

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 April 19, 2016 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

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

INVOCATION

Father Matthew Mello, Divine Mercy Catholic Church, Merritt Island, provided the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Andy Anderson led the assembly in the Pledge of Allegiance.

ITEM I.A., RESOLUTION, RE: RECOGNIZING THE MONTH OF MAY AS WATER SAFETY AND DROWNING PREVENTION MONTH

Commissioner Barfield read aloud, and the Board adopted Resolution No. 16-044, proclaiming the month of May 2016 as Water Safety and Drowning Prevention Month.

A representative expressed appreciation to the Board for the Resolution.

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

ITEM I.B., RESOLUTION, RE: RECOGNIZING THE 25TH ANNIVERSARY OF THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM

Commissioner Barfield read aloud, and the Board adopted Resolution No. 16-045, celebrating the 25th Anniversary of the Environmentally Endangered Lands Program.

Mike Knight, Environmentally Endangered Lands Manager, provided the Board with a PowerPoint presentation.

Kim Zarillo, Chairman of Selection and Management Committee and a Member of the Procedures Committee, expressed her appreciation to the Board for the Resolution.

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

*County Attorney Scott Knox's presence was noted at 9:11 a.m.

ITEM I.C., RESOLUTION, RE: CONGRATULATING TIM MUTH AND FLORIDA TECH COLLEGE OF BUSINESS STUDENTS FOR COMPETING IN THE GEORGIA STATE UNIVERSITY CIBER INTERNATIONAL BUSINESS CASE CHALLENGE

Commissioner Infantini read aloud, and the Board adopted Resolution No. 16-046, congratulating Florida Tech instructor Tim Muth and students Erin Pittman, Pablo Cuervo Cano, and Charlotte Hoyt for competing in the Georgia State University (GSU) Center for International Business Education and Research (CIBER) International Business Case Challenge.

Tim Muth expressed his appreciation to the Board for the Resolution.

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

ITEM II.A.1., SOVEREIGNTY SUBMERGED LANDS LEASE WITH BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, RE: GRIFFIS LANDING

The Board authorized the Chairman to execute the Sovereignty Submerged Lands Lease Renewal with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the renewal of use for the waterfront amenities at Griffis Landing.

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

ITEM II.A.2., FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION COST-SHARE AGREEMENT NO. S0766, RE: BREVARD COUNTY SOURCE REDUCTION AND LEGACY LOAD REMEDIATION OF MUCK IN THE INDIAN RIVER LAGOON

The Board authorized the Chairman to execute Cost-Share Agreement Contract #S0766 between Brevard County and the Florida Department of Environmental Protection for the Source Reduction and Legacy Load Remediation of Muck in the Indian River Lagoon Project; 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.

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

ITEM II.A.3., FINAL PLAT AND CONTRACT APPROVAL, RE: LAKE ANDREW DRIVE SOUTH EXTENSION NO. 1, PHASE 1, THE VIERA COMPANY

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

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

ITEM II.B.2., AMENDMENT TO INTERNAL AGREEMENT WITH THE CITY OF PALM BAY, RE: REDUCTION IN YEAR ONE PAYMENT

The Board executed an amendment to the Interlocal Agreement with the City of Palm Bay for a reduction in the Year 1 payment from \$502,235 to \$474,230.

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

ITEM II.B.3., FEDERAL TRANSIT ADMINISTRATION (FTA) FISCAL YEAR 2016 CERTIFICATIONS AND ASSURANCES, AND DESIGNATION OF SIGNATURE AUTHORITY, RE: TRANSIT AWARD MANAGEMENT SYSTEM (TRAMS)

The Board authorized the Chairman to execute the Fiscal Year 2016 Certifications and Assurances for Federal Transit Administration (FTA) Grants; and authorized the Transit Services Director to execute the Certification and Assurances electronically.

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

ITEM II.C.1., APPROVAL, RE: POLICY BCC-25 - PROCUREMENT

The Board approved the proposed revisions to Board Policy BCC-25, Procurement.

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

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

The Board approved the Budget Change Requests as submitted.

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

ITEM II.D.2., WAIVER OF TITLE DEFECT FOR CONTRACT FOR SALE AND PURCHASE WITH CARLOS L. DIAZ AND NORMA DARIAS, RE: CENTRAL DISPOSAL FACILITY/ADAMSON ROAD LANDFILL EXPANSION PROJECT

The Board waived a title defect for the acquisition of the Central Disposal Facility/Adamson Road Landfill Expansion Project; and authorized the County Attorney's Office to proceed with 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 II.D.3., APPROVAL OF 2016 - 2020 LOCAL WORKFORCE SERVICE PLAN SUBMITTED BY BREVARD WORKFORCE DEVELOPMENT BOARD D/B/A CAREERSOURCE BREVARD, RE: COMPREHENSIVE FOUR-YEAR PLAN

The Board approved the four-year Local Workforce Services Plan developed by Brevard Workforce Development Board dba CareerSource Services Plan developed by Brevard Workforce Development Board dba CareerSource Brevard; and authorized the Chairman to sign.

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

ITEM II.D.4., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

The Board appointed/reappointed **Larry Boudrie** to the Housing Finance Authority, with term expiring May 1, 2020; and **J. B. "Barry" Forbes** to the Housing Finance Authority, with term expiring May 15, 2020.

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

ITEM II.D.5., APPROVAL, RE: BILLFOLDER

The Board approved the Billfolder, as submitted.

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

ITEM II.B.1., PERMISSION TO ADVERTISE, RE: WICKHAM PARK PEDWAY CONSTRUCTION

Commissioner Infantini stated she is passing out some information to the Board; the Pedway Project was not actually in the Referendum; and she just wanted to show the Board what the Referendum said. She went on to say for the viewing public, Item II.B.1. is to construct a Pedway at Wickham Park; there are things that were in the Bond Referendums of 2000 and 2006 that have not been completed that should be completed; there were many additions to the Parks and Recreation Bond Referendum that were added that perhaps should not have been added; and the reason she is pulling this is at Wickham Park the County constructed a community center which costs roughly \$3 million. She stated right after it was constructed, it was turned over to the City; it was paid for from tax dollars collected throughout the County; and it was not needed by County resources, yet it was constructed, and she is not sure why. She pointed out the Bond Referendum, which was pitched to the Board had a senior center on there that was supposed to cost roughly \$500,000; and instead, the County constructed a senior center for plus or minus \$2.5 million. She advised the Board, has had a hard time staying within its budget of what it originally went out to the public for; and she thinks she needs to see what really needs to be done rather than putting one project on the Agenda at a time. She inquired what the choices are. She stated if the Board has \$500,000 remaining to make improvements at a park, she thinks one of the more important improvements that should be made rather than putting in a Pedway is put coverings over the playgrounds; she goes to the playgrounds throughout South Brevard County; she brought this up around two years ago saying how the playground equipment is too hot for the children to go on; if a person puts his or her hand on one of the slides, it is too hot; and little children are allowed to walk up a ladder and slide down the slide. She asked the Board to table the Item so it can see what the choices are for the remaining funding that is still in the Bond Referendum; she stated she thinks what is more important is to protect little children from playing on equipment that is too hot; and that is more important than replacing the Pedway. She noted she would like to see a prioritization of things

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the Board would like to have done as opposed to just throwing one Item on the Agenda at a time.

Motion by Commissioner Infantini to table the Item.

Jack Masson, Parks and Recreation Director, stated in respect to Commissioner Infantini, the Pedway was identified as a project in the Parks Referendum; this is not a replacement Pedway as indicated, it is a new Pedway; right now they have hundreds of visitors to Wickham Park who use the roadway for walking, jogging, and bicycling; and this is an opportunity to move those individuals off of the road onto a safe Pedway area.

Commissioner Infantini stated had the Board not built the \$3 million community center that was not needed and is not being subbed out to the City of Melbourne, the Board would have had \$3 million to build a Pedway and put coverings over all of the playground equipment in the South County; but instead, the Board went ahead and built that. She pointed out there are many items on the Pedway listing, such as a softball and soccer field at the South Beach Community Park, which never went in; and there are a lot of items that have not gone in yet. She stated maybe instead of putting in a Pedway or softball field at the South Beach Community Park, coverings could be put in so children can play on the equipment safely.

Commissioner Smith inquired what Commissioner Infantini means by coverings. Commissioner Infantini replied one of those tarps. Mr. Masson advised the Board it is called a shade canopy that goes over the playground. Commissioner Infantini stated prior to Commissioner Smith being on the Board, the past Board did not think that protecting the little children was important.

Commissioner Smith seconded the motion. He stated he does not think there is anything urgent regarding this Item; and it would be worthwhile to the Board to look into it.

Commissioner Fisher inquired where is staff in the Pedway process, and what has it taken up to this point to do it.

Mr. Masson responded the Pedway, as the Agenda states, is fully designed and permitted; the purpose of the Agenda is staff has requested for in house labor, the Public Works Department, because of State Statute the project is over \$300,000; it requires a public hearing; and this is a request for a public hearing so staff can come back to the Board after a 21-day advertisement.

Commissioner Fisher stated this is Commissioner Smith's District if he wants to look at it he is comfortable with it. He went on to say one of the things as an elected official they have to do regarding Referendum dollars, the County has to go out and say it is doing certain projects, and he has been diligent in his District making sure he does what the Board says it is going to do for the public; he clearly looks at the South Brevard Referendum Project and it says Pedway as one of the Items the Board told the public that would be done; and he would hope if the funds were there to do it, he would hope it would be done. He noted there is someone who voted for the Referendum who wanted the Pedway; he stated the Board told the public it would do that if the money was there; and he wants to be careful the Board does what it says it is going to do. He stated it does concern him not going forward with it.

Chairman Barfield stated he does not see where covers for playgrounds would fit in based on the Referendum. Mr. Masson replied he believes what Commissioner Infantini is saying is covers is part of a playground installation; it is an additional issue in her opinion they need to have; there are approximately three covered playgrounds in the park system currently; and he cannot refute the benefit of a cover. He stated the Board, through Commissioner Infantini, did ask staff to look at that previously; he worked up a cost estimate and provided it to her office; and to outfit the total playground structure with covers was excessive.

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Commissioner Infantini stated Rodes Park on the original Referendum was supposed to cost \$5 million; it ended up costing the County over \$20 million; it is a nice park; but the playground equipment there is way too hot. She went on to say parents take their younger children to the playground when their older children are playing on the soccer fields; she went to the Field of Dreams playground with her grandchildren the other day; and some of that equipment is hot.

Commissioner Fisher stated there are shade structures on the Field of Dreams playground in some areas; even with shade structures, there will still be some hot areas at some point in time; and he inquired if the Board lived up to the \$260,000 for playgrounds in the Referendum. Mr. Masson replied at Wickham Park playgrounds were put in; and staff put every playground in that was indicated in the Referendum.

Commissioner Smith inquired if the Public Works Road and Bridge cost estimate for this Pedway would be \$459,000. Mr. Masson replied affirmatively. Commissioner Smith inquired if Commissioner Infantini is suggesting not doing the Pedway at all.

Commissioner Infantini replied she is suggesting getting a list of everything that needs to be done that qualifies under Bond Referendum money and then Commissioner Smith, Commissioner Anderson, and herself ranking all of those projects that remain or need to be done; it could be the most important thing; but if instead there could be covered eight playground sections that accommodate small children, then maybe that should be put on the table as well.

Commissioner Anderson stated the way he looks at it is to try to get projects that provide the greatest impact for the most people; he has been to Wickham Park many times, and the playgrounds, even during the winter are not utilized by hundreds of kids; and he has seen hundreds of people walking and bicycling on weekends there. He noted he feels this would have the greatest impact to the most residents; and he is okay with the Pedway. He stated he did not take his kids out during the day because of the damage from the sun; and they did go to the playgrounds in the evenings.

Commissioner Infantini stated when her kids were in soccer and baseball, those games are during the day and not in the evenings; most small children are sleeping in the evenings.

Commissioner Anderson stated that is a choice parents have to make; and this Pedway has the greatest impact for the most people.

Commissioner Fisher stated the Board Members cannot just do things for their own families. He inquired if \$506,000 was spent in engineering for the Pedway. Mr. Masson replied that is the estimated probable cost by the engineer for the completed project; it has been engineered and all permits are in hand. Commissioner Fisher inquired if this money is not put towards this is there additional dollars in the Referendum to build this Pedway later down-the-road. Mr. Masson clarified by saying the total project including the engineering, probable cost from the engineer was \$500,000. Commissioner Fisher inquired if the Pedway is not done after paying \$500,000 for the engineering, is that money gone. Mr. Masson replied affirmatively.

Commissioner Infantini stated no one said not to build the Pedway; she discussed prioritizing the projects; and the engineering would not go away for the Pedway. She noted she is not doing this just for her family members; but it is because she has family members that she goes out to the County facilities.

Commissioner Smith stated hearing the conversation, he thinks the Board should go ahead with the Pedway; Commissioner Anderson is correct, there are hundreds of people who walk in Wickham Park; it is something worthwhile to look at regarding covers for the playground

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equipment; and his suggestion would be to look into the cost and bring back numbers to the Board.

Commissioner Smith removed his second to the motion.

The Board authorized the advertise of public hearing to determine whether it is in the public's best interest for Brevard County Public Works Department (Road and Bridge) to perform the services necessary for the construction of the Pedway in Wickham Park for Brevard County Parks and Recreation Department.

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

ITEM III., PUBLIC COMMENTS (30 MINUTES)

Joe Stanfield, 5780 Claiborne Street, Viera, stated he wants to make a few statement regarding losing the Nationals and maybe acquiring someone else; he moved to Brevard County a few years ago; where he was living in Georgia, he had a three-hour drive to the Veterans Administration; and they decided to look for a place to move. He went on to say they found Viera and Brevard County; one of the sales was the VA is one of the best ones he has ever been to, and professional baseball is therapeutic; last week he drove to where they are building the facilities for the Nationals; the last game of the season they were here, WESH 2 News interviewed him because his golf cart had been signed by the entire National Baseball team; and he told WESH 2 once a community loses a professional sports team, it is gone. He noted there are 19 counties in the United States that host spring training; out of approximately 7,000 counties, Brevard was one of them; Osceola County, Orange County, and Brevard County have lost teams; the Braves said they would entertain moving to any other county in the State of Florida; and the Braves moved to Orange County from Palm Beach County 20 years ago. He stated Major League Baseball is going to expand by two teams in the next two or three years; he lives in Viera, but from his research, pro baseball has been in Brevard County over 100 years; and every year Brevard County Manatees start the season with a series where they play Daytona. He stated he knows the Braves would be interested in coming to Brevard County; and he inquired if the Manatees are going to be moving to Osceola County.

Chairman Barfield stated he grew up in Brevard County seeing Houston Colt 45's as a child; and it was an amazing time growing up. He pointed out the problem now is it is such a big money business; Palm Beach County is putting up \$140 million for a team; and Brevard County cannot compete with that.

Commissioner Fisher stated Minor League Baseball, like the Manatees, has a value for every community; they are constantly in contact with the Manatee ownership regarding Brevard County opportunities; and he would be glad to speak with Mr. Stanfield about that at some point in time. He went on to add there is value in having baseball in the County, and they are trying to find a way to keep that.

Tim Tumulty, Cocoa Beach Mayor and Member of Space Coast League of Cities, introduced Stephany Ely, Past President of the Space Coast League of Cities and Chairman of the Environmental Committee for Space Coast League of Cities. He went on to say he sent an

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email to all the Board Members with the Indian River Lagoon Regional Compact, and the Board has a hard copy he provided to it this morning; they represent approximately 60 percent of the residents in Brevard County; last week during the monthly board meeting, they unanimously voted to affirm the Indian River Lagoon Regional Compact; and Dr. Duane DuFreese is the lead author of the Compact. He stated the mission statement is 'One Lagoon, One Community, One Voice'. He advised the Board tomorrow morning at 10:00 a.m. in Fort Pierce, the Treasure Coast Regional League of Cities will be affirming the Compact as well; Stewart Glass, the President of Space Coast League of Cities, and he will attend the meeting to show solidarity; on Saturday, April 30th at 2 p.m. at the Lagoon House in Palm Bay, members from each municipality in the County will be signing the IRL Regional Compact; and he invited the Board to both attend and sign the Compact, as they need the entire County to back the Compact.

Ms. Ely stated they would ask the Board to strongly consider bringing the Compact before the Board and endorsing and ratifying that Compact.

Charles Tovey stated his parents had to watch him get attacked again; he just bought a car, and within an hour, two houses away from his parents' home, they ran his tag; how they ran his tag with another car behind him, he does not know; and he is driving with a suspended license because of failure to submit to a breathalyzer. He stated after taking the course he followed the right procedures and he received a 95 percent; and he is waiting to straighten all this stuff out. He noted he only has two cats left; and they did get fixed. He stated eight years ago he came up here, and this is what America is founded on, principals he adheres to. He pointed out he saved the Lagoon. He added his parents are 80 and 90 years old; it was bad enough he got attacked; and it was not until his parents were attacked that he started coming to the meetings.

ITEM IV.A., RESOLUTION, RE: PETITION TO VACATE PUBLIC UTILITY EASEMENT - U.S. HIGHWAY NO. 1 - HALEY SUBDIVISION, MELBOURNE - WILLIAM AND KELLY NEELEY

Chairman Barfield called for a public hearing to consider a resolution vacating public utility easement on U.S. Highway No. 1 - Haley Subdivision, Melbourne, as petitioned by William and Kelly Neeley.

There being no comments or objections, the Board adopted Resolution No. 16-047, vacating a public utility easement on U.S. Highway 1, Haley Subdivision, Melbourne, as petitioned by William and Kelly Neeley.

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

ITEM IV.B., RESOLUTION, RE: PETITION TO VACATE FOURTH STREET PUBLIC RIGHT-OF-WAY - ISLAND BEACH, SHEET NO. ONE - BROOKS CADORIN; BENJAMIN KELLER; NORMAN B. AND MARY R. MCGRATH; CARLA ELBERSE; AND DYLAN GREEN

Chairman Barfield called for a public hearing to consider a resolution vacating Fourth Street public right-of-way - Island Beach, Sheet No. One - Brooks Cadorin; Benjamin Keller; Norman B. And Mary R. McGrath; Carla Elberse; and Dylan Green.

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There being no comments, the Board adopted Resolution No. 16-048, vacating Fourth Street public right-of-way, Island Beach, Sheet No. One, as petitioned by Brooks Cadarin; Benjamin Keller; Norman B. And Mary R. McGrath; Carla Elberse; and Dylan Green.

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

ITEM V.B., RESOLUTION, RE: IMPERIAL SOUTH INC. DENYING FUTURE LAND USE MAP CHANGE

The Board adopted Resolution No. 16-049, approving the Findings of Fact upholding denial of the request for a Comprehensive Plan amendment on property owned by Imperial South Inc., east of Wickham Road.

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

ITEM V.A., RE: RESOLUTION, RE: IMPERIAL SOUTH INC FINDINGS OF FACT, REZONING

The Board adopted Resolution No. 16-050, setting forth the Findings of Fact and Conclusions of the Brevard Board of County Commissioners pertaining to the denial of request for Rezoning from PIP to RU-2-15 on 30.7 acres on property owned by Imperial South Inc.

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

ITEM V.C., RESOLUTIONS, RE: SECTION 108 LOAN - HEALTH DEPARTMENT AND WEST CANAVERAL GROVES WATERLINE

Ian Golden, Housing and Human Services Director, stated last April the Board provided approval to seek two Section 108 loans through United States Housing and Urban Development (HUD) and also approve the County Manager signing a loan document using the Community Development Block Grant (CDBG) allocation as the payer for the loans and approved setting aside and reserve the General Fund as the payer of last resort; they have moved to the point of the process where staff has received the loan documents from HUD, among them was the two resolutions, one for each project, West Canaveral groves Waterline and the Health Department building; and he asked the Board to re-approve those resolutions as it did last April.

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The Board adopted Resolution Nos. 16-051 and 16-052, from the United States Department of Housing and Urban Development (HUD) pledging Community Development Block Grant (CDBG) funds to repayment of Section 108 Loan Guarantee and making provisions for the payments of any deficiency from the General Fund for the construction of a Health Department building in Melbourne and a waterline in West Canaveral Groves; and authorized the County Manager to execute a HUD Section 108 Loan Guarantee Contract, Note, and any related documents containing that pledge.

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

ITEM VI.A.1., WAIVER OF SIDEWALK, RE: LOREN COVE SUBDIVISION - THE VIERA COMPANY

The Board approved a waiver to Section 62-2956(b)(2), which requires a sidewalk on both sides of the street in a residential subdivision for Loren Cove Subdivision.

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

ITEM VI.A.2., PRELIMINARY PLAT/FINAL ENGINEERING APPROVAL, RE: LOREN COVE SUBDIVISION - THE VIERA COMPANY

The Board granted preliminary plat and final engineering approval for Loren Cove Subdivision, subject to minor engineering changes, as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

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

ITEM VI.C.1., BOARD CONSIDERATION, RE: REQUEST FOR RETROACTIVE REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR WISMER INVESTMENTS LLC, MELBOURNE

Robin DiFabio, Planning and Development Director, stated this is a request for a reduction retroactively of a fine that was paid; this relates to a piece of property that was in violation; it was purchased at a tax deed sale for \$20,000 below market value; it was purchased by Wismer Investments; and Wismer Investments brought the property into compliance 2015. She went on to say at the time of the tax deed sale, the money that was disbursed from the tax deed sale to Code Enforcement was \$14,025; of that amount, \$550 was applied to the court costs; and the

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remainder, \$13,475, was helped to retire the fine. She pointed out the fine still had an additional \$300 due, and Wismer Investments paid that; this all took place August 2015; and this all transpired during the last Fiscal Year. She stated Mr. Wismer is now requesting the Board to consider a reduction in that fine so that the monies that were collected by the County could instead be applied to a housing mortgage that is also on the property, and that is why Ian Golden, Housing and Human Services Director, is joining her. She advised the Board that since this was a transaction in the Fiscal Year 2015, in order to transfer those funds to the housing mortgage, the Board would need to be able to locate funds in the General Fund Reserves in order to apply those to the housing mortgage.

Commissioner Anderson inquired if the money the County's actual costs were covered. Ms. DiFabio replied under the Special Magistrates recommendation it would be covering the County's actual costs.

Charles Wismer, Wismer Investments, stated he was informed he can talk about an outstanding mortgage lien on the property based on United States Housing and Urban Development's (HUDs) grant program. He went on to say the property was purchased at a tax auction; it had two recorded liens on it, one was a Code Enforcement lien for \$14,000 for high grass; it accrued \$25 a day for 2014; the second lien on the property was recorded as a mortgage lien; and the mortgage lien was around \$90,000. He pointed out it was not recorded as a County lien it was recorded as a mortgage lien in the lien disclosures. He noted the confusion on this property, and the reason why a lot of people bid on this property, was because a mortgage lien is typically wiped out in a tax auction, it is a junior lien; however, this mortgage lien also happens to be a County lien; it is not a standard mortgage as there are no payments on it, it is a government grant; and it is forgiven at a rate per year, but it is recorded as a mortgage. He stated in future mortgage auctions, it may be better to disclose that as a County lien and not a mortgage, and the situation would probably be avoided. He added the property he acquired had a prior resident who was under the grants program, which was deceased around 2012; two years after that the grass lien had begun; and he inquired if anyone was aware of the death of the occupant of the property. He stated he has a mortgage that says in the event of the death of the occupant, the mortgage is terminated; at any time Housing and Human Services could have foreclosed on the mortgage; they could have taken the house back from the squatters who were living there; the Code Enforcement lien would not have happened; but none of that occurred. He asked the Board that the lien be forgiven based on the fact he cut the grass immediately after having access to the property; he stated the mortgage was never foreclosed upon; and this should have never gone to a tax auction. He pointed out the owner died in 2012, and yet there is no forgiveness for 2012, and she did occupy the house for 10 and one-half months of that year; and he would like to seek an adjustment for the last \$4,000 the County expected. He stated had the forgiveness continued to run to the date of the auction, there would be no mortgage balance left; at his cost it cost \$21,000 in necessary repairs; it had mold problems, plumbing issues, the septic system needed reworking, and the air conditioner was shot; and these are things that would typically be allowable under the program for the housing option.

Commissioner Infantini inquired why the County did not foreclose on the property.

Mr. Golden replied because the mortgage documents that Mr. Wismer is referring to also asked for other options for remedy, one of which is for a relative who is income eligible may move in to the home; the heir was actually working through the application process; the home went into probate; and staff was waiting for that process to finish so the application process could be completed. He went on to say it went to tax deed sale while that was going on, and the Housing and Human Services Department does not get notification of that until it actually goes to sale.

Mr. Wismer stated it allows for remedy.

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Commissioner Infantini inquired if it should go through probate or foreclosure procedurally.

Stockton Whitten, County Manager, stated Mr. Golden wants to explain the conditions and requirements of the HUD mortgage, and he needs time to do that; obviously the property went to probate; and Mr. Golden has facts the Board needs to be aware of.

Mr. Golden stated this property is actually a full replacement home which was accomplished by grant funds; those grant funds have requirements regarding eligibility for use of those funds; therefore, anyone who takes over that property, they would have to sell it to someone who is income eligible for they would have to repay their lien. He noted those liens are standard on every project staff does no matter the size of the project, those are put in place; there was nothing different about this process than was used with any other process; while it is under the Board's purview to release the lien, the Housing and Human Services Department is not recommending that; the fear is when looking at the bigger picture, if a lien is released to a Limited Liability Company (LLC) a homeowner can come to the Board as a hardship and ask it to release the lien so the home could be sold and retain the profit as opposed to coming back into the program is an issue; and it is also an issue for the funding sources. He added that is why the loan documents and agreements are set up the way they are that they do forgive at a certain percentage every year; if it is a 30-year lien, it is usually 1/30th per year; typically it is not done by month; and it is a one time a year at the anniversary of the signing that the dollar amount is released for that year. He pointed out it freezes when there is a default; staff then works with the homeowner, in this case the homeowner was deceased, and staff was working with the heir to try to remedy that default; and it went into probate and these things occurred. He stated the Housing and Human Resources Department liens survive tax deed sales; that is clear and should have been known for anyone who was attempting to buy the property.

Commissioner Anderson stated for this Item it is a release of Code Enforcement liens, and a separate Agenda Item may be needed later on about the other issue; it is not a nuisance for the neighbors anymore; the costs related to the cost of Code Enforcement have been erased; and he is fine with making a motion to release \$9,572 from General Fund Reserves to reimburse for the Code Enforcement lien.

Chairman Barfield stated he has an issue with this; this is an investor; when he invests in something, he does his homework; and he would assume Mr. Wismer would know all of this before going in.

Commissioner Anderson stated he agrees with Chairman Barfield, but he would rather have an investor come into the neighborhood, buy the house, and get it up to standards for the neighborhood; he knows they are trying to make a profit, but in the end, it would be a higher property value on the surrounding properties; and he does not want to scare away investors in the future.

Chairman Barfield advised most of the time a person flips a house and does well.

Commissioner Smith stated he agrees with Commissioner Anderson in that the Board should be encouraging people to improve neighborhoods, but at the same time he agrees with Chairman Barfield; he has done these types of things himself; and a person has to do their due diligence. He went on to say if there is something a person does not do, then shame on them. He stated he has to consider the fact the Board would be setting a bad precedent if the Board agreed to waive this. He noted he is sympathetic, but he has to look at the big picture.

Commissioner Fisher inquired how is the lien recorded and how does it appear on the tax record.

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Mr. Golden responded his understanding is that the County is in the first position with the mortgage.

Commissioner Fisher inquired if it is Brevard County or US Housing.

Mr. Golden replied he does not have the mortgage papers in front of him.

Commissioner Fisher stated it says the lien in favor of the Board of County Commissioners.

Mr. Golden stated ultimately the purpose of these grants is affordable housing; the property going into the possession of the LLC will turn around and flip it, and the County will have no say so in who is purchasing it and if they meet income eligibility; and that is kind of against the principals of the grants, which is why the liens are put on them in the first place to protect the interest for the County and for the grant funders. He stated that is why they either seek a payoff or move to someone who is income eligible; and going to an investment company does not meet either of those.

Commissioner Infantini stated she is not as worried about Code Enforcement as she is about the lien; the lien needs to be paid off to the County; and the Code Enforcement for the grass not being cut is a separate issue for her. She went on to say she wants to make sure the lien is paid off to the County that provides funding for the low income housing the way it is designed.

Mr. Wismer advised the Board approximately \$70,000 of the \$90,000 lien is paid off in surplus funds; but the Housing and Human Services Department states they are allowed to transfer that to another family member; the people who were supposed to be family members were squatters posing as family members; and there is no documentation they were family. He stated there is only a 90-day period allowing that transfer for the mortgage to go over to a family member; it has been three or four years here; and that is not 90 days.

Commissioner Infantini inquired if there were people in probate trying to get the property; and were they doing it within the 90 days.

Mr. Golden replied what staff has informed him is that they have been working with the heir of the home to work through application process to make sure they were income eligible; the property went into probate; that kind of put everything on hold while that process was worked through; during that time period it went to tax deed sale because the heir did not keep up with paying the taxes in the interim; and as for the lien itself, there is still a balance of about \$35,000 that is owned on the lien on the property after the County has been paid off from the proceeds of the tax deed sale.

Commissioner Infantini stated personally she is in favor of making sure the whole lien is paid off and to rescind part of the Code Enforcement fine to use those proceeds to pay for it, because as long as the grass is mowed and it is compliant now, that is mostly what the Board is for, including the out-of-pocket costs.

Mr. Wismer stated if he paid the balance of the mortgage he would like the grass lien to be forgiven considering it is just high grass accrued by squatters and the deceased prior resident; and the lien was recorded against the deceased person after death.

Chairman Barfield stated Mr. Wismer made a statement that it was the squatters and not really the heirs; and he inquired if Mr. Wismer has any proof of that.

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Mr. Wismer replied when they were going through the title action, the heir was almost impossible to find, nobody had any record of the heir; and one of the people who were living in the house was posing as the daughter.

Commissioner Infantini stated she does to hold this person like a judge and jury.

Chairman Barfield advised when facts are thrown out he wants to know it is substantiated facts before the Board makes a decision.

Mr. Wismer noted the best thing for the County would have been to foreclose on the property due to many conditions that it did not meet based on the Housing program, and to give it to another family member; but instead, Housing and Human Services went three or four years and let the property get in this condition, and finally the thing that scooped it up was the tax auction.

Commissioner Smith inquired how much the grass lien is for.

Mr. Wismer replied \$14,000.

Motion by Commissioner Anderson, seconded by Commissioner Infantini, to release the \$9,572 only after the remainder of the mortgage lien is satisfied.

Commissioner Smith inquired what the \$9,572 represents.

Commissioner Anderson replied that is the Code Enforcement fine, minus the County's actual cost in Code Enforcement action, like the labor costs; and this is pure profit from the fund.

Chairman Barfield inquired if that is coming out of the General Fund.

Mr. Wismer pointed out only \$550 of the \$14,000 is the labor costs.

Mr. Whitten stated the motion is to pay off the mortgage lien and then if the mortgage lien is paid off, the Board will forgive the Code Enforcement portion to the tune of \$9,572.

Scott Knox, County Attorney, stated before the Board makes a final decision Ms. Berrios in his office has something to ask.

Cristina Berrios, Assistant County Attorney, inquired who Brian L. Miller Trust is; and she stated it seems this property was sold to them by warranty deed on the 8th of February 2016.

Mr. Wismer responded due to all of the things going on, on this property, he normally resells properties, this house due to all of the liens could not be sold to a family with any good conscience; Mr. Miller is an investor in the County; and he specializes in rentals. He went on to say Mr. Miller took over the property, however he is 100 percent on the hook to him for any liens or foreclosures on it as there is a recorded document between the two of them.

Commissioner Fisher inquired if Mr. Wismer put \$21,000 into the property.

Mr. Wismer replied affirmatively, but after the liens he will be in the negative by \$20,000.

Commissioner Fisher stated he sold the property for \$121,000; Mr. Wismer paid \$76,000 for it; and he put \$21,000 into it; and he is into the property for \$97,000.

Mr. Wismer pointed out he only included the direct repairs that the County would have had to make, he has more costs than that; he paid \$76,000 for the property; he ended up putting an

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additional \$21,000 very necessary repairs to it; there is an additional \$10,000 in improvements he made to the property; and then by attaching a \$34,000 lien to it, it is somewhere in the range of \$140,000. He noted he sold it for \$121,000, minus commission, and he is negative around \$21,000 on the property. He stated the \$4,000 that is left on the grass lien is not a cost it is a pro-rata calculation the Special Magistrate made; the Clerk did not disburse the money properly; and when they disbursed it, that did not incorporate the HUD lien at all.

Mr. Whitten clarified by saying Mr. Wismer has already paid the \$9,572; if the Board accepts the motion as presented, payoff the County lien, and after that his \$9,572 would be forgiven; and the County would actually be writing him a check for the \$9,572.

Mr. Wismer stated he does not want a check; he wants the money to go toward the mortgage.

Mr. Whitten pointed out the Board does not want the money to go toward the mortgage; it wants Mr. Wismer to pay off the mortgage.

Commissioner Fisher inquired if the mortgage was satisfied in the closing.

Commissioner Infantini stated there is still \$3,400 outstanding on the mortgage; and she does not understand what difference it makes if the Board gives him back the \$9,572 or forgives the \$9,572 and apply it to the mortgage, it is coming out of the same pocket.

Mr. Whitten stated it is precedent setting on the part of Housing and Human Services regarding the lien; the motion was to satisfy the lien, and then address the Code issue; and he is just saying Mr. Wismer has already paid the \$9,572, and that would be refunded to him.

Commissioner Fisher inquired if the lien has been paid off already.

Mr. Wismer replied affirmatively, and the grass lien was paid in full due to a Clerk error.

Commissioner Fisher inquired if the mortgage lien is still outstanding on the property.

Diana Yuan, Assistant County Attorney, stated the Clerk is statutorily assigned the duty of disbursing any surplus from the tax deed sale; technically, if the Code lien was reduced, the surplus should go back to the Clerk to redistribute. She advised since Brevard County is the only government that holds a lien on the property, that would simply come back to the County; but if the City of Cocoa had a lien on the property, the Clerk would have to distribute that pro rata.

Commissioner Fisher inquired if the lien that was on the property by Brevard County paid off when he sold the house on February 8, 2016.

Commissioner Infantini replied not the mortgage lien; \$34,000 of the mortgage lien is still outstanding; and the Code Enforcement lien got paid off.

Commissioner Fisher inquired how the County has a transaction of a sale and it has an outstanding lien on it, and the lien is either assumed or paid off.

Attorney Knox replied the property can be sold subject to the liens on the property. He went on to say a person has a title to property that is encumbered by a mortgage.

Commissioner Smith inquired if Commissioner Anderson would change his motion to split the \$9,572 down the middle.

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Commissioner Anderson replied it is just pure profit to the County; it is \$9,572; and government blows \$9,572 in one-half hour on pencils and pens.

Chairman Barfield called for a vote on the motion. The Board approved a retroactive fine reduction to \$4,203 and agreed to refund the remainder of \$9,572 to the applicant from the General Fund Reserves once the applicant, Wismer Investments LLC, has paid off and satisfied the Housing and Human Services Department Mortgage Lien on the property.

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

ITEM VI.D.1., VIERA DEVELOPMENT OF REGIONAL IMPACT (VIERA DRI), LETTER OF CREDIT, RE: BARNES BOULEVARD WORK DUE UNDER RESOLUTION NO. 14-120, REQUEST TO REDUCE AMOUNT

Scott Knox, County Attorney, stated this is a request for reduction of letter of credit that The Viera Company holds supporting the payment that they had to make on the Barnes Boulevard Project; they want it reduced down to \$5,070,546.71; and the reason they are asking for that is they made two payments down on the original \$12 million amount secured by the letter of credit.

The Board executed Viera Development of Regional Impact (Viera DRI) Letter of Credit Relating to Barnes Boulevard Work Due Under Resolution No. 14-120, reducing the amount to \$5,070,546.71.

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

ITEM VI.D.2., REQUEST TO SCHEDULE EXECUTIVE SESSION ON MAY 3, 2016, RE: WILLIAMSON V. BREVARD COUNTY, CASE NO.: 6:15-CV-1098-ORL-28-DAB

Scott Knox, County Attorney, stated Items VI.D.2. and VI.D.3. are both requests for executive sessions, one in the Williamson case and one for the Piccolella case; he would like the Board to approve both but to put out one advertisement so both cases will be advertised together; and the Chairman will only have to read one notice at the next meeting.

The Board approved the cost of advertising for, and the scheduling of, an attorney-client meeting on May 3, 2016, at 9:00 a.m. or at the conclusion of the regular meeting of the Board of County Commissioners, whichever occurs earlier, pursuant to Section 286.011(8), Florida Statute, in the case of Williamson v. Brevard County 6:15-cv-1098-Orl-28-DAB, for the purpose of discussing litigation strategy and a settlement offer.

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

ITEM VI.D.3., REQUEST TO SCHEDULE EXECUTIVE SESSION ON MAY 3, 2016, RE: JEFFREY W. PICCOLELLA V. BREVARD COUNTY, CASE NO.: 6:15-CV-01610-ORL-41-DAB

The Board approved the cost of advertising for, and the scheduling of a private session on May 3, 2016, at the conclusion of the regular meeting of the Board of County Commissioners, pursuant to Section 286.011(8), Florida Statute, in the case of Jeffrey W. Piccolella v. Brevard County, Florida, Case No.: 6:15-cv-01610-Orl-41-DAB, for the purpose of discussion strategy and granting authorization.

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

ITEM VI.D.4., DISMISSAL OF PENDING LITIGATION, RE: DEPARTMENT OF JUVENILE JUSTICE (DJJ) - LAWS OF FLORIDA 2016-152, PROVIDING CHANGES TO COST SHARE OF JUVENILE DETENTION

Scott Knox, County Attorney, stated this Item relates to the litigation with the Department of Juvenile Justice; and Deputy County Attorney Shannon Wilson is present to answer any questions the Board may have about this Item.

The Board authorized dismissal of pending litigation against Department of Juvenile Justice (DJJ); and authorized the Chairman to execute the Release and Waiver.

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

ITEM VI.E.1., AUTHORIZE COUNTY STAFF AND FINANCING TEAM TO UNDERTAKE A REQUEST FOR PROPOSALS (RFP), RE: IDENTIFYING A FINANCIAL INSTITUTION(S) WILLING TO PROVIDE LOANS TO REFUND THE OUTSTANDING NORTH BREVARD RECREATION SPECIAL DISTRICT LIMITED AD VALOREM TAX BONDS, SERIES 2007; LIMITED AD VALOREM TAX BONDS (MERRITT ISLAND RECREATION MUNICIPAL SERVICE TAXING UNIT), SERIES 2007; AND SOUTH BREVARD RECREATION SPECIAL DISTRICT LIMITED AD VALOREM TAX BONDS, SERIES 2007 FOR DEBT SERVICE SAVINGS

Stockton Whitten, County Manager, stated this Item is to authorize staff and the Financing Team to take Request for Proposals to refinance the Parks Referendum debt; and as is the Board's standard protocol, staff is not increasing the term of the amortization they are just taking advantage of lower interest rates.

The Board authorized staff and Financing Team (Public Financial Management - Financial Advisor and Nabors, Giblin & Nickerson - Bond Counsel) to undertake a Request for Proposals (RFP) to identify a financial institution(s) that is willing to provide loans to refund the outstanding Recreation Special District and Recreation Municipal Service Taxing Unit Bonds, Series 2007, for debt service savings; and upon completion of the RFP, the results, along with the Bond resolutions, will be brought back to the Board for its consideration at a future meeting.

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

ITEM VI.F.1., CITIZEN REQUEST BY IVAN DIMITROV IVANOV, ESQUIRE, RE: LIEN REDUCTION REQUEST FOR THE PROPERTY LOCATED AT 537 LONGAN DRIVE, BAREFOOT BAY

Robin DiFabio, Planning and Development Director, stated this is a Citizens Request seeking a lien reduction for a piece of property his clients had purchased; his clients are Inspirational Property, LLC and Bay Living, Inc., two investment companies as joint owners for the property; the property was a Code Enforcement case that took place in 2007; and in 2009, a lien was imposed for failure to come into compliance. She went on to say subsequently, the property did come into compliance. She stated fast forwarding to 2013, this gentleman's clients purchased the property at tax deed sale; at the time the County received \$691.60 in surplus funds from the tax deed sale; and of that, \$550 was applied to the Code Enforcement uniform costs for the Code Enforcement Case, and \$141.60 was applied towards the fine. She pointed out the fine was \$14,665, and the balance has remained unpaid since 2013; and right now it is approximately \$14,500. She stated the new owners did not play a part in bringing the property into compliance, it was brought into compliance years before they acquired the property; the lien had been imposed because the lien had never been paid prior to it; in December 2013 the new owners went before the Special Magistrate to seek a reduction, and a reduction was recommended in the fine amount; the Board heard the fine reduction request in January 2014; and after considering all of the facts in the case, it voted against reducing the fine. She noted the fine still remains unpaid since January 2014. She explained to the Board it was not until recent months that this gentleman has come forward asking for another opportunity to have a bite at the apple; the property has continued to increase in price in assessed value; and it is currently assessed at \$46,190.

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Ivan Dimitrov, Esquire, stated the facts remain that there is an outstanding tax lien in the amount of \$14,000; it is impossible for his clients to sell the property and make a profit; and his clients need to do substantial repairs to the property inside and outside. He pointed out the Code Enforcement violations were not due to wrong doing by his clients. He asked the Board to reduce the Code violation fine and heed the Special Magistrate's recommendation to reduce the fine to \$1,262, which his client is prepared to pay the fine within 10 days.

Commissioner Fisher stated the Board has already made a decision on this, and he is sticking to his decision.

The Board denied citizen request made by Ivan Dimitrov, Esquire, for lien reduction request for the property located at 537 Longan Drive, Barefoot Bay.

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

ITEM VI.F.2., FY 2015/2016 AND 2016/2017 FEDERAL ELECTION ACTIVITIES FUNDING CERTIFICATE, RE: MATCHING FUNDING

Stockton Whitten, County Manager, stated this Item is a request from the Supervisor of Elections to accept the 2015/2016 and 2016/2017 Federal Elections Activities funding; and that requires a grant match of approximately \$9,523.

The Board approved the FY 2015/2016 and 2016/2017 Federal Elections Activities in the amount of \$9,532.09.

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

ITEM VIII.A., REPORT, RE: STOCKTON WHITTEN, COUNTY MANAGER, PLAN FOR THE LAGOON

Stockton Whitten, County Manager, stated on the Zoning Agenda, the Board directed staff to come back with a plan for the Lagoon; as the Board knows, there are a lot of moving pieces and parts regarding the Lagoon issue; staff has worked with State and Federal agencies relating to a comprehensive plan; and it will take staff time to work on something that is smart and comprehensive to bring back to the Board. He stated the direction was to come back on May 3rd; it is impossible to make that time; and he advised the Board staff will work as hard as it can. He went on to say as they look at any kind of plan, it will take staff at least the balance of April, May, and June, and to optimistically get back to the Board in July. He asked the Board to allow staff to take its time to come back with a comprehensive plan by July and no later than August.

Commissioner Infantini inquired if that is the plan to bring the tax referendum back. Mr. Whitten replied whatever the funding source will come back before the plan for the Lagoon.

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Commissioner Infantini stated she wants to make sure the whole Lagoon referendum is not coming back before July.

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

Stockton Whitten, County Manager, stated he is proud of staff; the United Way recognized them as one of the top 25 most generous workplace campaigns; and that shows the hearts of County staff and how committed they are to the community.

ITEM VIII.A., REPORT, RE: STOCKTON WHITTEN, COUNTY MANAGER, MARCH OF DIMES BABIES WALK

Stockton Whitten, County Manager, stated there is the March of Dimes Babies Walk April 30th at Space Coast Stadium at 8:30 a.m.; they will walk with Fire Rescue and Friends Team; raffle tickets can be purchased in the County Manager's Office; and any team member can be donated to at that time. He invited the Board to participate in the walk.

ITEM VIII.C., REPORT, RE: ROBIN FISHER, DISTRICT 1 COMMISSIONER

Commissioner Fisher stated someone sent him something from *Florida TODAY* referring to the letter the Board sent in November about septic tank permits where the Board approved it 5:0. He stated there was nothing in the letter that the Board was concerned about water quality and safety issues dealings with septic tanks; the Board urged reconsidering the bill; at the time, it was a heavy handed approach where citizens with septic tanks would be forced to have them inspected and periodically pumped out at a minimum of every five years at the citizens expense; and regardless of any location or condition is what the Senate Bill said at the time. He pointed out the people who submitted the bill were the septic tank industry; the County had approximately 100,000 septic tanks at the time; and it would have required 24 additional inspectors at the Brevard County Health Department to look at these tanks. He stated it was a blanket, strong-handed bill; at the time the Board said it respects unhealthy septic tanks; but at the same time, it did not want to force anything on the public. He noted the Board asked the legislation to reconsider the bill. He stated if that position was wrong, maybe the Board can do something different; he does not know how the rest of the Board feels; and if the bill was the same way he thinks it would have been the same decision. He noted it was 2010 when the Board wrote the letter; and the bill would have taken place January 2016. He stated it would have forced the citizens into a huge expense.

Chairman Barfield stated he would support the Board looking at the whole issue of inspections of septic tanks but to do it in a manner that makes sense, and not a blanket, across-the-board element.

Commissioner Anderson stated when they tried to do that bill, there was no sort of low interest loan attached; there are homeowners in West Palm Bay, that would have no impact on the Lagoon; and for the middle-class family, that is an expensive endeavor. He stated it was the septic industry just trying to get more business.

Commissioner Smith stated that was addressed at one of the Board's previous meetings when it talked about what it was going to request from the State; he agrees it was a heavy-handed message given to everyone in the State to have their septic systems inspected every five years; but he thinks the Board's measure and what it proposed was much more realistic. He noted it

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would only require inspection at the time of a home sale; and if that system was deemed to be defective, that could be added to the purchase price and paid through a mortgage over a long time. He advised it would behoove the Florida Legislature to look at where the septic systems are; someone 30 miles off of the coast would not threaten the Lagoon; but someone who lives on the water, it is imperative that the system be inspected.

Commissioner Fisher stated it was such a blanket bill at the time that the Board felt a letter was appropriate.

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

Commissioner Infantini stated it was a long, tough week; she was the lone Commissioner here while everyone was in Colorado Springs; and she hopes the Commissioners brought back a lot of jobs and new companies to settle in Brevard County.

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

Commissioner Smith stated he went to the Symposium; he is not a traveling person because he does not like getting on a plane; he was very impressed with the whole Symposium; the 1,200 to 1,500 people there were there looking for business; and the vendors spent \$3,000 to \$5,000 per spot. He went on to say there was an awful lot of money invested by a lot of businesses. He pointed out this was not a vacation, he got there after a grueling first day; the dinner meeting was all business; and he did not get to bed until around 11:00 p.m. He added Tuesday they started at 8:00 a.m. and they did not get done until 9:00 p.m.; they did the same thing on Wednesday; and Thursday they all flew back to Florida. He advised the only view he had of Colorado was from the motel to the airport.

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

Chairman Barfield stated he was at the Symposium in Colorado and he also attended last year; this morning there was an announcement that one web company will be moving to Brevard County with about 250 jobs to manufacture and launch spacecraft; and it is for the Internet. He advised the Board a number of big companies invested in this company. He stated he has been involved with the Space Program since the early 1960's; there is an excitement going on in the Space Program unlike that has been seen before; and there is a new market in space now with smaller rockets and Nanosatellites.

Commissioner Anderson stated everyone is jumping onboard; and there is a company that Brevard County lost the project four or five years ago, and they are willing to come back to Brevard County now.

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Upon consensus of the Board, the meeting adjourned at 11:09 a.m.

ATTEST:



Handwritten signature of Scott Ellis in black ink.

SCOTT ELLIS, CLERK



Handwritten signature of Jim Barfield in black ink, written over a horizontal line.

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

As Approved by the Board July 12, 2016

Tammy Rowe

To: Knox, Scott L
Cc: Lewis, Sally A
Subject: Minutes of April 19, 2016
Attachments: 04-19-16 Regular.doc

Scott:

Attached are the minutes of April 19, 2016 for your review and consideration. They will be considered for approval by the Board at its July 12, 2016 meeting.

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