

Tammy Rowe

To: Knox, Scott L
Cc: Lewis, Sally A
Subject: Minutes of August 23, 2016

Good morning:

Attached are the minutes of the August 23, 2016, Board meeting for your approval and recommendations. They will be considered for approval by the Board at its **October 18, 2016, Board meeting.**

Tammy Rowe, Supervisor
Clerk to the Board
Brevard County Clerk of Courts
tammy.rowe@brevardclerk.us
321-637-2001 Ext. 49056

**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 August 23, 2016 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

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

INVOCATION

Pastor A. (Sandy) Robinson, New Covenant Fellowship, Titusville, Co-Leader of the Church is One in North Brevard Prayer Group, provided the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Infantini led the assembly in the Pledge of Allegiance.

ITEM I.A., CONGRESSMAN BILL POSEY REPORT, RE: LEGISLATIVE AFFAIRS

Congressman Bill Posey stated he appreciates what the Board does for the Congress; he does not know if everyone has a good relationship with their County Commission; but he knows he enjoys working with each and every one of the Board Members. He went on to say the Board has probably heard about the stack of regulations he had at his office; he did not know what an administrative rule was until he was elected to the city council; he thought elected people made all of the laws, and that is the way it is; he had no idea that 90 percent of the laws at the State and Federal level were made by unelected people, people who cannot be elected out of office; and sometimes they are not accountable. He stated every day in Washington, DC, every member of Congress receives a copy of the Federal Registry; it can be an inch thick one day to five inches thick the next day, and it is all of the new rules, modifications to rules, and executed orders; administrative rules, which are simply laws, that unelected people make; and he thinks all 535 members throw it in the trash every day because he or she will not vote on it. He pointed out four years ago he started just throwing them in the corner; and finally after four years, the stack turned into seven stacks over his head of laws made by unelected people. He added he has other Congressmen come in to have their picture made by the stack of regulations because they really did not realize the impact of these regulations, which people know from every survey is the biggest cause of not expanding the economy and creating more jobs. He noted they finally took the stack down, it is not there anymore; it took five of the big blue dumpster's to haul it away; but they became a hazard. He stated they are trying to change that process a little bit and put more accountability into it. He advised the Board that everyone has a role in protecting the Indian River Lagoon; the problems will not be fixed overnight; it takes awareness and action; the awareness is not to put any more bad stuff in the water; and the action is to get the bad stuff out. He stated how to do that depends on a lot of different things; he appreciates the action the Board took to get it by the horns and try to do something

August 23, 2016

about it; and his hat is off to the Board for doing that. He went on to say everyone needs to work together. He stated it was passed into Congress, and the President of the United States signed it into law, the five-year reauthorization for the National Estuary Program; it included his Bill to create a competitive grant program that would provide supplemental funding to national estuaries with urgent needs, which just happens to be the State of Florida; it will allow for an increase in base funding grants given to the 28 national estuaries; it will speed up dredging and muck removal; and his hat is off to the Florida Legislature for their funding and the direction the Board took to remove muck. He pointed out in the past, permits have taken up to 15 months to get approved; everyone fears the reversion at the State level if the money does not get spent between the period of the budget process that they try to take it back and re-appropriate it; and he enjoyed working with the Board and its staff, and the National Marine Fisheries Commission, in streamlining their process so that hopefully it will not be 18 months anymore. He stated *Florida TODAY* reported that they did not gloat about that because they have worked with these people forever; it was a great effort by County staff as well for making that happen. He stated he worked with Suzanne Bonamici, a Democrat from Oregon, and they passed research legislation which was signed into law by the President of the United States, to authorize a \$20 million a year algae bloom research benefiting the Indian River Lagoon, but it also enhances and streamlines research into the causes of algae blooms and hypoxic events everywhere. He added in management of Lake Okeechobee problems, which does not impact the County as directly as it does some others, but it is important; and he joined the other 15 members of the Florida Delegation in sending a letter calling for the House leadership to bring the Water Resources Development Act for a vote on the House floor; the Bill contains much needed funding for the water infrastructure projects, like the Central Everglades Planning Project; he has sworn efforts to cut Washington red tape to keep projects on time, for example the Ten Mile Creek Project effort, a critical plan to treat stormwater runoff before it reaches the Lagoon; it has been delayed for years by the Washington bureaucracy; and to prevent further delays in bringing the project online, Congress passed a law that empowers Florida State and local officials to control the restoration without a whole lot of Federal red tape that would actually slow it down. He went on to say he fully understands the need to modernize the Everglades water management system; and he will continue the efforts in Congress. He stated the national wildlife refuges, such as Pelican Island in Indian River County, and the Merritt Island Wildlife Preserve, and there are 38,000 volunteers who help support those and make them work; and he will continue to be active in making sure those volunteers are supported. He advised they have been working on common sense approaches to move the space program forward; it is probably more important to the Board than any other Commission in the State; it includes supporting the civil and national defense needs, plus NASA human space exploration program; last year Congress passed, and the President signed into law, the US Commercial Space Launch Competitive Act; this is truly landmark legislation, and probably the first time Congress has ever seriously addressed commercial launches, civil and national defense needs, in a comprehensive manner; and it is critical that the Federal Government have that input. He went on to add it extends the time for commercial space for 10 years to allow time to lay the groundwork for a proper regulatory framework; there have been issues in the past with a local contractor hired to do parabolic testing for NASA, it wanted to bring other customers up, and could not get a permit; the FAA said that cannot be permitted; and they do not know what to do with this. He stated they are trying to get them to understand that space flight is dangerous; there are inherent risks in it; and FAA cannot make it 100 percent safe. He stated it contains a streamlined amendment that he introduced with Senator Bill Nelson to require FAA, NASA, and the United States Air Force to work together to eliminate red tape and bureaucracy to aid in developing of the commercial space sector; it includes the Posey/Kilmer, a democrat Derek Kilmer, from Washington, a resource exploration and utilization act to clarify that a US company can keep resources obtained from an asteroid or other celestial body such as the moon; and it is important to the commercial sector and frees up an awful lot of money for the manned space flights. He noted he is working hard to make sure the space programs are fully-funded; the President's budget underfunded it by \$800 million, but bipartisan efforts from the Senate and the

August 23, 2016

House, it was remedied for another year; they are continuing to fight for KSC's ground systems funding; they have done the new XY building; they hope to get the money appropriated next year to equip the building; and if they do not have ground system support, they do not have any launches. He went on to say NASA will play a key role in human space flight exploration; and it is critical that these programs are kept on task.

The Board acknowledged the Report on Legislative Affairs given by Congressman Bill Posey.

ITEM I.B., PRESENTATION, RE: SPONSORSHIP APPRECIATION PLAQUE

Denise Piercy, introduced Eric Shuck, to the Board; she stated they wanted to give their appreciation for the 12 events they put on in the year, one the Space Coast Marathon and Half Marathon; the Board does a lot of them allowing them to have the event; last year alone they were able to give back \$100,000 to the local community; and also within the 12 events, they have a lot in the County. She went on to say one of the things they do to give back to the community, which they were able to do this year for the first time, is they started a new program called Countdown to Fitness; they worked with the Brevard County School Board; and they were able to have for the first 10-week program, 1,100 children in the County participated to run 26.2 miles; and at the final mile, the children received a medal. She added this was completely free for the children; they received shirts, banners, medals, and popsicles; and they had a great time. She stated the economic impact from the Marathon last year was \$2.1 million. She expressed her appreciation to the Board for allowing them to have these events throughout the County.

The Board acknowledged the presentation by Denise Piercy of a Sponsorship Appreciation Plaque to Brevard County on behalf of the 2015 Space Coast Marathon and Half Marathon.

ITEM I.C., RESOLUTION, RE: RECOGNIZING AND CONGRATULATING THE JUNIOR LEAGUE OF SOUTH BREVARD ON 50 YEARS OF SERVICE TO THE COMMUNITY

Commissioner Smith read aloud, and the Board adopted Resolution No. 16-121, recognizing and congratulating the Junior League of South Brevard on 50 years of service to the community.

Jessica with the Junior League of South Brevard, expressed her appreciation to the Board for the Resolution.

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

ITEM I.D., RESOLUTION, RE: HONORING HEALTHY START COALITION'S 25 YEAR ANNIVERSARY

Chairman Barfield read aloud, and the Board adopted Resolution No. 16-122, recognizing the Healthy Start Coalition of Brevard for 25 years of distinguished service to the citizens of Brevard County.

Jennifer, Healthy Start Coalition, expressed her appreciation to the Board for the Resolution.

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

ITEM I.E., RESOLUTION, RE: PROCLAIMING THE WEEK OF SEPTEMBER 17 - 24, 2016, AS CONSTITUTION WEEK

Chairman Barfield read aloud, and the Board adopted Resolution No. 16-123, proclaiming the week of September 17-23, 2016, as Constitution Week.

Jo Compton, National Society of the Daughters of the Revolution, expressed her appreciation to the Board for the Resolution.

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

ITEM II.A.1., REQUEST FOR RELEASE AND TERMINATION OF CONSERVATION EASEMENT, RE: F&T BAYTREE, LLC

The Board executed the Release and Termination of Conservation Easement with F&T Baytree, LLC, for property located at the 7900 block of North Wickham Road, Tax Account No. 2627126.

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

ITEM II.A.2., RESOLUTION AND LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT NUMBER 3 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, RE: ST. JOHNS HERITAGE PARKWAY AT ELLIS ROAD (FISCAL IMPACT: \$40,127.00 ADDITIONAL GRANT FUNDS)

The Board adopted Resolution No. 16-124, and executed Supplemental Agreement Number 3 with the Florida Department of Transportation (FDOT) for St. Johns Heritage Parkway at Ellis Road; and approved any necessary budget change requests.

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

ITEM II.B.2., APPROVAL, RE: ESTATE DONATION FOR THE COCOA BEACH LIBRARY (FISCAL IMPACT: COCOA BEACH LIBRARY ENDOWMENT FUND WILL INCREASE BY APPROXIMATELY \$665,000

The Board accepted a bequest of approximately \$665,000 from the Estate of Ruth Schroer; and authorized the Library Services Director to execute the Waiver of Accounting and of Service of Petition for Discharge and Consent to Distribution Form.

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

ITEM II.B.3., ACCEPTANCE OF ASSET TRANSFER, RE: FROM PARKS AND RECREATION DEPARTMENT TO ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM SANCTUARY NETWORK

The Board authorized staff to initiate procedures for asset transfer of land from Parks and Recreation to the EEL Program Sanctuary Network; and authorized the Parks and Recreation Director to pursue grant opportunities to help offset the cost of exotic control.

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

ITEM II.B.4., LICENSE AGREEMENT, RE: ACCESS ACROSS PRIVATELY OWNED DRIVEWAY

The Board executed License Agreement granting the County access to County-owned and managed property across a privately owned driveway in Scottsmeer.

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

ITEM II.B.5., EARLY CANCELLATION, RE: SPORTS PROMOTION AND DEVELOPMENT CONTRACT EFFECTIVE SEPTEMBER 30, 2016

The Board approved the early cancellation of Tourism's Sports Promotion and Development Contract effective September 30, 2016.

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

ITEM II.C.1., APPROVAL OF TASK ORDER NO. 4 WITH HDR, INC., RE: SOUTH PATRICK DRIVE FORCE MAIN REPLACEMENT

The Board executed Task Order No. 4 with HDR, Inc. for necessary engineering and construction assistance services associated with the South Patrick Drive Force Main Replacement; and authorized any associated budgetary changes.

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

ITEM II.C.2., BOARD POLICY BCC-27, RE: CONSTRUCTION CONTRACTS

The Board approved changes to Board Policy BCC-27, Construction Contracts.

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

ITEM II.C.4., PAYMENT AWARD (EIP #413), RE: EMPLOYEE INNOVATIONS PROGRAM

The Board approved payment of award, EIP #413 for Employee Innovations Program, to Marvena Petty in the amount of \$1,224.

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

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

The Board approved budget change requests, as submitted.

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

ITEM II.D.2., RESOLUTION, RE: SALE OF SPACEPORT COMMERCE PARK (SCP) PROPERTY TO ACT II TECHNOLOGIES (D/B/A TANGO RE, LLC)

The Board adopted Resolution No. 16-125, and executed Contract for Sale and Purchase of Spaceport Commerce Park (SCP) to ACT II Technologies; and authorized the Chairman to execute all documents in connection thereof.

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

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

The Board acknowledged the appointment/reappointment of **Joseph Hale** to the Melbourne-Tillman Water Control District, with term expiring September 30, 2019.

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

ITEM II.C.3., BOARD POLICY BCC-76, RE: CARETAKERS

Commissioner Infantini stated this Item involves the County Policy on having caretakers live and take care of facilities located on County grounds; there is a facility, a two-story house, that was rebuilt after the hurricanes in South Melbourne Beach; and for years, she suggested the house be rented out rather than to just let someone stay there as a caretaker of the property. She went on to say one of her staff and she recently toured the facility, the outside parameters, and they found it not being taken care of by the caretaker who gets to reside there for free; it is owned by the Environmentally Endangered Lands (EELs) Program; and oftentimes she think more revenue could be generated if the Board started thinking a little differently than the way it currently does things. She pointed out the procedure was there had to be at least three applicants interviewed to be recommended to the selection committee to decide who would stay at the facility; she would like to change that process; they are decreasing it from at least three to an applicant will be interviewed; and if the County did a better job advertising the facilities it has, it could lease out the properties and still have people watching the property. She noted she is not in favor of cutting the applicants down from three applicants down to one, in fact she thinks fees should be charged.

August 23, 2016

Jack Masson, Parks and Recreation Director, stated this was discussed at the Board level some time ago; staff went back and revamped the Caretaker Policy; they have increased the monthly rental at all of the sites; they are currently charging rent at the Yatti House; he discussed this with Teresa Camarata, Central Services Director, about interviewing the three parties; and they prefer to have law enforcement at the caretaker sites. He added they were having a difficult time in getting three law enforcement personnel interested, so he suggested to Ms. Camarata that they reduce that to something less than three; staff is advertising adequately; staff notifies all of the law enforcement jurisdictions; and that was the recommendation, to go less than three.

Commissioner Infantini inquired how much the rent is being charged at the Yatti House.

Mr. Masson replied \$600 plus tax.

Commissioner Infantini stated that is good, she does not know if any grounds observation is being done, but the facility was in disrepair, and there was mold on the outside floor loft, and County and State vehicles all around not being used.

Mr. Masson stated he will have staff check that today.

Stockton Whitten, County Manager, clarified by saying most of these facilities are not homes, they are mobile manufactured homes furnished by the caretaker; the emphasis is on law enforcement for obvious reasons; and the caretaker down south is being charged.

The Board approved changes to Board Policy BCC-76, Caretakers.

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

ITEM II.D.5., AMENDMENTS TO BOARD POLICY BCC-49, RE: INVESTMENTS

Commissioner Infantini stated this Item is dealing with investments that Brevard County can invest in; one of the things in this proposal is to allow the County to diversify the risks and invest in supranationals; it is an investment product that invests in emerging markets all around the world; and it is to be able to give the County's investment team a broader spectrum of investments. She advised the Board she is not comfortable in diversifying the County's risk; this is government, it is not supposed to get into risky investments; and she realizes it is limited to only five percent of the portfolio, but she is not comfortable in this. She went on to say she is used to investing in riskless investments as much as possible like U.S. Treasuries, Fannie Mae, Jennie Mae, and investments like that; the County is also allowed to invest in corporate bonds; and she thinks there are enough investments in America that the County can invest without diversifying and going global in these types of investments. She stated she will not be supporting this Item.

Commissioner Anderson stated he is fine with this, the economy is global, and the largest corporations are multi-national, which are serviced by international and multi-national financial service firms.

August 23, 2016

Commissioner Fisher stated he has worked with the investment team for the last several years on being a little more diversified; and maybe the investment team can speak to that.

Mark Peterson, County Finance Department and staff liaison with the Finance Committee, introduced Steve Alexander with Public Financial Management (PFM), which is the investment advisor, and Todd Starkey, Chairman of Investment Committee. He stated this is the Policy and later is a public hearing as amending the Ordinance; over the past year PFM has been talking with the Investment Committee in length about potential other investments; one of the issues since 2008, both Fannie Mae and Freddie Mack, agencies of the federal government, have been instructed to reduce the amount of debt they issued; and Fannie Mae and Freddie are declining, so PFM came to the Investment Committee advising other alternatives need to be found. He went on to state the request to amend the Ordinance is to allow other types of investments; the Policy is clear in restricting investments in supranationals to no more than 15 percent of the portfolio in total, and no more than five percent on any one individual issuer; and he asked Mr. Alexander to explain supranationals to the Board.

Steve Alexander, Managing Director and Partner with PFM, stated they have gone through quite a change in the marketplace since 2008; since the great depression, they have had multiple changes; in fact, with Fannie Mae and Freddie Mack and U.S. Treasuries were all downgraded to AA plus; they thought it was prudent to look for what else is there left as far as AAA securities; and most corporate securities in today's marketplace are only AA; the supranationals that they are looking at probably the best example is the World Bank; and it is actually rated AAA by all of the agencies. He noted it was not downgraded and did not suffer from all of the financial problems like many of the others; they are looking at very high quality bonds that can provide a greater return that is efficient for public funds; and this is not something unique to Brevard County, it is a national effort as public entities are looking for safe, prudent investment alternatives in addition to the current standard investments that have been utilized for the last 30 to 40 years. He went on to add looking at the few supranationals which are supported by the United States, which is a major requirement in investment policies; this is a global effort for these types of investments; the World Bank was traded after World War II to help re-stabilize the whole world; and it is more capitalized than many of the American banks. He advised the Board it has a small percentage of any types of debt problems; and he reiterated they are looking at only the really high quality organizations. He stated they only work with public entities, they are not in the business to speculate, they are in the business of trying to provide a prudent return; however, it is his job as the Board's advisor to inform it that the world has changed; but from an investment standpoint, the investments they utilized for the last 30 years has changed; and they want to ensure the Board has an investment policy that will take it up to the next five or six years. He stated not long ago the State Board of Administration fell apart; it was a state pool for local governments; it was the largest pool in the history of the United States at about \$28 billion for public entities; and it basically collapsed. He pointed out they were the only firm in the United States to notify investors prior to its demise that this was going to happen; and they helped take care of their clients. He stated they are in the business to make sure there are prudent investments, but they are also in the business of making sure the Board's policy is current and takes it into the next five years; and as they look at the investment types in the investment policy, they are laid out to give flexibility to move around the markets. He went on to state both Fannie Mae and Freddie Mack is an ongoing situation; there are probably \$2 trillion of bonds no longer in the marketplace; and they are looking for alternatives to help with that. He stated the supranationals are going to be limited to 15 percent of the portfolio and only five percent on one individual user.

Chairman Barfield stated he thinks someone needs to address for the public the fact that the Board is not an investment company, it does not invest people's tax dollars to make money off of it.

August 23, 2016

Mr. Alexander stated the State Statute for Florida sets out three principals safety, liquidity, and yield, and that is how they operate; they are not in the business of making risky investments, because they are in the business of managing public funds, and they do not have the luxury of replacing public funds, those have to be maintained for the future; and everything selected, they try to meet those objectives, and that is why they are looking at AAA rated supranationals to help fulfill those three major objectives.

Mr. Peterson added a number of years ago when the policy came about they split the portfolio into short-term and long-term; he oversees the short-term, which is a year and end, making sure the current needs are met; PFM oversees the longer term, which is a year and out to maybe five years; the Investment Committee, which is appointed by the Board, meet on a quarterly basis to review the portfolio and what is being done to give additional insight on what is going on with the market and advising staff and PFM; and the money that is long-term is every year they come up with a cash flow report that shows what is sitting there and in Reserves and can be invested a little bit longer than one year. He noted that is monitored on a regular basis; in 2007 when they had an issue with the State Board of Administration, they never had to dip into the long-term portfolio to be able to help out the short-term; and they have a very diversified portfolio, and they want to continue to keep it diversified due to the issue of the State Board of Administration. He stated when funds are concentrated in one area, when something happens there will be problems; the County weathered the storm very well in 2007 and 2008 to where things did not have to be sold just because cash needs needed to be met; and it is the Reserves being invested. He pointed out they are not here to speculate, it is public funds, even though the yields may be what can be gotten in the stock market; and a few years ago the Board gave permission for them to go into AA corporates because of the reduction of a number of AA corporates out there. He advised the Board they will continue to monitor this; and the Advisory Board meets and will continue to monitor the safety and principal of the Board's portfolio.

Todd Starkey, Chairman of the Investment Committee, stated they have great confidence in PFM; it is not a rubber stamp; they do all of the ideas that are put forward; this discussion was pretty spirited, and there was a lot of discussion of Commissioner Infantini's concerns; but what they felt, as a committee, was the diversification reduces risk. He stated it is not about just getting more return, it is also about reducing risk.

Commissioner Infantini stated she does not think the Board is talking about ginormous sums of money it has for investing, it does not have such a large amount of money it cannot keep its investments risks here in the United States; and another one of her points is they have different ratings than the Board has; the companies or organizations they select are AAA or AA rated by those organizations; and they are not the same organizations that she could find that are rating these supranationals AAA. She pointed out they have different tax laws in other countries; and their way of looking at something as being AAA is different from the County's way. She inquired if it is Standard and Poor.

Mr. Peterson replied affirmatively.

Commissioner Infantini stated she is still not comfortable with it as she does not see the yield return.

Commissioner Fisher expressed his appreciation to Mr. Starkey for serving for him on the Investment Committee; he has talked with these guys for the last eight years; and they really are professionals and know what they are doing. He stated a quarter of a million dollars is not chicken change.

Commissioner Smith inquired if they would explain for the public what the money is and where did it come from.

Mr. Peterson replied this is money coming from user fees and Ad Valorem taxes; they take the County's total cash and pool it; and it is around \$350 million. He went on to say everything is invested, it may be in local banks, it could be in the primary bank account, and that is invested; there is nothing sitting on the sideline not earning anything; and that is where on the short-term is to cover the County's needs for the coming year. He noted he will not go out long-term past one year; but a lot of departments, such as Risk Management, they have established Reserves that they need to maintain; that money is invested; they have bond issues; and they work with departments to ensure they provide them with accurate cash flows.

Chairman Barfield clarified by saying a person has savings in their own personal account, and he or she is going to put it where there is some interest that will be accumulated; and when it is needed it is pushed over to a checking account and it is used. He went on to say the County does that, such as Heritage Parkway; it has been putting funds into it; it does not make sense to put it in there without gaining any interest; and it is invested so more money is received which goes towards the Heritage Parkway.

The Board approved amendments to Board Policy BCC-49, Investments.

Commissioner Infantini stated she thinks the Investment Committee is doing a great job; and she just does not feel comfortable with supranationals.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
RECUSED:	Trudie Infantini

ITEM III., PUBLIC COMMENTS

Pam LaSalle stated she apologizes if her voice cracks, she has been out campaigning, and she cannot seem to stay hydrated. She stated she came to the Board in May requesting independent oversight; she would like to see today on the Agenda, which it is not, discussion to move a ballot forward for the citizens to consider oversight; but what she would like to address are the Board's comments it made when she was here in May. She went on to say Commissioner Anderson mentioned that there are indicted inspector generals; she looked and she found many Florida county commissioners indicted, some by inspector generals, but she could not find any inspector generals in Florida; but she did find an inspector general for one of the government agencies in Texas who was indicted. She stated she realizes that any job anywhere can be filled by a corrupt person; if it gets on the ballot, people may vote for it; and she thinks that is what the Board wants today with a \$300 million proposal going to the ballot. She pointed out the Clerk of Courts does have some oversight abilities, but as she understands it, he was defunded about 15 years ago for doing oversight; she knows he spent a few hundred thousand trying to get taxpayers money back from BlueWare; and there has been no money gotten, but money has been spent in doing that. She added she did some research, and while Commissioner Smith was campaigning, he said on the topic of the Brevard County Clerk of Courts, Scott Ellis, that the County needs a hundred more like him in a watch dog role on County government; and he added that Mr. Ellis was acting as an advisor to him. She noted she is a Christian and she does not believe in cloning, so the only other way she knows to get another Scott Ellis is to hire some oversight; and she does not know why she did not have Commissioner Smith's support on that. She stated Commissioner Infantini was concerned about the cost, and she presented in her Agenda Packet, and she mentioned it to this body

August 23, 2016

before, that she cannot find any inspector general in a county in Florida that does not more than pay for themselves; she looked at the figures last night, and Palm Beach County puts on their website quite a bit of information about the costs they save; she dug through their budget; and their budget for 23 positions is \$3 million, but they get fees and compensation for about a million, so it costs them about \$2 million, except they save the taxpayers approximately \$5.3 million a year. She pointed out that is more than 100 percent return on investment. She stated as far as the last topic, return of capital is more important than the return on capital; and she appreciates the Board addressing that, because she is concerned about the County Parks and the \$180 million.

Commissioner Infantini stated she told Ms. LaSalle she would do some research on it the last time she came before the Board; what she found was regarding the inspector general, actually there was an Attorney General's Opinion (AGO) in 2002 when the then Clerk of Courts said he did not want the Board auditing the constitutional offices; and what was determined, because Brevard County is a Charter County, the officers are constitutional officers and have constitutional sovereignty and the Board has no jurisdiction to audit them. She went on to add even if it was put to a referendum, the Board cannot audit the constitutional officers; in Volusia County they are charter officers, so their offices can be audited; but she reiterated in Brevard County all of the constitutional officers would have to give up their constitutional sovereignty and have it reverted back to the County. She noted even if it was put on the ballot, it cannot go through.

Ms. LaSalle stated before it went on the ballot, the County Attorney would look at it, but she knows other charter counties have oversight, independent oversight.

Priscilla Anderson expressed her appreciation to the Board for its service. She stated this is a small request and she hopes the Board can waive its magic wand and fix it; she is here today because she has tried to settle an issue of planning and development, and she has been unable to; it should not be so difficult; it seems like Planning and Development Department can help her; and they should be able to find some way to fix it, but they cannot. She went on to say she has 15 acres on North Merritt Island zoned Agricultural; she does not want to change the zoning, she only wants what the County told her she could do with the property when she bought it in 2000; she was told she could use her flag lot for two units; and now she is told she cannot, she is only allowed one unit on 18 acres. She stated she also has an ingress/egress on the existing home she purchased in 1986; she is told she needs to have a small subdivision plan to have three units; this is very expensive; and she only wants three homes to be allowed. She noted this would not cause much environmental impact at all; she is wondering if it is the goal to have all subdivisions on tiny lots; since this is North Merritt Island, with the flooding issues, it seems large acre lots would be highly desirable; and she asked the Board to help her get this resolved.

Commissioner Infantini stated the Board is going to ask for a report so when Ms. Anderson comes back the next time, the Board will be able to get her information as to why it cannot be done.

Charles Tovey stated he wants to address the fines and fees on his property; Sheriff Wayne Ivey can pay his administration fees; the County Manager's Office can waive most of the other stuff; and the fines and the taking of his boat can be dismissed. He stated Parks and Recreation and Code Enforcement can give him a couple of construction trailers to replace the list of stuff that they took; and he has a problem with his neighbors and everyone else, as they come and help themselves to his property, trespass, and mock at them. He pointed out Sheriff Ivey lets people do that; he has witnesses, he has video tapes, and he has the evidence left of his remains. He stated he has not lived safe since the incorporation of the Town of Palm Shores around him to overtake his property for a parking lot when they destroy the springs and

August 23, 2016

the Lagoon; he saved the Lagoon; he will show the Board how; and he inquired where was everybody then. He noted that is how the roads can get paved. He asked the County Attorney could he file to get the jurisdiction to get his property reversed, as the Board can do it. He advised the Board he has done nothing wrong, he has tried to live, and he payed his dues to society and the community. He stated the Board Members would not like it if people trespassed and it is like rape and murdering his family; and it is his property, to stay off his property, and to leave him alone.

ITEM IV.A., ORDINANCE AMENDING ORDINANCE 02-03, RE: LIST OF PERMITTED INVESTMENTS

Chairman Barfield called for a public hearing to consider ordinance amending Ordinance 02-03, adding Supranationals and Asset-Backed Securities to the list of permitted investments for the County Investment Program.

Stockton Whitten, County Manager, stated this is the ordinance amending the listing of permitted investments.

There being no comments or objections, the Board adopted Ordinance No. 16-14, amending Ordinance 02-03, which provides a list of permitted investments, pursuant to the requirement of Section 218.415, Florida Statutes; providing for inclusion of supranationals and asset-backed securities in the list of permitted investments; providing for severability; providing for repeal; providing for inclusion in Code; and providing an effective date.

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

ITEM IV.C., ORDINANCE TO PLACE A REFERENDUM ON THE NOVEMBER 8, 2016 BALLOT FOR 1/2 CENT INFRASTRUCTURE SALES TAX AND INTERLOCAL AGREEMENT, RE: FUND IMPLEMENTATION OF THE SAVE OUR LAGOON PROJECT PLAN

Chairman Barfield called for a public hearing to consider an ordinance to place a referendum on the November 8, 2016, ballot for the one-half cent Infrastructure Sales Tax and interlocal agreement for fund implementation of the Save our Lagoon Project Plan.

Stockton Whitten, County Manager, stated this Item is the ordinance placing for referendum the half-cent infrastructure sales tax for the Save Our Lagoon Project Plan; staff submitted to the Board a revised ordinance that incorporated some clarifications and additional explanation; and he did promise one of the cities he would advise that there are a lot of technical aspects of the Plan and every process needs to be worked out. He stated some examples are pollution credits are most appropriately worked out when a committee is seated and begins its work; and this is a long process. He went on to add the Board's approval is contingent upon receiving the interlocal agreements reaching the 50 percent municipal requirement; and there are three or four cities tonight that have their hearings.

Commissioner Infantini stated that was her concern, what happens to the money if a majority of the cities with the required amount of population do not approve it.

August 23, 2016

Scott Knox, County Attorney, advised if there is no interlocal agreements split up according to a formula set forth from the Florida Statutes with the cities.

Commissioner Infantini inquired if the cities will keep their proportionate share if they approve the ordinance.

Attorney Knox replied it will not be a proportionate share, it is based on population.

Commissioner Infantini inquired if the County does not get enough cities to approve it, it does not go forward for referendum.

Attorney Knox responded affirmatively; and he stated based on what he just heard, that would be the motion.

Gail Meredith stated she understands that Cape Canaveral, Palm Bay, Rockledge, Satellite Beach, Melbourne Beach, and Cocoa Beach have agreed, and the others seem to be falling in line; the community seems to be coming together well to support it; and she thinks the community will prevail and it will go forward. She inquired if Commissioner Infantini is supporting this.

Commissioner Infantini replied she does not know, she wants to hear all of the comments.

Ms. Meredith stated she hopes Commissioner Infantini will agree and the Board will be as one heart behind this; sometimes money is not the important issue; and the most important issue is a service, saving the community, and the Lagoon is a part of it.

Commissioner Infantini stated she completely agrees with saving the Lagoon, it is just the methodology as to how and how the monies will be spent, because in the past, as everyone knows, she is not always happy how the Board spends the taxpayers money; and sometimes she thinks the Board is far less prudent than it should be. She noted her biggest concern is taking a whole bunch of money from people right now when the permits are not in place to even go forward.

Ms. Meredith stated the County has been penny wise and pound foolish on the Lagoon for years, and things have gotten where they are. She expressed her appreciation to the Board and in the community who are working on this.

George Rosenfield stated he is going to talk about history; efforts to save the Indian River Lagoon go back in time to July 4, 1986, when he returned to the County; the Marine Resources Council had a plan of action; baffle boxes were installed in the barrier islands and other places to catch stormwater runoff from roads; and they went to be cleaned every couple of months. He stated volunteers were used to measure oxygen content of the Lagoon water at various locations along the Lagoon; with the first hands across the bridges; at noon, five major bridges along the 50-mile length of the Lagoon, a plane flew and photographed all of the bridges; and the photographs were sent to the Florida Governor who said the Indian River Lagoon is a lagoon of national significance. He pointed out it resulted in a grant of \$3 million from federal environmental protection agencies to establish the National Estuary Program of the Indian River Lagoon; many point sources of pollution were given just a few years ago by Florida State Government to stop the sewer treatment plants from dumping raw sewage into the creeks and thus the Lagoon. He stated the first Comprehensive Conservation Management Plan for the Indian River Lagoon was compiled from all counties the length of the Lagoon and published in 1996; it was revised in 2000 and 2010; along the way, the first invasive plant removal, Pepper Busters, were to eradicate Brazilian Pepper Trees and it is still continuing; and muck removal throughout the Lagoon were also conducted, and the Fertilizer Ordinance was recently passed.

August 23, 2016

He stated he looks forward to seeing the white sand bottom of the Lagoon all the way across, again to eat the clams he used to dig, and mullet; and in 10 years he will only be 100 years old. He advised it was Diane Barile who started the Indian River Lagoon restoration more than 30 years ago; and he does not want her forgotten.

Stuart Glass expressed his appreciation to the Board for addressing the number one environmental issue facing Brevard County water quality; he stated last week at the Florida League of Cities annual conference, the Indian River Lagoon Compact was featured and highlighted as a blueprint for intergovernmental cooperation; he had the opportunity to present at the Compact Showcase Brevard and Space Coast League of Cities progress; and Courtney Barker, Satellite Beach City Manager, braved the Friday afternoon traffic of South Florida to share the action plan prioritization process.

Pam LaSalle stated she does not think anyone wants dirty water, but they do want their money spent wisely; she looked over most all of the data several times, done research, and she knows from being before the Board several times and seeing others, whenever anyone comes up with concerns about the way the money is being spent, the Board say the voters voted for it; and the Board knows her concern is about oversight. She went on to state she looked at the project plan and all of the parties in it have a vested interest to go forward with this and to get a lot of money quickly; she has several concerns; she is not a scientist but she has done some reading; and people have concerns why the stormwater money may or may not have been spent properly. She noted she is concerned the County has been mismanaged; the volume of muck she understands is huge; and there may not be a place to put the muck. She stated the committee will have the ability to do anything independent, held accountable, oversight. She talked about the plan. She stated under Surface Water Remediation there is a company called Aqua Fiber Technology; they just quit doing Lake Jessup because they were costing too much; and everything she could find available to her in public records is not encouraging. She noted she did find in North Carolina where they considered this company, and their conclusion was the measure could be extremely expensive and infeasible for treatment of the entire lake. She stated an inspector general could look into all of the people behind this, and see how the County got to this point; and they can look at relationships and profit motives of the people involved. She pointed out she has looked at the public records and she encouraged the Board to do the same, because she does not have any confidence in what has been presented here; and she thinks a whole lot of people have the best of intentions and they do not understand how their government works. She stated this is not necessarily all science and what is seen in the Lagoon; and she has a lot of data and will answer any questions the Board may have.

Commissioner Fisher inquired what facts Ms. LaSalle has that the money for the stormwater has been spent improperly.

Ms. LaSalle replied she said many people have discussed it, she does not know; and that is why she would like independent oversight so they could investigate and determine if it has been misspent. She noted she is not happy that \$50,000 has gone to fund the membership in the Indian River Lagoon Council that has now come back to be a \$300 million bill for the taxpayers.

Commissioner Fisher inquired if there are any facts out there that say the money was spent improperly.

Ms. LaSalle responded many people say it has been misspent, but she does not know, because she does not have access to the County's books.

Commissioner Fisher advised everything is public record.

Ms. LaSalle stated the auditors are not independent, the Board hires and pays them.

August 23, 2016

Commissioner Fisher stated he guarantees there is not any firm out there that wants to take on the County's audit responsibilities for free.

Philip Stasik, Space Coast Progressive Alliance, expressed his appreciation to the Board for supporting the Indian River Lagoon action program to save the Lagoon, and for giving the citizens the opportunity to help in returning it to health. He stated he was helping Keep Brevard Beautiful in cleaning the shoreline recently; there are people who work every day who help in restoring the Lagoon; and for many of them it is a thankless job. He went on to add after the Board voted 5:0, people knew the Board had their backs. He asked the Board to continue to support the Lagoon. He stated over the last 22 years with his dive club he has spent many hours on the bottom of the Lagoon in the muck; it is real; and it is something that action needs to be taken on today.

Melissa Martin, Brevard Indian River Lagoon Coalition, stated this plan needs the requisite oversight; she is happy to report it does have the necessary teeth they were hoping it had; and if something smells a little weird, the public would be notified of all of the oversight committee's concerns. She expressed her appreciation to the Board to ensuring those measures take place. She stated the Coalition is steaming forward very quickly, and they are having a very important and perhaps historic meeting tomorrow afternoon; they invited community leaders throughout Brevard County to join them in a round table discussion about how they can all play a part in this awareness campaign; various entities have different levels of capability to speak the facts and persuade the voters regarding how to understand the issues associated with the referendum and why it is in everyone's best interest; and she wanted to advise the Board of who is saying they are all in. She noted it was good to know there are a lot of representatives coming from government entities, including the Cities of Melbourne Beach, Cape Canaveral, Cocoa Beach, Satellite Beach, Tourism Development Council, and Economic Development entities; pro-business entities and professional associations, restaurants, Lagoon businesses, and many of whom are organized through such names as Captains Who Care and make a living on the Lagoon; the Melbourne Main Street Coming, Melbourne Chamber of Commerce, Cocoa Beach Chamber of Commerce, Greater Palm Bay Chamber of Commerce; and they also have homeowners and their organizations coming to the table to join in with them. She went on to say she is still receiving RSVP's daily, and that is what she knew of as of last night. She stated as one of the community leaders put in one of her most recent email blasts, "We all support restoring our Lagoon for safety, health, and economic reasons." She stated that should resonate with everyone who lives, works, and plays in the County. She stated her appreciation to County staff for working with them; and with the oversight committee in place, they are looking forward to the necessary prudence everyone expects in this type of measure.

John Mandala, representing Breathing Space Florida, stated Mr. Rosenfeld did a fabulous history of the Lagoon for the last 30 years, and yet the water in the Lagoon was worse than it was 30 years ago; and nothing has been accomplished after spending millions of dollars. He stated they are looking at the Indian River Lagoon, not at save the water; he inquired what about the entire State of Florida; he came to the last meeting and spent the whole day here; and he thought it was an interesting plan, and he gives a lot of credit to Virginia Barker, Natural Resources Management Director. He stated over the weekend he got some clams from a local, good fish house, and he got sick; he has pictures of Horseshoe Crabs that are dying on the beach and fish; and this will just put a drop in the bucket. He stated he decided to find out what was going on in government; he spent the whole day on the phone and called the Department of Health, Department of Agriculture, Aquaculture, Natural Resources, EPA, DEPA, Marine Council, and Indian River Lagoon National Estuary Program; and he asked one question, who is testing the water in the Indian River Lagoon for people. He stated nobody, it is being tested for clams; clams have become more important than people; he spoke with Congressman Bill Posey outside and he did not want to answer him; and he did not want to say the State of Florida is in trouble. He noted the \$34 million should be taken and be used as lobby money and go to the

August 23, 2016

United States Congress, because he is sure developers who are putting all of this fertilizer into the Lagoon do not give a crap about what is going on in the County, they want to make money; there needs to be a State plan; and this money is a joke which is not good enough. He pointed out the Indian River Lagoon was going to be one of the national treasurers and is important to the future of Florida; and he is still awaiting return calls from many organizations. He went on to add he lives on the end of a street where they have had problems with flooding for years; he called Road and Bridge because the HOA is saying his lawn is impaired because the water sits there for 48 hours; Road and Bridge came out and dug it up; and they said it is a sewer pipe which belongs to someone else, and they could not touch it. He stated the water coming off the fertilizers in Suntree is going down into roads; the County needs to make sure developers are paying for the clean water in Florida; and if they want to continue building in Florida, they need to pay. He stated the Board should not approve this; the people of the County are getting ripped off; and after spending millions of dollars, the research council has no effect.

Vince Lamb stated he strongly supports the Save Our Lagoon Project Plan, and he commends the unanimous vote to allow the voters to decide about the funding of this Plan; he is working with others to create a Save Our Lagoon Political Action Committee (PAC) to get the message out to voters to pass the referendum; with the PAC and guidance of the citizens committee they will raise the funds and use the traditional tools to promote the passage of this; and they have been contacted by a national organization with experience of over 500 similar issues with 82 percent success rate. He went on to say with about 10 community organizations are working to conduct educational events at Florida Technology on October 26, 2016, just before the early voting starts; they have invited and have a confirmation from Holly Green the Executive Director of the Tampa Bay Estuary Program, and she is going to talk about their success; they will have other speakers; and they are treating it as an educational event.

Jim Stone stated he is a supporter of the Lagoon, his son earned a living 30 years ago as a crabber; and he used to be a citrus grove owner until the government ruined that for him. He provided to the Board an expensive advertisement from the business section of *Florida TODAY* from the August 14th addition on page 5A if anyone wants a copy; he stated he finally bought the ad because after 36 submittals to the Editor he found out the level of socialism of the local paper; and they only print the good side of the Board's actions and not the way most people feel. He went on to say in August 2015 he provided the Board with an 11-page report on his history with the government on all levels and all agencies, and some of the Board Members may have taken time to look at it, but he doubts it; he received no support from any of it; and he took a copy of that straight to the newspaper, and after two weeks he told them if no one is going to read it to give it back to him. He stated he is a misfit because he is a depression baby; he has trouble with his children, friends, and neighbors because he still thinks the way a depression baby thinks; and he does not see that much anymore. He stated he remembers the first time they had running water in the kitchen; his dad built a trench where his well was outside the house, ran it underground, and brought it to the kitchen; and there was finally a pump inside the house. He advised the Board his dad actually wired the house; he did it all himself; and they finally had running water. He noted at the age of 9 he was given his first gun and his first responsibility to hunt rabbits, squirrels, or pheasants so they would not have to kill the chickens and rabbits in order to live; and he got to be a pretty good shot. He stated what he does not remember is any evidence of government in any of that; his first experience with government was when he went to grade school the jets bombed Pearl Harbor; and his class had victory gardens, sold the vegetables, received stamps, glued them into the victory books, and took them down when they were full and trade them for bonds. He stated the letter was in Brevard business section of *Florida TODAY* on page 25 a week ago Sunday, August 14th, and the title is *Brevard County, You Have a Spending Problem*; and the County sure does.

Commissioner Infantini stated this was an ad Mr. Stone placed because he could not be listed as an editorial. "Big money for Miami, purchases land in Scottsmoor. Brevard County

August 23, 2016

Commission creates a special taxing district as a way to help pay for roads, waterlines, sewer lines, underground electrical connections and other facilities within its district. Little money from the local landowner's investment is all at risk with no help from Commissioners. The Chuck Nelson flag lot rule drove up the cost for building on small lots. For example, the Director of Land Development arbitrarily changed my building application for three lots from minor subdivision to major subdivision, kicking off a costly three-year review process on my previously developed land. Twenty years ago rule changes forced for costly final reviews of my initial development. Recently, I repeated this painful process on the same land because planning rules change, while rule changes forced Miami Corp to install sidewalks before his homes can be sold. My sidewalk construction bond has been held in escrow nearly 20 years. August 18th I presented a summary of my experience to the County Commission showing how rule changes cost me thousands of dollars, as public record clearly depicted the current government as socialist. The only response from our new Commission Chairman, 'I do not believe in Agenda 21.' The United Nations Agenda 21 goal is to evolve the United States into a socialist state, and now neighbors, we are almost there."

Courtney Barker, City Manager of Satellite Beach, stated on behalf of the City Council for Satellite Beach she just wanted to thank the Board for its hard work and dedication to Lagoon restoration; she expressed her appreciation to County staff; she stated they have a lot of confidence in staff; they approved the interlocal agreement; and they are very supportive of the sales tax referendum. She went on to say they do believe the way the County has worked to incorporate the concerns of the Brevard Indian River Lagoon Coalition, as well as other residents and citizens; they have come up with a pretty good plan and strategy; the best part about the plan is it is a plan and it is flexible; and as new technologies come along, it can move in better directions, and that is what the oversight committee is designed to do. She expressed her appreciation to the County for including the League of Cities in appointing the oversight committee in portions of those numbers; and she stated they want to make sure it gets on the ballot, and they will help in any way they can. She stated she wants to address concerns with oversight; they have an oversight committee in this strategy; they also have equipment strategy that includes the Board as well as the League of Cities; and they have elected officials that ultimately approve the budget for this. She went on to add there is an independent audit. She noted she does not think there could be more oversight than that. She stated as a city employee who does not work for the County, they work with the County on the stormwater, and while there may be disagreements on strategy, there has never been funds being misspent; the County has an audit every year with an independent auditing firm; and it accounts for every dollar, and nothing has been misspent.

Commissioner Infantini stated if she votes for it, it says she is in favor of it, and she is not; if she votes against it, it says she hates the Lagoon, which she does not; no matter how she votes, she will get in trouble, because she is not for this plan. She went on to say she sees how well the oversight committees are working in the North Brevard Economic Development Zone (NBEDZ); they are getting a new mall where the previous one failed; the County is spending over \$200,000 to subsidize a grocery store that cannot compete against another grocery store; and a person can see how much confidence she has with the County's oversight, and the people appointed on the oversight board. She stated there is Amendment 1 tax dollars the Board voted for; and she inquired why that money is not going to clean the Lagoon. She advised there are tourist development dollars that are being collected; she believes that money should be used. She concluded by saying this money is going to be used to do things like purchase more land like the County purchased in Scottsmeer, overpriced land that the developers could not take care of during the decline in the economy, so the County bailed them out. She pointed out she is against this, but she will vote for it, because she wants the people to vote; and she asked everyone to not misinterpret this as her being for it.

August 23, 2016

Scott Knox, County Attorney, stated he wants to make sure he understands the motion; he inquired if the motion is to adopt the ordinance, and to make it effective only if the cities representing at least 50 percent of the population approve an interlocal agreement consistent with the ordinance.

Commissioner Anderson stated that is the intent of the motion.

There being no further comments or objections, the Board adopted Ordinance No. 16-15, calling a Countywide Save our Indian River Lagoon One-Half Cent Sales Tax Referendum Election on November 8, 2016, within the territorial limits of Brevard County on the question as to whether the Board of County Commissioner should levy a one-half cent infrastructure sales tax for financing the County's share of the cost for the Save our Indian River Lagoon Project Plan; providing for findings; calling a referendum; providing for notice of the referendum; providing for ballot language; approval of Save our Indian River Lagoon Project Plan; providing for levy of the one-half cent sales tax for restoration of the Indian River Lagoon; creating a Save our Indian River Lagoon Project Trust Fund; Save our Indian River Lagoon oversight committee; providing for severability; repealed; and an effective date; authorized the Chairman to execute an Interlocal Agreement, contingent upon the cities reaching the 50 percent municipal population requirement; and authorized necessary budget change requests to establish a new trust fund and accounts for any resulting revenues and expenditures.

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

ITEM IV.D., PUBLIC HEARING, RE: AMENDED AND RESTATED DEVELOPMENT ORDER FOR THE VIERA DEVELOPMENT OF REGIONAL IMPACT

Chairman Barfield called for a public hearing to consider a resolution, amended and restated Development Order for the Viera Development of Regional Impact.

There being no comments or objections, the Board adopted Resolution 16-126, Amended and Restated Development Order for the Viera Development of Regional Impact (DRI).

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

ITEM IV. E., PUBLIC HEARING, RE: COCOA EXPO SPORTS CENTER, LLC ZONING APPLICATION 16PZ00061

Chairman Barfield called for a public hearing to consider the second amended binding development plan for rezoning for the Cocoa Expo Sports, LLC.

Stockton Whitten, County Manager, stated Commissioner Fisher asked the Board for him to work with the applicant and staff.

August 23, 2016

Commissioner Fisher explained to the Board that the project did not originally meet the minimum Code requirements to be eligible for zoning approval, so the County modified its Code to allow for a waiver of a 75-foot setback that would typically be for building use; a new Landscaping Code was modified; and then County Code says before a person can get a Certificate of Occupancy (CO) a person is responsible for any improvements that will impact roadways. He went on to say the Cocoa Expo was responsible for making improvements of SR 524 and SR 520; the Board gave them 18 months to try to do that once they got their CO; then the Board made some allowance for activities for up to 2,000 spectators before they make the road improvements; the applicant came back before the Board asking to hold some tournaments before the site work was completed on the property, because they needed to generate cash flow; and the Board agreed to do that. He stated a Memorandum of Understanding allowing limited use for baseball, and the Board required the site work be completed under Phase 1 by September 9, 2015; an extension was given to October 9, 2015 for some site work that was completed; rolling the clock ahead 17 months later, there were things that still were not completed on the site; and after the last Board meeting, he met with Cocoa Expo, along with probably every Department Head that worked on this project. He advised the first thing he wanted to do is to get an assessment of what needed to be done to comply with the rules, especially if it was a safety, hazard thing; some things were discovered that had not been done yet, and it was discussed; Cocoa Expo were asked if they could get this done before this meeting, that he would be willing to make a recommendation to the Board on making some additional exceptions for them; and some of the things that needed to be done were a broken sidewalk on Friday Road, some signs properly installed, a fire hydrant that was in the road that needed to be moved, stormwater pipes, berm relocation, and some landscape that needed to be done in front of the deadline. He noted one of the things that is hindering them is the SR 520 and SR 524 improvements; those improvements are approximately \$700,000; that has been part of the concern about getting the CO and getting things done; those road improvements are clearly needed for the public when there are major events being held; and if something happened to this project and it did not move forward, the Board may consider helping with those road improvements because it cares about the economic driver. He stated his recommendation is that the County takes on the responsibility of making the road improvements to SR 520 and to SR 524; it would be done considering the applicant needs to get all of the other things done; he thinks they are 99 percent there; they do have some claims, liens, and mitigations out there that he does not want people to think by the Board doing this it is okay with that; and that is something the Cocoa Expo needs to get cleaned up. He went on to add if they can do all of the things they need to do safety wise, and do what the plan says they are supposed to do, he would ask the Board to waive the requirement in their Binding Development Plan (BDP) where they have to make the SR 520 and SR 524 road improvements, and Friday Road. He stated he thinks the Cocoa Expo can get those things done by the next meeting; there are things they are working with staff on; the big thing is when they do have the special events, it will be a challenge; and he reiterated he wants to give them to the next meeting to finish, and at the same time, the Board would modify the BDP and take out the requirements on SR 520, SR 524, and Friday Road.

Mike McCarty stated their intentions are to do outdoor concerts out of the Expo facility; he is glad Commissioner Fisher was able to sit down with the developer; he is not connected with the developer; but they just want to be able to use the facility. He stated he thinks it is almost there; it seems like every time it comes back there is something else the Cocoa Expo has to do; this has been going on a long time; and he is hoping everyone can reach consensus to get this done and they could use that facility. He noted it is something that would benefit the County, hotels, and restaurants. He asked the Board to keep working on it; but he stated he is at the point this just needs to get done because it continues to drag on.

Susan Young stated she owns 400 and 410 Friday Road; most of her concerns are known by the Board as she has been before it many times; she wants safety and protection for their

August 23, 2016

property and the community; and the southern ball field lights shine on her property, and with her two permanent driveways. She inquired if the County will be responsible for her driveways.

Commissioner Fisher responded affirmatively; he stated that would be part of the Friday Road improvements.

Ms. Young inquired what the length of time would be to get those improvements completed.

Commissioner Fisher responded his understanding is they want Cocoa Expo to do what they need to do; when that happens, it would trigger the County into looking at how fast the roads could be improved; permits would be needed for Friday Road; and there are permitting issues that would need to be worked through.

Ms. Young inquired if the Board is going to give the Cocoa Expo their CO's before a date is set.

Commissioner Fisher replied his recommendation is if the Cocoa Expo does what they say they are going to do, the County would not let Friday Road and SR 520 hold up the CO if everything else is done.

Ms. Young inquired if she could get a promise from the County that this will be done in a timely manner. She stated she does not want to be worried about going or coming from work as it used to have to be planned during the fair; and if the Cocoa Expo can do concert events without that, it will be an issue. She inquired what time the concert day events end.

Commissioner Fisher advised each concert day event would have an application, as they go through that process they need to make sure they give fire and protection people at least three weeks prior to look at the plan for exiting and bringing people; each application will have to stand on its own; and it will have to go through Planning and Zoning and be approved by the County Manager.

Ms. Young asked the Board to do this the right way without a risk to the community.

Commissioner Fisher stated in the current BDP it said he had 18 months before the CO happened the road improvements had to be made; and the Board will speed that up for the safety of the community.

Robert Wright stated the Board does not know what he went through some 10 years ago; this has nothing to do with the facility as being owned by Cocoa Expo; in 1995 he lived on Friday Road; there was a wooded lot between he and the dorm area of the Cocoa Expo; he lived there with bottles being thrown and people climbing the fence under the impression that the soccer field was built beside him seven feet from his living room window; and he thought that was always done legally. He stated he had the police called on him for keeping the balls, getting in confrontations with players; the property was never zoned Commercial; and he contacted the Planning and Zoning Department that there was already a soccer field there. He noted the soccer field was illegal, it was a problem to him; the owner of the Cocoa Expo came to his house and asked he and his father what it would take to get them out of there, because the property was built illegally, and he was in the way of the setbacks; and he provided a picture of what the property looks like now where he used to live. He stated Mr. Stottler bought his father's and his property; the Planning and Zoning Board recommended that those two lots remain a buffer zone; they handled it the correct way; and now he is facing a similar situation. He noted he wants to make sure if it is a 75 foot setback where he lives now he does not have a problem with that; and that is his concern, the setbacks. He stated he wants to make sure what is being built around his home is not water, baseballs, cars, or people, because he is blocked in with Commercial zoning.

August 23, 2016

Robin DiFabio, Planning and Development Director, stated as part of the application, they are adding an additional property on the west side that is adjacent to Mr. Wright's property; the applicants are also asking for a continuation of the waivers that were provided by the Board on the previous applications that would allow activity instructors to be closer than the 75-foot setback that is required; and that is on the table today for that property.

John Maggio, Sunshine State Healthy Vending, stated they have a number of machines at the Cocoa Expo; they are still looking for economic activity there; this proposal is a great idea; and he wants to thank the Board. He went on to say the County is willing to facilitate private investments, and those dollars should stay in Brevard; it will be a great economic investment there; and he asked the Board to get that ball rolling.

Richard Dee, Days Inn, stated he hears a lot of comments about the development of the roads and that type of thing; he agrees, it needs to be done; it should be done with County funds; and the Board granted \$10 million to the other baseball company coming in to the County. He stated this man has put a lot of money into distressed property in the County; it is beautiful and he has done a great job; the Board should make this the amateur sports capital of the United States; and the County already has the footprint. He stated he commends Commissioner Fisher for making this happen; he has had disagreements with Commissioner Fisher about the stadium; but he believes this needs to be finished. He noted big projects costs millions of dollars and do not happen overnight; he lives in Orlando but plans to retire in Brevard County; but at the same time this Board has the jurisdiction to move forward some unique things for the youth to make Brevard County special. He stated everything the Cocoa Expo owner has done has been an improvement.

Commissioner Fisher stated it is kind of unusual for the County to make these road improvements; usually when a business is impacting something, the Board asks them to make those improvements; this is not something the County does every day; and he thinks it is the right thing to do.

Geoff Smith, Attorney, representing Cocoa Expo, stated he is getting to know the Board Members a little better; those people who know him and know his law firm, he preaches to his attorneys all of the time that there are three things he wants them to do, because so often attorneys make their money off of protracted legal battles that never seem to go anywhere; and those things are to find a solution, get to yes, and to land the plane. He stated he thinks through this process, and he commends the entire Board and staff for working with them. He went on to say the Agenda request is by the developer to amend the BDP; they put in an application with some language; and through discussions trying to get to yes, they have gotten to language that staff and the County Attorney's Office have no objection to. He noted what they are asking today is a punch list, repair broken sidewalk panels on Friday Road, which is complete as of August 22, 2016; all signs had to have required hardware, which was complete as of August 22, 2016; there is a fire hydrant that had to be moved, which is complete as of August 22, 2016; and the only issues that remains to be completed are the berm and the bond. He pointed out he thinks the bond will be in place, if not by the end of today, by the end of the week, so that can be taken off of the table; that leaves the berm; and he provided the Board with some pictures. He stated the problem is where the berm was originally placed, there is a fence that parallels SR 520; the fence has been there forever; when the developer put the berm in he put it on the inside of the fence; and as it turns out that fence line encroaches the Florida Department of Transportation (FDOT) right-of-way. He added there have been almost two miles of berm on the property, and none of them ever had to be sodded; and he asked the Board to approve the BDP without having to come back on September 6, 2016. He stated the issue of whether he will get his CO's will depend on getting the issue of the berm resolved; he would like to get direction so the plane can kind of be landed today; and it serves the purpose it is supposed to, it holds water onsite. He noted there was a solution in January that staff agreed to, to determine an

August 23, 2016

amount if this is bonded, if it ever becomes a problem, there is maintenance there; the berm is in place, it will work, it will grass over just like the other one and three-quarters of berm around the property; and he urged the Board to land the plane today.

Commissioner Fisher stated as he told them, at some point in time they have to do what they need to do to get this resolved; he thinks there is a heck of an offer on the table; the berm is designed to help contain water on site and direct it to a certain point from a flooding standpoint of certain properties; and then there is erosion if there is no sod on the berms. He went on to say to him this other stuff is so minor that he does not know why it is being talked about.

Commissioner Smith stated that hydrant was in the middle of the road when he first visited it in January a year and one-half ago, so he will be very happy when it is moved.

Commissioner Fisher stated he does not believe the County is picking on Cocoa Expo. He noted his recommendation is simple; the County does not have the bond in hand; he is comfortable in modifying the BDP; and if someone is willing to make the improvements on Friday Road, he believes they can figure out how to sod the berm. He stated he told Cocoa Expo the need to do those things to get his support.

Mr. Whitten stated the berm is not completed until it is sodded; if it is not sodded, it erodes; it is a simple fix, just sod the berm; obviously the bond needs to be in hand; and again, the Board and he has talked to Mr. Smith and Jason Steel, they still have to decide if they want to go on with that. He stated they need to sod the berm, the landscape bond being submitted, for Phase 1a, and the County makes the roadway improvements.

John Denninghoff, Public Works Director, stated with respect to the berm he needs to clarify a couple of things; he believes Mr. Whitten has handed out what is a draft version of an as built they received this morning; and what the Board will see is that about 75 percent of the frontage along SR 520 has had a new berm constructed that is on the property and is currently at the proper elevation to function as was intended. He went on to add there are two things wrong with it; one, it is not sodded; and the other is it has pretty loose material, which means it will settle, and height needs to be added to it in order to really work in the long term. He noted the other 25 percent is actually 185 feet of the frontage on SR 524, which is immediately east of Friday Road, and adjacent to the ball field that is the southeast ball field on the complex, the sidewalk that was built along there is built too far to the south; in order to get the berm located out of the right-of-way and onto his property, the sidewalk is only two feet away from the right-of-way line; the scrubs are nicely established; but unfortunately, they are right at the right-of-way line. He pointed out the berm is located between the scrubs and the fence; in order to put it in the correct location, the sidewalk would have to be removed; he is going to suggest that had they came to staff and talked to them about it, they would have suggested a couple of options; and at least one would involve not having to remove the sidewalk, and that would be to build a toe wall from the berm where it has been relocated. He added from that point, to build that toe wall to the proper height, it would substitute for the berm, would not require any sodding, and it would be something that is built high enough that it could be sat on, which would serve the purposes of everything that is being looked at for the storm drainage. He stated in reality to solve the whole berm problem, some supplemental work needs to be done on the berm that he has, he needs to sod it, and in order for it to be stable; without the sod it will erode; it is true he did not sod a lot of the berm, and because a CO was not issued, he was never required to sod it; and in the meantime, the turf has begun to establish itself there. He stated if it is not done, the berm will erode, it will breach the containment of the stormwater system, which would then subject them to enforcement action, so that is not allowed prior to an issuance of a CO. He pointed out supplemental work on the berm, the sod, and then if he is agreeable to it, a toe wall along there; he thinks his engineer can get a design to staff today; it is a standard design; and it can be constructed very rapidly.

August 23, 2016

Commissioner Infantini inquired if it is possible if the berm is not sodded right away that the Board can hold the Cocoa Expo responsible to keep the berm at a certain elevation, and until the seedlings germinate and take hold that they will re-establish the height of the berm.

Mr. Smith replied he thinks the Board has a memorandum dated August 10th on what needs to be done; on Item 2b, it is a punch list to be bonded; and then there is a description. He noted the memo said that would be an acceptable way to do what the County is suggesting. He stated he does not want there to be an impression that the developer looked at this and said they just did not want to do it, because sometimes people get the wrong idea; if the Board looks at what they are logistically dealing with, this tight area between an existing dugout, a sidewalk, and the property line, there is a very narrow area he is trying to squeeze in there; the applicant got a waiver for that and the Board approved the setback; and the Cocoa Expo has done the work.

Commissioner Fisher stated to land the plane, the berm needs to be sodded, and the toe wall needs to be there, and there needs to be a bond produced that is not waiting to come; and if the applicant does that, he is comfortable with changing the BDP regarding the road repairs, which would be his recommendation to the Board.

Chairman Barfield inquired if Commissioner Fisher is saying the applicant comes back on September 6th after they have gotten everything in Phase 1a done.

Commissioner Fisher responded affirmatively; and he stated if the applicant can get everything done by September 6th.

Chairman Barfield stated his issue is on the County paying for the road work; the Board has not even seen a business plan on this; and he wants to make sure that someone else is also responsible for the cost of that road work. He inquired if there can be a Municipal Service Benefit Unit (MSBU) set up where it goes onto the tax bill and maybe split it 50/50.

Scott Knox, County Attorney, advised the Board he will have to go back and look at the rules on how to create an MSBU, but he thinks it requires some ownership participation; and he stated he will go back and check that.

Chairman Barfield stated that way they have skin in the game.

Commissioner Fisher stated his thought process was there has been a huge investment made by the owner; he appreciates what the owner has done; there are more investments that have to be made; the improvements are truly improvements he thinks are for the public; and he treated it like it was an economic development project. He went on to add there are some extra funds from the savings from roads over the last couple of years, which Mr. Denninghoff has asked the Board what the priorities for those are; being able to take that off the top of the savings was a funding mechanism that the Board could do that; and he actually told the Cocoa Expo he would propose this if they would do these things that are on the list to be done, and they are on their way to doing that.

Chairman Barfield stated he would like to see what the impact would be, and to talk to the owners to see what they would think; and if it is not doable, other options could be looked at. He stated the County has enough road needs as it is; and he would like to see if the owner is willing to do that.

Commissioner Infantini stated Chairman Barfield said he wants Cocoa Expo to have skin in the game, but that is a strange comment, because they have millions of dollars already invested; and she thinks they have already put enough skin in the game with just their fixtures.

August 23, 2016

Chairman Barfield stated since 2012, there is always something else to get a waiver on; and he thinks it is time to put a stake in the ground. He stated he wants to make sure the Board gets the best deal it can.

Jeff Unnerstall, Chief Executive Officer of Cocoa Expo, stated currently they have a little over \$20 million mortgage on the property, and they have about another \$17 million out of their own pockets invested there; the way they feel about it, and Commissioner Fisher and he talked about it around four years ago, of having the County contributing something at that time; and he feels the County should be doing any kind of road improvements on its dollar. He noted the County invested \$10 million on the stadium for a private enterprise to compete against him; and it is zero for him. He added the plane needs to land; they have moved things around and moved stuff out; and they have done so many things two and three times that were inspected and passed. He pointed out it is killing them. He stated Commissioner Fisher's idea to help them out is great; and he expressed his appreciation to him for that. He advised the property has been in existence for 50 years; it keeps getting thrown back on their shoulders; but they have performed; and he reiterated they have to be allowed to have the big events as that is why they invested the money.

Chairman Barfield inquired if Mr. Unnerstall agreed to the do the roads in the first place.

Mr. Unnerstall replied they did a traffic study that was not in their budget for any road improvements; the traffic study took eight months; and it went sideways, and they ended up spending \$80,000.

Commissioner Anderson stated he is fine with the deal Commissioner Fisher has made with them; from a standpoint of economic development, the County does this all of the time; and typically a business, such as Cocoa Expo, would not qualify under the targeted industry incentive programs. He pointed out it is a lot better than it was 10 years ago; and he will support Commissioner Fisher's request. He stated he does not want this coming back before the Board; and the motion should be to contingently approve the BDP, with Commissioner Fisher's stipulation, including the toe wall that Public Works has recommended to fix the berm issue that would be revoked immediately on September 6th if those items were not corrected.

Commissioner Smith inquired if the \$10 million for USSSA come from the Board.

Chairman Barfield replied it came out of tourist development dollars as well.

Commissioner Smith stated the \$10 million is not coming from the County to help with the stadium; he stated for the year and one-half he has been a Commissioner, the Board has bent over backwards; and to hear Mr. Unnerstall, the Board does not do anything. He stated from his viewpoint the Board has done an awful lot, and continues to do a lot; he has a problem with the \$800,000 for the roads; and the Board gets criticized all of the time for giving people money to bring businesses here. He stated he can buy into the roads, because if the Cocoa Expo is not here in the future, someone else will be there, and the roads will still be in good shape. He went on to add he thinks Mr. Unnerstall is a terrible businessman, but he said that over a year and one-half ago; Mr. Unnerstall is his own worst enemy; if he had just hired someone like he suggested as a project manager, he does not think this item would be before the Board now; and he has a tremendous asset in Mr. Smith, and it is probably the only reason this is as far along as it is. He stated he will go along with this provided the Cocoa Expo provides the few things left in the next two weeks.

Ms. DiFabio stated typically the BDP process as set forth in Code is that the Board hears the zoning item and the applicant comes back with the agreed upon document at a subsequent hearing; and at that time the joinders are in place and all of the other required paperwork in

August 23, 2016

order to ensure the BDP is legally sufficient. She pointed out the document in front of staff now does need to be amended to reflect these additional requirements; and she inquired if the BDP is being accepted or is it due to come back for acceptance by the Board.

Attorney Knox replied as he understands it, the BDP in front of the Board today meets the agreement that was just discussed in Commissioner Fisher's motion; and the BDP does not need to come back before the Board as it has been revised if the condition of its effectiveness is the CO being issued for Phase 1a. He noted it does not take effect until that happens; when it does take effect, all conditions have been met, and the BDP goes into effect as it stands.

There being no further comments or objections, the Board approved the Second Amended Binding Development Plan that relieves the owner from the responsibility for constructing the road improvements on State Road 520, State Road 524, and Friday Road, said amended BDP to become effective once Cocoa Expo completes the remaining Phase 1a site plan improvements, specifically sodding of the relocated berm along the southerly property line in lieu of relocating the berm inside the property, and posting the landscape bond, all which must be completed in order to receive the Certificate of Occupancy (CO) for Phase 1a; and approved all budget changes associated with funding the road work by the County.

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

ITEM IV.F., PUBLIC HEARING, RE: COCOA EXPO SPORTS CENTER, LLC AND UPLAND INVESTMENTS, LLC SMALL SCALE COMPREHENSIVE PLAN AMENDMENT 16S.07 AND ZONING APPLICATION 16PZ00062

Chairman Barfield called for a public hearing to consider a Small Scale Plan Amendment (16S.07) and Rezoning Request for Cocoa Expo Sports Center, LLC and Upland Investments, LLC (Zoning Application 16PZ00062).

Stockton Whitten, County Manager, stated this is the Item where the gentleman had some concerns.

Chairman Barfield inquired if this will reduce the buffer.

Robin DiFabio, Planning and Development Director, replied affirmatively; she stated the balance of that property already has that waiver; they were asking to avail that waiver on this additional property, which would in fact bring it closer to this gentlemen's property.

Chairman Barfield inquired how much closer to the property.

Ms. DiFabio replied the lot is right next door, so it would probably be within 10 feet or it could be zero feet.

Commissioner Smith inquired if there are no setbacks.

August 23, 2016

Ms. DiFabio responded if they wanted to put a ball field or something to that effect, it is not a structure and it does not have setbacks; that is the purpose of the perimeter setback requirement; and any outdoor activities would have to setback 75 feet.

Commissioner Fisher inquired if this is not Phase 1a.

Ms. DiFabio replied that is correct; and she stated this property will need to be brought into the site plan, and until there is a site plan for that property staff does not have a sense on how that will be used. She pointed out this just sets them up for coming in and using the property without the 75-foot setback.

Commissioner Anderson stated that can be resolved during the site plan process.

Scott Knox, County Attorney, stated the Code requires joinders to the BDP, so one of the things they are going to have to have before this becomes effective is the joinder by the appropriate parties.

Commissioner Fisher inquired what Attorney Knox means by that.

Attorney Knox replied for example, the bank has to sign off on it; it will be a recorded document.

Ms. DiFabio noted and also recording fees.

There being no further comments or objections, the board adopted Ordinance No. 16-16, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan, setting forth the seventh Small Scale Plan Amendment of 2016, 16S.07, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), entitled the Future Land Use Map Appendix; and provision which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date; approved the Second Amended Binding Development Plan that relieves the owner from the responsibility for constructing the road improvements on State Road 520, State Road 524, and Friday Road, said amended BDP to become effective once Cocoa Expo completes the remaining Phase 1a site plan improvements, specifically sodding of the relocated berm along the southerly property line and constructing a toe wall along the western portion of the southerly property line in lieu of relocating the berm inside the property, and posting the landscape bond, all which must be completed in order to receive the Certificate of Occupancy (CO) for Phase 1a; and approved all budget changes associated with funding the road work by the County.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson
NAYS:	Jim Barfield

ITEM V.A., BOARD APPROVAL, RE: MODIFICATION OF A PREVIOUSLY APPROVED WAIVER FOR FLORES DE LA COSTA CONDOMINIUM, DAVID E. SUAYA

Robin DiFabio, Planning and Development Director, stated this Item is a request to modify a previously approved waiver for the Flores De La Costa Condominium; this property is in Avon-

August 23, 2016

by-the-Sea; the Board previously approved this project to be developed on a right-of-way of 12 feet, with some additional easements; the site plan has now been prepared; and it has been determined that the waivers the Board had previously granted would not apply with the current site plan, and the applicants are back for reconsideration of that waiver to apply to the new site plan.

Philip Nohrr, Attorney for the applicant, stated this Item is back before the Board because when they originally came before the Board, they were going to supply the eight-feet of additional right-of-way on the east side of Turtle Beach Lane; it turns out in our dealings with the condominium association they were having difficulties as far as signing documents, and his client went out and acquired some property on the west side of Turtle Beach Lane to satisfy the particular requirement; nothing changes other than the extra easement right-of-way coming on the west side; and the other thing that happened is when designing the condominium project, it was before the Board as 12 units, they discovered it could be 14 units, so they reconstructed it to have the 14 units. He stated they feel it does not have any effect on the traffic; and with those two changes, it requires them to come back before the Board.

Chairman Barfield stated he supports this Item; it is redeveloping an area between Cape Canaveral and Cocoa Beach that will make a positive impact.

The Board granted waiver 15WV00016 for Flores De La Costa Condominium with modification to the previous conditions for approval that the developer place underground all utilities within the right-of-way; the developer to execute an agreement with the property owners, along Turtle Beach Lane that there be no cost to said property owners to any of the developer's improvements, or the reconnection to underground utility service; and the owner of 326 Wilson Avenue (Tax Account No. 2435834) shall convey eight foot public right-of-way easement abutting the western right-of-way line of Turtle Lane as depicted on Site Plan 15SP00009 prior to County acceptance of the Turtle Lane improvements.

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

ITEM VI.A.2., APPROVAL, RE: CORRECTIONAL IMPACT FEE TECHNICAL ADVISORY COMMITTEE PROJECT FUNDING RECOMMENDATIONS

The Board approved the Correctional Impact Fee Technical Advisory Committee Project funding recommendations; and authorized the Budget Office Director to execute all budget change requests necessary to implement the recommendations of appropriating \$540,000 in Correctional Impact Fees to fund the acquisition and installation of a video security/monitoring system, and appropriating \$60,000 in Correctional Impact Fees to fund exterior security improvements at the Brevard County Detention Center.

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

ITEM VI.A.3., APPROVAL, RE: TRANSPORTATION IMPACT FEE TECHNICAL ADVISORY COMMITTEE PROJECT FUNDING RECOMMENDATIONS

Bruce Moia, representing Home Builders and Contractors Association (HBCA), stated they are requesting they be part of a group the Board may put together to discuss options to bring them back to it, and work with the County Manager, to come up with options.

The Board approved the Project funding recommendations as prepared by the Technical Advisory Committee for the South Mainland on July 13, 2016; and authorized the Budget Director to execute any budget changes required to implement the Project appropriations.

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

ITEM VI.A.4., PERFORMANCE BOND REDUCTION, RE; ST. ANDREWS MANOR - PHASE 3 SUBDIVISION - SAWGRASS LAND DEVELOPMENT CO.

The Board approved releasing \$713,829.32 portion of a Cash Performance Bond provided with a Contract dated March 1, 2016, for St. Andrews Manor, Phase 3 Subdivision to Sawgrass land Development Co.

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

ITEM VI.A.5., BREVARD COUNTY SHORE PROTECTION PROJECT, MID REACH SEGMENT MITIGATION PHASE, RE: CERTIFICATION OF LANDS

The Board executed Certification of Lands for the mitigation reef area of the Brevard County Shore Protection Project, Mid Reach Segment, substantially in the form of Attachment A, subject to County Attorney and Risk Management approval.

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

ITEM V1.C.1., AMENDMENT TO CURRENT SAP CONTRACT #1174, RE: SAP CLOUD SERVICES LICENSES

The Board approved Order Form and Table of Agreement with SuccessFactors, Inc. In order to procure the SAP Recruiting and Onboarding Licensing Modules; authorized the Information Technology Director to solicit no fewer than three written quotes for implementation of modules;

August 23, 2016

authorized the County Manager to award the implementation contract to the lowest responsive bidder, subject to approval by the County Attorney and Risk Management; and authorized all necessary financing and budget actions with regard to completion of the Project.

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

**ITEM VI.D.1., REQUEST TO SCHEDULE EXECUTIVE SESSION ON SEPTEMBER 6, 2016,
RE: JAMES PATON V. BREVARD COUNTY, CASE NO.: 05-2016-CC-036525-XXXX-XX**

The Board approved the cost of advertising for, and the scheduling of, an Executive Session on September 6, 2016, at 9:00 a.m. or at the conclusion of the Regular meeting of the Board of County Commissioners, whichever occurs earlier, pursuant to Section 286.011(8), Florida Statute, in the Case of James Paton v. Brevard County, Case No.: 05-2016-CC-036525-XXXX-XX, for the purpose of discussing strategy and granting authorization.

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

**ITEM VI.E.1., PUBLIC HEARING, RE; ECONOMIC DEVELOPMENT TAX EXEMPTION
ORDINANCE AMENDMENT FOR THE BRIX PROJECT BREWERY**

The Board approved the Economic Development Commission of Florida's Space Coast request for granting permission to advertise the public hearing to adopt an amendment to Ordinance No. 15-24, for The Brix Project Brewery, reflecting a name change.

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

ITEM VIII.D., TRUDIE INFANTINI, DISTRICT 3 COMMISSIONER

Commissioner Infantini expressed her appreciation to the Board for going forward with Cocoa Expo; she stated she has contended for the longest time she thought it was going to be a huge economic driver like Port Canaveral is; and she thinks it is a good showing that the Board approved the project.

August 23, 2016

ITEM VIII.E., ANDY ANDERSON, DISTRICT 5 COMMISSIONER

Commissioner Anderson stated Commissioner Infantini and Commissioner Smith had to drive to West Palm Bay to attend the Melbourne-Tillman Water Control District meeting; because drainage in that community is so important to Palm Bay, not only Palm Bay, but the cleanliness of the water being discharged to the river; and he expressed his appreciation to Commissioner Infantini and Commissioner Smith for voting for the modes increase to the fees to help in that effort.

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

Commissioner Smith stated he wants to clarify a statement made earlier today that the Board should be getting money back from BlueWare; BlueWare did not cost the County any money; he is tired of people coming up with mis-statements; and there is a lot of misinformation bouncing around the County. He pointed out it was a fiasco to be sure, but it cost the County no money.

Commissioner Infantini stated she wanted to correct that statement as BlueWare cost the County hundreds of thousands of dollars between the money the Clerk's office had to spend to fight it and the money the Board gives to the EDC to fight the Clerk; and it is just a matter of how a person looks at it.

Commissioner Fisher stated the Clerk of Courts can sign an \$8 million contract and never have public hearings on it or present it to the public; and there is something wrong with that process when that can happen.

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

Chairman Barfield stated he mentioned earlier about City Councilman Tyler Furbish passing away Saturday; his funeral is going to be the 31st; and it will be at Canaveral National Cemetery at 10:30 a.m.

Upon consensus of the Board, the meeting adjourned at 12:17 p.m.

ATTEST:



SCOTT ELLIS, CLERK



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