

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

3:30 PM

The Board of County Commissioners of Brevard County, Florida, met in special session on August 16, 2016 at 3:45 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Robin Fisher	Commissioner District 1	Excused	
Jim Barfield	Chairman/Commissioner District 2	Excused	
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Vice Chairman/Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

**INVOCATION**

The invocation was given by Commissioner Smith.

**PLEDGE OF ALLEGIANCE**

Commissioner Smith led the assembly in the Pledge of Allegiance.

**ITEM II., COMMISSIONER TRUDIE INFANTINI REPORT, RE BALLOT LANGUAGE FOR NOVEMBER 8, 2016, REFERENDUM FOR THE ONE-HALF CENT INFRASTRUCTURE SALES TAX TO FUND IMPLEMENTATION OF SAVE OUR LAGOON PROJECT PLAN**

Commissioner Infantini stated at the last Board of County Commissioners meeting an Ordinance was passed for ballot language on November 8, 2016, Referendum for one-half cent infrastructure sales tax to fund implementation of the Save Our Lagoon Project Plan; she provided the Board with a package and she had tried to present during the last Board meeting that perhaps it was not a lawful use of the one-half cent sales tax; she stated extra research has turned up that it is not a permitted use; and the half-cent sales tax cannot be used for demucking. She advised that ballot language has to be to the Supervisor of Elections, the Monday before the next Tuesday Board meeting; there is not another Board meeting beforehand to decide this; Florida Statute 212.055 was referenced in the Ordinance and does not permit what the Statute says being allowed to use the half-cent sales tax for; it is not specifically enumerated and it cannot be used for that; and in order to overcome that objection, Senator Thad Altman presented a Senate bill to attach and make it so that demucking could be used if it was used for ecological and beneficial muck removal; Debbie Mayfield, Florida House Representative for District 54, submitted a similar bill in the House so that muck removal would be added to Florida Statute Chapter 212; however, the provided package shows those denied; and the Senate bill died in appropriations and the House bill died in finance, and tax. She advised demucking is not one of the permitted uses of a Florida Statute; she mentioned Scott Knox, County Attorney, has made a mistake by saying as long as the County fell within the Statute of having a population greater than 75,000, it could be used for maintenance of a capital project, but he did not finish telling the rest of the paragraph; and the rest of the paragraph says that it can be used for maintenance of a project that is put together using the sales tax. She

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went on to state if the Lagoon was built using the sales tax, the sales tax cannot be used to demuck it; she does not want to present something to the voters to be put on the ballot to vote for and then all are disappointed thinking the County is going to do something; she would rather present to them the stuff that they can do, rather than stuff they cannot do; she thinks the language and the amount required for this one-half cent sales tax needs to be changed; and right now \$300 million is being asked for and \$2 million is for demucking. She suggested to rescind it or reduce how much is going to be collected, and change the ballot language; and she stated the ballot language says it is for removing muck and reducing pollution.

Vice Chairman Smith inquired what Commissioner Infantini is proposing. Commissioner Infantini responded this could wait and be done again at the Board meeting on August 23; but Lori Scott, Supervisor of Elections, needs to have her ballot language in and she may want to know that this cannot go to the voters as is.

Stockton Whitten, County Manager, stated that he and Attorney Knox talked about this issue; Attorney Knox has done the research and is the legal advisor; he has conferred to the County's Bond Council who is confident with his opinion; nevertheless, this will be on the August 23, 2016, Agenda to adopt the ordinance; and he thinks Commissioner Infantini's points are most appropriately presented.

Commissioner Infantini pointed out that there is an Attorney General Opinion (AGO) and it was believed that Tourist Tax could not be used; but Tourist Tax can be used for the Lagoon cleanup, and two other counties are actually doing the same.

Vice Chairman Smith inquired if they had a referendum to vote on to do that. Commissioner Infantini replied no; she stated it is an actual permitted use of the Tourist Tax dollars; and the Tourist Development Council's plan will need to be changed.

Christine LePore, Assistant County Attorney, advised it is her understanding that this issue will be addressed on Tuesday, August 23.

Commissioner Infantini advised this is the Board of County Commissioners holding a special meeting and she will be making a motion.

Commissioner Anderson stated he is not voting on anything until he talks to the other Commissioners in an open and public forum.

Motion by Commissioner Infantini to pull ballot language for November 8, 2016, Referendum of the One-Half Cent Infrastructure Sales Tax to Fund Implementation of the Save Our Lagoon Project Plan until the language is revised, reflecting accuracy of what is permitted to use. Motion failed due to the lack of a seconder.

Vice Chairman Smith expressed his thanks to Commissioner Infantini for bringing this to the Board's attention; and he stated he is looking forward to finding out where to go from here.

### **ITEM III., PUBLIC COMMENT**

David Isnardi, Melbourne-Tillman Water Control District Board Member, advised that he appreciates the Board waiting until Tuesday, August 23 for the public and properly noticing; he has spoken to the other Commissioners, but has not had the chance to speak to Vice Chairman Smith about Melbourne-Tillman being one of the best and most efficiently ran government bodies the Board has even seen; he has worked 14 years hard being a Melbourne-Tillman

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board member and he is very passionate to ensure the western diversion happens, due to being critical; when efforts fail, the water gets polluted; and in order to continue there has been no budget increase seen since 2007. He went on to state they have been dealing with a lot less over the years; the reserve is coming down and with one major event, there will be no reserve; the most critical thing done is to move the water out of here, which is the basic core function of government; the dollars are needed and no one is doing it better than they are, because they are doing it for less; and when caring about the Lagoon, this is one way to show it.

**PUBLIC HEARING, RE: STATEMENT OF PROPOSED RATES FOR THE MELBOURNE-TILLMAN WATER CONTROL DISTRICT FOR FY 2016-2017**

Vice Chairman Smith called for the public hearing to consider statement of proposed user fee rates for the Melbourne-Tillman Water Control District for Fiscal Year 2016-2017.

Dan Anderson, District Manager of Melbourne-Tillman Water Control District, introduced the Melbourne-Tillman Water Control District Members who were present. He stated Melbourne-Tillman in April 2016 adopted a tentative budget for submittal to Brevard County for Fiscal Year 2016-2017; and he acknowledged the County Budget Office for its assistance in working with the budget. He advised the Board this budget is being presented with an increase of user fee rate structure; the proposed increase would generate approximately \$173,000; and he pointed out the Melbourne-Tillman Water Control District has been very proactive in water quality within the District canal system before it discharges into the Indian River through Turkey Creek. He stated the increase will fund water quality projects through additional weirs structures to cleanup substations within weirs aquatic vegetation harvesting; and the District is requesting the Board's approval for the adoption user fee rates for FY 2016-2017 as follows: 1) Residential Rates from \$19.13 to \$21.04; 2) Commercial Rates from \$37.14 to \$40.85; and 3) Agricultural Rates from \$6.69 to \$7.36.

Vice Chairman Smith inquired what the increase percentage is. Mr. Anderson responded 10 percent.

There being no further comments heard, the Board approved the proposed rates of the Melbourne-Tillman Water Control District for FY 2016-2017, and recommended for final approval and adoption of the operating budget for the District at the September 27, 2016, Board meeting for Residential at \$21.04 per lot or acre; Agriculture at \$7.36 per lot or acre; and Commercial at \$40.85 per lot or acre.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Trudie Infantini, Curt Smith, Andy Anderson
<b>EXCUSED:</b>	Robin Fisher, Jim Barfield

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Upon consensus of the Board, the meeting adjourned at 4:04 p.m.

ATTEST:

  

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SCOTT ELLIS, CLERK

  

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

## Donna Scott

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**From:** Donna Scott  
**Sent:** Thursday, September 29, 2016 4:09 PM  
**To:** Sally Lewis; Scott Knox  
**Subject:** 08-16-16 Minutes approval  
**Attachments:** 08-16-16 Melbourne-Tillman.doc

Attached are minutes of August 16, 2016, which will be considered by the Board on October 4.

Donna Scott  
Assistant Clerk to the Board  
(321) 637-2001 / Ext. 49120

