

Tammy Rowe

To: Knox, Scott L
Cc: Lewis, Sally A
Subject: September 20, 2016 Regular Meeting Minutes

Scott:

Attached are the September 20, 2016, Regular meeting minutes for your review and recommendations. They will be considered by the Board for approval at its November 1, 2016, Board meeting.

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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 September 20, 2016 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

| Attendee Name | Title | Status | Arrived |
|----------------------|---------------------------------------|---------------|----------------|
| Robin Fisher | Commissioner District 1 | Present | |
| Jim Barfield | Chairman/Commissioner District 2 | Present | |
| Trudie Infantini | Commissioner District 3 | Absent | |
| Curt Smith | Vice Chairman/Commissioner District 4 | Present | |
| Andy Anderson | Commissioner District 5 | Present | |

INVOCATION

The invocation was given by Reverend Dr. D. Scott worth, Presbyterian Church of the Good Shepherd.

PLEDGE OF ALLEGIANCE

Chairman Barfield led the assembly in the Pledge of Allegiance.

ITEM I.A., RESOLUTION, RE: PROCLAIMING SEPTEMBER 20, 2016, AS NATIONAL IT PROFESSIONALS DAY

Commissioner Smith read aloud, and the Board adopted Resolution No. 16-146, proclaiming September 20, 2016, as National IT Professionals Day.

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

ITEM I.B., RESOLUTION, RE; RECOGNIZING SEPTEMBER 15 - OCTOBER 15, 2016, AS HISPANIC HERITAGE MONTH

Stockton Whitten, County Manager, read aloud, and the Board adopted Resolution No. 16-147, to celebrate Hispanic heritage Month September 15-October 15, 2016.

Euri Rodriguez, Solid Waste Management Director, expressed his appreciation to the Board for the Resolution.

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

ITEM II.A.1., PRELIMINARY PLAT/FINAL ENGINEERING APPROVAL, RE: ARTISTRY AT VIERA - THE VIERA COMPANY

The Board granted preliminary plat and final engineering approval for Artistry at Viera - The Viera Company, subject to minor engineering changes as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

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

ITEM II.A.2., AGREEMENT WITH TREASURE LAGOON HOMEOWNERS ASSOCIATION, RE: BREVARD COUNTY SHERIFF'S OFFICE (BCSO) TO PROVIDE TRAFFIC ENFORCEMENT IN PRIVATE COMMUNITIES

The Board executed Agreement with Treasure Lagoon Homeowners Association for the Brevard County Sheriff's Office (BCSO) to provide traffic control enforcement for the community known as Treasure Lagoon.

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

ITEM II.A.3., RESOLUTION AND RELEASE OF PERFORMANCE BOND, RE: ARRIVAS VILLAGE, PHASE 2 SUBDIVISION - THE VIERA COMPANY

The Board adopted Resolution No. 16-148, releasing the Contract and Surety Performance Bond dated May 12, 2015, for Arrivas Village, Phase 2 Subdivision - The Viera Company.

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

ITEM II.A.4., RESOLUTIONS, RE: ALLOCATION/REALLOCATION OF 2007 LOCAL OPTION GAS TAX BOND PROCEEDS

The Board adopted Resolution Nos. 16-149, 16-150, and 16-151, allocating and reallocating the 2007 Local Option Gas Tax (LOGT) Bond Proceeds; and authorized all budget change requests as needed.

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

ITEM II.A.5., FIVE-YEAR LEASE AGREEMENT WITH BAREFOOT BAY RECREATION DISTRICT, RE: OFFICE SPACE USED BY THE UTILITY SERVICES DEPARTMENT FOR BILLING AND CUSTOMER SERVICE IN BAREFOOT BAY

The Board executed a five-year Lease Agreement with Barefoot Bay Recreation District for office space used by the Utility Services Department, for water billing and customer service in Barefoot Bay; and authorized the County Manager, or his designee, to sign for a one-year extension at the end of the initial five-year lease.

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

ITEM II.B.2., RESOLUTION, RE: ESTABLISHING THE SCHEDULE OF FEES FOR PARKS AND RECREATION DEPARTMENT

The Board adopted Resolution No. 16-152, establishing the Schedule of Fees for the Parks and Recreation Department; and authorized the implementation of the approved Schedule of Fees effective October 1, 2016.

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

ITEM II.B.3., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE PUBLIC HEARING, RE: AMENDING BREVARD COUNTY CODE, CHAPTER 78, ARTICLE III, USE OF PARKS

The Board approved legislative intent and granted permission to authorize advertisement of a public hearing amending Brevard County Code, Chapter 78, Article III, Use of Parks.

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

ITEM II.C.1., PERMISSION TO ISSUE OPEN PURCHASE ORDERS (FY 2016/2017), RE: VENDORS OF RECORD

The Board approved the use of State Contracts, Cooperative Contracts, and other agency Contracts as Vendors of Record; approved the use of Vendors determined to be the sole source for the products or services; approved the issuance of Blanket Purchase Orders; authorized the Chairman to execute any contracts to vendors, exceeding \$100,000; and approved the competitive action in the event of unforeseen changes to the approved vendors and/or the cooperative purchasing programs.

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

ITEM II.C.2., APPROVAL, RE: PERMISSION TO ISSUE ANNUAL SUPPLY BIDS, PROPOSALS AND REQUEST FOR QUALIFICATIONS, AND/OR NEGOTIATE COMPETITIVE AGREEMENTS (FY 2016/2017)

The Board granted permission to perform actions regarding the solicitation of competitive bids, quotes, and/or negotiate competitive agreement and award to lowest, responsive, and most qualified supplier; to solicit competitive proposals and requests for qualifications, establishing selection competitive proposals and requests for qualifications, establishing selection/negotiation committees approved by the County Manager, or his designee; awarded contracts and/or open purchase orders with the best ranked proposer; to exercise renewal options upon evaluation of supplier performance and recommendation from user Departments/Offices, establishing the continuance of the contract favorable prior to extension of

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the Agreement; and authorized the Chairman to execute any contracts or contract renewals over \$100,000 in annual value.

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

ITEM II.C.3., RENEWAL OF EXISTING MAINTENANCE AGREEMENT WITH REPLAY, RE: SERVICE ITEMS OF EQUIPMENT RELATED TO THE HARDWARE OF THE E911 SYSTEM AND MAINTAIN THE SOFTWARE PF THE DIGITAL VOICE LOGGING SYSTEM

The Board approved the renewal of existing maintenance Agreement with Replay for service items of equipment related to the hardware of the E911 System from October 12, 2016 to October 11, 2017.

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

ITEM II.C.4., LABOR AGREEMENT WITH LABORERS INTERNATIONAL UNION OF NORTH AMERICA (LIUNA), LOCAL 678, RE: RATIFYING THE TENTATIVELY AGREED UPON MODIFICATIONS TO ARTICLE 15.1 OF THE COLLECTIVE BARGAINING AGREEMENT

The Board ratified the tentatively agreed upon modification to Article 15.1 in the Collective Bargaining Agreement presented herewith; and authorized the County Manager to execute said Labor Agreement as provided for by Section 447.309, Florida Statutes.

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

ITEM II.C.5., MODIFICATIONS TO RANK AND FILE LABOR AGREEMENT WITH PROFESSIONAL FIREFIGHTERS, LOCAL 2969, RE: INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) - ARTICLE 13, WAGES

The Board ratified the tentatively agreed upon modifications to Article 13 in the IAFF Rank and File Collective Bargaining Agreement presented herewith; and authorized the County Manager to execute said Labor Agreement as provided for by Section 447.309, Florida Statutes.

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

ITEM II.C.6., APPROVAL, RE: DELTA DENTAL INSURANCE JANUARY 1, 2017, RENEWAL PREMIUMS

The Board accepted 2017 dental insurance rates as proposed by Delta Dental in their DHMO and PPO plan options; and authorized the Office of Human Resources/Employee Benefits to publish a Request for Proposals (RFP) for dental insurance plan options effective January 1, 2018.

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

ITEM II.C.7., APPROVAL, RE: LIABILITY, WORKERS' COMPENSATION, AND AVIATION INSURANCE PROGRAMS FOR FISCAL YEAR 2016-2017

The Board approved placement of the County's Auto Liability, General Liability, Professional Liability, Crime, Workers' Compensation, and Aircraft and Aviation Liability insurance coverage at a cost not to exceed \$1,282,192; and authorized the Risk Manager to bind coverage effective October 1, 2016.

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

ITEM II.D.1., APPROVAL, RE: BUDGET CHANGE REQUESTS

The Board approved the Budget Change Requests.

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

ITEM II.D.2., APPROVAL OF FINAL SETTLEMENT AGREEMENT FOR WAGES AND ATTORNEY FEES AND COSTS, AS ORDERED BY THE HONORABLE JUDGE BAKER IN THE U.S. DISTRICT COURT OF THE MIDDLE DISTRICT OF FLORIDA, RE: JEFFREY W. PICCOLELLA V. BREVARD COUNTY, FLORIDA; CASE NO.: 6:15-CV-01610-ORL-41-DAB

The Board executed Settlement Agreement and General Release in the amount of \$96,000; and approved the payment of the Court's order granting Plaintiff's motion for an award of attorney's fees and costs in Civil Case for Jeffrey W. Piccolella v. Brevard County, Florida, Case No.: 6:15-cv-01610-Orl-41-DAB, in the amount of \$71,527.33, as was ordered by the Honorable Judge Baker.

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

ITEM II.D.3., RESOLUTION, RE: SUPPORT OF PROJECT SIGNAL FOR THE STATE QUALIFIED TAX INCENTIVE (QTI) PROGRAM

The Board adopted Resolution No. 16-153, in the amount of \$10,000, as required local contribution in the State's Qualified Tax Incentive (QTI) Program in order to induce the economic development project known as Project Signal to go forward, evidencing approval of said use of funds by Resolution.

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

ITEM II.D.6., ACCEPTANCE AND APPROVAL, RE: CENTRAL CASHIER AUDIT REPORT; LICENSING, REGULATION AND ENFORCEMENT AUDIT REPORT; AND THE RISK ASSESSMENT AND PROPOSED AUDIT PLAN FOR FISCAL YEARS 2016-2017 AND 2017-2018

The Board accepted the Audit Committees Central Cashier Audit Report, Licensing, Regulation, and Enforcement Audit Report, and approved the Risk Assessment and Proposed Audit Plan for Fiscal Years 2016-2017 and 2017-2018.

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

ITEM III., PUBLIC COMMENTS

Shannon Wright, Florida Fish and Wildlife Conservation Commission (FWC), stated she wants to give the Board an update; she was present at a meeting in June of this year; and at that time the Board was considering to adopt a resolution banning bear hunting in Brevard County. She went on to say the Florida Fish and Wildlife Commission postponed the bear hunting for a year; they did not have all of the scientific data back from the biologists; they do now have that data back; in the Central Bear Management Unit, which is where Brevard County is, there has been a 16 percent increase in the bear population that results in a number of about 1,193 bears in that unit; and she reminded the Board there is funding available for counties for bear management. She added the Legislature gave FWC \$850,000 to help counties implement an ordinance about using bear resistant garbage cans; that money is still there; there is a cutoff of October 14th for the final application for any county that is interested in trying to get some of that money to help with resistant cans; during this time since the FWC has postponed the bear hunt, the Bear Management Team, as well as other staff, has been working very hard with counties educating them as well as educating citizens about interactions with bears of how to prevent conflict issues; and she noted FWC will be glad to provide the Board with a workshop to educate it about bears and what the FWC is doing.

Chairman Barfield stated if he understands the region Brevard County is in, there is a small notch in Volusia County to just northwest of Brevard County; from what he understands, that is where Brevard County gets the high number from; and he inquired if that is correct.

Ms. Wright replied probably so, that area is very high density bear population because it is ideal bear habitat; people want to have those woods; and along with that comes the bears and other wildlife.

Joan Davis stated she had something really important to say, but since Commissioner Infantini is not present to introduce the resolution, she would like to postpone her comments to a future Board meeting. She stated she would like to say a couple of things. She stated she has lived in Florida for over 50 years; this whole bear issue of whether or not to have a hunt, she has never seen so much attention given to something; Ms. Wright said she was last before the Board in June, but she was here in July; they were here in May and again in July; and today is the third time. She stated Ms. Wright said there was a cutoff date for instituting bear wise trash cans and education; there are only two counties that have passed resolutions and ordinances; and those trash cans have worked extremely well. She noted there are 12 more counties, and October is not going to be enough time to do what needs to be done. She stated the rest of her comments will have to wait to a future date.

ITEM IV.A., PUBLIC HEARING, RE: SUBSTANTIAL AMENDMENT TO 2011-2016 CONSOLIDATED PLAN, 2015-2016 ANNUAL ACTION PLAN, AND CITIZEN PARTICIPATION PLAN

Chairman Barfield called for a public hearing to consider Substantial Amendment to 2011-2016 Consolidated Plan, 2015-2016 Annual Action Plan, and Citizen Participation Plan.

Ian Golden, Housing and Human Services Director, stated this Item is to do a substantial amendment to the 2011-2016 Consolidated Plan, Annual Action Plan, and the annual update to the Citizen Participation Plan; if the Board recalls, at the end of July or early August it approved the 2016-2021 five-year plan; this is actually a change to the current plan to allow for a certain activity that was not included in that five-year plan dealing with owner owned properties; they have an activity that allows for acquisition and new construction; and they do not have an activity that allows for just new construction. He noted that leaves out people who actually owns the property; because they are looking at utilizing funding from that five-year plan within that

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period, staff has to amend that plan, and that is what this does; all of these items have gone out for public comment per regulations for 30 days; and they received no comments. He stated the change in the Citizen Participation Plan has to do with putting it more in line with new federal regulations regarding fair housing.

There being no objections or comments, the Board conducted a public hearing, as required by the U.S. Department of Housing and Urban Development (HUD) for the purpose of receiving public comments on a Substantial Amendment to the HOME Investment Partnerships Program (HOME) funding allocation in the 2011-2016 Consolidated Plan, 2015-2016 Annual Action Plan, and updated Citizen Participation Plan; and upon closure of the public hearing, approved the aforementioned plan amendments for submission to HUD.

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

ITEM V.A., RESOLUTION, RE: OPPOSING GOVERNMENTAL SANCTIONED BEAR HUNTS

Chairman Barfield recommended the Board table this Item.

Commissioner Fisher inquired how to apply for State funds to help with the bear population in case this Board wants to consider this; and he inquired if this is mainly for the bear trash cans.

Shannon Wright, Florida Fish and Wildlife Conservation Commission, responded first Brevard County would have to adopt an ordinance; once the ordinance is adopted to implement bear resistant garbage cans, the money can be applied for; and there have been three counties thus far that have approved ordinances, and Orange County is in the process of getting that done. She noted once the ordinance is adopted, FWC can help with the paperwork.

Commissioner Fisher inquired what the ordinance would say.

Ms. Wright replied any future development, and have the ordinance in place saying from this day forward, any future development built a person would have to use bear resistant cans to reduce the conflict with bears; and that could be part of the ordinance.

Commissioner Fisher asked Ms. Wright to get the Board a copy of that ordinance.

Commissioner Smith stated he would like to maybe adopt some sort of ordinance that would pertain to that notch area Chairman Barfield was talking about earlier.

The Board tabled consideration of resolution opposing government sanctioned bear hunts to a future Board meeting.

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

**ITEM VI.B.1., MEMORANDUM OF UNDERSTANDING (MOU) WITH THE CITY OF COCOA,
RE: CONSTRUCTION OF OUR SINGLE-FAMILY HOMES - DIAMOND SQUARE
REDEVELOPMENT AREA, PHASE 2**

Ian Golden, Housing and Human Resources Director, stated this is a request to utilize some of the HOME grant funds to partner with the City of Cocoa on a project to create some affordable housing within the City of Cocoa; this will be on City-owned land; the County is putting in approximately \$306,000 and the City is putting in \$216,000 to create four single-family homes, which will then be resold.

Nancy Dresser, Deputy Community Services Director of City of Cocoa, stated on behalf of the City of Cocoa, they would like to thank the Board for its support in this project; Regina Myer Subdivision is a project the City has worked on since 2004; unfortunately because of the economic climate, there have been difficulties getting it going; and the City would appreciate the Board's support.

The Board authorized the County Manager to execute Memorandum of Understanding with City of Cocoa, Housing and Neighborhood Services Division, to construct four single-family homes and provide down payment and closing cost assistance to four low-income eligible home buyers in Diamond Square Redevelopment Area (Phase 2).

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

ITEM VI.E.1., RESOLUTION, RE: AD VALOREM TAX ABATEMENT - PROJECT ZEUS

The Board adopted Resolution No. 16-154, for an Ad Valorem Tax Abatement for Project Zeus.

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

ITEM VI.F.2., APPROVAL, RE: PRECINCT BOUNDARIES - ALTERED AND ADDED

The Board approved the revised precinct boundaries due to court ordered redistricting, precinct consolidations, and annexations by the Cities of Melbourne and Palm Bay.

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

ITEM VI.F.3., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: AMENDMENT TO CHAPTER 106, TRAFFIC AND VEHICLES, ARTICLE III - GOLF CARTS

The Board approved legislative intent and granted permission to advertise a Code amendment of the Traffic and Vehicles Ordinance, Chapter 106, Section 106.73, related to the use of golf carts within the Suntree Planned Development boundaries and certain adjacent residential subdivisions.

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

ITEM VI.F.4., CITIZEN REQUEST BY PAM LASALLE, RE: PROHIBITION OF ELECTRONIC AND COMMUNICATION DEVICES DURING MEETINGS

Pam LaSalle stated public records define broadly in Statute may include texts on electronic devices; it is easy to use devices to repetitiously in their presence in a public meeting may create concern or mistrust for citizens; member of the audience see the Commissioners on the day frequently using Smart Phones during meetings; and because those communications are not included in the official record, it is not possible for a member of the public to determine the nature and contents of those communications and whether they should be available through a Freedom of Information Act request. She went on to say also of concern is the fact that text records may be deleted by a provider before it is possible to obtain a subpoena should a citizen pursue a matter; this issue could be solved by disallowing the devices or making them part of the record; for reassurance or verification, the video recording of the meeting should have a clear view at all times to determine if any devices are present on the dais or not; she knows other cities have done it; and she only cares about what happens in Brevard County.

The Board acknowledged citizen request by Pam LaSalle for prohibition of electronic and communication devices during meetings, but took no action.

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ITEM VIII.A., STOCKTON WHITTEN, COUNTY MANAGER

Stockton Whitten, County Manager, stated unfortunately the County has had another sewer line break in the South Patrick area; and Jim Helmer is going to update the Board on that situation.

Jim Helmer, Utility Services Director, stated he hates to be the bearer of bad news, but this is going to be a serious break; it is at South Patrick Drive and Banana River Drive, near the Doubles Restaurant; repair crews and anchor trucks are on the way; they probably will not be enough capacity in those tanker trucks to accommodate the flow; and they are using a dry retention pond at the B-20 Lift Station for the overflow. He added they probably will be using the Sea Park Pond as necessary; and there could be discharges beyond that into the canal. He noted they are designing a replacement of that entire 1.1 mile PVC section of pipe; they are trying to speed that up as much as possible; as soon as the design is complete, it will be out to bid, and that entire line will be replaced; almost all of the significant line breaks the County has had have been in that PVC section of its lines; and staff will do the best they can, but it will probably be a serious and long situation. He pointed out Florida Department of Environmental Protection (FDEP) has been notified; staff will let everyone know the status of this as the day goes on; he hopes it will be repaired during the day; but they have to stop the flow during the time the repair is being completed.

Commissioner Smith stated this is in his District, and it is a concern of his; a lot of the public are not aware of the fact that approximately \$159 million has been set aside and raised by increasing sewer bills to pay for the upgrades; and today in the newspaper there was a Letter to the Editor complaining all of the Lagoon problems could be solved if the County just upgraded the sewer systems. He went on to state to those people out there who think they have all of the answers to the Lagoon problems, he would encourage them to pay attention to when the town hall meetings are going to be held; to come and see Virginia Barker, Natural Resources Management Director's presentation; and then the questions can be given to the people who really knows what is going on, so people would have some awareness, and when it comes time to vote in November, he or she will be able to make an educated decision. He commended Mr. Helmer and his staff for staying on top of this; he stated that is one area in particular that has already been planned; and the government sometimes does things cheap because it is afraid of doing things the best way because civilian oversight says government spends too much money. He pointed out in this case had the money been spent properly 20 years ago, the County would not be where it is today.

Mr. Whitten stated the next town hall meeting is in Satellite Beach; what needs to be done at that meeting is for Mr. Helmer to give an update on the sewer and wastewater system upgrades that are ongoing; and that should probably be a part of that meeting. He stated included in the plan are a number of upgrades to various sewer systems.

Chairman Barfield stated he knows staff was trying to expedite the design, and staff has to go through the bid process; there is a way to expedite the bid process; and this is an emergency.

Mr. Whitten stated he and Mr. Helmer talked about that today; Mr. Helmer is going to talk with Purchasing and the County Attorney's Office; and staff will probably be bringing this issue back at the budget meeting.

ITEM VIII.C., ROBIN FISHER, DISTRICT 1 COMMISSIONER

Commissioner Fisher stated Embraer did a groundbreaking yesterday in North Brevard in the industrial park the County owns; they are going to do their jet set manufacturing out of there; one of the things he likes about this is the jobs are for people who can make a good living in the \$40,000 to \$50,000 range.

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

Commissioner Smith stated this is keeping with the sewer topic, septic to sewer conversion is a real necessity, particularly in the watershed areas; in Virginia Barker, Natural Resources Management Director's presentation she pointed out the septic systems within 55 yards of watersheds in the County average about 27 pounds of nitrogen deposited into the water system; and he thinks there are approximately 15,000 septic systems that applies to. He encouraged the Board to consider at some future point when this comes up again to be consumer friendly to the people who have these septic systems to make it easier for them to convert; there is an RV park in his district that has a system failure; and because there is a force main within 500 feet they are mandated to connect to it now because they cannot get another permit to redo their septic systems. He went on to add current septic systems provide the pay for this very expensive upgrade every two years; and he spoke to the Utility Services Director to extend it for 10 years.

Jim Helmer, Utility Services Director, stated there are probably a couple of things that can be done to extend payment plans for the actual construction or the cost of converting from septic to sewer; and he would have to defer to Scott Knox, County Attorney, as to what type of special assessment programs the Board may have the authority to do; and Municipal Services Benefit Unit (MSBU) may be used, but there have to be two-thirds of the people who are benefiting to agree to that; and there are different funding alternatives staff has not looked at.

Commissioner Smith inquired if staff has come up with any numbers to do this.

Mr. Helmer replied the numbers are significantly lower because the entire place was built out, and it is RV's instead of actual three bedroom homes; and he thinks the impact fees were approximately \$26,000. He stated the option of low-flow systems needs to be looked at with a small pumping station by each of the old septic tanks that pumps to the force main, because it will be cheaper than piping his system; and he thinks that is something being discussed with staff.

Commissioner Smith stated this is something the Board needs to consider to help with the switch over and make it easier for people to pay for it; if the people were allowed to pay over a 10-year period, it would be easier; and maybe the County Attorney's Office can work something out.

Chairman Barfield stated there may be some Florida Department of Environmental Protection grants that may offset some of that; and he likes the idea to put it on the tax bill in case the property changes hands.

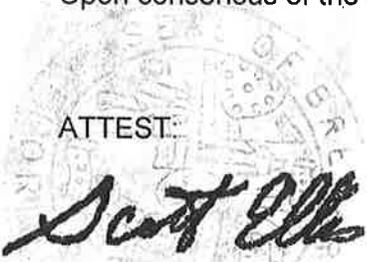
ITEM VIII.G., JIM BARFIELD, DISTRICT 2 COMMISSIONER/CHAIRMAN

Chairman Barfield stated yesterday at the Embraer ribbon cutting, it is hard to believe in 2008 is the first time the Board heard about Embraer and it barely passed on the Board to offer the incentives; since then Embraer has put in over \$200 million into the economy, which is amazing.

September 20, 2016

Upon consensus of the Board, the meeting adjourned at 9:45 a.m.

ATTEST:



Scott Ellis

SCOTT ELLIS, CLERK



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