

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

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on December 15, 2015 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Robin Fisher	Commissioner District 1	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**

The invocation was given by Commissioner Smith.

**PLEDGE OF ALLEGIANCE**

Commissioner Fisher led the assembly in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The Board approved the November 3, 2015 Regular Meeting Minutes.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM I.A., RESOLUTION, RE: RECOGNIZING DECEMBER 21, 2015, AS NATIONAL HOMELESS PERSONS' MEMORIAL DAY**

Chairman Barfield read aloud a Resolution recognizing December 21, 2015, as National Homeless Persons' Memorial Day.

Keith Hinley thanked the Board for the Resolution.

The Board adopted Resolution No. 15-237, recognizing December 21, 2015, as National Homeless Persons' Memorial Day.

**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.1., MEMORANDUM OF UNDERSTANDING WITH EAST COAST ZOOLOGICAL SOCIETY, INC., GIRL SCOUTS OF CITRUS COUNCIL, INC., AND JIM AND JONNIE SWANN, RE: TWO PILOT OYSTER REEF LIVING SHORELINES IN THE INDIAN RIVER LAGOON**

The Board executed the Memorandum of Understanding (MOU) with the East Coast Zoological Society, Inc. and the Girl Scouts of Citrus Council, Inc.; executed MOU with the East Coast Zoological Society, Inc. and Jim and Jonnie Swann; and authorized the County Manager, or his designee, to execute any future amendments, as required to implement the work approved under the St. Johns River Water Management District (SJRWMD) Cost-Share Agreement #28256.

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

**ITEM II.A.2., FINAL PLAT AND CONTRACT APPROVAL WITH THE VIERA COMPANY, RE: TRASONA PHASE 1 AND 2 SUBDIVISION**

The Board granted final plat approval; and authorized the Chairman to sign the final plat and Contract, subject to minor engineering changes as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

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

**ITEM II.A.3., BINDING DEVELOPMENT PLAN, RE: GARY AND CAROL LYNN BARTLETT**

The Board executed Binding Development Plan with Gary and Carol Lynn Bartlett, for property located on the northeast corner of Fay Boulevard and Severndale Street. Said Plan was recorded in OR BK/PG 7514/1655.

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

**ITEM II.A.4., USE AGREEMENT WITH WATERWAY MANOR ASSOCIATION, INC., RE: IMPROVEMENTS WITHIN THE RIGHT-OF-WAY FOR WATERWAY MANOR SUBDIVISION IN MERRITT ISLAND**

The Board executed the Use Agreement with Waterway Manor Association, Inc. for the use of the public right-of-way for the existing decorative lighthouse, landscaping, signage, and irrigation improvements, and for the installation of an underground electric conduit to the decorative lighthouse for the Waterway Manor Subdivision in Merritt Island.

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

**ITEM II.A.5., RESOLUTION AND LOCALLY FUNDED AGREEMENT FM#436370-1-22-01 WITH FLORIDA DEPARTMENT OF TRASPORATION (FDOT), RE: FD&E STUDY FOR WASHINGTONIA DRIVE EXTENSION FROM ST. JOHNS HERITAGE PARKWAY TO STADIUM PARKWAY**

The Board adopted Resolution No. 15-238, authorizing execution of the Locally Funded Agreement; approved the Locally Funded Agreement FM#436370-1-22-01 with FDOT for the PD&E Study of the Washingtonia Drive Extension from the St. Johns Heritage Parkway to the Stadium Parkway; and authorized any necessary budget change requests.

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

**ITEM II.A.6., MAINTENANCE AND USE AGREEMENT WITH CENTRAL VIERA COMMUNITY ASSOCIATION, INC., RE: MULTI-USE SIDEWALK SIGNAGE AND MARKING IMPROVEMENTS FOR CENTRAL VIERA COMMUNITY**

The Board approved the Maintenance and Use Agreement for multi-use sidewalk signage and marking improvements with the Central Viera Community Association, Inc. for the Central Viera Community.

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

**ITEM II.A.10., APPROVAL, RE: AUTHORIZATION FOR COUNTY MANAGER OR HIS DESIGNEE, TO ACCEPT DELIVERY OF AND CAUSE THE RECORDING OF ANY DEED, GRANT OF EASEMENT, OR OTHER INSTRUMENT CONVEYING INTEREST IN REAL PROPERTY NEEDED FOR THE J-02 LIFT STATION (CVS) PROJECT, PURSUANT TO BCC-24, AS REVISED ON JULY 9, 2013**

The Board authorized the County Manager, or his designee, to accept delivery of and cause the recording of any deed, grant of easement, or other instrument conveying interest in real property needed for the J-02 Lift Station (CVS) Project, pursuant to BCC-24, as revised on July 9, 2013.

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

**ITEM II.A.11., RESOLUTION, RE: GRANTING COUNTY MANAGER OF BREVARD COUNTY, FLORIDA, AUTHORIZATION TO SUBMIT AN APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR FINANCIAL ASSISTANCE, UNDER THE STATE REVOLVING FUND PROGRAM, FOR THE SOUTH CENTRAL REGIONAL WWTF EXPANSION PROJECT (SRF# WW05110) AS WELL AS TO PROVIDE ASSURANCES, EXECUTE THE LOAN AGREEMENT, AND REPRESENT THE COUNTY IN CARRYING OUT RESPONSIBILITIES UNDER THE LOAN AGREEMENT**

The Board adopted Resolution No. 15-239, granting the County Manager authorization to submit an application to the FDEP for financial assistance, under the State Revolving Fund Program, for the South Central Regional WWTF Expansion Project (SRF# WW05110), as well as to provide assurances, execute the loan agreement, and represent the County in carrying out responsibilities under the Loan Agreement.

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

**ITEM II.B.1., FORMAT II ENVIRONMENTAL ASSESSMENT “FINDING OF NO SIGNIFICANT IMPACT” (FONSI), AND REQUEST FOR RELEASE OF FUNDS, RE: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) FUNDED COUNTYWIDE HOUSING ACTIVITIES**

The Board accepted FONSI for the Format II Environmental Assessments conducted Countywide for all unincorporated areas of Brevard County and municipalities included in the Urban County Agreement; and executed Form 7015.15, Request for Release of Funds (RROF) and amendments as required by the Department of Housing and Urban Development (HUD).

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

**ITEM II.B.2., APPOINTMENT, RE: AFFORDABLE HOUSING COUNCIL**

The Board reappointed **Verdell Shackelford** to the Affordable Housing Council.

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

**ITEM II.B.3., RESOLUTION AND BOARD POLICY, RE: INDIGENT CREMATION PROGRAM**

The Board adopted Resolution No. 15-240, Indigent Cremation Program; and approved Board Policy establishing criteria for the Indigent Cremation Program.

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

**ITEM II.B.4., REVISED LEASE AGREEMENT WITH BREVARD COUNTY SCHOOL BOARD, RE: MIMS/SCOTTSMOOR PUBLIC LIBRARY REPLACEMENT BUILDING**

The Board approved the new Lease Agreement with Brevard County School Board for the Mims/Scottsmoor Public Library replacement building; and authorized the Chairman to execute the Lease.

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

**ITEM II.B.5., APPROVAL, RE: NAMING THE COMMUNITY CENTER AT TOM STATHAM PARK AS “RIVER’S EDGE EVENT CENTER”**

The Board of County Commissioners, in regular session on December 15, 2015, approved the naming of the community building in Tom Statham Park as the “River’s Edge Event Center”.

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

**ITEM II.B.6., APPROVAL, RE: NAMING THE LARGE PAVILION AT COCOA WEST RECREATION COMPLEX AS “DR. EDWARD BUCKNER PAVILION”**

The Board of County Commissioners, in regular session on December 15, 2015, approved the naming of the large pavilion at the Cocoa West Recreation Complex as “Dr. Edward Buckner Pavilion”.

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

**ITEM II.B.7., APPROVAL, RE: NAMING LITTLE LEAGUE FIELD #4 AT DON “MO” STRADLEY MEMORIAL PARK IN HONOR OF ROBERT “BOB” WEIGEL, JR.**

The Board of County Commissioners, in regular session on December 15, 2015, approved the naming of Little League Field #4 at Don “Mo” Stradley Memorial Park in honor of Robert “Bob” Weigel, Jr.

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

**ITEM II.B.8., RESOLUTION AND JOINT PARTICIPATION AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: SECTION 5339 FEDERAL TRANSIT ADMINISTRATION BUS AND BUS FACILITIES FORMULA PROGRAM**

The Board adopted Resolution No. 15-241, authorizing the Chairman to execute the JPA with FDOT; and approved the JPA with FDOT for Section 5339 Federal Transit Administration Bus and Bus Facilities Capital Grant in the amount of \$150,542.

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

**ITEM II.C.3., FOURTH AMENDMENT TO LEASE AGREEMENT WITH BOOZER PROPERTIES, LLC, RE: CONTINUED USE BY THE MELBOURNE PUBLIC HEALTH DEPARTMENT FOR PROPERTY LOCATED AT 2275 SOUTH BABCOCK STREET, MELBOURNE**

The Board approved the Fourth Amendment to Lease Agreement with Boozer Properties, LLC, for the continued use by the Melbourne Public Health Department; and authorized the Chairman to execute the Agreement for property located at 2275 South Babcock Street, Melbourne.

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

**ITEM II.C.4., PERMISSION FOR CHAIRMAN TO EXECUTE CONTRACT OF AWARDED BID B-4-16-17 TO DANUS UTILITIES, INC., RE: LIFT STATION F-10 ELECTRICAL IMPROVEMENTS**

The Board granted approval for the Chairman to execute the construction Contract with the awarded vendor, Danus Utilities, Inc., for Bid B-4-16-17 Lift Station F-10 Electrical Improvements, at a total price of \$209,000; and authorized any associated budgetary changes.

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

**ITEM II.C.5., PERMISSION FOR CHAIRMAN TO EXECUTE CONTRACT FOR AWARDED BID B-4-16-09 TO SAWCROSS, RE: SEPTAGE AND GREASE TREATMENT SYSTEM LOCATED AT THE SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT FACILITY**

The Board granted approval for the Chairman to execute the construction Contract with the awarded vendor, Sawcross, for Bid B-4-16-09 Septage and Grease Treatment System, at a total price of \$1,534,000; and authorized any associated budgetary changes.

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

**ITEM II.C.6., PERMISSION FOR CHAIRMAN TO EXECUTE CONTRACT FOR AWARDED BID B-4-16-19 TO L7 CONSTRUCTION, RE: LIFT STATIONS B-02 REPLACEMENT AND B-13 MODIFICATION**

The Board granted approval for the Chairman to execute the construction Contract with the awarded vendor, L7 Construction, for Bid B-4-16-19 Lift Station B-02 Replacement and B-13 Modification, at a total price of \$565,700; and authorized any associated budgetary changes.

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

**ITEM II.C.7., PERMISSION FOR CHAIRMAN TO EXECUTE CONTRACT FOR AWARDED BID B-4-16-13 TO DANUS UTILITIES, INC., RE: LIFT STATIONS B-08 AND B-11 REPLACEMENT**

The Board granted approval for the Chairman to execute the construction Contract with the awarded vendor, Danus Utilities, Inc., for Bid B-4-16-13 Lift Stations B-08 and B-11 Replacement, at a total price of \$830,950; and authorized any associated budgetary changes.

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

**ITEM II.C.8., APPROVAL, RE: GROUP HEALTH INSURANCE STOP LOSS**

The Board approved the renewal of Stop Loss insurance with Symetra Financial for the self-insured group Health Insurance Program; and authorized you to execute all documents necessary to bind the coverage effective on January 1, 2016.

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

**ITEM II.C.9., LABOR AGREEMENT WITH BREVARD COUNTY PROFESSIONAL FIREFIGHTERS SUPERVISORY UNIT, LOCAL 2969, RE: MODIFICATIONS OF VARIOUS ARTICLES IN EXPIRING AGREEMENT**

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

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

**ITEM II.D.3., CONFIRMATION, RE: JIM HELMER AS UTILITY SERVICES DEPARTMENT DIRECTOR**

The Board confirmed the appointment of Jim Helmer as Director of the Utility Services Department.

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

**ITEM II.D.4., CONFIRMATION, RE: VIRGINIA BARKER AS NATURAL RESOURCES MANAGEMENT DEPARTMENT DIRECTOR**

The Board confirmed the appointment of Virginia Barker as Director of the Natural Resources Management Department.

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

**ITEM II.D.5., APPROVAL, RE: WRITE-OFF OF VARIOUS UNCOLLECTIBLE RECEIVABLES IDENTIFIED BY BOARD DEPARTMENTS**

The Board approved of write-off of various uncollectible receivables identified by Board Department's, per the attached Agenda Report.

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

**ITEM II.D.6., APPOINTMENT, RE: BREVARD WORKFORCE DEVELOPMENT BOARD**

The Board appointed Travis Mack, President/CEO, Saalex Solutions, Inc., to the Brevard Workforce Development Board.

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

**ITEM II.D.7., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS**

The Board acknowledged the appointments/reappointments of **Peggy Nolan, Darleen Hunt, Josiah Snodgrass-Neal, Bridget Geiger, and Beth Turek** to the Art in Public Places Advisory Committee; **Mike Cunningham, Scott Carswell, Ed Fleis, Michael Williams, R.J. Durham, and Bruce Moia** to the Building and Construction Advisory Committee; **Pat Shearer, Ed Newell, Jean Morgan, Loretta Wilson, and John Ells** to the Central Brevard Library and Reference Center Advisory Board; **Dale Young, Peter Fusscas, Dave Pasley, and Doug Baker** to the Citizens Budget Review Committee; **Leartis Brothers, Jimmy Jackson, Izeal Battle, and Betty Wells** to the Cocoa West Community Center Advisory Committee; **Ed Witt, Lori Helton, Pastor Jerome Dukes, and Preston Hopkins** to the Community Action Board; **Jeri Blanco, Luella King, Leonard Beckett, and Leartis Brothers** to the Community Development Block Grant Advisory Board; **Vaughan Kimberling, Gerald Hirt, Roger Drabyk, Bud Crisafulli, Tim Davis, Ron Nost, R.J. Durham, Kerry Gardner, Albert Underwood, Clifford Barber, and Nick Witek** to the Contractors' Licensing Board; **Jeff Vayda, Gordon Mark, and Dan Daniels** to the District 2 Canal Dredging Committee; **Wayne Cooper, Peter Fusscas, Carey Gleason, and Robert Jordan** to the Economic Development Commission of the Space Coast; **Debbie Olinick, Murray Hann, Suzanne Valencia, Rick Bauer, Mark Nathan, Brian Reed, Rick Follet, Douglas Sphar, Karen MacArthur, and Bob Champaigne** to the EEL Program Recreation and Education Advisory Committee; **Barbara Borman and Thomas Patrick O'Neill** to the Emergency Medical Services Review Committee; **Danielle Stern, Molly Tice, Linda Mannier, Liz Alward, and Marcia Newell** to the Employee Benefits Advisory Committee; **Leeanne Saylor-Milucky, Leesa Souto, Priscilla Griffith, Linda Behret, Patrick Reed, Sil Crespo, Vince Lamb, Rocky Randels, Diane Stees, and Kim Zarillo** to the Environmentally Endangered Lands Procedures Committee; **Alan Coward, Billy Kempfer, Tom Schuller, Bud Crisafulli, and Jennifer Hill** to the Extension Advisory Council; **Judy Gizinski** to the Health Facilities Authority; **Benjamin Brotemarkle, Roz Foster, Nancy Carswell, Bob Swenson, Molly Thomas, Brad Logsdon, Helen Stubbs, Dan Reiter, Louis Pernice, David Paterno, Jeff Boston, Jane Beach, Alan Brech, and Benjamin Samuele** **Robert DiBiase** to the Historical Commission; **Todd Starkey, Kathy Wall, Peter Fusscas, and Bob DiBella** to the Investment Committee; **Shelby Love, Tom McGill, and Mark Broms** to the Library Board; **John Mongioi, Ron Rincones, James Rosasco, Jeff McKnight, John Reiser, Kelly Haugh, Mike Cunningham, Dan Daniels, and William Lewis** to the Marine Advisory Council; **David Isnardi** to the Melbourne-Tillman Water Control District; **John Ells, John Campbell, Ray Hoffman, Sean Anderson, Cathy Jarrell, and Ralph Williams** to the Merritt Island/Beaches Advisory Board; **Wendy Ellis** to the Merritt Island Redevelopment Agency; **Brian McEachran, Karin Mansfield, Maxine Ziemann, and Myrna New** to the Mims/Scottsmoor Public Library Advisory Board; **Neta Harris** to the North Brevard Commission on Parks and Recreation; **Louis Sanders, George Mikitarian, and Robert Jordan** to the North Brevard Economic Development Zone Special District Board; **Miriam Fuentes, Donna Watkins, and John Stone** to the Onsite Sewage Disposal Variance Board; **Ted Whitlock, Mary Goelz, Keith Farguharson, Roger Gangitano, Richard Contreras, Marcia Booth, John Kendrick, Steve Ranieri, and Pat Langiotti** to the Parks and Recreation South Service Sector Advisory Board; **Cleave Fink, Bonnie Venable, Mike Cicerrella, Pay Pasley, Cynthia Shaheen, and Johnny Diggs** to the Personnel Council; **Robert LaMarr, Bruce Moia, Harry Smith, Richard Charbonneau, Patrick Reed, Ronnie McClellan, John Stone, Peter Aydelotte, Clyde Thodey, Rochelle Lawandales, Andy Barber, Bill Connon, Ron Bartcher, and Henry Minneboo** to the Planning and Zoning Board; **Greg Messer** to the Port St. John Dependent Special District Board; **Christine Jenkins, Maureen Rupe, Constantine Daniel, Vaughn Kimberling, and Carmella Chinaris** to the Port St. John Public Library Advisory Board; **William Bancroft and John Drotar** to the Public Golf Advisory Board; **Margaret St. Coeur, Raymond Spencer, Judith Ramsey, Carol Joseph, Owen Gallagher, and Laurie Chase** to the South Mainland Library Advisory Board; **Lois Katzin, Jennifer Allgood, Elizabeth Montalvo, Dr. Rochelle Kenyon, and Barbara Barry** to the Suntree/Viera Public Library Advisory Board;

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**Tony Sasso, Bob Baugher, Bob Vollmer, Peter Fuscas, Francis Clifford, George Bovell, Sheryl Denan, Leanne Saylor, Rik Venerable, Jill Bakken, and Rodney Honeycutt** to the Transportation Planning Organization Citizens Advisory Committee; **Laurilee Thompson** to the Tourist Development Council; **Mark Broms, Hal Rose, Julia Derrick, and Nelle Ayres** to the West Melbourne Public Library Board; and **Britta Hawkins, Wayne Snyder, James Rosasco, Dave Pasley, Monique Miller, George Bovell, and Dale Young** to the Zoning Board of Adjustment.

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

**ITEM II.D.8., APPROVAL, RE: BILLFOLDER**

The Board approved the Billfolder, as submitted.

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

**ITEM II.B.4., REVISED LEASE AGREEMENT WITH BREVARD COUNTY SCHOOL BOARD, RE: MIMS/SCOTTSMOOR PUBLIC LIBRARY REPLACEMENT BUILDING**

Commissioner Infantini stated that the reason she has pulled this Item is it is about constructing a new library in Mims/Scotts Moor; and there are two libraries that are underutilized, there is one in District 3 at the Martin Luther King Library, and the second one is the Mims/Scotts Moor, which is a little bit underutilized. She went on to say that the Board has been talking about trying to find funds and possibly shifting millage rates around on the different line items on the property tax bill; and this is discussing spending \$1.6 to \$2 million to construct a new library; and she thinks right now is not the time to be allocating funds to construct a new library until the Board figures out how it is going to pave the County's roads; and she added that the Board has had a lot of discussion on the core function of government and needing to pave roads. She went on to say that she cannot move forward on something until she figures out where all of the core costs are going to be funded; and she cannot approve something that she would like to approve; and she does not see it in the budget right now.

Ron Barcher stated that he has appeared before the Board on numerous occasions, spelling out the need for a new library building to replace the current dilapidated group of used trailers that house the Mims/Scotts Moor Library. He went on to say that the current, temporary structure is seven years past its planned lifetime and it is long time past to replace this building. He added that Library Services now has a plan to replace these worn out trailers with a permanent building, and this plan is supported by the citizens and community groups; this innovative plan does not require any funds from the General Fund, and does not require a millage increase in Brevard's Library District; all that is required is simply to approve this workable and reasonable agreement with the School Board; and this agreement is similar to the one that is in place with

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the current facility, the exception being the School Board will not be using any of the new buildings as space, which makes the design of the new building a lot easier. He urged the Board to approve this agreement.

Commissioner Fisher asked Jeff Thompson, Library Services Director, to make reference to how these dollars are dedicated and cannot go to roads. Mr. Thompson stated that the funds are out of the Library Services budget, which is a separate voted millage by the public, and it is spread over two years to make it feasible; but the millage is actually allocated only for libraries and so that is where it is used.

Commissioner Fisher motioned for approval.

Commissioner Infantini agree that Mr. Thompson is absolutely correct, the millage rate is totally allocated to libraries, however, the Board sets how much of that millage rate goes to the libraries and how much goes to the General Fund; so, if millage rates are taken out of the General Fund and allocated to libraries, the libraries will have more money; and the millage rate going to the libraries is reduced, because that is a dedicated funding source, and allocated to the General Fund, there will be more money to fund the roads, which was the topic of the Board's last workshop, which lasted about seven hours. She added that she believes to say that the funds should all go to the library is inappropriate right now until the Board works out a budget that it can agree upon to fund the core function of roads.

Commissioner Smith stated that he is conflicted, because he is big on not increasing taxes and he is big on libraries; but at the same time, the Board has an obligation to all of the people in the County to build roads, and he understands the need to service the people of Scottsmeer with a new library.

Commissioner Infantini pointed out that there is another library within, approximately, a five-mile radius of the Mims/Scottsmeer Library. Commissioner Fisher commented that he believes it is 25 miles.

Commissioner Infantini stated that the people at South Mainland and Barefoot Bay have a library and there is another library that is within 15 miles; and there are three libraries, Melbourne, DeGroot, and another that she could not recall the name, that are all within about a six-mile proximity. She added that it is not a matter of not serving a community, what she is saying is she is unsure if this is the most important use of funds. She went on to say that she is not suggesting that the Board not give the citizens a library, they just may have to travel a little further, because the County cannot have a library within five miles of everybody's house and still provide all of the other core functions it needs to provide.

Commissioner Smith asked Stockton Whitten, County Manager, if he has an answer for how far the nearest library is and can the Board, in fact, spend this money for anything else other than libraries.

Mr. Whitten responded that the proximity of the north libraries are from Mims/Scottsmeer to Titusville, and that is approximately 10 to 12 miles difference, between the two. He went on to say the he and Tom Rosenberg, Budget Director, will be presenting dissertations on millage rates; very simply, the Board is at Charter maximum on all the millages except for the voted millages; and so, the Library Services millage, which was the second voted millage, in 1937 the voters of the County voted to do the Mosquito Control millage, and in 1972, they voted on the library millage, up to one mill, only for library purposes. He added that the Board cannot surpass the library millage to increase the General Fund millage; and even if it could do that, the Charter says it can only do that for a one-year period by a super majority vote of the Board; and he does not believe that is the way to sustain a road program, but the Board is at the Charter

maximum on the General Fund millage right now. He went on to say that it is long and complicated, and he does not believe the Board has the ability to play with any of those voted millages beyond what the voters told it to do; but it will be discussed in the next workshop; and the short answer is, he does not think the Board has the ability to adjust the library millage down and raise the General Fund millage up.

Commissioner Fisher stated that he believes that the distance is more than 10 miles; and he believes the last time the Board had some improvements done it was approximately \$300,000, on some portable modular trailers that sit on a piece of property that the floors falling through and all, and staff came through with a way to fund this through Library Services funds; he thinks it is a good thing to do; and it is quite a distance to the nearest library, and that community has been patient for the last seven years trying to get this thing resolved. Commissioner Fisher called the question.

Commissioner Anderson seconded.

The Board approved the new Lease Agreement with Brevard County School Board for the Mims/Scottsmoor Public Library replacement building; and authorized the Chairman to execute the Lease.

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

**ITEM II.C.1., APPROVAL, RE: SALE OF THREE PARCELS OF SURPLUS REAL PROPERTY BY PRIVATE SALE TO ADJACENT PROPERTY OWNER, AND AUTHORIZATION FOR THE CHAIRMAN TO EXECUTE ALL NECESSARY DOCUMENTS**

Teresa Camarata, Central Services Director, stated that this Item is the private sale of three small parcels in Canaveral Groves; these parcels were included in the list that was brought to the Board in July, and an offer was made by Brevard County Property Holdings, LLC to purchase these three parcels.

Mason Blake, Brevard County Property Holdings, LLC, stated that this is an offer to purchase this property, pursuant to Section 2-243 of the County Code, which deals with the purchase of surplus parcels by adjoining land owners; Brevard County Property Holdings, LLC is an adjoining landowner to the three parcels in question and has made an offer; and notice has been given to all other surrounding land owners. He went on to say that the three parcels are small, remnant parcels that total less than a fifth of an acre; Brevard County Property Holdings, LLC has offered, in the contract to purchase those parcels, \$300,000, which equals over \$1.5 million per acre. He pointed out that the appraised property value is \$5,250, so it is believed that the price that has been agreed to is more than fair.

Commissioner Infantini stated that she is not in favor of selling this property, she realizes that it would be a fabulous windfall profit for the County; however, the cost is too great for her, and the benefit is not there. She added that this property will benefit All Aboard Florida, to which she is opposed.

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Commissioner Smith stated that he too is opposed to All Aboard Florida, however, he likes the offer that has been made.

The Board approved the private sale of three surplus parcels of property pursuant to Florida Statute 125.35(2), at the accepted negotiated sale price of \$300,000; and authorized the Chairman to execute all necessary documents.

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

**ITEM II.C.2., PERMISSION FOR CHAIRMAN TO EXECUTE, RE: CAPITAL IMPROVEMENTS PROJECT (CIP) CONTRACTS**

Leslie Rothering, Purchasing Manager, stated that this Item is requesting permission for the Chairman to execute Capital Improvement Projects (CIP) that are approved in the CIP budget document that is approved annually. She added that this request was brought up due to the memorandum that was included, from Scott Ellis, Clerk of Courts, regarding that he does not consider approval of the annual budget and CIP plan as a formal approval of a contract; Scott Knox, County Attorney, has reviewed the Procurement Policy and has incorporated additional language, which states the approval of the CIP, as long as the bids are awarded to the lowest responsive bidder and it is within the budgeted funds, that it still authorized the Chairman to execute the contracts.

Commissioner Infantini stated that the Board has had previous discussion on a \$6 million speculation building in North Brevard; she added that Commissioner Fisher had stated that, that item would have to come back before the Board to be expended; however, this Agenda Item negates that, it says anything in the CIP plan, which the speculation building is, does not have to come back before the Board as long as that contract is awarded to the lowest responsive bidder; as the Board continues to discuss not having enough money for roads, it is going to move forward, regardless of the cost, and those items will not come back before the Board; and she is absolutely not in favor of this.

Commissioner Smith asked Attorney Knox if that \$6 million speculation building could be approved by whoever the Commissioner is at the time.

Attorney Knox replied that unless the Board wants to be the one to award the bid, then yes, because once the bid has been awarded there is a contract with a contractor; if the Board is to award the bid then it would come back before the Board and it will know what the lowest bid was.

Chairman Barfield asked Attorney Knox if the Clerk of Courts could prevent this. Attorney Knox replied, no; and the Clerk is required to attest the contract, to make legitimate copies of the contract and to attest the signature of the Chairman, but not for any other purpose.

Ms. Rothering commented, with regards to the speculation building, that it is unfunded, so as far as putting it out to bid and it not coming back before the Board, the Purchasing Department would not put that speculation building out to bid until it was funded and Board approved,

through a budget change request or CIP; currently any project that is in the CIP, the Board sees during the budget process, and if it is within the budgeted funds the Purchasing Department will solicit bids on that and award it to the lowest responsive bidder; and she added that this came up in 2013, and there were changes to the Policy at that time, and the discussion on that was that as long as it was within the original scope and within original funds, it would still proceed with awarding to the lowest responsive bidder. She went on to say that the other concern with this is bringing back every item before the Board, this morning the Board passed three utility projects under Consent, which have been delayed for a few weeks; and for those projects, contractors are holding their prices based on the approval of the Board today; and those projects were already approved in the CIP and were just approved under Consent; she added that if this needs to be brought back, the Board has June that it is out, and if there is any time that it cannot get back to the Board in sufficient time to proceed with those contracts, then there could be a delay and a cost associated with that to the contractors.

Stockton Whitten, County Manager, pointed out that he is perfectly fine with bringing back an \$18 million contract to the Board, which should have been brought back; and the CIP is a five-year plan that the Board approves one year at a time, and what is really being approved is the funded CIP items for that particular fiscal year; and he clarified that the Board approves a five-year plan, but purchasing authorization is one year at time.

Commissioner Infantini asked the Board how much it has in CIP funded projects; she added that nobody knows, because there are so many different line items in the Capital Improvement budget; the Board has to make time for all of these items over \$100,000, so that every time it spends more than \$100,000 the citizens can see where their money is going; when the Board asks for more tax dollars it can justify it; and she added that it is important and the Board can make time for it.

Commissioner Fisher asked Ms. Rothering to explain the contracts that have been approved.

Ms. Rothering stated that at this point a bid was solicited, the contractor has been pre-qualified, and the contracts are awaiting signatures and approval from the Board; it has gone through the procurement policy and pre-qualification policy, regarding construction contracts.

The Board authorized the Chairman to execute Contracts for Capital Improvements Projects that are approved as part of the annual budget and CIP plan awarded through the County's competitive bid process; and approved the Procurement Board Policy BCC-25.

<b>RESULT:</b>	<b>ADOPTED [3 TO 2]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Robin Fisher, Jim Barfield, Andy Anderson
<b>NAYS:</b>	Trudie Infantini, Curt Smith

### ITEM III., PUBLIC COMMENTS (30 MINUTES)

Pam LaSalle stated that since she was last before the Board, she has managed to obtain Brevard County's policy regarding feral cat colonies; and apparently there is no animal control for feral cats in Brevard. She added that the Ordinance states that the colonies are supposed to be registered, and she was informed by the Brevard County Sheriff's Office (BCSO) that the registering of feral cat colonies before BCSO took over animal services; and she finds it very

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rich that the Board had the Resolution for the homeless organization. She added that she had sent the Board connections to a lecture by Dr. Judith Milcarsky, and in that lecture Dr. Milcarsky states that the homeless are eating feral cats; she does not know if the Board is aware of how many feral cats there are in the County; by all accounts, in 1999 there were approximately 50,000 - 100,000, and in 2003 there were approximately 100,000 to 200,000; and if that were extrapolated to the current date that would put the number at approximately 800,000 to 1.2 Million, if it is doubling every four years. She went on to say that she does not know if there has been a pandemic, which would not be good for humans or animals, or if the homeless are eating them as fast as they can be procreated; however, the newspaper reported that there are approximately 25,000 - 200,000 feral cats in the County, and she finds it appalling that this is going on. She added that if a person reads through the Trap-Neuter-Return (TNR) program that is being enforced, it basically makes it the citizens' problem to deal with. She went on to say that the reason society has advanced is through health practices, and it is unsanitary to have this issue in our Community; she added that the last time she was before the Board she stated that 15.2 percent of dolphins in the Indian River Lagoon tested positive for Toxoplasmosis, that means they have the parasite in them; it is an insidious parasite, and does not only affect pregnant women, it gets into anyone; it can go to any organ, with the ultimate goal being to get into the brain; although a person is functioning, they may unaware that they are not functioning properly; and it has been associated with suicide.

Commissioner Smith questioned what the parasite is called. Ms. LaSalle responded that it is called Toxoplasmosis, it is from Toxoplasma Gondii; and it can only breed in a cat, and is expelled in the feces. She added that each time a cat is shedding these osists they shed hundreds of millions of them, and they float, they go anywhere, they can be tracked anywhere; it only takes one microscopic osist ingested by a human, it can be inhaled, to become infected. She went on to say that it is appalling that the County is embracing feral cat colonies, and it does not have to be a feral cat, it can be any cat; and Toxoplasmosis cannot be cured, it is microscopic.

Commissioner Anderson stated that his understanding is that the County, before BCSO took over, had a moratorium on any new registered cat colonies; those other cats would not be protected and would be captured, because the County was not allowing anymore colonies to be registered, in order to reduce the number of feral cats. He went on to say that his office works with a lot of homeless veteran organizations and they are not eating cats, at least not in South Brevard; and the reduction of feral cat colonies in South Brevard can be directly attributed to the coyote migration; and he believes it is more coyotes than human beings.

Ms. LaSalle commented that there are also pythons that could be eating the cats, but because of the fact that it is in the Indian River Lagoon, it cannot be attributed to bobcats, because there is a reduction in the bobcat population; and it is suggested that it the bobcat reduction is attributed to the pythons, however, there are also feral cats competing with the bobcats for food.

Commissioner Anderson rebutted by saying that coyotes are everywhere, and are now pervasive in Brevard County; and he disagrees with the suggestion that the homeless population is eating feral cats.

Ms. LaSalle commented that she lived in North Brevard, and she knows there are people living in the woods; she knows there are rabbis in this County, and those cats exposed to that can wonder off; and no one knows what is going on in the woods. She added that she first took this as a humane issue, she though it was inhumane to have feral cat colonies, and for the animals to face such uncertainty; after she learned about the issue she is upset that it is a human health issue; she went on to say that she sat in a feral cat colony, and she kind of knew the issue but did not thoroughly research it until this year; and she highly suspects that she has been exposed, and she finds that upsetting, and asked the Board to think of all of the people who do

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not know they have been exposed. She went on to explain that the Toxoplasmosis parasite gets in a person and causes inflammation, causing it to be tied to cirrhosis of the liver, it can get into the heart, she reiterated that it's ultimate goal is to get into the brain; it is created in life to get back into a cat, so it goes for the brain to inhibit the fear centers, for example, a mouse infected with the parasite is not afraid of a cat, and so the cat can eat the mouse; added that she believes it is the number one cause of blindness. She went on to say that once it is in the brain it produces dopamine, and inhibits fear, and is associated with suicide, reckless driving, it can even mimic breast cancer; it is simply an unnecessary risk, and it is unacceptable to put humans at risk.

Commissioner Anderson asked Stockton Whitten, County Manager, to clarify when BCSO took over animal services, and if the moratorium on establishment of new colonies was still in effect.

Venetta Valdengo, Assistant County Manager, stated that it is still in effect, and feral cats can be controlled as a nuisance; they are not exempt from the nuisance ordinance, so if they pose a nuisance and there is a colony BCSO can still respond to that.

Ms. LaSalle encouraged the Board to read the BCSO TNR and Return to Fields programs, her understanding of it is that the problem is the responsibility of the citizen and should not bother BCSO with it.

Charles Tovey stated that if the Board passes the gas tax, it has failed as representatives for the County; there are alternatives and if the Board puts in a little more effort it can find alternatives to a gas tax.

**ITEM IV.A., LANDSCAPE BUFFER WAIVER, RE: WEST AND NORTH SIDES OF EXISTING INDIAN RIVER COLONY CLUB MAINTENANCE FACILITY**

Chairman Barfield called for a public hearing to consider a landscape buffer waiver for the west and north sides of an existing Indian River Colony Club maintenance facility.

Virginia Barker, Natural Resources Management Interim Director, stated that this is a waiver request to landscaping from Indian River Colony Club; they want to expand their maintenance shed facilities to the south of where the existing maintenance shed currently lies, into a wooded portion of the parcel; the current Code requires that Natural Resources Management look at whether or not the applicant is in compliance with buffer requirements around the entire perimeter of the property; and that the buffers along the north and west sides of the property do not meet the minimum thresholds of the current Code, but nothing along the northern or western sides of the property are changing, the expansion is to the south; so if it would please the Board to issue the waiver, Natural Resources Management can proceed, and has already advertised the changes and notified the neighbors and there have been no concerns voiced.

There being no further comments or objections, the Board approved a Type A Landscape Buffer Waiver for the west and north sides of the existing Indian River Colony Club Maintenance Facility, and delegated final approval of the Alternative Landscape Enhancement Plan (ALEP) mitigation to the Natural Resources Management Director.

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

**ITEM IV.B., RESOLUTION, EXCHANGE AGREEMENT, AND DEED WITH PINEWICK PARTNERS, LLC; AND ACCEPTANCE OF WARRANTY DEED AND SANITARY SEWER EASEMENT, RE: EXCHANGE OF PROPERTY LOCATED IN SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST**

Chairman Barfield called for a public hearing to consider a resolution, exchange agreement, and deed with Pinewick Partners, LLC; and acceptance of warranty and sanitary sewer easement for the exchange of property located in section 19, township 26 south, range 37 east.

John Denninghoff, Public Works Director, stated that this is an agreement to exchange property with Pinewick Partners, LLC, the parcel of County owned land is located near the intersection of Wickham Road and the Pineda Causeway; the nature of the parcel is a wetland and a depressional area, which tends to hold water; and the Pinewick Partners, LLC have a desire to control that if they can; they have proposed to exchange what could otherwise have been easements only with the County to make it right-of-way, and two out of three cases mentioned in the Agenda Report. He added if the County does not exchange this property, it will be the owners of the parcel and have to maintain it.

There being no further comments or objections, the Board adopted Resolution No. 15-242, executed Exchange Agreement and County Deed with Pinewick Partners, LLC, for exchange of property between Pinewick Partners, LLC and the County as required by Section 125.37, Florida Statutes; accepted Warranty Deed and Sanitary Sewer Easement from Pinewick Partners, LLC; and waived requirement to obtain title insurance

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>SECONDER:</b>	Robin Fisher, Commissioner District 1
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM V.A., APPROVAL, RE: TRANSPORTATION IMPACT FEE TECHNICAL ADVISORY COMMITTEE RECOMMENDATIONS**

Robin Sobrino, Planning and Development Director, stated that this is bringing back to the Board the recommendations of the Transportation Impact Fee Advisory Committee for the South Mainland disbursement recommendations; these disbursements would take place largely within the Town of Grant/Valkaria or in the Town of Malabar, which were the areas in which the impact fees were collected.

The Board the Transportation Impact Fee Technical Advisory Committee's recommendations for the South Mainland Benefit District; authorized the Budget Office to execute budget change requests necessary to implement Project recommendations; and authorized the Chairman to

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execute Transportation Impact Fee Disbursement Agreements with the Town of Malabar and the Town of Grant/Valkaria.

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

**ITEM V.B., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: ORDINANCE ESTABLISHING A FORECLOSURE REGISTRY**

Robin Sobrino, Planning and Development Director, stated that as the Board recalls on October 20th there was a citizen presentation by Community Champions regarding them providing services for a foreclosure registry for other jurisdictions; the Board at that time felt that it might want to pursue having a foreclosure registry, not necessarily with that particular vendor, but the concept of initiating that and Board directed staff to come back with legislative intent and permission to advertise an ordinance that would set forth a foreclosure registry for properties in the unincorporated area.

Philip Nohrr, representing the Space Coast Association of Realtors (SCAR), stated that the proposed ordinance that the Board has in front of it is one that has gotten the attention of SCAR and they have a lot of concerns; SCAR has asked him to speak to the Board about those concerns and how SCAR feels not withstanding some of the intentions of where this ordinance may be headed; the facts, in everyday business, is whatever is done in this ordinance will impact SCAR and certainly any prices, registration fees, not matter much the Board is trying to shift that to the lender, will end up coming out of SCAR's pocket; and that has been the experience of this organization and other similar organizations throughout the country. He went on to say that it is the belief of SCAR that the ordinance itself is not needed, the number of foreclosures is nowhere near the number that the Board has been hearing as this ordinance works its way through the process; certainly there are foreclosure actions out there, but this ordinance goes a lot further than just dealing with foreclosure actions. He added that the ordinance itself is not limited to just residential, it is also commercial; when looking at the verbiage, the ordinance talks about registered property; he read aloud a section of a paragraph from the ordinance stating that one of the criteria is if it is "encumbered by a mortgage in default"; and he added it does not have to be blighted, vacant, or abandoned, it just has to be a mortgage in default. He went on to explain a mortgage in default reading that it is a "mortgagor has not complied with the terms of the mortgage on the property"; and he clarified that the plan reasonable language of this ordinance says that if a person has not complied with the terms of their mortgage, they are in default as of then, even though the lender does not even know anything about it. He went on to say that the language in the ordinance is so broad that it does not even make mention of a financial default; he explained that a person could be making their payments and paying their taxes and then something causes the person to not comply with the terms of the mortgage; perhaps this person had work done on their home and they had a dispute and all of the sudden they now have a mechanics lien, or perhaps this person has a dispute with the IRS and the IRS decides to put a lien on them; and that person is now in default. He noted perhaps it is a commercial mortgage, which would be more the case, a person enters into a business deal and buys property, and uses an entity; the entity signs and the person signs as the principle and that is not enough for the lender, the lender wants some insurance so the person gets someone else to guarantee it; and according to the type of commercial documents out, even if the property has no financial trouble whatsoever and that

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guarantor goes into bankruptcy or dies, the person is now in default. He continued by stating that he understands that this is not the intent of the ordinance, however the document that the Board has in front of it covers all of those situations, and it gets even worse because the mortgagee does not know anything about it and has 30 days to register without knowing anything about it; and it is just not workable in the way that the ordinance has been drafted no matter what the intentions are. He added that he recognized the fact that the vacancy has been taken out, and that is helpful, but it does not begin to address the fundamental flaws in the ordinance. He went on to say the he and his clients do not think that this ordinance is needed right now; his clients have pictures to show that where the bank has taken over properties, how it is maintained; there are currently approximately 229 of those properties in the county, it is not a large number to cause registration fees; inevitably what happens is the lender says to the broker "we are not paying for this" and there is a specific clause in the ordinance that says thou shall pay for it; and the problem is that there are all of these mortgage instruments out there that are very clear and have been designed by lawyers far smarter than him, that have such broad language that says any cause associated with a foreclosure, it is on everyone in the world except the lenders. He added that he understands where this is coming from, but with this ordinance the Board is going to come to a head to head crash with instruments that are out there, and he respectfully suggested that the lenders will prevail.

Commissioner Fisher stated that when this was first brought to the Board he was under the impression that people had vacated their homes, the properties were in disarray, the grass had grown up, and homeless people were moving in; he felt as though that it was an uncomfortable situation for the neighbors, and he thought that this ordinance was geared up to help that; and as a person reads through it and tries to figure out the right language, they realize that the mortgage company probably does not even have any responsibility until the foreclosure is complete. He went on to say that it is kind of a limbo situation where if there is someone who has moved out, the mortgage company is still taking six to nine months, some are two years old, to try an take possession; and the word default and the vacancy thing concerns him, and he is not sure it is ready or if it is doing exactly what he thought it was when it was presented to him.

Commissioner Smith stated that he agrees with Commissioner Fisher; and he has spoken people on both sides of this and he does not believe this is a necessary ordinance nor does it serve any real purpose in Brevard, and he would support opposing it.

Commissioner Anderson stated that Mr. Nohrr brought up some good points and he concurs. He added that he has spoken with some of the realtors; he was also under the same impression as Commissioner Fisher, that this is something that can handle some of those long term vacant homes in the County, but it affects too many; and with the large reduction of foreclosure cases in Brevard County, he does not believe this is applicable at this time.

Commissioner Infantini stated that the Board knows her position on this, and she thanked everyone for their persistence and education in informing everybody of the ramifications of this. Commissioner Infantini made a motion to deny, seconded by Commissioner Smith.

Scott Blasie, representing Community Champions, thanked the Board for allowing him to speak even though the determination of the outcome is pretty painfully obvious. He went on to say that he wanted to clarify some of the comments that were made; it is unfortunate that some comments regarding the language in the ordinance were not factual; and the ordinance is designed to hold the mortgagees accountable for the properties that are in the foreclosure inventory, which there are a minimum of 2,000 in unincorporated Brevard County, before they become bank owned. He added that, obviously, when the bank takes control and takes the title, things happen more quickly because it is realized that it needs to be taken care of in order to sell. He went on to say that the one to three years that the property sits before it goes into title for the bank, and Code Enforcement utilizes a nuisance abatement process, which is essentially

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a use of taxpayer dollars to take care of the properties that the banks should be taking care of. He went on to say that this is a Code Enforcement tool, this is not a tool to gouge realtors out of fees; he researched over 50,000 registrations in the database, and less than three percent were actually registered by realtors; and mortgage servicers register about 90 percent of all the properties, the banks have asset managers to handle the inventory. He pointed out that the purpose of occupancy versus vacancy, this is a Code Enforcement tool, nothing more, nothing less; he added that there are over 2,000 of these ordinances nationwide, and Florida is still leading the nation in foreclosures; and foreclosures are hanging around, the banks are not taking care of them. He clarified that this is mortgage default; mortgage default is identified by going to the Clerk of Court and identifying the legal filings; this is about getting a responsible data party for local government so it can communicate in real time responsible parties, so the property can get maintained; he does not feel sorry for the banks, the realtors ultimately work for the banks; and realtors are selling the inventory, and have an obligation to the banks to appease them, and banks have found this a refreshing idea, because now they can keep track of the inventory.

Commissioner Fisher asked Mr. Blaise how he holds a bank responsible prior to them legally being awarded the foreclosure.

Mr. Blaise responded by saying that is exactly what this ordinance does; the ordinance is legit all day long, it has been around since 2006; and the banks willingly and easily register properties, the program allows banks to register 100 at a time, it is a tool to help local government keep track of the foreclosure inventory and when there is an issue they can get to someone who actually has the ability and the assignment, the responsibility, to maintain the property.

Commissioner Fisher inquired if the banks go on the site before it actually goes through foreclosure.

Mr. Blaise responded that is correct. He went on to explain that the ordinance requires the bank to inspect the property to determine occupancy status and then register it; the bank is required to keep an eye on that property and once it becomes vacant, they know they have to start maintaining it; and the ordinance is to hold the banks accountable for that property. He went on to say that the scenario right now is when a property goes into default and it becomes vacated, Code Enforcement sites the owner; they have to under Florida Statute 162, the notice is sent to the house the no one is living in; and then notices are posted on the door, a contractor is called, the contractor baits the nuisance, there is an invoice and they bill the owner that is not there, and then there is a special assessment lien against the owner that is not there. He went on to say that all of this occurs while the owners are gone and everyone knows that the bank should be responsible to take care of the property.

Chairman Barfield stated that there are three more speaker cards, however, the Board is ready to vote; he asked if those individuals would still like to speak, and they declined.

The Board denied request for consideration of legislative intent and permission to advertise an ordinance to establish a foreclosure registry for unincorporated Brevard County.

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

**ITEM V.D., AUTHORIZATION, RE: ECO-TOUR COMMERCIAL PERMIT PROCESS**

Jack Masson, Parks and Recreation Director, stated that this was an Item that was presented to the Board in October of 2014; the Board directed staff to go back and conduct a 12-month tracking on attendance, along with revenue collection of the commercial kayak operation held within Brevard's park system, primarily Manatee Cove in north Merritt Island. He added that in the Board's packet, it has the results of that 12-month process; he noted that of the six vendors that voluntarily provided that information, and obtained the necessary permits and provided the insurance of their operation at no cost; it shows there was a collection of over \$200,000 at Manatee Cove alone, with one vendor collecting \$118,000; and throughout the past year, staff has met with the various vendors on at least four individual occasions to discuss, review, understand the concerns, and hear recommendations for the process for commercial operations of stand-up kayak, paddle boards, and canoes. He went on to say that this increased popularity of commercial eco-tours throughout Brevard County has prompted the need to establish an equitable procedure that will offer eco-tourism opportunities for visitors and residents, and to ensure that the citizens of Brevard County continue to have access to parks while endeavoring to have minimal impact on wildlife and its habitat. He added that what the Board has in front of it is a procedure that establishes, as Parks and Recreation provided to the Board last year, two categories, the first being restricted use at Manatee Cove Park and Pine Island Park, both in north Merritt Island; the selection of the vendors for these two parks is done on a lottery system; three days at Manatee Cove and three days at Pine Island, this ensures the ability to allow equal and equitable use of the parks by both commercial operation and the general public. He added that the second category is a general permit process that is available, 22 parks in the systems throughout Brevard County, for the use for commercial operations for the two facilities. He noted that the Parks Ordinance, Chapter 78, indicates that commercial operations in parks must have authorization and a permit must be issued; Brevard has over 80 commercial venues within its park system; and this process, among others, requires the vendor to meet all regulatory aspects, provide the permits, have the appropriate insurance, and go through a mandatory training prior to conducting business. He noted that also in the packet, there are a number of photos that were taken throughout the year, showing some of the areas of congestion at certain times in the park system by the commercial operations, particularly at Manatee Cove; and he noted the entrance to the water at Manatee Cove is approximately seven to eight feet wide, and asked the Board to imagine the congestion at that entrance with a number of vendors with two tours a day that exceed 15. He stated that there have been improvements since the last meeting and the vendors have cooperated, however, there is still a congestion problem, especially with the tour buses bringing a multitude of people; in addition, the entrance at Pine Island is approximately six to seven feet wide; he added that what Parks and Recreation would like to do is to control that activity at these parks, but also continue to provide the activity not only there but throughout the Parks system; and that he is open to answering any questions.

Eric Obloy, Florida Adventures in Paradise, stated that this is the first time he is seeing some of this information and that he knows that some of it is inaccurate; he added that looking at some of the pictures, there is one showing a number of tents set up for a project that he believes the park held, and got paid for, for a school group from Georgia, not the vendors. He went on to say that he does agree that the parks do deserve some type of income from the vendors; and he would like to see Parks and Recreation receive \$1 per person, because \$15,000 is not enough for what the vendors do there. He went on to say that there is a secondary entrance ramp at Manatee Cove, and he suggested that it be used exclusively for the vendors. He added that Brevard County is growing and the vendors have to grow along with it; the County is spending money to get the cruise ships to port in Brevard and there is nothing for the tourists to do once they are here, and this plan will only give the tourists more of nothing to do. He suggested that there are a lot of options out there, and if the vendors are providing \$1 per person to Parks and Recreation as their businesses grow, then the parks can grow to handle the eco-tours and the general public. He went on to say that out of all of the vendors, he was

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the first to use Manatee Cove; the customers are using the facilities and there is some kind of payment that needs to be made; however, this plan limits the vendors; he added that he cannot control when the tourists are coming to visit; and the vendors of the eco-tours are here to show the tourists this area and teach them; and to protect the dolphins and the manatees, and the vendors are the ones helping to rescue these animals. He added that he believes there is a law in place that allows the fishing charters and tour companies rights to these waterways. He suggested that allowing use of the secondary ramp would solve a lot of the issues.

Chairman Barfield asked Mr. Obloy if his operations had been brought up to Code, with inspections by the County. Mr. Obloy responded that he is working on it, and pointed out that it is a separate issue.

Commissioner Smith asked Mr. Obloy why he believes that the secondary entrance ramp is not being used by anyone.

Mr. Obloy stated that the entrance ramp is overgrown due to a lack of use. Commissioner Smith asked if Mr. Obloy is asking the County to clear the ramp. Mr. Obloy responded that he will clear it because he is using it. Commissioner Smith pointed out if that is all it takes, and Mr. Obloy is willing to clear the ramp, he then questions why the ramp has not already been cleared. Mr. Obloy eluded to the ramp not being cleared due to fear of violating Codes.

Mr. Masson clarified that there is not an extra ramp, it is an opening at the mangrove shoreline; Parks and Recreation cannot go in and clear it for an extra ramp, that would defeat what is trying to be done in a small area. He went on to mention that Mr. Obloy has refused to obtain a voluntary permit, and staff has contacted him about it.

Mr. Obloy stated that it is a voluntary permit, which means that he can voluntarily use it; however, he is fully insured and has met with staff several times to provide more information than any of the other vendors; and he added that he really wanted to see a successful agreement between both parties.

Commissioner Infantini asked if it is a voluntary process for the permitting, why then is the Board annoyed that Mr. Obloy did not apply; and if the Board wants to make the process mandatory and then Mr. Obloy still did not apply, she could see reason to be annoyed with him, however, if it is a voluntary process, how can the Board require him to do so. She also inquired if any other members of the Board saw that there is a problem with requiring someone to do something that is not mandatory. Chairman Barfield responded that, that was voted on before.

Mr. Obloy stated that staff has had his full attention and support, and staff knows how to get in contact with him. Commissioner Infantini inquired if there are mangroves on the secondary entrance. Mr. Obloy replied with a no, and added that there are mangroves to the left and that area was cleared completely at on time.

Commissioner Infantini stated that Mr. Obloy is right regarding Code violations when cutting down trees; she added that it is not smart for a person to go ahead and cut down a tree too close to the water and then find out that they did something wrong, because this County can come down on that person hard and fast; and it is the fastest that the Board acts on anything. She went on to say she believes the Board should look into that pathway to see if, in fact, there are mangroves, because if there are not, perhaps it could be cleared out and widened.

Mr. Masson stated that there are mangroves. He went on to say that it is defeating the purpose of this procedure by developing a second ramp; the issue is that there are too many people operating commercial kayak tours at that park today.

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William Kowalik, Adventure Kayak of Cocoa Beach, referenced the proposed agreement stating that it includes 15 boats per tour, including guide boats; that to him means 30 people per tour, 15 two person boats; and then 30 minutes after that tour, vendors can take out another 30 people. He suggested this is to simply get away from this agreement and pulling the page regarding the categories; category two is 30 people, or 15 boats, that includes all of the parks except Manatee Cove; instead of 30 people, 15 boats, Manatee Cove should be 15 customers per tour with a second tour two hours later; because Manatee cove is category one, that is the most restrictive. He went on to say that this is also ethical, within ethical eco-tourism; if a vendor wanted to be ethical eco-tourism they could join that club and go by that category; and he suggested that Manatee Cove be made to operate that way. He added that another problem with what the County is suggesting is if there is already another business there operating, and Brevard Zoo shows up, that business has turn around and go home; he reiterated that he suggests going by the categories and leaving it open. He went on to explain his proposal of implementing impact categories to launch sites for vendors; category one is a high impact site with 15 customers per tour, max; 30 customers per day, max; each tour separated by 2 hours; unlimited tours per day, not to exceed 30 customers per day; and Monday through Friday operation only, select holidays excluded. He noted category two is a moderate impact site with 30 customers per tour, max; 60 customers per day, max; each tour separated by two hours; unlimited tours per day, not to exceed 60 customers per day; and Monday through Sunday operation, no holiday restrictions. He stated category three is a low impact site with 60 customers per tour, max; 120 customers per day, max; each tour separated by 2 hours; unlimited tours per day, not to exceed 120 customers per day; and Monday through Sunday operation, no holiday restrictions. He asked if the Board had any questions.

Commissioner Infantini stated that she feels as though there is a great deal of information, and she is conflicted because the parks are there for the whole public; and then there are people profiting, which she does not have an issue with; and she added that those parks seem to be a great financial resource, and eco-tourism is really big. She went on to say that she believes that this Item should be work-shopped to find a better solution, or perhaps table and come back with a nice workable solution instead of trying to jump into a decision today; she is not prepared to make a decision today, but there have been some great ideas offered; and she would like to find the most workable solution to find the balance between for profit and just regular customers going to enjoy the facility.

Mr. Kowalik stated that what he is trying to do is spread out the businesses; and he will be available for any further questions.

Chairman Barfield stated that the Parks and Recreation Department has had four meetings with the commercial industry; this was approved by the Merritt Island Beaches Recreation Advisory Board; and staff has done a lot of work on this. He went on to say that he believes it is good to get a balance on what is commercial and what is public.

Mr. Masson commented that Mr. Kowalik is correct, that the use needs to be spread out and that is exactly what this policy is; in addition to the two restricted sites, there are 22 other sites that may dictate or allow additional uses because of additional parking and additional shoreline opportunities. He added that this is not about fishing guides; the Brevard Zoo, like any other commercial operation, can schedule time for programs at the parks, so no one is going to be turned away; and the activity is going to be controlled, because Parks and Recreation understands the limitations and the resources available.

Phil Galloway, Calypso Kayaking, stated that he is one of the main users of Manatee Cove, and he wanted to address inaccurate photos that were taken. He went on to explain that the vendors are doing with they can to be mindful and courteous to the public using that park, and do not block anyone from utilizing the access ramps. He added that in the photo with the tents

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that had been set up, those tents were in fact set up by a school group that was there studying mangroves, it was not any of the vendors. He went on to say that a lot of things have improved since the last meeting; Manatee Cove is a beautiful park and it is underutilized; and he took his own pictures and sent them to the Board. He added that without commercial activity, the park is underutilized by the community. He stated that his suggestion is to designate approximately four parking spots for locals up front, have a designated vendor parking area, and use the extra land for overflow parking when there are no other events taking place at the park. He went on to say that he believes that the public is angry that the vendors are making money off of the use of the park and not paying to use the park; he stated that he does not have an issue with paying money to use the park; and Parks and Recreation is, instead of charging for the vendors to use the park, trying to limit when the vendors can be at the park and it is difficult to run a business that way. He shared with the Board positive customer reviews of his tours at Manatee Cove. He concluded by asking the Board to vote against the eco-tour commercial permit process.

Elizabeth Mahan, A Day Away, Inc., thanked the Parks and Recreation Department for working so hard to meet in the middle with the vendors. She went on to say that Mr. Galloway made some great points, and she does not mind paying to use the park; she agrees that the Parks and Recreation Department should benefit from vendor use. She added that she is contracted with one of the cruise lines, and they use Manatee Cove due to its proximity to the Port, and because there are manatees there a lot and that is what the guests like to come and see. She went on to say that this proposal, the way it sits, the first thing that shoots her out of business completely is the lottery, because they do not know when the cruise ships are coming in; and even if they applied for the lottery, which is not a bad idea to spread out the use of the parks, it would not be in their benefit because it is possible they will be selected to operate on days that the cruise ships will not be there. She added that aside from the lottery, the only other issues she has is with the 15 boat limit; she believes it could be bumped up to 16 boats, not including the guides; and regarding the limit of two tours a day, in order for them to keep doing what they are doing and be in compliance with the rest of this agreement, it would have to allow more than two tours a day. She went on to say that she does want to strike a balance and she appreciates all of the hard work that staff has done. She stated that another suggestion that was mentioned in a previous meeting, was to hold off on voting and going back to recreate some of the agreement; and once it has been voted on, it could be made a living document and in six months it can come back before the board to see how it is working for all parties involved.

Chairman Barfield asked if Kiwanis Park could be used to help with the cruise line problems.

Barbara Shank, Funday Tours, responded that Kiwanis Park is not as protected as Manatee Cove, and it would be very difficult; she added safety comes first, and there are days that it becomes very windy there, which would make it challenging to have people in kayaks in that area; and the experience that customers get at Manatee Cove would not be there.

Mr. Masson stated that everyone needs to remember not only the two restrictive sites that have been talked about, Manatee Cove and Pine Island, but there are 22 other sites throughout the County that basically on a case by case, providing how much parking and how much waterfront, as he mentioned before; and Parks and Recreation is also aware of the wind situation that may cause it to be unsafe to launch from a park, however there are other choices within the proposal.

John Schantzen stated that he uses Manatee Cove and Pine Island, in fact he is a volunteer and opens and closes Pine Island; he is very familiar with the area. He went on to say that it is very congested when all of the vendors are there; he has seen where people could not even go around the circle in their car to make a turn to go back and walk down; that is how congested it is, with all of the trailers and the cars that pull the trailers; and some of the vendors use their trailers as sign boards and park them on State Road 3. He added that he will attest that the

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"secondary ramp" is not a secondary ramp, it is a path made by vendors through the mangroves to access the water. He went on to say that he has a crew of volunteers that go to Manatee Cove twice a year to take out pepper trees; that area was overgrown with pepper trees, so the volunteers cut out the pepper trees but left the mangroves. He noted that one of the vendors was ticketed by the Sheriff's Department because his van had been parked there and not moved, he was warned that his van would be towed if it was not moved. He went on to say that vendors use the prime parking spots to park their trailers, and their vehicles right next to that; and the busses will take up five parking spaces when it is parked, more recently the bus driver drops the people off and goes elsewhere, but it has been horrendous. He pointed out that the "secondary ramp" that has been talked about, that is where the manatees are laying and breeding and playing. He added that accommodations are trying to be made with this agreement for the vendors to have profitable business, but the wildlife that they are so dependent on, needs to be protected, because they are affecting the manatees; in fact, one vendor advertises that customers can swim with the manatees, which State law prohibits. He concluded by stating that he believes these regulations are more than compromising, and if it were up to him it would be more restricting; and the County staff has done an excellent job, and he encourages the Board to pass this.

Commissioner Fisher inquired about how this would be enforced.

Mr. Masson stated that staff feels that it would be self-enforced; obviously if an individual at Manatee Cove has been awarded a Monday, and someone else shows up, he or she will probably be informed that they are not supposed to be there; staff is the secondary in that case, receives a call and enforces that; and there will also be park staff, on occasion, to enforce this. He added that in the process the permit has to be placed on vendor's vehicle that shows they have the right to be there at the time.

Commissioner Fisher inquired what the penalty would be for a vendor who decided to show up when they are not supposed to be there.

Mr. Masson stated that they will be informed that it is against park ordinance for them to be there operating commercial activities at the park, and if they refuse to leave, then the local jurisdictional law enforcement will be notified.

Commissioner Smith asked Mr. Masson how long staff has been studying this issue.

Mr. Masson responded approximately two years.

Commissioner Smith stated that he believes it is obvious that staff has spent a lot of time with this; and they have given a lot of consideration to the vendors as well as the tourists themselves, and he believes that it is still not perfect, but it is a great start. He suggested that the Board approve this and re-visit it in one year. He added in the meantime, staff can collect information from the vendors and everyone can work together.

Chairman Barfield asked if that was a motion. Commissioner Smith responded yes, that is a motion. Commissioner Anderson seconded.

Commissioner Fisher stated, just for discussion, the he would not be afraid to re-visit this in six months to just really look at this and assess what is going on, and if something is not right, it would not be inappropriate to bring it back to the Board to have conversation on it.

Commissioner Smith asked Mr. Masson if he is comfortable with that.

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Mr. Masson responded that staff would be more than glad to give a status update at this Board's request.

Commissioner Smith amended his motion so reflect re-visiting this in six months. Commissioner Anderson seconded.

The Board authorized the permit process for the commercial operation of watercraft in selected County owned and operated parks; approved permit fees; approved the standardized Eco-Tour Vendor Permit Agreement; authorized you to execute said Agreement on behalf of the Board; and approved the Board to revisit this in six months.

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

**ITEM V.E., BOARD DIRECTION, RE: PROPOSED AT&T CONTRACT**

The Board executed Addendum to Contract with AT&T to amend and change Pricing Schedule.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM V.F., CONTRACT FOR SALE AND PURCHASE AND ADDENDUM, RE: ACQUISITION OF THE WILLIAM J. PAGE PROPERTY AS PART OF THE PINEDA CAUSEWAY GRADE SEPARATION PROJECT**

John Denninghoff, Public Works Director, stated that this is an Item that the Board has seen before; the last time it was brought before the Board the property owner for this parcel had given staff a counter offer that was north of \$4 million with numerous other items that were associated with that, which put the value well above that; and staff is following Board direction to be open to other counter offers from the property owner while also moving towards acquiring it through legal means, other than negotiation. He added that what the Board sees before it today is a result of the negotiation aspect of things; staff remains ready to move forward with the alternative, which would be option two in the Agenda Report, however, staff feels much better about this contract as it stands and have brought it back for the Board's consideration. He went on to say that the principle issues have been resolved, other than the amount, and what staff has in writing and signed from the property owner was a purchase by the County in the amount of \$3,635,000; staff believes that may be slightly high; however, the other conditions associated with the contract as it has been agreed to, are in principle staff believes are acceptable; the main one that is no longer on the table was that the property owner was asking that the Board would pay for any repairs and modifications to the building that would be required during a two year period of time after closing; and the property owner would continue to occupy the building and collect rent, etc. He advised staff has eliminated that provision and implemented provisions where the property owner would continue to occupy for up to two years, while he gets another

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building constructed and moves the tenants into the new building; and in the meantime, the property owner would pay for any insurance and property taxes. He added that staff believes there are provisions that are reasonable to be worked out, and at this point it is just a dollar figure that staff is concerned with; the options before the Board are to accept it as written at the \$3,635,000, that is option one; option two would be to reject it as written and bring it back and move forward with the imminent domain action; and option three would be to reject the offer and make a counter offer.

Commissioner Infantini motioned to reject the offer. She added that the \$335,000 differential between the offer price and the appraised value could be used to pave roads; this person would continue to be able to collect rent on the buildings, although the County owns it, and that does not make sense; and the property owner would get \$3.6 million from the Board and collect rent and that defies logic, she is not in favor.

Chairman Barfield inquired where this money would come from and if it could be used elsewhere.

Mr. Denninghoff stated that the funds that staff is utilizing for this, \$3.1 million is from the State for the purposes of the Pineda overpass, and it would not be allowed to be used for anything other than that; anything north of the \$3.1 million comes from local funds, because the County will end up owning the remaining parcel, it is separate from the overpass because it will be used for other things; and he advised that the cost of imminent domain would probably exceed the \$3.6 million.

Philip Nohrr stated that his client, the property owner, has a successful business on this property and realizes the need for at least a portion of the property, and he is ready to move on. He added that there has been a significant difference in values on both sides; that is what negotiations are for. He went on to say the he and his client have had some discussion and have lowered the price to \$3,500,000, they feel that price along with being allowed to occupy the property until they can serve the customers and get them to a new location, which may take up to two years, but frankly with a little support they expect to be out of there sooner. He explained to the Board that the lease was never intended for the County to have any expenses while they occupy the property; it is intended and will be a triple net lease and they will take care of all of the responsibilities on the property; and he assured the Board that if the deal goes through, the property will be vacated as soon as possible. He went on to say that a replacement property has already been located and it cannot be put under contract, the seller refuses to sign a contract unless they have a deal with the County so that the seller knows that tying up the property is based on the fact that they are moving out of the existing property. He reiterated the changes to the price and responsibilities of the property owner, and he stated that the rent is insignificant and he would respectfully submit from the County's point of view, because it is going to be running a business if it starts doing otherwise; when looking at the County plans, while the property owner is still occupying the property the ingress and egress is going to change, there will be construction vehicles in front of the property and there is going to be a lot of opportunity for the tenants, the property owner, and the County to make all of that work. He added that in working with staff, he understands the needs of the County and will make it work.

Commissioner Fisher stated that the Board has the ability to take the property, it could proceed with imminent domain; it is not the typical purchase deal, where the property owner would get the rent income because the Board acquired the property, this is a situation where the Board needs it for the road and so it is taking the property. He added that Mr. Nohrr was kind enough to take his call yesterday; \$3.3 million was the appraisal price, \$3.6 million was the amount that Mr. Nohrr came back with, and that is split it came to the \$3.5 million number; he mentioned to Mr. Nohrr that if the property owner could get there then he could get there; and as long as it is

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a triple net lease situation, and the Board does not have any expense in operating, he believes \$3.5 million is a fair deal for both parties; and he added that he told Mr. Nohrr that he would make the motion if the property owner could get to \$3.5 million, and he will do so when it is appropriate.

Commissioner Smith stated that he appreciates Mr. Nohrr's efforts and County staff efforts on this; there has been a lot of thought and effort going into this on both sides. He went on to say that for him the \$3.5 million is a workable number; he was prepared to dig his heels in if it could not get there, and that is positive on both sides; the triple net lease is also a deal maker for him; and for those who do not know what a triple net lease is, it is when the property owner is going to agree to assume all the responsibilities that go with land ownership, so the County is not going to be a land owner of the property until it actually takes over. He concluded by stating that he agrees with Commissioner Infantini in principle with regard to rent, but in this particular case he believes small businesses are being served by being allowed to have time to find another place to move; the County is absolved of any responsibility to those buildings and/or business as this is strictly on the property owner; and he is in favor of this and he will second Commissioner Fisher's motion when it is made.

Commissioner Infantini suggested to Mr. Nohrr that if he and his client make it \$3.4 million, he can have a five/zero vote; she cannot waver that far from the appraised value and have the property owner collect rent; she added that it is one thing to collect the rent and sale it at appraised value, she already feels as though that is inappropriate because she knows how business is done, but this is exception, this is government and it does not operate that way; and she reiterated her suggestion.

Commissioner Fisher made the motion to accept the contract at \$3.5 million, with a triple net lease and the understanding that there is no obligation to the County until it takes full possession of the property.

Commissioner Smith stated that he would like to hear from Mr. Nohrr regarding Commissioner Infantini's suggestion of \$3.4 million.

Mr. Nohrr responded that as much as he likes a five/zero vote, he does not have the authority to authorize \$3.4 million.

The Board approved Option 3, to reject the offer of \$3,635,000, and accept the counteroffer of \$3,500,000; and authorized the Chairman to execute Contract for Sale and Purchase with William J. Page, and any other documents required for closing that are in substantial conformance with the Contract terms (specifically the reservation of rights agreement), for property located in Section 19, Township 26 South, Range 37 East, as part of the Pineda Causeway Grade Separation Project.

\*The Board recessed at 10:58 and reconvened at 11:08

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

**ITEM VI.A.1., FINAL PLAT AND CONTRACT APPROVAL, RE: ADELAIDE PHASE 1 SUBDIVISION - THE VIERA COMPANY**

Robin Sobrino, Planning and Development Director, stated that this is final plat and contract approval for Adelaide Phase 1 Subdivision in the Viera area at the north end of Stadium Parkway just before the Fiske Boulevard interchange; and it is a plat for 37 lots.

The Board granted final plat approval, subject to minor changes, if necessary, receipt of all documents required for recording and developer responsible for obtaining all other necessary jurisdictional permits; and authorized the Chairman to sign the final plat and Contract for the Project.

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

**ITEM VI.A.2., CONTRACT FOR GRANT AGREEMENT WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP), RE: JOHNSON JR. HIGH SCHOOL POND RETROFIT COST-SHARE FUNDING - DISCHARGE REGULATION, PHOSPHORUS REDUCTION, AND DENITRIFICATION PROJECT**

The Board authorized the Chairman to execute the Contract for the grant agreement with FDEP for Brevard County Johnson Jr. High School Pond Retrofit cost-share funding, subject to the approval of the County Attorney's Office and Risk Management; approved legal venue as Leon County; authorized the County Manager, or his designee, to execute future contract amendments, subject to the approval of the County Attorney's Office and Risk Management; and approved associated budget change requests.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM VI.A.3., CONTRACTS FOR SALE AND PURCHASE AND ADDENDUM WITH KEITH G. EVERETT, RE: ACQUISITION OF PROPERTIES AS PART OF THE CENTRAL DISPOSAL FACILITY/ADAMSON ROAD LANDFILL EXPANSION PROJECT (MOVED FROM II.A.7.)**

The Board approved Option 3, to accept the counter offers from seller, execute Contracts for Sale and Purchase and Addendum with Keith G. Everett for acquisition of properties as part of the Central Disposal Facility/Adamson Road Landfill Expansion Project; and directed staff to proceed with the closing.

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

**ITEM VI.A.4., CONTRACT FOR SALE AND PURCHASE AND ADDENDUM WITH DONOVAN BOGLE FOR PROPERTY OWNED BY THE ESTATE OF ROSE THOMAS, RE: PROPERTY AT TRACT 6, BLOCK 20, CANAVERAL GROVES, PART OF CENTRAL DISPOSAL FACILITY/ADAMSON ROAD EXPANSION PROJECT (MOVED FROM II.A.8.)**

The Board approved Option 3, to accept the counter offers from seller, execute Contract for Sale and Purchase and Addendum with Donovan Bogle for acquisition of property owned by the Estate of Rose Thomas, known as Tract 6, Block 20, Canaveral Groves, as part of the Central Disposal Facility/Adamson Road Landfill Expansion Project; and directed staff to proceed with the closing.

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

**ITEM VI.A.5., CONTRACT FOR SALE AND PURCHASE WITH CARLOS L. DIAZ AND NORMA DARIAS, RE: PROPERTY LOCATED AT GIessen AVENUE, COCOA, PART OF CENTRAL DISPOSAL FACILITY/ADAMSON ROAD EXPANSION PROJECT (MOVED FROM II.A.9.)**

The Board approved Option 3, to accept the counter offers from seller, execute Contract for Sale and Purchase and with Carlos L. Diaz and Norma Darias for acquisition of property located at Giessen Avenue, Cocoa, as part of the Central Disposal Facility/Adamson Road Landfill Expansion Project; and directed staff to proceed with the closing.

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

**ITEM VI.B.1., AMENDMENT 1 TO JETTY PARK LEASE AGREEMENT WITH CANAVERAL PORT AUTHORITY, RE: 9.61 ACRES OF PROPERTY ADJACENT TO, AND DIRECTLY SOUTH OF, JETTY PARK**

Stockton Whitten, County Manager, stated that this Item is a proposed extension or amendment of the lease agreement with Canaveral Port Authority; staff actually though they had some agreement on this proposal, but he found out yesterday from the port director that he believes his board is not in favor of this; and this issue is that there is 9.6 acres that was purchased in the

late 1990's through the beach and riverfront funds for just under \$900,000 that the County has leased to them for \$1 per year. He went on to say that the County should be getting more in terms of a lease; they operate a revenue operation off of the parcel, or closely associated with the parcel; and staff has been attempting to negotiate either a lease purchase agreement or a different lease agreement or a straight purchase agreement for close to two years. He added that staff thought they had some agreement, there were appraisals on both sides and staff thought they were close to getting some sort of agreement, and complicating this matter are two things; the radio communication tower project, this is one of the vaccinates where the consultant has suggested that the County place a tower; obviously it could be placed on County property, which is the 9.6 acres but it diminishes the use of that property; and staff has discussed with the Canaveral Port Authority locating the tower on their property, the problem with that is that they want to participate in the revenue sharing of that and then it is what is in the radio tower business is a short-term agreement, a 20-year agreement, so staff would have to come back and readdress that. He went on to say that the radio tower issues need to be quickly resolved, but also resolve this lease, which is expiring at the end of this calendar year; he added that because staff received the late notice that the Port Authority is not amenable to this proposal, he recommended that the Board authorize him to send a letter to the Port Authority, advising them that the lease is expiring and staff will continue to work on a negotiated agreement with them; but the Board may at some time choose to offer for sale that site to other entities.

The Board directed the County Manager to send a letter to the Canaveral Port Authority Chief Executive Officer (CEO) advising them the Lease is expiring December 31, 2015; and directed staff to continue working on a negotiated agreement with Canaveral Port Authority.

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

**ITEM VI.C.1., APPROVAL, RE: PURCHASE OF THREE (3) REPLACEMENT AMBULANCES**

Mark Schollmeyer, Fire Rescue Director, stated that this a request to purchase three replacement ambulances to replace three ambulances that are over 14 years old and have over 250,000 miles on them.

The Board approved the purchase of three (3) replacement ambulances from Wheeled Coach Industries, an approved vendor selected through a competitive bidding process (Florida Sheriffs Bid #15-11-0116, Specification 1), completed by the Florida Sheriffs Association, Florida Fire Chiefs Association, and Florida Association of Counties.

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

**ITEM VI.E.1., APPOINTMENT, RE: NORTH BREVARD HOSPITAL DISTRICT BOARD**

The Board appointed **Elizabeth Galfo, M.D.** and **Jerry L. Noffel** to the North Brevard Hospital District Board.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM VI.F.1., CITIZEN REQUEST BY KATHERINE JOHNSON, PRESIDENT/FOUNDER, FRIENDS FOR ANIMALS SANCTUARY, INC., RE: SITE PLAN AND BUILDING PERMIT PROCESS, REVIEW, AND APPROVAL FEES TO BE WAIVED IN BUILDING FRIENDS FOR ANIMALS SANCTUARY AT 2705 KYLE LANE, COCOA**

Katherine Johnson, President/Founder of Friends For Animals Sanctuary, Inc. (FFAS), stated that she is requesting a waiver of the site plan and building permit process fees that will be incurred when the 17.6 acres of land is converted into an 11 building campus to accomplish the Friends For Animals mission of rescuing the animals from the two Brevard County shelters to reduce the euthanasia rate, rehabilitate and find forever homes, as well as educate the public on good animal care. She went on to say that the money saved by not having to pay these fees will go directly to helping with construction cost. She added that the state of the art animal sanctuary will as a temporary home for possibly 250 cats, dogs, rabbits, horses, donkeys, etc., and this comes from the two Brevard County shelters or from rescues from the Sheriff's Office; FFAS does not take owner surrenders. She added that FFAS currently works with and supports the Sheriff's Office to find each animal a loving home and to stop the euthanasia rate of these adoptable animals; as well as helping these animals, the sanctuary will be employing 10 employees, 22 volunteers on each shift to help take care and enrich the animals lives; and FFAS believes this is a positive addition to the community that will be a good place for volunteering, for adopting and for the community to visit.

Commissioner Smith stated that he has been a big supporter of what FFAS has been doing from the start, however being a Commissioner he is charged with looking out for the entire community; he feels as though if the Board approves this, it will be on a slippery slope as to every time there is a feel-good proposition come before it, that person will be asking for advances and changes; and he wants the Board to weigh in on this because he is in favor of doing it, but at the same time he is concerned.

Chairman Barfield asked staff if they have received any plans, because it is hard to waive something when the Board does not have all of the details.

Robin Sobrino, Planning and Development Director, stated that the records do not indicate that anything has been brought into the department at all.

Ms. Johnson stated that is correct, FFAS is just getting ready to submit the site plan and there is just one issue with the Fire Department that is in the process of being resolved; and a soon as that is complete it will be ready for submittal. She noted that last year the Board did the same thing she is asking for, for Nana's House.

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Commissioner Fisher stated that Nana's House was really the County's property; and there are a lot of great causes out there and staff will work just as hard on this as they will on something else that has not received a waiver, and he believes that it would be difficult for the Board to do.

Ms. Johnson agreed with Commissioner Fisher, and noted that FFAS is here 100 percent to support Brevard County, the Sheriff's Office and the two shelters; FFAS is not out there doing anything for the public right now, nor do they intend to, it is not in the bylaws or the mission statement.

Commissioner Smith stated that he would like to address the fact that FFAS is here 100 percent for Brevard County, because that does distinguish what FFAS is doing from just any and every feel-good project that comes along; FFAS is benefiting the County because it is working with the other animal shelters.

Chairman Barfield stated that this is a tough situation for the Board, because there could be a substantial amount of money for wavier on this, and it is like a catch 22 the Board does not know exactly what it will be; the Board needs to discuss this further.

Pam LaSalle stated that she is very happy that Ms. Johnson and all of the volunteer are here to help the shelters; and she commented that if this is about the fees she does not care what the Board decides, but the way she read this when she saw it come up on the Agenda, it was not clear to her that this is asking that the site plan and building permit process in review be waived not just fees. She added that she wants everyone in the County that does construction to go through the site plan and building process, she does not want any of that to be waived for anyone; and there are a lot of animal issues that she could elaborate on, but in this case if it is just the fees that is being waived she has no opinion on that. Ms. Johnson clarified that it is just the fees.

Ms. Sobrino stated that she wanted the Board to be aware of the fact that there are a dozen different agencies that are involved in the site plan review process that rely upon the fees, and when it comes to building permits there are probably about half a dozen reviewing agencies that do the work to have a successful outcome with a building permit.

Commissioner Anderson inquired about the 11 buildings that were mentioned.

Ms. Johnson stated that there 11 buildings and most of them are on the agricultural, that will not be actual buildings but more like barns for the animals; which the majority will be on the agricultural side of the site, and from what she understands, FFAS will not need to pay for any permitting anyway, on those particular buildings.

Ms. Sobrino stated that the State does provide agricultural exemptions from building permits, but is a very narrow window of what exactly qualifies; and she would not be able to answer that until Planning and Development has an opportunity to meet with Ms. Johnson.

Commissioner Anderson stated that he understands that Ms. Johnson is following the advice of her engineer, but if something can be submitted so that the Board can see the scope of this will be; because it may be a total waiver or a partial waiver, but neither staff nor the Board has a way to know right now.

Commissioner Infantini suggested the Ms. Johnson ask the Board to table and re-visit this.

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The Board tabled consideration of request by Katherine Johnson, President/Founder, Friends for Animals Sanctuary, Inc., requesting the site plan and building permit process, review, and approval fees be waived in building Friends for Animals Sanctuary at 2705 Kyle Lane, Cocoa, to a future Board meeting.

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

## **ITEM VII., PUBLIC COMMENTS**

Charles Tovey stated that with regards to trees being cut down without permits the County gets paid for permits, and that generates money that could go to roads or other things; he added that all of the trees in Palm Shores have been wallowed out, aerial photos will show that; but he gets a \$600 fine for trimming his oak tree that fell over, which is another issue, he paid his fines and complied; and in argument of whether or not it was arson, he has evidence and witnesses, however there is no record of the court hearing, and the judge is retiring and everyone involved is gone, and he is left with \$50,000 in fines and liens against him because someone tried to burn him out of his house. He went on to say that he looks for the treasures in everything regardless of the situation. He wished the Board a merry Christmas and happy holidays.

Pam LaSalle stated that the Board is under the impression that there are no more feral cat colonies, however the Sheriff got a ruling through the County Attorney that the five day rule does not apply when feral cats come in, they can just be handed over to feral cat advocates that very day and they go right back into the community; and if they are going right back to the colonies that were established before 2012 she does not know; her point is that the County does not know a lot of what is going on out there with this issue; and she is concerned about the eco-tourism groups and warned them that they could be exposed to the parasite she mentioned earlier. She went on to say that the dolphins in the north part of the Indian River Lagoon are sicker than the ones in the south part, and in the counties south of Brevard feral cat colonies are illegal; she added that the newspaper reported that the bloom that started happened around Cape Canaveral, that is where first cat colonies were in this county. She added that she believes that something should be done about feral cat colonies in the ordinances; and she suggested having an animal advisory board.

## **ITEM VIII.A., STOCKTON WHITTEN, COUNTY MANAGER**

Stockton Whitten, County Manager, stated that he received a letter from Eckerd Krischenbaum and Swann (EKS) complimenting Robin Sobrino, Planning and Development Director, on the work that she does with regards to her department; and he just wanted to compliment her in this public forum. He wished happy holidays to the Board and to all of the County employees, it has been a great year for County Government.

### **ITEM VIII.A.1., DISCUSSION, RE: REFINANCING LOGT SERIES 2007 BONDS**

Stockton Whitten, County Manager, stated he forwarded to the Board a memorandum regarding the possibility of refinancing the Local Option Gas Tax (LOGT) Series 2007 Bonds; and here is a scenario where he is going to suggest that negative arbitrage can be mitigated by the savings

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that could occur if the Board went to refinance this bond deal in advance of the call date; and the Board has a par amount of \$48.4 million with a rate of five percent that matures in 2030; and the financial advisors project that if the Board went to refinance that right now it would achieve a \$3.3 million present value savings, which is approximately \$220,000 per year through 2037. He added that the Board would need to escrow \$1.8 million to pay off the bonds that are being refunded, and that is the negative escrow component of it; but he believes, as no one can predict where feds are going to go on interest rates, that the Board should take the savings now as opposed to try and mitigate the negative escrow and wait closer to the call date. He suggested that the Board authorize, or take those actions, to move forward with the refinancing of the LOGT Series 2007 Bonds.

The Board authorized County staff and the County's financing team (Public Financial Management - Financial Advisor; Nabors, Giblin & Nickerson - Bond Counsel, and Bryant Miller Olive - Disclosure Counsel) to undertake preparation of the financing documents (Bond Resolution and related documents) to refund outstanding Local Option Fuel Tax Revenue Bonds, Series 2007, for debt service savings; and once the documents are drafted, to bring them before the Board for its consideration at a future meeting.

Mr. Whitten noted that he just received the numbers on the bond financing since last year, and if the Board does the \$220,000 per year savings it would have saved, in debt service over the last year, over \$640,000.

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

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

Commissioner Fisher wished everyone happy holidays.

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

Commissioner Infantini wished everyone happy holidays.

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

Commissioner Anderson wished everyone happy holidays, and reminded everyone that his office is having its holiday open house from five to seven; there is free food, and they will be collecting items supporting the University Park Elementary School; and anyone can call his office if they need a list of things to bring.

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

Commissioner Smith stated that the Indian River Lagoon Council will become a fully independent organization on January 1, 2016; the executive director is in place and has been meeting with State and County officials and hiring staff; he added the Indian River Lagoon

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Council will really make a difference and is just getting started, and the ball is rolling; and he sees good things ahead for the Indian River Lagoon. He wished everyone happy holidays.

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

Chairman Barfield stated that Indian River Control Society has a Contract at the landfill for the remote control airplanes and stuff; the Contract started on December 11, 2012, it was for one year with two-year renewals; but the last renewal expired on December 11, 2015, and they would like to just get a 90-day extension to get through the holidays and then they can bring up another one. He asked Euri Rodriguez, Solid Waste Management Director if he has any issues with this.

Commissioner Infantini motioned for approval, Commissioner Smith seconded.

The Board approved a 90-day extension to Contract with Indian River Control Society for use of the Central Disposal Facility for flying remote control airplanes.

Chairman Barfield noted that in January he wants to begin to revisit the impact fees for transportation, and he will get with staff to find out what information the Board has; but he thinks it is time the Board brings that back. He wished everyone happy holidays.

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

**EXECUTIVE SESSION, RE: BREVARD COUNTY, FLORIDA V. WALTER E. PLATT, ET AL, CASE NO. 05-2013-CA-072132-XXXX-XX**

Chairman Barfield read aloud the Executive Session Statement.

**ADJOURN**

Upon consensus of the Board, the meeting adjourned at 12:03 p.m.

ATTEST:

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

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SCOTT ELLIS, CLERK