal basis that it is a great tool for government.

Chairman Fisher inquired what Mr. Blasie means by revenue neutral, as there is a fee that is charged.

Mr. Blasie replied there is a fee that is charged and paid by the banks. He pointed out the national average is \$200 per property, which is renewable annually; they retain \$100 of that fee; that is how they get paid; and the rest is remitted to the community. He stated their motivation is in order for them to make money they have to make sure the banks register properties.

Commissioner Infantini inquired why foreclosures need registration compliance, because right now if there is a property in foreclosure, if it is falling in disrepair, they have Code Enforcement to take action; and she asked how this is going to save the County money.

Mr. Blasie replied the banks are familiar with the registration ordinances; they have been around a long time; they actually have departments set up to register properties with communities; and by registering the property, it makes the banks aware that they have to do the maintenance; and the best practice ordinance that the Board would adopt hold the banks accountable to do the maintenance. He noted Code Enforcement extends a lot of energy and time processing cases that the banks should be out there taking care of in front of the problems.

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Commissioner Infantini inquired how they are doing that; are they going to all of the properties on a regular basis to ensure the lawns are mowed; and that way Code Enforcement will not have to go out and do this.

Mr. Blasie stated by driving registration compliance makes the banks aware they have to do the property maintenance; and that will leave only about 10 percent of the properties for Code Enforcement to maintain. He stated the banks proactively maintain the properties they know have to register and the ordinance makes them accountable.

Commissioner Infantini stated in her opinion it seems like they are kicking someone when he or she is down; the banks have to take back a piece of property with a mortgage on it; and the banks have to eat half of that mortgage because people do not have the ability to pay for it. She noted the \$100 that they pay is going to come out of the proceeds that would come from the sale of the future property, so thereby the property owner will be \$100 less; she does not see a need for it; she has not seen Code Enforcement inundated with cases of foreclosures; and she inquired if the County has a few thousand foreclosures that it is going to check on every day.

Robin Sobrino, Planning and Development Director, responded currently there are less than 100 active Code Enforcement foreclosures.

Commissioner Infantini stated she does not think it is a good idea; she thinks it would be kind of a money generating thing for the County; but she would rather not do it on the backs of something like this.

Mr. Blasie stated he doubts the banks will feel it in the bottom line when they sell the property; the banks actually embrace the program because they have to register properties all over the country; and they make it simple for them to do that. He went on to add people who are paid by the banks to maintain the properties are now being held accountable; before they were writing checks for property preservation companies because most of them were not doing their jobs; their program through its interaction with staff, ensures that they are hiring quality individuals to maintain the properties; and actually they are getting more bang for their buck.

Chairman Fisher stated another problem is the Board gets calls in its offices; the neighbors call and complain about different issues; and he thinks this program is a good idea.

Commissioner Infantini inquired which financial institutions are in support of this; she stated she spoke with a couple of banking institutions today and they did not show support for this; and she further inquired specifically which financial institutions locally support the program.

Mr. Blasie replied he cannot speak to local financial institutions, but Wells Fargo and Bank of America are supportive to the extent that they have former registration employees of those banks working for their company in Melbourne currently; and they are right there driving registration compliance with the people they used to work for.

Commissioner Infantini stated that does not mean the bank is in favor of them; it means the people saw they could make more money working for their company than they could work for the bank; and she does not see where that is accurate.

Tom Darnell, Community Champions, stated the registration program is only one part of the tool within the ordinance; it is also inspection, posting, maintenance, and all is a part of it; registration is a proactive way of knowing who to contact in case things are not being done properly; and basically the registration saves resources in knowing who to contact. He explained to the Board it comes down to who is serving the paper to get compliance; it becomes a quagmire of issues for staff when they are trying to figure out who to contact; that is what they

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specialize in; and a person cannot just go into the foreclosure data base and look up who to contact. He noted Wells Fargo and Bank of America support nationally registrations in some shape or form.

Commissioner Infantini inquired how many times in the last year the County had a difficult time figuring out who owns a property.

Ms. Sobrino stated it does take time to find out where the title is; very often it appears it is still in the owner's name, only to find out that there is pending action against the person listed in the Property Appraiser's data base.

Chairman Fisher stated what happens in the real world is someone moves out of a house; a foreclosure is set through an attorney; meanwhile a person moves so the yard is growing and gets uglier; and the bank does not have complete control of the property.

Mr. Darnell stated safety issues are something that should be a big concern; they partner with law enforcement; law enforcement can roll upon a property and know immediately if it has been registered; there have been law enforcement officers killed in another Florida county because it was a meth lab going through foreclosure; and there was no way for anyone to know that it was not legally occupied.

Commissioner Barfield inquired if the County Attorney has looked at the model ordinance.

Scott Knox, County Attorney, replied affirmatively.

Commissioner Barfield stated he wants to go ahead with the ordinance because it is a safety issue.

Chairman Fisher stated homeless people are beginning to go into vacant properties; it is a nightmare for neighbors; there are sometimes drug activities; and people move into the homes and sometimes make meth labs out of them.

The Board authorized the Planning and Development Director to develop an ordinance directing responsible parties to register, inspect, post, and maintain properties that are in default, foreclosure, and/or vacant; and directed the Planning and Development Director to determine whether to outsource and/or partner with Community Champions, a private company and carry out the necessary Request for Proposals (RFP) or Request for Qualifications (RFQ), contract piggyback, and/or Sole Source steps necessary to quickly and most effectively administer the Foreclosure and Vacant Property Registry Program.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
NAYS:	Trudie Infantini

ITEM VI.F.2., APPROVAL OF RECOMMENDATION AND COMPENSATION, RE: CHARTER REVIEW ATTORNEY REQUEST FOR QUALIFICATIONS #3-15-09

Leslie Rothering, Purchasing Services, stated the Charter Review Commission recommended Vose Law Firm, LLP to provide legal services to the Charter Review; the compensation rate is \$150 per hour, \$75 per hour for paralegal time, and it is also requested the Chairman is authorized to execute the contract; Mr. Boss and his firm are currently serving as general counsel to the Orange County Charter Review Commission; and he does has previous experience with other commissions as well.

The Board accepted the recommendations of the Charter Review Commission (CRC) assigned by the Board of County Commissioners for Vose Law Firm, LLP to provide legal advise to the CRC; and authorized the Chairman to execute the Contract with the selected firm.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

PUBLIC COMMENTS

Charles Tovey stated he has problems at his house from all of the businesses and safety issues against him; he bought his house at the end of no where; and the Sheriff threatens to arrest him because he is acting irrational what people cut down his trees and bulldoze his property. He stated he wants to assist the County and volunteer his services for all types of things to help save the community and taxpayers money. He pointed out he has rights and none of them are being addressed.

ITEM VIII.A., REPORT, RE: STOCKTON, WHITTEN, COUNTY MANAGER

Stockton Whitten, County Manager, stated the Diversity Committee has done a wonderful job in opening up County government to all of the members of the community; on October 2, 2015, they held a Hispanic Heritage event; and he provided a short clip of some of the activities to the Board.

ITEM VIII.C., REPORT, RE: TRUDIE INFANTINI, DISTRICT 3 COMMISSIONER

Commissioner Infantini stated the last meeting, Commissioner Anderson told her he would buy her a steak dinner if she could find a single member district that is a Charter county that does not have road and bridge districts on them; and in fact, they did. She stated her staff created a book with tax bills from every county; they found single member charter districts that do not have separate road and bridge line items on their tax bill, because their Commissioners are able to properly allocate based on need road money to go to the most important, needy roads rather than having it allocated district by district; and if Commissioner Anderson would like a list of the restaurants she likes to dine at, she was thinking about taking her husband out to dine tonight.

Commissioner Anderson stated that is fine, and any time Commissioner Infantini wants to visit a City of Palm Bay business that sells steak, he will buy her dinner.

Commissioner Infantini stated she will do it tomorrow. Commissioner Anderson advised he actually is free.

ITEM VIII.D., REPORT, RE: CURT SMITH, DISTRICT 4 COMMISSIONER

Commissioner Smith pointed out that November is Prostate Cancer Awareness Month; men have adopted a 'No Shave November'; and he is challenging men on the Board to grow facial hair. He stated the challenge would go out to Department heads as well.

ITEM VIII.E., REPORT, RE: ANDY ANDERSON, DISTRICT 5 COMMISSIONER

Commissioner Anderson stated he heard a rumor that the Parkway Project is a head of schedule by 77 days; and that is amazing.

ITEM VIII.B., REPORT, RE: SCOTT KNOX, COUNTY ATTORNEY

Scott Knox, County Attorney, stated there is a request to shut down Mathers Bridge for a while to allow some photographers to take pictures and video regarding a commercial.

John Denninghoff, Public Works Director, stated he just became aware of this approximately 20 minutes ago; staff has received a request from an advertising company associated with Home and Garden Television (HGTV) for their statement with them; he has not been able to verify that; he forwarded the request to Eric at the Tourism Development Council (TDC), which is the usual avenue when these kinds of requests are received; and what they want to do is occupy the fenced in parcel of land that is adjacent to Mathers Bridge, and to utilize that as their base of operations. He went on to say that would include using a camera on a drone to film a car driving across Mathers Bridge; the purpose of the activity is associated with a HGTV giveaway house that is on Tropical Trail, and its promotional activity associated for Brevard County; ordinarily to utilize public property in that manner requires some sort of a procedure, which would take a little bit of time; and they are requesting they be able to do this tomorrow between 2:00 p.m. and 4:00 p.m. He noted they have offered to identify the County and to fill out paperwork that might be needed, but they need to move quickly; and if they were just the road, it could be done administratively, but they want to close the road for brief periods of time to set up cameras and other sorts of things on that piece of property. He stated it is where the old Mathers Bridge restaurant used to be.

Commissioner Anderson inquired if that includes the drawbridge operation shutting down for two hours.

Mr. Denninghoff replied no, they would not allow them to shut down for two hours, but what they may do is shut down some periods of time where the Bridge would not be open to the public for a little while; and they would not be able to operate the Bridge, as staff would do that.

The Board authorized staff to close Mathers Bridge on October 21, 2015, from 2:00 p.m. and 4:00 p.m., allowing HGTV to video a commercial.

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

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Upon consensus of the Board, the meeting adjourned at 12:20 p.m.

ATTEST:



Scott Ellis

SCOTT ELLIS, CLERK



ROBIN FISHER, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA