

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

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on August 18, 2015 at 9:02 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	Chairman/Commissioner District 1	Present	
Jim Barfield	Vice Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

INVOCATION

John Niehuis, Brevard County Sheriff's Office, led the assembly in the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Trudie Infantini led the assembly in the Pledge of Allegiance.

ITEM I.A., RESOLUTION, RE: RECOGNIZING THE 15TH ANNIVERSARY OF THE CHILDREN'S CENTER IN TITUSVILLE

Chairman Fisher read aloud, and the Board adopted Resolution No. 15-123, recognizing the 15th Anniversary of The Children's Center and celebrating 15 years of continuous service to the citizens of North Brevard County.

A representative from the Children's Center in Titusville thanked the Board for the recognition.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM I.B., RESOLUTION, RE: RECOGNIZING HERBERT WILSON UPON HIS RETIREMENT AFTER 37 YEARS WITH BREVARD COUNTY

The Board moved consideration of a resolution recognizing Herbert Wilson to a future Board Meeting.

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ITEM I.C., RESOLUTION, RE: RECOGNIZING BREVARD COUNTY FIRE RESCUE (BCFR) AS THE FLORIDA DEPARTMENT OF HEALTH'S 2015 EMS PROVIDER OF THE YEAR

Commissioner Barfield read aloud, and the Board adopted Resolution No. 15-124, congratulating Brevard County Fire Rescue for being selected Florida Department of Health's 2015 EMS Provider of the year.

Mark Schollmeyer, Fire Chief, thanked the Board for the recognition.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER:	Trudie Infantini, Commissioner District 3
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM I.D., RESOLUTION, RE: RECOGNIZING, THANKING, AND CONGRATULATING RAY DICKINSON FOR HIS 30 YEARS OF DEDICATED PUBLIC SERVICE TO BREVARD COUNTY

Commissioner Barfield read aloud, and the Board adopted Resolution No. 15-125, recognizing Ray Dickinson for his 30 years of dedicated public service to Brevard County.

Ray Dickinson stated that it has been an honor to be a part of the Brevard County Government family; he thanked all of the members of staff that he has had the pleasure of working with throughout his many years; and he thanked the Board for the recognition.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER:	Trudie Infantini, Commissioner District 3
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM I.E., RESOLUTION, RE: PROCLAIMING THE WEEK OF AUGUST 16-22, 2015, AS CHEFS APPRECIATION WEEK

The Board adopted Resolution No. 15-126, to proclaim August 16-22 as Chefs Appreciation Week.

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

ITEM II.A.1., FINAL PLAT APPROVAL, RE: BLOSM HUTT SUBDIVISION - FLORENCE J. CAREW REVOCABLE TRUST

The Board granted final plat approval for Blosm Hutt Subdivision, 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 for the project.

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

ITEM II.A.2., APPROVAL, RE: TRANSPORTATION IMPACT FEE DISBURSEMENT AGREEMENT EXPIRATION DATE EXTENSION

The Board approved Transportation Impact Fee Disbursement Agreement expiration date extension to September 30, 2016, with the City of Cape Canaveral for the North Atlantic Avenue Streetscape Improvements Project; and authorized the Chairman to execute the amended Disbursement Agreement.

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

ITEM II.A.3., PRELIMINARY PLAT AND FINAL PLAT APPROVAL, RE: SHELLBROOKE - JM WATERCREST LLC AND MARKET STREET VIERA SENIOR REAL ESTATE LLC

The Board granted preliminary plat and final plat approval for Shellbrooke, 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 for the project.

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

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ITEM II.A.4., INTERLOCAL AGREEMENT WITH CITY OF COCOA, RE: SIGNAGE IN THE COUNTY RIGHT-OF-WAY

The Board executed Interlocal Agreement with the City of Cocoa pertaining to directional signage located in the County right-of-way.

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

ITEM II.A.5., APPROVAL, RE: RETURN OF PROPERTY FROM HOUSING FROM HOMELESS, INC. (F/K/A) THE COALITION FOR THE HUNGRY AND HOMELESS OF BREVARD COUNTY, INC. TO BREVARD COUNTY FOR THE PROPERTY LOCATED AT 816 MATHERS STREET, MELBOURNE

The Board accepted Deed for the property from the Housing for Homeless, Inc.; adopted Resolution No. 15-127; executed Termination of Land Use Restriction Agreement and Release of Right of Reverter, Right Re-Entry and Restrictive Covenants; and waived the requirement for an environmental assessment and boundary survey.

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

ITEM II.B.1., RE: APPROVAL, RE: REQUEST FOR PROPOSALS FOR LOCAL GOVERNMENT CONTRIBUTION FOR FLORIDA HOUSING FINANCE CORPORATION PROGRAMS

The Board approved Request for Proposals (RFP) and process for local government contribution for Florida Housing Finance Corporation Programs; designated the Affordable Housing Council as the Selection Committee; and authorized the Chairman to sign local government Verification of Contribution Forms, upon review and approval of the County Manager's Office.

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

ITEM II.B.2., APPROVAL, RE: 2015-2020 COCOA WEST NEIGHBORHOOD STRATEGY AREA PLAN UPDATE

The Board accepted the recommendation of the Brevard County Community Development Block Grant (CDBG) Advisory Board; and approved the 2015-2020 Cocoa West Neighborhood Plan Update.

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

ITEM II.B.3., AGREEMENT WITH BREVARD COMMUNITY PARTNERSHIP, INC., RE: REHABILITATION OF TWO (2) SINGLE-FAMILY HOMES LOCATED IN THE CITIES OF COCOA AND TITUSVILLE FOR THE DEVELOPMENT OF AFFORDABLE RENTAL HOUSING

The Board executed Agreement with Brevard Community Partnership, Inc. for the rehabilitation of two (2) single-family homes located in the Cities of Cocoa and Titusville, for the development of affordable rental housing; and authorized the Chairman or designee to execute modifications and amendments to the Agreement, upon approval of the County Attorney and Risk Management.

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

ITEM II.B.4., VETERANS MEMORIAL CENTER EXPANSION, RE: ACCEPTANCE OF A \$1.5 MILLION STATE OF FLORIDA LOCAL INITIATIVE GRANT; AND AUTHORIZATION TO UTILIZE CONTINUING CONSTRUCTION MANAGEMENT (AT RISK) AND A & E CONTINUING CONTRACTS

The Board accepted a \$1.5 million Local Initiative Grant for the expansion and improvement of the Veterans Memorial Center Military Museum; authorized the Chairman to execute the Contract; authorized the use of continuing A & E and Construction Management (At Risk) contracts; and approved all associated budgetary and financial documents related to this Project.

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

ITEM II.B.5., RESOLUTION AND LEASE AGREEMENTS WITH NORTH BREVARD SENIOR CENTER, INC., MARTIN ANDERSEN SENIOR CENTER, INC., WICKHAM PARK SENIOR CENTER ASSOCIATION, INC., AND GREATER PALM BAY SENIOR CITIZENS CENTER, INC., RE: FIVE-YEAR LEASE

The Board adopted Resolution Nos. 15-128, 15-129, 15-130, and 15-131, and executed five-year Lease Agreements with North Brevard Senior Center, Inc., Martin Andersen Senior Center, Inc., Wickham Park Senior Center Association, Inc., and Greater Palm Bay Senior Citizen Center, Inc.

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

ITEM II.C.4., AGREEMENT WITH FLORIDA DIVISION OF EMERGENCY MANAGEMENT, RE: FY 2015/2016 EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE GRANT OF \$105,806

The Board executed the FY 2015/2016 Emergency Management Preparedness and Assistance Grant Agreement with Florida Division of Emergency Management; and authorized the County Manager or his designee to submit and execute any additional changes, documents, budget actions, or amendments required under the Grant Contract Number: 16-BG-83-06-15-01-005.

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

ITEM II.C.5., SUBGRANT AGREEMENT WITH FLORIDA DIVISION OF EMERGENCY MANAGEMENT, RE: FY 2015/2016 EMERGENCY MANAGEMENT PERFORMANCE GRANT OF \$142,657

The Board executed the FY 2015/2016 Emergency Management Performance Grant Agreement with Florida Division of Emergency Management; and authorized the County Manager or his designee to submit and execute any additional changes, documents, budget actions, or amendments required under the Grant Contract.

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

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ITEM II.C.6., RESOLUTION, RE: BREVARD COUNTY LOCAL HAZARD MITIGATION STRATEGY (LMS)

The Board adopted Resolution No. 15-132, for the Brevard County Local Hazard Mitigation Strategy (LMS).

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

ITEM II.C.7., PAYMENT OF AWARD, RE: EMPLOYEE INNOVATIONS PROGRAM

The Board approved payment of award in the amount of \$250 from the Fire Rescue budget to Jennifer Wyman, Fire Rescue, for recommendation (EIP #409) under Brevard County's Employee Innovations Program.

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

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

Stockton Whitten, County Manager, stated that the first budget change request was for IT travel, that was approved as part of the budget; therefore that budget change request was not necessary, and is being withdrawn from this Item.

The Board approved the Budget Change Requests, as submitted.

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

ITEM II.D.2., ACKNOWLEDGE RECEIPT, RE: FY 2016 PROPOSED BUDGET FOR MAYFAIR COMMUNITY DEVELOPMENT DISTRICT

The Board acknowledged receipt of the FY 2016 proposed budget for the Mayfair Community Development District.

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

ITEM II.D.3., ACKNOWLEDGE RECEIPT, RE: FY 2016 PROPOSED BUDGET FOR VIERA STEWARDSHIP DISTRICT

The Board acknowledged receipt of the FY 2016 proposed budget for the Viera Stewardship District.

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

ITEM II.D.4., ACKNOWLEDGE RECEIPT, RE: 2015-2016 ANNUAL PLAN OF WORK FOR THE WEST MELBOURNE-BREVARD COUNTY JOINT COMMUNITY REDEVELOPMENT AGENCY

The Board acknowledged receipt of the FY2015-2016 Annual Plan of Work for the West Melbourne-Brevard County Joint Community Redevelopment Agency.

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

ITEM II.D.5., ACKNOWLEDGE RECEIPT, RE: FY 2013-2014 ANNUAL FINANCIAL AUDIT REPORT FOR THE HERITAGE ISLE AT VIERA COMMUNITY DEVELOPMENT DISTRICT

The Board acknowledged receipt of the FY2013-2014 Annual Plan of Work for the West Melbourne-Brevard County Joint Community Agency.

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

ITEM II.D.7., BOARD AUTHORIZATION, RE: COUNTY MANAGER TO EXECUTE RELEASE OF LIENS

The Board authorized the County Manager to negotiate and execute the appropriate release of a Code Enforcement lien in cases where Brevard County, holding an inferior interest to the party initiating the foreclosure, is not named as a party to the foreclosure action.

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

ITEM II.D.8., PARTIAL STIPULATED FINAL JUDGMENT AS TO EXPERT WITNESS FEES AND COSTS, RE: BREVARD COUNTY V. WALTER E. PLATT, ET AL, 05-2013-CA-72132, PARCEL 102.2 (HAMMER, RICHARD AND RHONDA)

The Board approved the Stipulated Partial Final Judgment for Expert Witness Fees and Costs in the amount of \$4,972 in Brevard County v. Walter E. Platt, et al 05-2013-CA-72132, Parcel 102.2 (Hammer, Richard and Rhonda).

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

ITEM II.D.9., APPROVAL RE: PRECINCT LEGAL DESCRIPTIONS - ALTERED AND ADDED

The Board approved the revised precinct legal descriptions for the changes to existing precincts due to annexations by the Cities of Palm Shores, West Melbourne, and Melbourne.

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

ITEM II.D.12., APPROVAL, RE: ADMINISTRATION AND COLLECTION COST FOR BUSINESS TAX RECEIPTS, JULY 1, 2015 - JUNE 30, 2016

The Board approved the proposed cost, as submitted by the Tax Collector, for administration and collection of the County Business Tax Receipts.

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

ITEM II.D.10., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

Commissioner Infantini stated that this Item involves appointing a new member to the Merritt Island Redevelopment Agency (MIRA) Advisory Board; but in order to appoint a new member, one of the other members needs to resign; she reached out to the individual that Eddie Lebron is supposed to be replacing and she said in fact that she did not resign her position on the MIRA Advisory Board. She added that she also received some legal opinions about this, and has received some backup letters, all stating that she has not resigned, and she thinks that the Board should remove this Item from the Agenda, because the MIRA member did not resign.

Commissioner Barfield stated that he has been on many boards, and there comes a time in leadership when maybe a couple of people need to be replaced; and when this happens, it adds that spark, and it makes it much more successful; he reached out to this individual, and he asked for a resignation, and she verbally told him, yes she would consider it; and she gave him her resignation; he asked directly, and he received a direct answer; and he asked the County Attorney if a verbal resignation is considered acceptable.

Scott Knox, County Attorney, replied yes, it is.

Commissioner Barfield pointed out that MIRA, is a Community Redelvelopment Agency (CRA), it is like other organizations in a way, but it is a board; and there have been certain, unfounded accusations; another person was replaced during a previous meeting, and this issue did not come up; and he made a motion to accept this individual as the new board member. Commissioner Anderson seconded.

Commissioner Infantini stated that it would be up to interpretation what the person said, and the person has been in correspondence with her and others, and has said, in writing, that she did not resign; and she does not believe it is a lawful appointment.

John Mandala asked how long this individual has been on the board.

Commissioner Barfield responded that the individual has been on this board for approximately nine months, but was on there before for the previous County Commissioner, so it was a reappointment.

The Board appointed **Eddie Lebron** to the Merritt Island Redevelopment Agency (MIRA) Advisory Board.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
NAYS:	Trudie Infantini

ITEM III., PUBLIC COMMENTS

Ron Bartcher stated that he is the Treasurer of the Friends Organization of the Mims/Scottsmoor Library; he provided the Board with the latest Newsletter that shows how active the library is and the community support that the library has; he stated the second document is a short history of the library itself; he added that it is a long time past to replace the crumbling, temporary building that houses the Mims/Scottsmoor Library; and the current building, which consists of used trailers that were coupled together in 1998, was always intended to be a temporary facility, until a permanent building could be planned, financed, and built, which was expected to occur in approximately five years. He went on to say in 2006 the Board developed a plan to provide four library construction projects, one of which was a permanent building for the Mims/Scottsmoor Library, unfortunately the plan was scrapped; the current temporary building has undergone major repairs twice, and the current flooring has development problems; in order to resolve this problem, Library Services looked to partner with Parks and Recreation, in which Community Block Grant Funds could be used, maintenance funds from Library Services, and a grant from the State of Florida to build a new building; this plan has been presented to the public at public meetings with library boards and the Mims Library Community Group, representatives from the East Mims Civic Association and the Scottsmoor Community Association attended these meetings; there has been unanimous consent that this would be a terrible idea; he requested that the Board develop a plan to immediately replace this temporary structure with a permanent building; and he encouraged the Board to keep the building at the current location or close to it.

Chairman Fisher clarified that there is actually no plan in place, and there will be discussion on the future of the library.

Jim Stone stated that he believes the Country was founded on the Constitution and not being a communist state, now he knows otherwise, the otherwise being that the Constitution is not being followed; he invited anyone that feels they are no longer secure in their person as a result of seizure of their property by the Brevard County Government, to please contact him and share their experience, perhaps there is common ground that will open the door for corrective action; and he also made mention of documents that he provided to the Board, including information regarding Agenda 21.

Commissioner Barfield stated that he is totally opposed to Agenda 21, and he is aware of all that goes along with that in the State of Florida; he added that his staff will be getting in touch with Mr. Stone, because he would like to sit down and speak with him.

John Mandala stated that his concern is that there is a problem when there are 300 people returning home every month from the jail and prison, and they are part of the homeless coalition; no one is addressing this issue; there is housing for some, but not for others; it is the County is at a crucial point where if it is really concerned about public safety, it is questionable how 300 people a month are being allowed to be released and be homeless in many cases; and he added that this is something that needs to be kept in mind.

Commissioner Barfield stated that this was going to be placed on the Agenda and asked Stockton Whitten, County Manager, to elaborate.

Mr. Whitten stated that the issue with the facilities that the program was going to be housed in, contained environmental issue. Commissioner Barfield added that he is behind this issue and something will be worked out.

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Charles Tovey stated that he has made everyone fully aware of his situation, and nothing has been done about it.

ITEM IV.A., PUBLIC HEARING, RE: FOR PETITION TO VACATE PUBLIC UTILITY EASEMENT - CROTON DRIVE - BAREFOOT BAY MOBILE HOME SUBDIVISION UNIT TWO PART 10 - BRIAN BELANGER

Chairman Fisher called for a public hearing to consider vacating a part of a public utility easement.

John Denninghoff, Public Works Director, stated that this is a petition to vacate a sidewalk easement lines on properties that are held on a common title; and Public Works has not received any objections.

There being no further comments, the Board adopted Resolution No. 15-133, to vacate part of a public utility easement along the common line between Lots 24 and 25, Block 62, Barefoot Bay Mobile Home Subdivision Unit Two, Part Ten in Section 9, Township 30 South, Range 38 East.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM IV.B., PUBLIC HEARING, RE: FOR PETITION TO VACATE PUBLIC UTILITY EASEMENT - BAREFOOT BAY MOBILE HOME SUBDIVISION UNIT TWO PART 10 - RICHARD E. AND JANICE M. FELKER

Chairman Fisher called for a public hearing to consider vacating part of a public utility easement.

John Denninghoff, Public Works Director, stated that this is a petition that is almost identical to the one in Item IV.A, also in Barefoot Bay; and Public Works has not received any objections.

There being no further comments, the Board adopted Resolution No. 15-134, to vacate public utility easement along the common line between Lots 6 and 7, Block 145, Barefoot Bay Mobile Home Subdivision Unit Two, Part Ten in Section 9, Township 30 South, Range 38 East.

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

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ITEM IV.C., PUBLIC HEARING, RE: FOR PETITION TO VACATE PUBLIC UTILITY AND DRAINAGE EASEMENT - CANTERBURY DRIVE - THE CLOISTERS PHASE I - JANET LONG

Chairman Fisher called for a public hearing to consider vacating a public utility easement.

John Denninghoff, Public Works Director, stated that this is a petition to vacate an easement in the Cloisters Subdivision, in a rear yard for the property owner to accommodate future construction of a swimming pool, the area is not being used at this time; and Public Works has not received any objections.

There being no further comments, the Board adopted Resolution No. 15-135, to vacate part of a public and drainage easement at Lot 19, Block A, The Cloisters Phase I in Section 25, Township 27 South, Range 37 East.

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

ITEM IV. D., ORDINANCE, RE: ECONOMIC DEVELOPMENT TAX EXEMPTION FOR HARRIS CORPORATION (PROJECT MAPLE)

Chairman Fisher called for a public hearing to consider an ordinance for an Economic Development Tax Exemption for Harris Corporation.

Stockton Whitten, County Manager, stated that this Item is for approval of a tax exemption ordinance for Harris Corporation, formally presented to the Board as Project Maple; the company is considering modifying and improving its headquarters facilities, and planning to create 10 new jobs with an average wage of \$50,000, and invest \$25 million in capital expenditures; and the recommendation is that Harris Corporation receive an abatement of 90 percent for nine years.

Jason Steele stated that this is part of some negotiations between the Economic Development Council (EDC) and Enterprise Florida, for the Harris Corporation to stay in Brevard County, and he is proud to have worked with all of the individuals involved in these negotiations; this was volatile and relevant to Brevard County to keep the Harris Corporation because it is one of the few fortune five hundred companies in the State; and he recommended that the Board grant this incentive.

Commissioner Smith stated that the annual tax abatement will be approximately \$110,000, and Harris Corporation will be paying the County \$179,000, and even with the tax abatement, the County is netting approximately \$60-70,000; and at the end of ten years the County receives all of it; and Harris Corporation is making a \$25 million investment, and will continue to be a large asset to Brevard County.

Ron Bobay stated that his concern is his disappointment that Harris Corporation would put the Board in the position of acting on a request of this nature; this is not the first tax break that they have requested in recent years; as a long term corporate neighbor he questions how they view their corporate responsibility to the community where they reside; they are a very profitable

company, and this request is occurring while the Board struggles with a variety of budgetary issues, such as the road infrastructure; Harris Corporation depends on the road infrastructure as part of their business, yet the County is only able to resurface and maintain eight miles of road per year, when there is a 55 mile annual need; the unmet need is referred to as a legacy obligation, which will cost disproportionately more to repair in the long run, if proceeding at the current resurfacing rate; and this will put the Board in the position of having to consider raising gas taxes, implementing a sales tax and consider impact fees. He added that schools are another example; while the Brevard County School Board struggles to build two new south Brevard County elementary schools to serve many of the employees of Harris Corporation, they do not see their corporate responsibility to assist, yet they understand the importance of schools as an attractor for their employment pool; he used these two examples as representatives of the many ways these dollars are needed, and the Board is being asked to pass these costs to individual Brevard residents, or creating legacy costs, which will cost more to address in the future; while a longstanding corporate resident does not see their corporate responsibility to pay their proportionate share; and their tax abatement alone will not solve all of these problems, they have a responsibility as Brevard's largest private employer to lead the way by example in demonstrating their commitment to the quality of life of Brevard's residents.

David Keurns stated that Harris Corporation is asking for a \$900,000 tax break, \$100,000 per year in tax relief; and according to an article published in *Florida TODAY*, Harris Corporation earned approximately \$5.08 billion in revenue in the previous year; if it is just revenue, the County needs it, and there is no excuse for giving it away at this time; he added that the Blue Ribbon Advisory Panel reports hundreds of millions of dollars in backlog road maintenance projects Countywide, the economist who worked on this reported that there was an implosion point somewhere where there is no way to keep up; and that the Economic Development Commission's (EDC) Tax Abatement Council stated that if this tax exemption is not granted Harris Corporation might leave. He went on to state that he understands that 70 percent of voters, voted for the tax abatement program, however, it is a case by case basis and tax abatements do not have to be given in every case; and he has heard it said that no money changes hands, but if it is a balance sheet and it ends up on Harris Corporation's balance sheet and it is revenue that should have been on Brevard's balance sheet, then money does change hands. He stated that this is revenue that the County needs, Harris Corporation will survive, but the roads and schools might not; he added that Brevard County needs to grow a spine and Harris Corporation needs to grow a conscience, this is revenue that the County needs and he asked that the request for tax exemption be denied.

Scott Knox, County Attorney, pointed out that this is a tax abatement that applies to County taxes, it does not apply to School Board taxes.

Commissioner Infantini stated that she agrees with the speakers, that Harris Corporation is a very profitable organization; and she doubts that this decision is going to make or break Harris Corporation's decision to remain in Brevard County; and she added that it is only because the voters voted for tax abatements that she is supporting this.

Commissioner Smith stated that to him it seems there is a certain misconception among the public; this is a tax abatement, if Harris Corporation decided not to build the building, the County would not get the extra \$76,000 annually, at the end of ten years the County would not get the whole \$200,000 annually; he added that it is not as if the County is giving anything away and not getting anything in return; and Harris Corporation continues to employ people, and all of those people pay local property taxes and income taxes, and contribute to the economy; and he added that the Board does not give anything away, there are always claw-backs, meaning the company has to perform or they receive nothing, everything has to be earned.

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Chairman Fisher stated that in most cases the Board does not give cash up-front, there is usually a performance based situation where the company has to create jobs or make an investment before any cash is giving by the Board.

Commissioner Anderson stated that what the Board is abating is a drop in the bucket, and what Harris Corporation provides back to the community is far more than what is being abated.

Commissioner Infantini stated that regarding cash up-front, she is not in favor of is giving cash in lieu of tax abatements; she explained that tax abatement is when an individual or company does not have to pay property taxes for a certain period of time; and cash up-front is giving money to a company before the tax revenue is earned, which she is not in support of.

There being no further comments, the Board adopted Ordinance No. 15-23, granting an Economic Development Ad Valorem Exemption to Harris Corporation (Project Maple). Specifying the Items Exempted; Providing the Expiration Date of the Exemption; Finding That the Business Meets the Requirements of Chapter 196.1995(8) F.S.; Providing for Proof of Eligibility for Exemption; Harris Corporation (Project Maple); Providing an Effective Date.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM IV.E., ORDINANCE, RE: ECONOMIC DEVELOPMENT TAX EXEMPTION FOR THE BRIX PROJECT BREWERY

Chairman Fisher called for a public hearing to consider an ordinance for an Economic Development Tax Exemption for the Brix Project Brewery.

Stockton Whitten, County Manager, stated that this Item is a tax exemption ordinance for the Brix Project Brewery, for an exemption of approximately 60 percent for six years; this Project is proposing 23 new jobs with an average wage of \$36,080 annually, and \$3.65 million in new capital investments; and he added that the School Board still receives its property tax dollars, as does the taxing district associated with the Library, Mosquito Control, Law Enforcement, and Road and Bridge Municipal Service Taxing Units (MSTU).

Bryan Scott, owner, stated that he created Bar and Light Electric Company approximately eight years ago, and it took approximately two years for the company to become successful and ask for tax abatements; last year Playa Linda Brewing Company was created, and it has been very successful, and the Company is moving into the Brix Project and will be a production brewery. He went on to state that it has come to his attention that Commissioner Infantini has reached out to a number of his competitors, and asked them to oppose his request; he asked the Board if that was a normal practice, because he has not seen this done to other companies coming before the Board today; he feels that she has the right to investigate, but not once was he asked to explain anything; he added that his company is going to invest \$3.5 million in Brevard County, and they support multiple charities; and he thanked the Board for its time and efforts.

Chairman Fisher commended Mr. Scott for he projects and what he has done for Brevard, and thanked him for staying in Brevard instead of going elsewhere.

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Commissioner Infantini stated that she did not call the competitors for the other company is because all of its competitors have already received tax breaks from the Board or from Enterprise Florida; and the reason she was conflicted with this Project is because there are other brewing companies in Brevard County, and to give money to one brewery and not to all of the other breweries would be creating an economic disadvantage to the other companies.

Mr. Whitten clarified that this company qualifies under the State's Qualified Target Industries Program, there are eight categories, and what is on the Agenda is incorrect; this company actually qualifies as a targeted industry under the State's program, under Enterprise Florida.

Commissioner Smith stated that he was, at one point, one of those small businesses not receiving tax abatements, and it was because he did not qualify; and he advised the other companies that if they also want a tax abatement, and they qualify, they should apply; he added that a new business in Brevard County qualifies if it principally engages in fabricating or producing for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant; and he questioned whether or not beer qualified as tangible personal property, and sought legal counsel and it does in fact qualify, and for that reason he is supportive of this request.

Chairman Fisher agreed with Commissioner Smith that other qualifying businesses who would like to also receive a tax breaks should also come before the Board and make that request.

Commissioner Anderson reiterated that any company can apply for the abatement program.

There being no further comments, the Board adopted Ordinance No. 15-24, granting an Economic Development Ad Valorem Exemption to the Brix Project Brewery. Specifying the Items Exempted; Providing the Expiration Date of the Exemption; Finding that the Business Meets the Requirements of Chapter 196.1995(8) F.S.; Providing for Proof of Eligibility for Exemption; the Brix Project Brewery; Providing an Effective Date.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
NAYS:	Trudie Infantini

ITEM IV.F., ORDINANCE, RE: ECONOMIC DEVELOPMENT TAX EXEMPTION FOR PROJECT TAYLOR

Chairman Fisher called for a public hearing to consider an ordinance for an Economic Development Tax Exemption for Project Taylor

Stockton Whitten, County Manager, stated that Project Taylor is a company that produces medical products, and is considering building a 22,000 square foot manufacturing facility, creating 126 new full time jobs over the next three years, with an average wage of approximately \$85,808, and plans to invest approximately \$3.15 million; the recommendation is for 100 percent tax exemption for ten years.

The Board adopted Ordinance No. 15-25, granting an Economic Development Ad Valorem Exemption to Project Taylor Specifying the Items Exempted; Providing the Expiration Date of

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the Exemption; Finding that the Business Meets the Requirements of Chapter 196.1995(8) F.S.; Providing for Proof of Eligibility for Exemption; Project Taylor; Providing an Effective Date.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM IV.G., RESOLUTION, RE: ADOPTION OF STATE REVOLVING FUND (SRF) FUND #WW05110 WASTEWATER FACILITY PLAN FOR THE SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT FACILITY (SCWWTF) EXPANSION AND IMPROVEMENTS REQUIRED BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Chairman Fisher called for a public hearing to consider a resolution adopting the State Revolving Fund (SRF) Fund #WW05110 Wastewater Facility Plan for the South Central Regional Wastewater Treatment Facility (SCWWTF)

James Helmer, Interim Utility Services Director, stated that this Item refers the financing of the South Central Regional Wastewater Treatment Facility Expansion and Improvements in Viera; this \$30 million estimated project requires financing, and the State Revolving Fund offers financing at a rate much lower than what has been experienced in the past with Utility Revenue Bonds; this Item gets Utility Services in the queue, and before the Board to get considered in November for inclusion on the list for loans; and he added that Utility Services is trying to save money on financing.

There being no further comments, the Board adopted Resolution No. 15-136, adopting the State Revolving Fund (SRF) Fund #WW05110 Wastewater Facility Plan for the South Central Regional Wastewater Treatment Facility Expansion and Improvements required by Florida Department of Environmental Protection.

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

ITEM V.A., REQUEST FOR PROPOSAL, RE: LEASING OF BREVARD COUNTY GOLF COURSES

Jack Masson, Parks and Recreation Director, stated that on May 26th, the Board directed staff to prepare a Request for Proposal (RFP) for the purpose of leasing three County golf courses; the Board was provided with the RFP for review; and he would be available for questions.

Commissioner Barfield stated that he understands that the Board did not meet with the Public Golf Courses Advisory Board to allow them to review the RFP, because the Board decided on a RFP, and asked if the Public Golf Courses Advisory Board has seen RFP.

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Mr. Masson replied that staff has not met with the Public Golf Courses Advisory Board, however individual members have been spoken to; Commissioner Barfield asked if those members had reviewed the RFP; Mr. Masson replied, no; Commissioner Barfield stated that he would like to table this Item until the Public Golf Courses Advisory Board reviews the RFP.

Chairman Fisher asked the Board if it is comfortable having a Commissioner on the selection committee and a Commissioner on the negotiation committee; Commissioner Barfield added that they are separate.

The Board tabled consideration of Request for Proposal for Leasing of Brevard County Golf Courses to the September 1, 2015, Board meeting.

RESULT:	TABLED [UNANIMOUS]	Next: 9/1/2015 9:00 AM
MOVER:	Jim Barfield, Vice Chairman/Commissioner District 2	
SECONDER:	Trudie Infantini, Commissioner District 3	
AYES:	Fisher, Barfield, Infantini, Smith, Anderson	

ITEM V.B., BINDING DEVELOPMENT PLAN, RE: EARL W. AND PATRICIA B. COLVARD (BBC INVESTMENTS)

Robin Sobrino, Planning and Development Director, stated that this is a Binding Development Plan for the Colvard property, and this is pursuant to the zoning approval of the May 7th, where the applicant had represented that he would be limiting the use of his property to support infrastructure for the adjacent commercial project.

The Board executed Binding and Development Plan Agreement with Earl W. Colvard and Patricia B. Colvard, for property located on the east side of U.S. Highway 1, approximately 0.19 mile north of Roundtree Drive.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM VI.A.1., RESOLUTION AND AFFIDAVIT OF NO OBJECTION FOR FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP), RE: PERMITTING FOR DOCK CONSTRUCTION

The Board adopted Resolution No. 15-137 and Affidavit of No Objection pertaining to Florida Department of Environmental Protection permitting and construction of a residential dock.

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., PERMISSION TO ISSUE, RE: ANNUAL SUPPLY BIDS, PROPOSALS, AND REQUEST FOR QUALIFICATIONS (FY 2015/2016) AND/OR NEGOTIATE COMPETITIVE AGREEMENTS (MOVED FROM ITEM II.C.1.)

Teresa Camarata, Central Services Director, stated that this Item is for the Central Services annual agenda, requesting permission for purchasing to solicit bid proposals for term contracts that departments use for operating and maintenance supply services throughout the year.

The Board granted approval to solicit competitive bids, quotes and/or negotiate competitive agreements and award to lowest, responsive and most qualified supplier; to solicit competitive proposals and requests for qualifications, establish selection/negotiation committees approved by the County Manager, or designee, and award contracts and/or open purchase orders with the best-ranked proposer; to exercise renewal options upon evaluation of supplier performance, and recommendation from user departments/offices; and authorized the Chairman to execute contracts and contract renewals over \$100,000 annual value.

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

ITEM VI.C.2., PERMISSION TO ISSUE OPEN PURCHASE ORDERS (FY 2015/2016), RE: APPROVED VENDORS OF RECORD (MOVED FROM ITEM II.C.2.,)

Teresa Camarata, Central Services Director, stated that this Item is permission to request open purchase orders for the next fiscal year for approved vendor records, purchasing requests this every year also; it is to use state contracts, cooperative contracts, other agency contracts, on the list of vendors there are sole source vendors listed; and Central Services keeps the back up in the purchasing office, the backup is copies of all of the contracts, the sole source letters from the distributors; and this is for services, commodities, and items that departments use throughout the year; she added that if there are changes to the contract, there is the option to bid that out based on the previous agendas; and if it is not in favor to use a contract on this list, Central Services still reserves the right to solicit bids.

Commissioner Infantini stated that the reason why she is not in favor of this is because she would like to see a spending in an excess of \$100,000 come back to the Commissioners; she suggested that it would not take much time during meetings to approve contracts in excess of \$100,000; she reiterated that she is not in favor.

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Commissioner Smith asked if there was a limit; Ms. Camarata replied that it depends on what the departments have budgeted; this is for operational and maintenance supplies, and repair equipment. Commissioner Infantini added that the dollar amounts could be found in the spreadsheet that was provided to the Board.

Ms. Camarata explained that those amounts are budgeted within the departments' budgets, and the estimates come from the operational side of the budgets and historical data is researched to see what the departments have been spending; and this keeps the departments from coming back with agendas duplicating requests that are coming back to the Board. Chairman Fisher asked if the heavy equipment and parts generating \$375,000 will come back before the Board before it is purchased and contracted; Ms. Camarata replied that if it is budgeted in the capital and is competed, it does not come back to the Board.

Stockton Whitten, County Manager, added that the Board is expediting the business of government by approving that it sees these items in the budget, and capital outlay, and there is an opportunity for the Board to review these during the budget approval; but this is one of those items that, in most instances, is competed; and it is to expedite getting those pieces of equipment and operations for the department; Chairman Fisher clarified that is has been competitively bid; Commissioner Infantini added that the Board meets three to four times a month, and is unsure of how much faster this could be expedited.

Commissioner Anderson stated that the Board sees it in the budget that gets approved; he added that if the Board wants to run like a business, bringing items back to the Board after they have been previously approved makes an ineffective business model; he motioned to approve.

Commissioner Infantini stated the in regards to effective businesses, having worked as an internal auditor with the largest credit union in Brevard County, she found that the final control did come back and go before, if it exceeded a certain dollar threshold, it would have to have two signatures; and so there are other safeguards that the Board does not have in place, and so it is the final safeguard before the spending goes forward.

Commissioner Anderson disagreed with Commissioner Infantini and stated that the Board has internal and external audits that are required by State law, and there are other eyes on these things, multiple times; he suggested that individuals wants to bring things back so they can knit-pick every item that goes up for bid, and that would slow everything down and he is not in favor of doing that.

Mr. Whitten stated that the bills are paid by County Finance, and that is a safeguard.

Commissioner Smith asked what the downside would be if a different number were placed on this. Ms. Camarata replied that the downside is, Central Services solicits an average of over 200 bids per year and issue over 2,000 open Purchase Orders on October 1st for departments based on the vendor record list; it is to streamline the process, to expedite getting the purchases and the goods to the department; she reiterated that this is for the operational side of the departments, and is not something she considers to be a large purchase; the large purchases are always brought back to the Board. Commissioner Smith inquired about what a large purchase would be; Ms. Camarata replied that a large purchase depends on the commodity or service that is being requested. Commissioner Smith stated that until he sees otherwise he is in agreement with the other Commissioners.

The Board approved the use of State Contract, cooperative contracts, and other agency contracts as vendors of record list for 2015/16; approved the use of 2015/16 vendors determined to be the sole source for the products or services indicated; approved the issuance of blanket purchase orders; authorized the Chairman to execute contracts to those vendors,

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exceeding \$100,000; and approved competitive action in the event of unforeseen changes to the approved vendors and/or the cooperative purchasing programs.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
NAYS:	Trudie Infantini

ITEM VI.E.1., AUTHORIZE COUNTY STAFF AND FINANCING TEAM, RE: UNDERTAKE REQUEST FOR PROPOSAL TO IDENTIFY A FINANCIAL INSTITUTION WILLING TO PROVIDE A LOAN TO FUND CAPITAL IMPROVEMENTS TO THE COUNTY'S SOLIDE WASTE SYSTEM

Stockton Whitten, County Manager, stated that this is simply a request to begin the process to determine the best financing for the expansion of the Central Disposal landfill; this is the first step in a long process to determine what the best financing for this project is, which would be approximately \$18 million.

Steve Burdett, Finance Director, stated that whenever the County issues bonds, one of the things that the County has to agree to involves Federal Arbitrage requirements; and one of the commitments is that there are no other uncommitted or unallocated funds reasonably available for the purpose of the bonds, and the bonds do not replace or free up funds that were committed, or were uncommitted but would have been used for such purposes; he referenced the balance sheet of the Solid Waste Disposal System as of the end of last year; he added that he believes the issue is whether the Board feels that the solid waste system needs to access the tax exempt markets to complete this \$18 million project, or if the solid waste system has sufficient funds to complete the project internally.

Mr. Whitten responded by stating that Mr. Burdett is looking at statements and balance sheets, but does not know the operations; he added that \$70 million on the balance sheet that Mr. Burdett referenced, is composed of \$32.9 million in escrow because the Department of Environmental Protection requires that for landfill closures, so it cannot be counted; \$4.4 million for equipment replacement; \$3.7 million for operating needs; \$20.4 million for construction; so \$61 million of the \$70 million is dedicated to something; and he added that the County Manager's office is going to work with County Finance to get the number as low as possible, and he would like the Board to approve the process so that it can continue on; with the Board understanding that the Internal Revenue Service (IRS) and Arbitrage is an issue and there is no need to borrow more than can be reasonably attested to the need.

Commissioner Infantini stated that the Net Position unrestricted funds are approximately \$36 million, and would appear to be available; and if the funds are in fact committed, she suggested that the Board have its auditors place it as being restricted; because this statement is giving the impression that these funds are available.

Mr. Whitten explained that a financial statement is an accounting statement, these are budgetary allocations authorizations restrictions; there is a difference between the budgetary restrictions authorizations, and financial accounting and the statements and restrictions that can be in the final statement.

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Commissioner Infantini asked Mr. Whitten what the \$20.4 million that is committed for; Mr. Whitten replied that he could provide her with a list of the projects associated with that amount.

Commissioner Infantini stated that she believes the point Mr. Burdett was alluding to, was that the Board borrowed millions of bond proceeds, and then did nothing with it. Mr. Whitten interjected, and stated that this was incorrect; he went on to say that when the Board is considering grant dollars that come in, that are unanticipated, and are able to get construction materials and services at a lower cost than originally budgeted; that is why the dollars are there; and there are great reasons why the surplus dollars are there, and significant reasons why the project could not be completed in the amount of time originally anticipated. He added that the Board needs to expand the Central Disposal Landfill, which will allow an additional 25 years of capacity; and it does not have \$18 million available to pay that on a cash basis.

Chairman Fisher inquired about a possibility that the Board may not need to borrow the full \$18 million, that it could borrow less, but that there is the option to borrow up to that amount. Mr. Whitten replied yes.

Commissioner Anderson stated that he accepts Mr. Whitten's explanation, and motioned to authorize county staff and finance team to undertake a request for proposal process; Commissioner Barfield seconded.

Commissioner Smith stated that he hates debt and if Mr. Whitten assures him that this is the best way, then he is in favor of this.

The Board authorized County Staff and the County's 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 that is willing to provide a loan to fund capital improvements to the County's Solid Waste System; and following the completion of the Request for Proposals, the results, along with Bond Resolution, will be brought back to the Board for consideration at a future meeting.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
NAYS:	Trudie Infantini

ITEM VI.E.2., SOLICITATION OF LEGAL ASSISTANCE, RE: BREVARD COUNTY CHARTER REVIEW COMMISSION

Stockton Whitten, County Manager, stated that this Item is a solicitation of legal counsel for the Charter Review Commission; the Charter Review Commission did vote unanimously to make this recommendation to the Board; and this is to solicit for attorneys to assist in deliberations; and the only amendment is that the Charter Review Commission did want to express that interviews may be required as a part of the review and selection process.

The Board approved the solicitation of an attorney with relevant experience to assist the Charter Review Commission in the review process, and interviews may be required as a part of the review and selection process.

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

ITEM VI.F.2., CITIZEN REQUEST BY THE VIERA COMPANY, RE: COUNTY JOINDER IN PROPOSED CONSOLIDATED MITIGATION AND CONCURRENCY AGREEMENT REGARDING SCHOOL FACILITIES FOR THE VIERA DEVELOPMENT OF REGIONAL IMPACT BETWEEN THE SCHOOL BOARD OF BREVARD COUNTY AND THE VIERA COMPANY (CONSOLIDATED SCHOOL AGREEMENT)

Stockton Whitten, County Manager, stated that this Item is a Citizen Request by The Viera Company; and he believes there is a presentation.

Todd Pokrywa, The Viera Company, stated that this is additional evidence of the long-term partnership with the School Board and Brevard County; it is being requested that the Board authorize the Chairman to execute a joinder to the proposed agreement between The Viera Company and the School Board for school facilities needs in the Viera Development of Regional Impact (DRI); the Viera DRI encompasses just over 20,000 acres, the original Development Order approval for the DRI was in 1990; there have been two substantial deviations to the DRI that have been approved; the first substantial deviation authorized the development of 18,945 residential units, this was approved in 1995; and The Viera Company mitigated the need for school facilities for those units, through a school facilities agreement, which called for the conveyance of six schools sites. He went on to say five of those six sites have been conveyed to the School Board and there is one elementary site remaining; there was also an impact fee credit agreement, provided that The Viera Company was eligible for educational impact fee credits associated with those school sites; the second substantial deviation authorized the additional development of 11,000 residential units, approved in 2009; under the conditions of the Viera DRI Development Order, The Viera Company and the school board are required to amend the existing school facilities agreement for those the first substantial deviation residential units and to enter into an agreement addressing school facilities for the second substantial deviation residential units; and he added that what is before the Board today is a consolidated agreement that addresses school mitigation and concurrency for all of the substantial deviation units. He explained to the Board that the intent of the agreement is for the school board to notify The Viera Company when the specific sites are required to provide sufficient capacity to maintain the level of service and to mitigate the impacts to school facilities that are directly attributable to the students generated in the Viera DRI; there are three key provisions of the agreement, the first is that The Viera Company completes conveyance of the school sites previously required for the first substantial deviation units; and The Viera Company further commits to donate four additional sites in connection with the residential units authorized under the second substantial deviation. He stated that the second provision is a waiver of impact fee credits that are otherwise payable to The Viera Company; pursuant to the prior school facilities agreement for the first substantial deviation units, The Viera Company was entitled to receive educational impact fee credits equal to the fair market value of each school site conveyed by The Viera Company to the School Board, for the mitigation of impacts public school facilities in connection with the Viera DRI; and it is estimated that the fair market value of the additional four school sites would be in the \$10-20 million range, and the agreement waives its right to impact fee credits, but the credits that are directly attributable to the school site conveyances would be

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used in Viera; the third provision in the agreement is that The Viera Company commits to extend roads and all other necessary infrastructure to each school site as its sole cost and expense. He added that he would be available for any questions.

Commissioner Infantini stated that her concern is that because the Board voted in favor of having two impact fee districts instead of five, and as a result, all of the impact fee credits generated by The Viera Company are going to stay in that part of the County, and cannot be used elsewhere; and she believes this is not equitable.

Mr. Pokrywa replied that this was incorrect; the educational impact fees that would be generated would equate to impact fee revenue of approximately \$46,175; the only impact fees that would be restricted for use in Viera are those that would be tied to the market value of the Viera school sites, and anything above the \$10-20 million would not be restricted; and without this agreement those impact fees credits would not be waived and would be impact fees that would be reimbursed to The Viera Company.

Commissioner Infantini stated that she does not feel any extra level of clarity, but that she believes he explained it.

The Board executed a Joinder to the Consolidated Mitigation and Concurrency Agreement Between the School Board of Brevard County and The Viera Company, consenting to the school mitigation measures proposed thereunder and acknowledging that residential units authorized under the Master Development Plan of the Viera Development Order shall not be subject to the County's school concurrency review process so long as the Agreement remains in effect without any default thereunder.

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

ITEM VI.F.3., CITIZEN REQUEST BY MARK GRAINGER, PRESIDENT OF FLORIDA BIPLANES, INC., RE: TEMPORARY HELICOPTER LANDINGS

Mark Grainger stated that he is seeking two motions from the Board; the first is permission from the Board to authorize a letter to the Florida Department of Transportation (FDOT) to allow him to perform a temporary helicopter landing at the Viera stadium, for a charity event; the second is to allow him, going forward, to have a process to perform future temporary landings, and as of currently there is no process that exists in Brevard County; and he would like to see a special use permit process, in which he can apply, and the final approval would be something he could present to FDOT.

Commissioner Anderson asked the County Manager if there is a way to incorporate charitable temporary landings events under the special event process.

Stockton Whitten, County Manager, stated that he had asked a similar question and what the issue is going to be is that the Planning and Development Department does not have any criteria under which to review Mr. Grainger for the permit; and he clarified that this is what Mr. Grainger is asking for, that a process be established. Commissioner Anderson inquired about how to establish this.

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Scott Knox, County Attorney, stated that other counties can be used as a reference, and review FDOT regulations.

Mr. Grainger stated that there is a lot of oversight in regulations that he has to operation through the Federal Aviation Administration (FAA) and FDOT; the FDOT Florida Statute spells out all of the criteria for a temporary landing, and included in that is approval from the local Zoning Authority.

Robin Sobrino, Planning and Development Director, stated that Mr. Grainger is correct, that there is no provision in order to accommodate his request; she added that helicopter activity has frequently been a zoning concern, Planning and Development receives a lot of complaints; and a temporary activity would be up to 30 days, barring in mind that a request such as this would not just open the ability to Mr. Grainger, but to any other helicopter operators, and would have to be entitled to the same ability to have temporary airport locations subject to County approval.

Commissioner Anderson made a motion to authorize the Chairman to send a letter to FDOT for the one-time helicopter landing at Space Coast Stadium; and to have staff investigate how jurisdictions handle special events for helicopter landings. Commissioner Barfield seconded.

Chairman Fisher asked Attorney Knox for clarification regarding the agreements with Space Coast Stadium and ensuring there would be no violation. Attorney Knox stated that a Community Day could be used, but the date would be at the discretion of Space Coast Stadium.

Mr. Grainger stated that Space Coast Stadium is coordinating the event to take place after a game; he added that if he would able to apply for a permit to do a landing, and everything would have to be in accordance with the regulations, which are spelled out clearly.

The Board authorized the Chairman to send a letter to Florida Department of Transportation (FDOT) granting permission for a one-time helicopter landing at Space Coast Stadium to support a golf ball drop for a charity event on September 6, 2015; and directed staff to investigate how other jurisdictions handle special events for helicopter landings.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

TEM VIII.A., STOCKTON WHITTEN, COUNTY MANAGER

Stockton Whitten, County Manager, clarified that staff and a representative from the National Golf Foundation did meet with the Public Golf Advisory Board to review the major components of the RFP, and actually worked off of a draft document.

ITEM VIII.G., ROBIN FISHER, DISTRICT 1 COMMISSIONER/CHAIRMAN

Chairman Fisher stated that he would be holding a town hall meeting this evening at Stadium Park River Event Center, with the disability community, to help families figure out how to bridge the gap for individuals aging out of the school system to enter into the workplace.

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Charles Tovey commented that Item VI.C.2., is an opportunity where taxpayer money could be saved; and thanked the Board for its time and tolerance.

Upon consensus of the Board, the meeting adjourned at 11:05 a.m.

ATTEST:



SCOTT ELLIS, CLERK



ROBIN FISHER, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

Approved by the Board on 10/20/15