

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

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on July 11, 2017 at 5:02 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

| Attendee Name | Title | Status | Arrived |
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| Rita Pritchett | Vice Chairwoman/Commissioner District 1 | Present | |
| Jim Barfield | Commissioner District 2 | Present | |
| John Tobia | Commissioner District 3 | Present | |
| Curt Smith | Chairman/Commissioner District 4 | Present | |
| Kristine Isnardi | Commissioner District 5 | Absent | |

INVOCATION

Invocation was given by Pastor Steve Goodner, Rocket Town Church, Titusville.

PLEDGE OF ALLEGIANCE

Chairman Smith led the assembly in the Pledge of Allegiance.

MINUTES FOR APPROVAL

The Board approved April 25, 2017, May 9, 2017, and May 23, 2017 Regular Meeting Minutes; April 27, 2017, May 9, 2017, and May 11, 2017 Special Meeting Minutes; and May 4, 2017 Zoning Meeting minutes.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | John Tobia, Commissioner District 3 |
| SECONDER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM I.A., RESOLUTION, RE: PROCLAIMING THE MONTH OF JULY 2017 AS PARKS AND RECREATION MONTH

Chairman Smith read aloud, and the Board adopted, Resolution No. 17-108, proclaiming the Month of July 2017, Parks and Recreation Month; and encouraged residents and visitors to 'Get their Play On'.

Mary Ellen Donner, Parks and Recreation Director, stated Brevard's Parks and Recreation are the key to connecting citizens with natural and historic treasures; the Parks and Recreation Department manages 121 developed parks, three campgrounds, three nature centers, three education centers, 44 beach access sites, 10 school athletic sites, and more than 16,500 acres of Environmentally Endangered Lands (EEL). She added within the community, they offer a variety of programs and leisure services; during the Fiscal Year 2016-2017, the following Parks and Recreation saw an average attendance of over 121,700 at campgrounds, over 160,000 at the community centers, 780,000 give or take at the athletic fields, summer camps have about 50,000 children enrolled, youth programs and special events about 14,000, and EEL's about

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52,000 visitors to their centers; with the hard work a dedication of staff, the Department has fulfilled the mission that the Board saw on their slide, by managing the resources the parks offer to the fullest, by providing a setting for social enrichment where visitors and citizens alike have the opportunity to connect through group activities, classes and special events; and she thanked the Parks and Recreation staff, Sean, Jill, Jessie, Savannah, and Melissa for the presentation, and the lovely take-home gifts that they will present to the Board. She added the kids are here to "Get Your Play On".

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Curt Smith, Chairman/Commissioner District 4 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM I.C., RESOLUTION, RE: RECOGNIZING JUDGE MAJEED FOR HIS SERVICE TO THE PEOPLE OF BREVARD COUNTY; AND HONORING HIM ON THE OCCASION OF HIS RETIREMENT

Chairman Smith read aloud, and the Board adopted Resolution No. 17-109, recognizing Judge Majeed for his service to the people of Brevard County, for his distinguished service to the people of Brevard County, and honors him on the occasion of his retirement.

Judge John Harris expressed his thanks to the Board for giving him a few minutes to speak, because there is a lengthy Agenda to get through; he has had the privilege of serving as the Chief Judge in the 18th Judicial Circuit, and on behalf of the 43 judges in Brevard and Seminole County, they would all like to thank the Board for this Resolution in recognizing the tremendous achievements in the career of their good friend A.B. Majeed.

A.B. Majeed expressed his thanks to the Board for being so gracious and kind in recognizing him; he came to America as a 22 year-old student; he came with a suitcase and two empty pockets; and he wanted to say after 24 years at a bench, he still has two empty pockets. He added he has had some very interesting cases; he thought to make this a little lighter, he had a case one time, this gentleman came before him, and after the case went on he got married, and he performed the ceremony in his court room, and no sooner than that he got a letter from a member of the public, it stated " Judge Majeed, you have to be one of the toughest Judges in the entire State of Florida, a gentleman comes to you in a minor crime, and you gave him a life sentence." He stated he thanked the Board so much, in his wildest dreams he could not have dreamt to come to America as a son of an immigrant and become an attorney and become a judge; and he is extremely grateful for this Nation and for all the citizens of Brevard County and this County Commission. He noted as president the judges, he has had the opportunity to interact with judges throughout the State of Florida and he would like to assure each and every person, that Brevard County has the best group of judges that anywhere in the State of Florida.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Curt Smith, Chairman/Commissioner District 4 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

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ITEM I.B., RESOLUTION, RE: REQUESTING THE UNITED STATES CONGRESS TO REFRAIN FROM EXTENDING STATEHOOD TO THE COMMONWEALTH OF PUERTO RICO

Commissioner Tobia stated this is his first resolution here before the Board; he appreciated the Board's indulgence; and he read aloud the resolution.

Motion by Commissioner Tobia to adopt resolution requesting the United States Congress to refrain from extending Statehood to the Commonwealth of Puerto Rico. Motion dies for lack of a second.

Jorge Perez DeAimes stated he is present today as a private citizen, taxpayer, and productive member of Brevard County; he is a Hematology/Oncologist, Army Major Retired, Veteran of the Rock Work; a resident of Brevard County, Titusville area; and a proud American Citizen born in Puerto Rico. He added that Commissioner Tobia intended to pass a resolution on the political stance of Puerto Rico; this resolution is inflammatory, misleading and disrespectful to the people of Puerto Rico; and as he knows, Puerto Rico is a commonwealth of the United States of America, in correct terms, a known incorporated territory, or as he calls it a colony of the United States. He added they have not achieved a full self-government; Puerto Ricans have been citizens of the United States since 1917; and they have participated in every major military conflict since then, proudly defending their Country with their fellow American Citizens of the mainland. He went on to say despite that, they do not fully participate in electing the leaders and the Commander in Chief of the National Government that control the affairs; and he believes Commissioner Tobia is misinformed about the contribution of the people of Puerto Rico to the United States, and the State of Florida. He advised Puerto Ricans pay Social Security taxes, Medicare, as well as other taxes; they contribute, per capita, more man power to the military than any other State of the Union; and they subsidize the Marine Merchant of the United States in the name of National Defense through the Cabotage Law, Jones Law of 1920, making their product 40 percent more expensive than in the mainland, a huge hidden tax on the people of Puerto Rico. He talked about Commissioner Tobia mentioning making Puerto Rico a State was a bad deal for the Continental United States, that they are indebted and poor, he is misinformed, and his comments are misleading; Puerto Rico has a higher general population than the State of the Union per capita GDP higher than Spain; and their debt to GDP is roughly 60 percent, while their nature of debt is about 80 percent, therefore in any case, before elector Puerto Rico, their debt, he would like to put the house in order first. He added he cannot finish his comments, but he would like to say in this time of political incorrectness, and top policies, starting from the President, he will tell him that he is a County Commissioner, not a Congressman, nobody asked for his opinion on this issue, and he knows what Commissioner Tobia is up to, he wants to drown out naturalization of the embodiment of this resolution of one County of the State of Florida to further his career through this resolution; the political status of Puerto Rico is highly devising, and he advised the Board to vote no on this resolution; invited Commissioner Tobia to his home so he can teach him about Puerto Rico, he will tell him a story; and he should not push it.

Catherine Haynes stated she would like to address the resolution before the Board regarding Statehood of Puerto Rico; it appears that at least one member of the Board is interested in significantly broadening the scope of its mission beyond traditional business; it seems the Board must have much more time at its disposal that she ever imagined; and that being said, she would like the Board to adopt resolutions and entertain agenda items addressing the following issues that fall equally in the Board's scope: benefits of adopting a vegan lifestyle, increasing length of a professional baseball games, appropriate length of a teenagers skirt in a private school setting, are cell phones safe, should college football expand the post season playoffs to eight teams, what is the appropriate amount of television for a teenager to watch, is some of the stuff in professional wrestling real, or is it just totally fake, what happened with Paris Hilton, why is she no longer in the spotlight, should we revert to the Gold Standard and tie the dollars

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valuation to gold, did researchers actually find a mummified three-fingered alien in Peru, as what was recently reported in the *National Enquirer*; and she added she would stop for a moment, she is assuming the Board would not let her extend her time indefinitely, because she has a lengthy list of suggestions to share. She advised the Board to limited time and resources to issues it has direct control over and that are undeniably pertinent to the residents of Brevard County.

Peter Vivaldi expressed his thanks to everyone present; he stated he lives in Orlando, but it was important enough for him to come out and talk to the Board about the resolution for Puerto Rico; and Puerto Rico is a territory of the United States, and the U.S. Congress is responsible for Puerto Rico. He went on to say, as is it, for all other of the 50 States, Puerto Rico is not asking, or requesting a bailout, some of the language in the resolution speaking about socialization, Puerto Rico is not a socialized government; talking about the burden on taxpayers, they are not asking for a bailout, there is no burden that the United States would have to assume, because they became a State. He advised Puerto Rico has to work, and they are working through the Promesa Bill; they know there are issues, and for him, he does not want to take more time; and he appreciates the vote and where it did not go, but he does want to say that this resolution sounds a lot like what he heard a month ago on the floor of the Congress, through Congressman, he calls his Socialist Congressman, Luis Gutierrez. He explained a lot of the issues that were brought up in this resolution. Mr. Gutierrez, who is known as a socialist, and lives in this Country free and wide, wants to see Puerto Rico under bondage and never free; and for him to hear a person who calls himself a Republican like he is, and talk using the same sentences a socialist would use is very offensive. He informed he is present to thank the Board; he knows there are probably mosquito problems in Brevard and other things it would like to deal with, and Puerto Rico is not one of them.

Samuel Lopez stated he is President of United Third Bridge Incorporated, a civil rights organization in Brevard County, and he would like to thank all the friends and everyone who came down here is will be speaking; he will cut his short, because Dennis is going to talk quite a bit about Puerto Rico. He added when he sent out his press release to *Florida TODAY*, and to the neighboring news people, his concern was that this fell on discrimination; that is basically where it is; he would like to thank the Commissioners for letting this die; and that is where it was supposed to go. He pointed out the rest of the people that are here, and the surrounding counties, are organizing a picket line at Valencia College where Commissioner Tobia works to let everyone there know what type of a person he is, and what kind of human being he is. He mentioned he has four brothers, three in the Navy and one in the Army; they have served this Country; Commissioner Tobia came up and start rattling off all that garbage that he actually spoke today, without using the opportunity to talk to anyone, including them; they have an office in Brevard County, he could have sat down with them and asked, just brought forward and said he was thinking of doing this and asked for an opinion; and maybe there could have been a better response and they could have been understood. He added when people serve this Country and die for this Country, that is saying a lot, because that is the ultimate sacrifice; and his brother gave the ultimate sacrifice for this Country.

Colonel Dennis Freytes stated he is United States Army, retired; as an American Veteran who has been inducted into the Florida Veterans of Fame, by the Florida Governor, as former Trustee of Valencia College, appointed by Governor Jeb Bush, and confirmed by the Florida Senate, twice, also as a Professor at the University of Puerto Rico, Professor of Military Science, he had a thousand cadets and he commissioned officers for the United States Army; and as a Commander of Infantry, Special Forces, and Airborn, and now he is a Community Service leader. He added he respectfully says, and with respect to Commissioner Tobia, millions of loyal U.S. citizens from the U.S. Territory of Puerto Rico and others here are on a quest for institutional equality. He asked that the Board support, not hinder the fight for justice; he would say please vote no on the resolution, but it is not necessary now; and he will say a

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little about Puerto Rico. He advised first the numbers that were mentioned are one-sided, they do not explain the problem; they do not explain that Promesa was imposed on Puerto Rico, even the current governor of Puerto Rico, who is pro-Statehood, Ricardo Rossello, the President of the Senate, elected by the people, Thomas Rivera Schatz, the President Commissioner, a Republican, are pro-Statehood; they now have a contingency plan and they are sending three ex-governors, a resident commissioner to fight for Statehood, because Puerto Rico is in a straight-jacket; everything that Puerto Rico does is based on the status of the Territorial Clause, it is not a commonwealth, that does not exist, it is a distorted word; and those numbers, by the way, also the cash flow between Puerto Rico and the United States, the United States, all the Federal Government, has a net gain of over \$45 billion, and Puerto Rico has a net loss. He explained Puerto Rico imports over 80 percent of things from the United States; it is one of the best trading partners of the United States, creating hundreds of thousands of jobs; and he could go on, but his time is limited. He discussed there are American Veterans dying on the battlefield, to include the Puerto Ricans, many living in this District who could not vote for their President, they do not have just representation under the Congress that determines their destiny, do not have all of the benefits; and it is the duty of the voters to vote, and there are many instances where there have been elections in past years with very low turnout. He closed by saying Puerto Rico's economic status will be dealt with and resolved concurrently; and they hope the Board will stand with them with Patriots with True Grit, for equal treatment under just laws and not stand for this discriminating resolution. He added they must cry out for reason and justice and let it prevail, as they work together for the good of all, family, community, USA, and humanity; and with respect, he is prepared to meet with Commissioner Tobia to give him some other facts that he has studied for three years. He added Ronald Regan was for Statehood of Puerto Rico.

Chairman Smith thanked Mr. Freytes for his service.

Anthony Suarez stated is a former State Representative, representing District 35, in Orlando, Florida; he is currently President of the Puerto Rican Bar Association of the State of Florida; he is a Professor of Law at Barry University School of Law; and he served in the United States Army as a Captain in the United States Military Intelligence Corp in an early part of his life. He added he is a practicing attorney of 40 years in the United States, both admitted in several jurisdictions; but he would really like to thank the Board for giving them this opportunity, and Commissioner Tobia for giving this opportunity. He went on to say while some critics may be saying this is a Federal issue, not a local issue, he disagrees; because the fact that Puerto Rico is a colony of the United States, and 118 years being a colony under that, it is an American issue; and it affects everybody, and the fact that it is against the very essence of the United States Constitution, to maintain people where they cannot vote for their representatives, where they can go to Afghanistan and die for Afghanistan people, so they can vote, but they themselves cannot vote, he thinks that is contrary to the spirit of the American Constitution. He explained he makes reference to the questions about the debts being one of the reasons Puerto Rico should not be admitted, but he pointed out that debt is owed by Americans; the \$121 billion is owed by American Corporations, two American Pensioners, it is an American problem; whether Puerto Rico becomes a State or not, it is an American problem. He added the fact that if Puerto Rico does not become a State, there will still be Americans serving in the military as himself and Colonel Freytes, and they will go and fly around the world to protect the American interest whether they become a State or not seems to be against American values. He highlighted while there has been reference to the 21 or 23 percent, there are 500,000 Puerto Ricans who voted for Statehood; if they do not become a State, those 500,000 people will be looking for a state to move to; something where 1.1 million Puerto Ricans have already chosen Florida, those Puerto Ricans that voted for Statehood and do not get Statehood will eventually be looking for places that have sunshine, beaches, and this will be a valuable place for them to go. He added were it not for this resolution, the media would not be here; this is getting

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coverage in Puerto Rico, and around the Country it will be, and the Board gave them this opportunity to bring forth the issue of Puerto Rico.

Chairman Smith thanked Captain Suarez for his service.

Richard Charbonneau stated he does not know what was in Commissioner Tobia's mind when he proposed this, but he is going to take a shot at it; recently Greece was in a financial straight, and Germany had to bail Greece out, and they had to go into debt; and he is assuming that Commissioner Tobia is thinking about the amount of debt that Puerto Rico would put on the United States if Puerto Rico became part of the United States. He added Guam is severely in debt also, so the Board should take Guam and make Guam a State in the United States as well, because they are in severe debt; he did some figures and it will probably cost the United States a quarter of a trillion dollars; the United States has the money; he is not anti-Puerto Rican, that is for sure; he happens to be a disabled veteran, as well as part Native American; and while he is at it, he does not see anyone talking about anything special for Native Americans. He explained there are 590 Reservations in the United States that Native Americans live 10 years less lifespan than the people of the United States; his ancestors were here 15,000 years ago, if anyone believes that, surely before anyone else; and they should be recognized also. He went on to say they have poverty ratings within the Native Americans population; he does not think, he knows Commissioner Tobia pretty well, and he does not think he is anti-Hispanic or anti-Puerto Rican, he is just concerned about the amount of debt the United States would incur; and if he says otherwise, then he will believe otherwise, but he just sees this as a tremendous debt situation, but the same thing if the U.S. took on Guam, it should be a State also. He noted like Margaret Thatcher said, eventually money runs out; the United States is running out of money, it is just borrowing Chinese money, and does not have enough money; half the people pay taxes, half the people do not; and he pays taxes times 10.

Sara Ann Conkling stated she will be brief because she really appreciates what did not happen today, the fact that there was not a second; she is here basically out of friendship for a couple people with families in Puerto Rico who are first generation American Citizens, but have loved ones still in Puerto Rico, who cannot be here today; and she would like everyone to be careful about two things. She added one is that the Board stick to the things that concern directly to citizens of Brevard County, she believes the Board has taken a stand to do that today, and she thanked the Board for that; second of all, she would like the Board to not look at any kind of resolution that has either overtly or covertly any kind of err of racism about it, or singling out of any ethnic group of people for any kind of discriminatory purpose. She explained she appreciated the Board taking the high road here, sticking to the issues that most directly affect citizens of this County, and staying within the confines of the government, which it does well so much of the time.

Charlie Graham stated he would like to do something that has not happened much today and thank Commissioner Tobia; he sent him an email, despite his direct opposition to his opposition, he received an email in a timely manner, and he very much respects that; and that is a sign of good governance. He added he had the opportunity to be selected for jury duty with Judge Majeed; Judge Majeed gave all perspective jurors a speech on civic duty, as he is sure was done many times, and because of that, in part, that is why he is present; it inspired him enough to realize that he needs to be a citizen and he needs to be up front; there are many more important issues than what is happening in Puerto Rico; and the fact that they voted 97 percent to become a State means that is what they would like to do, but that is not what he sees the Board needing to do. He went on to say he would like to waive the rest of his time, and if Judge Majeed would like to give a little bit of that civic speech, he thinks it would be awesome.

Randy Foster stated as the Board can see, he is not Puerto Rican, but he loves Puerto Rican people; he has a cousin that is Puerto Rican, and he also spent a couple years as a U.S.

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Marshall on the island of Puerto Rico fighting crime; and he thinks he is qualified to speak on this issue. He added this is the County Commission this is not the U.S. House of Representatives; he would like for his Commissioner, Commissioner Tobia, and the rest of the Board to focus on the County issues; there are road problems, transportation problems, and there are other issues in emergency management. He went on to say that is what the Board should be focused on; when an issue is brought up, that is in the National arena, such as Statehood, that was already decided by the people of Puerto Rico; they supported it; and he supports them on that. He explained to live on an island, like he did in the Virgin Islands when he moved his residence there because of employment, he could not vote for the President of the United States; all of his life, he has been a citizen that served in the Military; and he reiterated he could not vote for the President of the United States. He stressed the people of Puerto Rico cannot vote for the President of the United States; there is no representation; that is why Statehood is so important, to bring them into the fold; they sacrifice on the battlefield, their family members have lost their lives in defense of this Country; and when people serve in the Military, they serve to protect all citizens, they raise their hand to support the Constitution, that is why Statehood is so important. He went on to say if there is no Statehood for Puerto Rico, to him that is just a modern day form of slavery, that is the way he looks at it; he is not here to roast Commissioner Tobia, but he wished he would focus more and bring to light issues in the County, the County has to start moving forward; and he urged the Board to do that.

Chairman Smith thanked Mr. Foster for his service.

Alberto Esperon stated he lives in Merritt Island, District 2, he believes; there is not a lot he can say about Puerto Rico that has not been said here before; he is proud to be a conservative American; and all he can say right now is that with all the political climate that is leading today, this President in their party is saying that all Americans are first, and they are bringing a resolution like this, putting down and picking and choosing which Americans to help, is wrong. He added they should look into this problem and solve the problem to 3.5 million Americans in Puerto Rico that do not have the same rights and everything that is enjoyed here in the mainland; and he thanked the Board for his time and that was all he wanted to say.

ITEM II.D.7., BOARD DIRECTION, RE: TOWN OF MALABAR'S REQUEST THE THE COUNTY CONVEY ITS INTEREST IN LOTS 18-22 OF J.J. POLLACK'S SUBDIVISION, BLOCK 5

Douglas Hoyt stated he is present for questions only, and he would be glad to answer any.

The Board authorized conveying interest in Lots 18-22 J.J. Pollack's Subdivision, Block 5 to the Town of Malabar.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM II.C.2., PERMISSION TO ISSUE REQUEST FOR QUALIFICATION (RFQ) AND NEGOTIATE A COMPETITIVE AGREEMENT, RE: ARCHITECTURAL/ENGINEERING/DESIGN SERVICES FOR A REPLACEMENT EMERGENCY OPERATIONS CENTER

Pat O'Neill, City of Rockledge, stated this has to deal with the Emergency Operations Center, the design portion of it, he is concerned that if any delay happens, the County is going

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encumber some significant over and above where it is; and the design needs to be completed, the design submitted and the paperwork done by May 2018. He added he is hoping there is no delay in the program and it can move forward with it; he does not know how many Commissioners have been to the Emergency Operations Center, and not just going there, but going there when it is fully active; he has spent many, many nights on the floor; that was the bedding, if anyone has been in the kitchen, that feeds the people there, someone's house probably has a bigger kitchen; and there can be 150 to 200 people there. He went on to say they had to bring an outside caterer in when they could come in; he is referring back to the storms of 2004; during the storms in 2004, they lost power, which is really interesting when that is the central hub for the County's Emergency Response, and the air conditioning goes out; and if one has been in the Emergency Operations Center, there is no windows, that is kind of like the design process so the wind does not smash them in. He noted if the Board could go ahead with the process, do the design, it can put it on a lot of different pieces of property, especially if one is looking at the structure with a defined footprint; the Space Coast League of Cities last year gave to Tallahassee Brevard County's Legislative Priorities, all the 16 cities within this County; and the Emergency Operations Center, rebuild, re-do, new structure was on the list. He advised there were only five things on the list when they sent it out to the Legislative Delegation; he urged the Board to continue with this; he stated if there is another disaster, and the way it looks, the ocean is warm already, it is not a matter of if, it is a matter of when; not only their preparation during the storm, but the recovery after the storm, that facility is critical to the County getting back on its feet; and without it, the County will not.

Sara Ann Conkling stated she would also like to speak in favor of anything the Board can do to expedite the needs of the Emergency Operations Center; she has toured it, she thinks every citizen should; it is amazing, the amount of activity that comes out of that building, and especially when it is activated for emergencies; and she has been in favor for a long time of getting them everything they need, including comfortable accommodations for the people who are literally stuck there during an emergency, there are no good places for them to sleep or go to the bathroom, and there is not adequate facilities to feed them. She thanked the Board for having this on the Agenda, she appreciates it.

The Board granted permission for Central Services, Purchasing, and Emergency Management to solicit for a Request for Qualifications (RFQ) and negotiate a competitive agreement for architectural, engineering, and design services for a replacement EOC; authorized establishing a selection committee consisting of Solid Waste Director, Facilities Construction Manager, and Emergency Management Director, or their designee, and to award the contract to the best ranked proposer; and authorized the County Manager or his designee to execute the contracts, subject to approval by the County Attorney's Office and Risk Management, execute necessary documents and all contract documents to the project as needed, subject to approval by the County Attorney's Office and Risk Management, and authorize any associated budgetary changes.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| SECONDER: | John Tobia, Commissioner District 3 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

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ITEM II.C.6., LABOR AGREEMENT WITH BREVARD COUNTY PROFESSIONAL FIREFIGHTERS SUPERVISORY UNIT, LOCAL 2969, RE: WAGE REOPENER NEGOTIATIONS

Josh Madsen stated things to cover real quick, he would like to cover the same thing they are saying, the Emergency Management Center is one of the vital things that are needed for operations, just like the Board sees the conditions they are in, many of the fire stations are in the same condition as well; and there are issues with mold, and these guys are in that 24 hours a day on shifts. He added they have seen a lot of cuts, they are very concerned; they stand there with the citizens of Brevard County, as well as the employees of Brevard County; and they need to stop the cuts, revenue is the issue, the Board needs to be responsible, and it needs to start a progressive push to move forward in this County. He went on to say, to let the citizens know, the last three years, there are 41 percent less paramedics responding to calls; they have changed their staffing, citizens do not know this, but this is all because of revenue cuts, 41 percent; if things are not changed, by next year, there will be 61 percent less paramedics responding to calls; and that is a concern to himself, his family, and all his friends that live in Brevard County. He stated he prays and urged the Board to please begin to move forward; these are issues the Board can address, he served in Iraq in 2003 and 2004, over 50 percent of the men he served with in the Florida National Guard and the Puerto Rican National Guard, were from Puerto Rico; he served over there, it is time for the Board to put its constituents before itself, not the next elected position; and it is time for the Board to stand up for the people to do what is right and not to do what will make it popular and back in the seat three years from now. He urged the Board to do what is right for Brevard County, and asked the Board to move the County forward; the County has been losing too many employees; there will be 90 brand new firefighter EMT's in the streets by next year; that is 90 brand new because they cannot keep people, they are not paramedics, they are EMT's; a paramedic is an extension of an ER Physician, they work under their protocols, they can start IV's, push pharmaceutical drugs on a person to save a life, they can intubate, and use cardiac monitors to save a life; and an EMT can hand him those things when he asks for it, and can drive to the hospital. He explained when paramedics are getting cut, that is cutting the amount of services that are going to the citizens; he urged the citizens to reach out to their Commissioners and asked the Commissioners to listen to their citizens to do what is right and what will protect them. He asked that the Board pay the employees, not just firefighters, to keep them here, they have an investment in this County if they are taken care of; if they are not taken care of, they are going to leave, and he cannot blame them; they have to be able to raise their families, and to live in the County they serve; and right now they cannot afford to live in the County. He concluded by saying they can go 30 minutes in either direction and get a job elsewhere in Central Florida making enough money to support their families, please help Brevard County's employees do the same.

Christine Madsen stated she is an 18-year paramedic/firefighter for Brevard County Fire Rescue; she takes pride in her career; she provides to the best of her ability a favorable outcome to all of her patients; and due to staffing cuts, of qualified medics, decided upon the Board, this has become an over the top expectation in all the efforts to save a few dollars. She added she knows when she is asked to testify if provided the best possible care for a patient, or if there could have been anything else that she could have done for a better favorable outcome, her answer will be yes. She advised she does believe that she provided the best care, but due to the limited number of qualified personnel, her patients chances for survival were greatly decreased; if the Board was asked the same question, she wonders what its answer would be; she would like to know if it has held up its commitment to the citizens whom elected it for its position; and as for her, saving a life is more important that saving a few extra dollars since her family and friends live in Brevard County. She believes Brevard County residents would feel the same, and they, too, would be disappointed in the entrusted Commissioners that they have instead focused on the actions of saving a few dollars, securing their seats for the next election,

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and avoided informing them that they are no longer receiving the same highest level of emergency care services they were promised.

The Board ratified the modifications to Article 13; and authorized the County Manager to execute said labor agreement with Brevard County Professional Firefighters Supervisory Unit, Local 2969.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM II.A.1., APPROVAL, RE: MOSQUITO CONTROL TENTATIVE DETAILED WORK PLAN BUDGET FOR FY 2017-2018

The Board approved and authorized the Chairman to execute the Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, Detailed Work Plan Budget - Arthropod Control, for the Fiscal Year beginning October 1, 2017, and ending September 30, 2018, to qualify the Brevard County Mosquito Control District as a State Certified Program.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM II.A.2., FINAL PLAT AND CONTRACT APPROVAL, RE: KERRINGTON AT ADDISON VILLAGE, PHASE 2 - THE VIERA COMPANY

The Board granted final plat approval for Kerrington at Addison Village, Phase 2, subject to minor engineering changes, as applicable, and developer responsible for obtaining all other necessary jurisdictional permits; and authorized the Chairman to execute the Subdivision and Infrastructure Contract with The Viera Company.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM II.A.3., FINAL PLAT AND CONTRACT APPROVAL, RE: LOREN COVE AT ADDISON VILLAGE, PHASE 2 - THE VIERA COMPANY

The Board granted final plat approval for Loren Cove at Addison Village, Phase 2, subject to minor engineering changes, as applicable, and developer responsible for obtaining all other necessary jurisdictional permits; and authorized the Chairman to execute the Subdivision and Infrastructure Contract with The Viera Company.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, John Tobia, Curt Smith

ITEM II.A.4., APPROVAL, RE: DISBURSEMENT OF EDUCATIONAL FACILITIES IMPACT FEES

The Board authorized the disbursement of Educational Facilities Impact Fees in the amount of \$16,476,997.47 to the School Board of Brevard County in accordance with the terms of the Interlocal Agreement; and authorized the Budget Office to execute any budget changes required to implement this disbursement.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, John Tobia, Curt Smith

ITEM II.A.5., FINAL PLAT AND CONTRACT APPROVAL, RE: VIERA TOWN CENTER I - THE VIERA COMPANY

The Board granted final plat approval for Viera Town Center I, subject to minor engineering changes, as applicable, and developer is responsible for obtaining all other necessary jurisdictional permits; and authorized the Chairman to execute the Subdivision and Infrastructure Contract with The Viera Company.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, John Tobia, Curt Smith

ITEM II.A.6., RESOLUTION, CONTRACT FOR SALE AND PURCHASE, AND SPECIFIC PURPOSE EASEMENT WITH SYNERGISTIC SATELLITE, INC., RE: ADDITIONAL LAND NEEDED RELATED TO IMPROVEMENTS TO LIFT STATION S-07, AND RELOCATION OF A GATE POST

The Board adopted Resolution No. 17-110, executed Contract for Sale and Purchase, and executed Specific Purpose Easement with Synergistic Satellite, Inc. for additional land needed related to the improvements to Lift Station S-07, and relocation of gate post.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, John Tobia, Curt Smith

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ITEM II.A.7., INTERLOCAL AGREEMENT WITH CITY OF MELBOURNE, RE: UTILITY DEACTIVATION AND INSTALLATION AT PINEDA CAUSEWAY OVERPASS AT FEC CROSSING

The Board executed Interlocal Agreement with City of Melbourne pertaining to the utility abandonment and installation (water main) at the Pineda Causeway Overpass at FEC Crossing.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM II.A.8., RESOLUTION AND LOCALLY FUNDED AGREEMENT TERMINATION FM#436370-1-22-01 WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: PD&E STUDY FOR WASHINGTONIA DRIVE EXTENSION FROM ST. JOHNS HERITAGE PARKWAY TO STADIUM PARKWAY

The Board adopted Resolution No. 17-111, and executed Locally Funded Agreement Termination FM#436370-1-22-01 with FDOT for the PD&E Study for Washingtonia Drive Extension from St. Johns Heritage Parkway to Stadium Parkway; and approved any budget change requests as a result of this action.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM II.A.9., ASSIGNMENT AND ASSUMPTION OF LANDSCAPING AND IMPROVEMENT AGREEMENT WITH THE VIERA COMPANY AND ARRIVAS DISTRICT ASSOCIATION, INC., RE: ARRIVAS VILLAGE AND RODINA DRIVE INFRASTRUCTURE IMPROVEMENTS

The Board executed Assignment and Assumption of Landscaping and Improvement Agreement with The Viera Company and Arrivas District Association, Inc. for Arrivas Village and Rodina Drive Infrastructure Improvements.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM II.A.10., INTERLOCAL AGREEMENT WITH CITY OF COCOA, RE: UTILITY REMOVAL AND RELOCATION WITHIN CONE ROAD COMMERCIAL PARK, MERRITT ISLAND

The Board executed Interlocal Agreement with City of Cocoa pertaining to the removal and relocation of utilities (potable water mains) within Cone Road Commercial Park in Merritt Island; and approved any budget change requests as a result of this action.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, John Tobia, Curt Smith

ITEM II.A.11., RESOLUTION AND INTERLOCAL AGREEMENT WITH MERRITT ISLAND REDEVELOPMENT AGENCY (MIRA), RE: CERTIFYING A VALID PUBLIC EMERGENCY AND TO ADMINISTER THE MIRA CONE ROAD SEWER PROJECT

The Board adopted Resolution No. 17-112, certifying a valid public emergency and waiving any potential conflict of interest in having the County Attorney representing both the County and MIRA with respect to the Projects; and executed Interlocal Agreement with MIRA to take over administration and management of MIRA's Sewer Project.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, John Tobia, Curt Smith

ITEM II.B.1., REAPPOINTMENT, RE: COMMUNITY ACTION BOARD (CAB) ADVISORY

The Board reappointed **Larry Carter** to the Community Action Board, with term expiring December 31, 2020.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, John Tobia, Curt Smith

ITEM II.B.2., APPROVAL, RE: TOURISM DEVELOPMENT OFFICE (TDO) TO REQUEST PROPOSALS FOR BEACH CLEAN-UP MAINTENANCE SERVICES

The Board granted approval for the TDO to request proposals for beach clean-up maintenance services; authorized Tourism Development Director to execute contracts and contract renewals, subject to approval by the County Attorney's Office and Risk Management; and authorized any associated budgetary changes.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, John Tobia, Curt Smith

ITEM II.B.3., RESOLUTION, GRANT APPLICATION, AND JOINT PARTICIPATION AGREEMENT WITH FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED, RE: TRIP AND EQUIPMENT GRANT

The Board adopted Resolution No. 17-113; authorized the Chairman to sign the Grant Application, and the Joint Participation Agreement with the Florida Commission for the

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Transportation Disadvantaged for a Trip and Equipment Grant; approved all the Budgetary Documents; and authorized the Transit Services Director to sign any and all assurances, warranties, certifications, and any other document which may be required in connection with the agreement or subsequent agreements.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, John Tobia, Curt Smith

ITEM II.C.1., RESOLUTION AND LEASE AGREEMENT WITH CONGRESSMAN BILL POSEY, 8TH DISTRICT, RE: OFFICE SPACE AT THE BREVARD COUNTY GOVERNMENT CENTER NORTH, TITUSVILLE, AND BREVARD COUNTY GOVERNMENT CENTER, VIERA

The Board approved Resolution Nos; 17-114 and 17-115, for office space at the Brevard County Government Center North, Titusville, and Brevard County Government Center, Viera; and granted approval for the Chairman to execute two Lease Agreements with Congressman Bill Posey, 8th District.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, John Tobia, Curt Smith

ITEM II.C.4., INTERLOCAL AGREEMENT WITH SEMINOLE COUNTY, RE: WEBEOC SOFTWARE

The Board approved an Interlocal Agreement with Seminole County for WebEOC Software; authorized the Chairman to sign the Agreement; and authorized the County Manager, or his designee, to sign any subsequent documents associated with this Agreement, subject to approval by the County Attorney's Office.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, John Tobia, Curt Smith

ITEM II.C.5., APPROVAL TO ACCEPT FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ASSISTANCE TO FIREFIGHTERS GRANT (AFG) AWARD IN THE AMOUNT OF \$798,525, RE: INSTALLATION OF 35 STRYKER POWER LOAD SYSTEMS IN THE DEPARTMENT'S AMBULANCE FLEET

The Board approved acceptance of FEMA AFG Award in the amount of \$725,593, for installation of 35 Stryker Power Load Systems in the Department's ambulance fleet, with 10 percent remaining at \$72,593 coming from the Department.

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RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, John Tobia, Curt Smith

ITEM II.D.1., APPROVAL, RE: BUDGET CHANGE REQUEST(S)

The Board approved the Budget Change Requests, as submitted.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, John Tobia, Curt Smith

ITEM II.D.2., APPROVAL, RE: ADMINISTRATION AND COLLECTION COST FOR BUSINESS TAX RECEIPTS - JULY 1, 2017 - JUNE 30, 2018

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

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, John Tobia, Curt Smith

ITEM II.D.3., CERTIFICATION, RE: LOCAL OPTION GAS TAX (LOGT) PERCENTAGES ALLOCATIONS

The Board certified the LOGT revenue percentage allocation; and authorized Clerk's Finance Department to submit the allocations to the Florida Department of Revenue.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, John Tobia, Curt Smith

ITEM II.D.4., ACKNOWLEDGE RECEIPT, RE: FISCAL YEAR 2018 PROPOSED BUDGET FOR VIERA EAST COMMUNITY DEVELOPMENT DISTRICT

The Board acknowledged receipt of FY2018 proposed budget for Viera East Community Development District.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, John Tobia, Curt Smith

ITEM II.D.5., ACKNOWLEDGE RECEIPT, RE: FISCAL YEAR 2016-2017 MERRITT ISLAND PUBLIC LIBRARY TAX DISTRICT BOARD SEMIANNUAL REPORT

The Board acknowledged receipt of FY2016-2017 Merritt Island Public Library Tax District Board semiannual report.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, John Tobia, Curt Smith

ITEM II.D.6., RESOLUTION, RE: APPROVING RETROCESSION AND AUTHORIZING STAFF TO WORK WITH AIR FORCE IN DEVELOPING INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE AIR FORCE, SHERIFF'S OFFICE, AND CITY OF PALM BAY

The Board adopted Resolution No. 17-116, approving retrocession and authorizing staff to work with the Air Force in developing intergovernmental cooperation agreements between the Air Force, Sheriff's Office, and the City of Palm Bay.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, John Tobia, Curt Smith

ITEM II.D.8., ACCEPTANCE AND APPROVAL, RE: ASSET MANAGEMENT CYCLE AUDIT REPORT AND THE PUBLIC WORKS-PROJECT MANAGEMENT/SCHEDULING AUDIT REPORT

The Board accepted the Audit Committee's Asset Management Cycle Audit Report and the Public Works Project Management/Scheduling Audit Report.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, John Tobia, Curt Smith

ITEM II.D.10., ACKNOWLEDGE APPLICATION OF CAREERSOURCE BREVARD (CSB), RE: SUBSEQUENT LOCAL WORKFORCE DEVELOPMENT AREA (LWDA) DESIGNATION

The Board acknowledged the CareerSource Brevard Application for subsequent local workforce development area designation, which was transmitted to the State of Florida, Department of Economic Opportunity as required.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM II.D.11., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

The Board appointed/reappointed **Karen Calle** to the Central Brevard Library and Reference Center Advisory Board, with term expiring December 31, 2019; **Larry Carter** to the Community Action Board, with term expiring December 31, 2020; **Daniel Ciuro** to the Investment Committee, with term expiring December 31, 2019; **Debby Gauntlett** to the Merritt Island/Beaches Advisory Board, with term expiring December 31, 2019; **Brian Corbett** to the North Brevard Commission on Parks and Recreation, with term expiring December 31, 2019; **Mark Wadsworth** to Planning and Zoning Board Alternate, with term expiring on December 31, 2017; **Leann Chaney** to the Suntree/Viera Public Library Advisory Board, with term expiring on December 31, 2017; and **Eric Hoppenbrouwer** to the Transportation Planning Organization Advisory Board, with term expiring on December 31, 2017.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM II.D.13., ACKNOWLEDGE, RE: BREVARD COUNTY ANNUAL FINANCIAL AUDITS REPORT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2016

The Board acknowledged the receipt of Brevard County Annual Financial Audits Report for Fiscal Year ending September 30, 2016, and the accompanying management letters.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEMS PULLED

Commissioner Tobia pulled Item II.C.3., Request for Approval of Final Payment to Emergency Purchase Order #44500091744 to Consolidated Resources Recovery, Inc., Re: Grinding and Screen of Yard Trash and Vegetative Waste at Sarno Landfill; Request Permission for the County Attorney to File a Breach of Contract Against Jimmie Crowder Excavating and Landsclearing, Inc.; and Item II.D.9., Clarification of Board Direction, Re: Merritt Island Redevelopment Agency (MIRA), from the Agenda for discussion.

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ITEM II.C.3., REQUEST FOR APPROVAL OF FINAL PAYMENT TO EMERGENCY PURCHASE ORDER #44500091744 TO CONSOLIDATED RESOURCES RECOVERY, INC., RE: GRINDING AND SCREENING OF YARD TRASH AND VEGETATIVE WASTE AT SARNO LANDFILL; AND REQUEST PERMISSION FOR THE COUNTY ATTORNEY TO FILE A BREACH OF CONTRACT AGAINST JIMMIE CROWDER EXCAVATING & LANDSCLEARING, INC.

Commissioner Tobia stated his office caught a contract issue and thankfully brought it before the Board; this was a failure to execute, or breach of contract, and looks as though the County Attorney's Office is asking for approval to go ahead with this breach of contract and that is a good thing; and he thanked the hardworking people in his office for catching this. He inquired what protocols the Board is putting into place; if the County Attorney's Office is working with the various departments, so it is incumbent upon the nine attorneys to catch these breaches of contract instead of County Commission offices, and many whom do not have attorneys in them; and he does not know if that question would go to the County Attorney or if it would be the Solid Waste Department. He noted he would like to make sure a situation like this is caught much sooner and by the professionals that are highly qualified, and know these types of situations.

Euri Rodriguez, Solid Waste Management Director, responded they have changed several things occurring in the Department; he can only speak for his Department, not Countywide; but the protocols are whenever these contracts come up, they are having project meetings once a month and staff meetings every three months, in which they can keep track of this kind of situation, and can bring it to the County Attorney's attention a lot sooner than done before.

Commissioner Tobia stated as long as protocols are put in place to catch this before it gets to Commission offices; he thanked Billy in his office for catching it; and he would like it caught before it gets to the Commission Offices. He thanked Mr. Rodriguez for working proactively rather than reactively so this type of situation does not happen again.

Scott Knox, County Attorney, stated they do not monitor contracts in their office, it is the function of each department, they have somebody assigned to do that; if they spot problems, or if they have issues that pop up as a legal issue, like failure to perform under a contract like this one was, they come to the County Attorney's Office, and that is when they talk about it.

Frank Abbate, Interim County Manager, stated one thing that they did and began doing within the last two months is every Wednesday, after Board meetings, they are having a meeting with all the Directors to de-brief on what happened, and they did right after that particular meeting that Commissioner Tobia addressed the issue, not only with the Directors, but they do have the County Attorney's Office participating in those meetings. He went on to say each Department has a particular County Attorney assigned to them, and they re-emphasized the importance of that dialogue that needs to be happening, contemporaneous when one of these issues arise; and that was brought up at that particular meeting, and will be re-emphasized as they move forward at other meetings as well.

Commissioner Barfield inquired if there are clauses for liquidated damages in the RFP and RFQ process all the way through the actual contracts that have clauses in there for liquidated damages; he is talking to all Departments because people who are bidding have to bid that into their cost, that liability; and the point is if there would be people who drop out it helps with quality of companies the Board gets.

Mr. Abbate responded both Risk Management and the County Attorney's Office review those contracts and will be certain those provisions are reviewed as part of that contract review before they are enabled to be processed further; and staff will make certain of that where that is possible that is negotiated in the contracts.

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Commissioner Tobia thanked Mr. Abbate for jumping on that and spearheading it so the Board does not run across that as an issue; there is a change in leadership at the top, and that may be all that was needed; and he appreciates, as he handles a myriad of issues, just being one it looks like protocols are put in place to make sure that the professionals that do work here are aware of issues that do arise and can take care of them, so the Board can hold the taxpayers harmless.

The Board approved final payment to Emergency Purchase Order No: 44500091744, in the amount of approximately \$102,687, to Consolidated Resource Recovery Inc. for grinding and screening of yard trash and vegetative waste at the Sarno Landfill; and granted permission for the County Attorney to file a breach of contract against Jimmie Crowder Excavating and Landscaping, Inc. for the lack of performance and equipment needed to properly perform the contract.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | John Tobia, Commissioner District 3 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM II.D.9., CLARIFICATION OF BOARD DIRECTION, RE: MERRITT ISLAND REDEVELOPMENT AGENCY (MIRA)

Commissioner Tobia stated when the Board is dealing with MIRA interlocal agreements, they are done a little bit differently, and he was told of it being an ospice of County government; this is coming before the Board to have the Interim County Manager discuss this with MIRA, not an interlocal agreement, but an agreement within itself; it is just a formality with the exact same items that had been talked about in the past, such as maybe a sooner sunset, and doing an inspection of MIRA; and he requested when the Board provides funds to MIRA through negotiation, that individuals with criminal records should be ineligible for County funds. He stated MIRA grantees who received over \$22,000 of County funds has committed some type of crime; he read aloud a list of some of the crimes that had been committed in Brevard County, and the State; and these individuals that applied for grants through MIRA, he requested the County does do background checks, and it makes sure that the County is not using hard-earned dollars on people who have made terrible decisions in the past. He requested for the Board when entering into quasi interlocal agreements, that it is added to the MIRA one as well.

Chairman Smith stated Commissioner Tobia is saying that some of those folks received money from MIRA. Mr. Tobia responded affirmatively; and he stated it was a total of \$22,816.18.

Chairman Smith inquired what the things were that was supposed to be accomplishing for MIRA. Commissioner Tobia replied he can give what exactly the projects were in total and the individuals, but in reality of the situation he does not think public money should be going to people that have been found guilty of a felony; and he is more than willing to find out. Chairman Smith inquired if money was applied for to fix sidewalks and what kind of blight were they working on. Commissioner Tobia replied he is more than willing to match it up; he stated he just took all people who received grants and crossed them with a basic criminal background check that everyone can do online, to double check the name and address; there is better uses for the dollars; and he thinks it is not the wisest use of taxpayer dollars.

Chairman Smith stated he agrees with Commissioner Tobia, but there is a criminal law system in place in the United States for those people who do make mistakes; when they make

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mistakes, they pay the penalty; and when they get back out on the street, how long are they continued to be punished.

Commissioner Tobia explained that is coming up before the voters if those folks gather enough signatures of whether or not the Board offers people convicted of a felony, the ability to vote again; he encouraged the Board to sign that petition; and he will not be signing that petition; and he thinks the tax dollars should not go to those individuals. He advised that is his request.

Chairman Smith remarked dully noted; he stated having been in business for some 40 years, he had more than his share of people that needed a second chance; some of the very best employees that he had, had done some pretty despicable things in their past; but he always felt that he will give an opportunity to show that one had learned from his or her mistakes. He stated for him, people started with a clean slate; there were some that were not worthy of trust; but there were some that were very trustworthy.

The Board recessed at 6:13 p.m. and reconvened at 7:00 p.m.

Commissioner Tobia stated during the break it afforded him the opportunity that all of those grants worth \$22,816.18 were to facade projects or sign projects.

Chairman Smith stated after thinking about it, he agrees with what he said that people cannot be punished forever; and if the people are legitimate and have licenses to the work, he does not think there is any reason to deny them the opportunity to do their trade, and make a living.

Commissioner Tobia clarified it was not the workers who received grants, but was the business owners who received grants

Chairman Smith remarked it is the same thing to him; and he is not going to deny them an opportunity to make a living.

Commissioner Barfield inquired what the implication of the Statute requirements are; and if it could research for requirements, and get back to the Board, because it also affects the other cities its CRAs, too.

The Board authorized the Interim County Manager to enter into negotiations with MIRA consistent with terms and conditions requested of all Community Redevelopment Agencies; and directed the County Attorney to research implication of Statute requirements.

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| RESULT: | ADOPTED [3 TO 1] |
| MOVER: | Jim Barfield, Commissioner District 2 |
| SECONDER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| AYES: | Rita Pritchett, Jim Barfield, Curt Smith |
| NAYS: | John Tobia |

ITEM III., PUBLIC COMMENTS

John Mandala, Brevard County Reentry Task Force (RTF) Co-Chair, stated right now there is a problem with people who are being released from the County jail at 10:00 p.m. or 2:00 a.m.; they do not have an identification card in some instances; there is no bus stop at the jail; they have no transportation out of the area at that time; and he is hearing people making comments at RTF about what is being done. He added the Public Defender says it is ridiculous to allow people out at this time of the night; no bank account, job, or hospital entry can be done without

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and identification card; and there should be some kind of mechanism, if the Sheriff does not have the money to give people an identification card. He went on to say there should be some cooperation between the State; if being concerned about public safety, then these people should have identification cards; and he thinks it is something that should be looked into. He commended Chairman Smith; and he stated if people are held forever responsible for the mistakes that they made, no one would be free. He added over 500,000 people have been released from the prisons in the United States; 60 percent of them go back; something is being done wrong; and it needs to be realized there are 60 million people coming through the airport every year. He remarked crime is rampant; he inquired what is being done; and he reiterated people should be concerned about giving people identification cards when people get out of the County jail.

Chairman Smith stated he has another Speaker Card for Mr. Mandala.

Mr. Mandala stated he is wearing many hats tonight and has been very involved with the Indian River Lagoon (IRL) cleanup; a new thing came out today about building confidence through transparency and cleaning up the IRL, one of the most valuable, natural resources; he called 14 different State and Federal agencies and asked who is testing water for people to swim in the IRL; the answer is no one; they are testing it for clams; and clams are different than people. He went on to say 25 years ago there were clams, oysters, and grass in the IRL; one could make a living off the IRL and there are no clams, oysters, or grass left; he has been trying to fight the County to get the runoff water from approximately 150 homes, that is going directly into the ground; and he was promised that at some point there would be an easement and a culvert for that water to be going into some kind of reclamation thing. He mentioned living one mile from the IRL; the people who are responsible for the water going into the ground are the developers who are not paying for the nitrogen and phosphorous removal; the people of Brevard County are paying for it; but more homes keep being built and not holding people accountable for it. He added he cannot get the street fixed; if people are really concerned about the IRL, the cause of it has to be looked at; a Band-Aide cannot be placed on the problem; the causes of all of the nitrogen and phosphorous going into the IRL is having housing associations asking everyone to water and put fertilizer down, because they want it to look green; and now a battle was lost because they have an xeriscape lawn, but that does not hold builders and people responsible. He stated if Commissioners are responsible for his or her great-great grandchildren swimming in the IRL and are failing right now; he thinks holding the road department and the people who are taking care of the IRL responsible; and if they are not going to do it then get them in court, because if that is the only way to do it then that is what needs to be done.

Charles Tovey stated he was born on the 4th of July and he celebrated this year for the first time in over a decade; he wonders how many Veterans are in jail; he inquired if there is no belief in reform that people cannot change and make it; he expressed his thanks to all of the firefighters and police officers who kept everyone safe during the holidays, and today; he stated his speaker card has the subject of homeless situation; there is a program in Hillsborough County that helps the homeless; and it has the First Step program in Volusia County that has just started, and is real promising from his understanding and perspective of it. He went on to say instead of suppressing those people, to give them an opportunity like he does, to make a choice, and to better themselves in making secure decisions with long-term stability; he utilizes that today and if the gentleman behind him follows him in the IRL that he cleans, he goes underwater with open cuts, and goes barefoot most of the time; there is a glass situation that he is concerned about, as well as the Stingray; and there are no warning signs. He advised he wants to commend RUAG Company for moving into Titusville and bringing 600 jobs; he is wondering if they are Economic Development Commission of Florida's Space Coast (EDC) motivated; socialism, how the County is taking his taxpayer money to give it to other people, and so they can have a job; he does not see how he can give to people; it is up to the people to get a job; and there is unfair labor act about considerations for criminal punishment, and lifetime

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prejudice against it. He stated there is another Tortoise fleeing for its life in Town of Palm Shores; he asked for the Town of Palm Shores to be recognized as an environmental area; he still wants to do his Designated Environmental Recharge Areas (DERA) for the homeless and jail releases to have another chance; and if they do not produce, cut them loose.

ITEM IV.A., RESOLUTION, RE: PETITION TO VACATE A 6.00 FOOT WIDE PUBLIC UTILITY EASEMENT - DRACO DRIVE - BAREFOOT BAY - JESSIE CHIKALLA

Chairman Smith called for a public hearing to consider a resolution vacating a 6.00 foot wide public utility easement on Draco Drive in Barefoot Bay Unit Two, Part Eleven, in Barefoot Bay, and petitioned by Jessie Chikalla.

Andrew Holmes, Interim Public Works Director, stated no objections have been received.

There being no objections, the Board adopted Resolution No. 17-117, vacating a 6.00 foot wide public utility easement on Draco Drive in Barefoot Bay Unit Two, Part Eleven, in Barefoot Bay, as petitioned by Jessie Chikalla.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jim Barfield, Commissioner District 2 |
| SECONDER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM IV.B., RESOLUTION, RE: PETITION TO VACATE PART OF THE 50.00 FOOT WIDE PUBLIC RIGHT-OF-WAY OF ELMO STREET - UNRECORDED PLAT OF SHEPARD'S CLEAR LAKE VILLAGE, COCOA - ERICA MITCHELL

Chairman Smith called for a public hearing to consider a resolution vacating part of the 50.00 foot wide right-of-way of Elmo Street, in unrecorded plat of Shepard's Clear Lake Village, in Cocoa, and petitioned by Erica Mitchell.

Andrew Holmes, Interim Public Works Director, stated no objections have been received.

There being no objections, the Board adopted Resolution No. 17-118, vacating part of the 50.00 foot wide right-of-way of Elmo Street, in unrecorded plat of Shepard's Clear Lake Village, in Cocoa, as petitioned by Erica Mitchell.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jim Barfield, Commissioner District 2 |
| SECONDER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM IV.C., RESOLUTION, RE: PETITION TO VACATE PART OF A 6.00 FOOT WIDE PUBLIC UTILITY EASEMENT - PINWOOD BOULEVARD - BAREFOOT BAY UNIT TWO, PART TWELVE, BAREFOOT BAY - FRED WOJTUNIAK

Chairman Smith called for a public hearing to consider a resolution vacating part of a 6.00 foot wide public utility easement on Pinewood Boulevard in Barefoot Bay Unit Two, Part Twelve, Barefoot Bay, and petitioned by Fred Wojtuniak.

Andrew Holmes, Interim Public Works Director, stated no objections have been received.

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There being no objections, the Board adopted Resolution No. 17-119, vacating part of a 6.00 foot wide public utility easement on Pinewood Boulevard in Barefoot Bay Unit Two, Part Twelve, Barefoot Bay, as petitioned by Fred Wojtuniak.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jim Barfield, Commissioner District 2 |
| SECONDER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM IV.D., RESOLUTION, RE: TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 (TEFRA) HEARING FOR CAPITAL TRUST AGENCY EDUCATIONAL FACILITIES REVENUE BONDS (VIERA CHARTER SCHOOLS, INC. PROJECT), SERIES 2017 ("THE BONDS")

Chairman Smith called for a public hearing to consider a resolution for Tax Equity and Fiscal Responsibility Act (TEFRA) of 1982 hearing for Capital Trust Agency Educational Facilities Revenue Bonds (Viera Charter Schools, Inc. Project), Series 2017 ("the Bonds").

Scott Knox, County Attorney, stated this required by Federal law in order to qualify the bonds for tax-free financing; it relates to the Viera Charter School; and its representatives are present if there are any questions or public comment.

There being no objections, the Board adopted Resolution No. 17-120, approving the Bonds in a principal amount not exceeding \$20,000,000 and to loan the proceeds thereof to Viera Charter Schools, Inc., a Florida not for profit corporation and a 501(c)(3) tax exempt organization, to finance the acquisition of a charter school herein described.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM IV.E., PUBLIC HEARING, RE: FY 2017-2018 BREVARD COUNTY HOME CONSORTIUM CONSOLIDATED ONE-YEAR ACTION PLAN

Chairman Smith called for a public hearing to consider the Fiscal Year 2017-2018 Brevard County HOME consortium consolidated one-year action plan.

Ian Golden, Housing and Human Services Director, stated as part of the Federal funding through Housing and Urban Development (HUD) for Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME), there is requirement to do a five-year consolidated plan, which the Board approved last year; every year there is annual action plan; this is the first of two public hearings before the Board to seek input from the community and the development of that plan; and the final version will come before the Board in its final public hearing on August 8. He added there will also be a taking of more public comment through email and through fax until August 1; all comments received will be included in the annual action plan; and at this point there is no vote needed from the Board.

There being no objections, the Board conducted public hearing, as required by HUD, for the purpose of receiving public comments on the goals and priorities set forth in the HOME Consortium's Consolidated Annual Action Plan and the recommended HOME and CDBG funding priorities to be set forth in Brevard County's 2017-2018 Annual Action Plan; and final

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approval of the funding allocations for the 2017-2018 Annual Action Plan will be presented to the Board on August 8, 2017.

ITEM IV.F., RESOLUTION AND ORDINANCE, RE: AMENDMENT OF FEE SCHEDULE FOR RIGHT-OF-WAY/EASEMENT APPLICATIONS AND PERMITS, AND IMPLEMENTING THE LOCAL GOVERNING AUTHORITY PROVIDED IN THE ADVANCED WIRELESS INFRASTRUCTURE DEPLOYMENT ACT (HB 687)

Chairman Smith called for a public hearing to consider a resolution and an ordinance amendment of the fee schedule for right-of-way/easement applications and permits, and implementing the local governing authority provided in the Advanced Wireless Infrastructure Deployment Act (HB 687).

Andrew Holmes, Interim Public Works Director, stated this a resolution and ordinance regarding amendment of the fee schedule for right-of-way/easement applications and permits, and implementing the local governing authority provided in the Advanced Wireless Infrastructure Deployment Act; this is a Legislative act that opens the right-of-way to small wireless on County-owned poles and other poles that exist within the right-of-way; it is expected to generate a significant influx of permitting activity; and that permitting activity will not be a cost, which will not be covered by the permit fees charged.

Commissioner Barfield commented for the record that this is another unfunded mandate from Tallahassee.

Chairman Smith inquired what could happen if the Board does not approve this. Scott Knox, County Attorney, responded the law will have to be followed no matter what; all the ordinance does is implement the provisions of the law and changes the ordinance to reflect the restrictions that the Legislature has placed on the ability to regulate small wireless devices in the public right-of-way.

Chairman Smith remarked that is kind of what he suspected; he expressed his thanks to Tallahassee; and he stated for the record that is sarcastic.

There being no further comments heard, the Board adopted Resolution No. 17-121, amending the schedule of fees for carrying out the responsibilities for processing right-of-way/easement applications; and adopted Ordinance No. 17-15, to implement the regulatory authority provided in 2017 House Bill 687, the Advanced Wireless Infrastructure Deployment Act, amending Chapter 62, Article VI, Division 7, Subdivision IV, Section 62-2445 wireless telecommunication facilities on County-owned property; amending Chapter 86, Roads and Bridges, Article III Driveway, Utility, and other improvements, Section 86-66; definitions, exhibits, and purpose; amending Section 86-67 penalty; amending Section 86-68 emergency repair or removal; amending Section 86-70 driveways; amending Section 86-71 drainage facilities; amending 86-72 utilities; creating Section 86-73 small wireless facilities and support structures; amending Section 86-101 required; creating Section 86-101.5 permit application for small wireless facilities and support structures; amending Section 86-102 application procedure; creating Section 86-102.5 application and review procedure for small wireless facilities and support structures; amending Section 86-103 issuance and revisions; amending Section 86-105 bonding requirements; creating Section 86-105.5 indemnification and insurance; amending Section 86-106 waivers; amending Section 86-107 appeals; creating Section 86-108 abandonment, termination, and removal; providing for severability; providing for inclusion in the Code; providing for resolution of conflicting provisions; providing for area encompassed; and an effective date.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | John Tobia, Commissioner District 3 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM IV.G., RESOLUTION, RE: PETITION TO VACATE TWO 15.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT - INDEPENDENCE AVENUE - INDIAN RIVER COLONY CLUB P.U.D. PHASE 1, UNIT 2, MELBOURNE - TINA REVERS, DALE BOTTOM, ELAINE MCAULIFFE, AND JEANNE AMAN, TR.

Chairman Smith called for a public hearing to consider a resolution vacating two 15.00 foot wide public utility and drainage easements on Independence Avenue in Indian River Colony Club P.U.D. Phase 1, Unit 2, Melbourne, and petitioned by Tina Revers, Dale Bottom, Elaine McAuliffe, and Jeanne Aman, TR.

Andrew Holmes, Interim Public Works Director, stated the underlying purpose is to correct some discrepancies in the record documents in an expedient manner.

There being no objections, the Board adopted Resolution No. 17-122, vacating two 15.00 foot wide public utility and drainage easements on Independence Avenue in Indian River Colony Club P.U.D. Phase 1, Unit 2, Melbourne, as petitioned by Tina Revers, Dale Bottom, Elaine McAuliffe, and Jeanne Aman, TR.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jim Barfield, Commissioner District 2 |
| SECONDER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM IV.H., ORDINANCE, RE: AMENDMENT TO CHAPTER 2 ADMINISTRATION, ARTICLE VIII - SURPLUS REAL PROPERTY AND MODULAR STRUCTURES TRANSACTIONS

Chairman Smith called for a public hearing to consider an ordinance amendment to Chapter 2 Administration, Article VIII, for surplus real property and modular structures transactions.

Scott Knox, County Attorney, stated this ordinance changes the current requirement that the County put a reverter provision in every deed that it transfers property with, to allow the County discretion to either place the reverter in it or not place the reverter in it; it is needed because sometimes when conveying property to other entities or local governments, they may put that property to a use which results to some kind of pollution situation down the road; and the County does not want to get the property back, if that is the case.

There being no objections, the Board adopted Ordinance No. 17-16, amending Article VIII, Surplus Real Property and Modular Structures Transactions Ordinance; specifically amending Chapter 2, Section 2-247, providing for Board discretion in determining the propriety of a reverter provision in noncompetitive sales of County-owned property; providing for conflicting provisions; providing for severability; providing for area encompassed; providing an effective date; and providing for inclusion in the Code of Ordinance of Brevard County, Florida.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM V.A., BOARD CONSIDERATION, RE: OPTION FOR SOLID WASTE COLLECTION ASSESSMENT RATES FOR PURPOSES OF SENDING MANDATORY LETTER TO HOMEOWNERS, ADVERTISING, AND HAVING PUBLIC HEARING REGARDING THE SAME IN AUGUST 2017

Frank Abbate, Interim County Manager, stated the Board authorized an Request for Proposals (RFP) in 2012-2013 for Solid Waste collection services; the contract was executed with Waste Management of Florida, Inc. (WM) during August 2013; that contract provided for WM to receive Consumer Price Index (CPI) related increase that is capped at a maximum increase of three percent annually, for the life of the 10-year contract; when the contract was entered into Hurricane Reserves were in that particular fund of \$5.5 million; and the Board at that time decided to establish a Solid Waste Collection Assessment Rate that rate payers would pay, which was below the amount needed to fund the new collection contract. He went on to say the Board's intent was to draw down on the Hurricane Reserves over time and then revisit the assessment rates that were charged for Solid Waste collection to stabilize those Reserves; monies that was involved in those when using those funds for Hurricane purposes are really not the responsibility of WM and is a function that they have in the rate structure to the degree that there are funds available in the Reserves for the purpose of debris removal during Hurricanes; and at the time of Hurricane Matthew, Solid Waste Reserves had diminished to \$4.1 million. He stated all of those Reserves were drawn down because of Hurricane Matthew; however, it is anticipated that approximately \$2.6 million reimbursement from the Federal Emergency Management Agency (FEMA) that will be in the account hopefully this year; and the Board in 2013 chose to draw down on the existing Solid Waste Collection Reserve to keep the assessment rates constant, although the CPI provided for annual increases. He added that resulted in a shortfall between Solid Waste Collection Assessment Rate that was charged to rate payers and the funding is required to meet contractual obligations, that Solid Waste has with the County's collection vendor; up to now it has been met by utilizing parts of those Reserves; and this Agenda Item tonight provides the Board four options to address the situation. He advised focusing on two of the four options provided, option 1 provides for 5.5 percent increase from the annual rate of \$128.21 going to \$135.26, that is an yearly increase of \$7.05 or a monthly increase of \$58.75; thereafter, the rate assessment would increase by the CPI rate that is provided for in the current collection contract, with not exceeding three percent annually; if option 1 were adopted under what is being proposed, the Reserve at the end of the contract in 2023 would be approximately \$1.4 million. He highlighted on option 2 that staff prepared at the request of Commissioner Tobia; under that option there would be reduction in rate increase of 4.8 percent; that is achieved by adding Solid Waste Collection revenue stream of \$50,000 annually, that is currently provided by WM to Solid Waste Recycling, and an additional \$50,000 a year that is annually provided to the General Fund from WM, in support of economic development; under this option the assessment would increase from an annual rate of \$128.21 to \$134.36; it is annually an increase of \$6.15 or a monthly increase of \$51.25 and thereafter, the assessment would increase by the CPI provided for in the current collection contract, and not exceeding three percent annually; and under this option at the end of the contract in 2023 would be anticipation of \$1.4 million being in the Reserve. He mentioned the remaining options provided would build additional Reserves, either earlier over time depending on selection option; those are in the Agenda Report; staff is seeking direction on option or options the Board would like to proceed with, or elaborate further on if needed; it was placed on

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this Agenda to allow for the time frame of coming back to the Board on July 25, if necessary; and he is looking for Board direction on how to proceed at this point.

Commissioner Pritchett expressed her appreciation to staff for the work done squishing the numbers; she stated she liked option 1; but when Commissioner Tobia had sent out the other option, she thought it looked good, and she called Euri Rodriguez, Solid Waste Management Director, who said that was fine with him too, and getting rid of the \$100,000 going back and forth. She went on to say she likes the plan Commissioner Tobia sent out; it is only a matter of a few pennies, but it is less for the taxpayers to be putting in; it covers all the basis; if there is a lot of problems with a lot of storms, the County is going to have to revisit this anyway for more funding; and that is probably going to be the one she selects.

Commissioner Tobia expressed his thanks to Frank Abbate, Interim County Manager, for working hard to get the numbers down to 5.5 percent; he stated when the contract was signed, it would have not been a contract he put his name to, but there were a bunch of sweetheart portions that went into the contract; he expressed his thanks to Mr. Abbate for mentioning why there is this increase; he commented there is raising taxes, but when fees go that it is not the same thing; and he thinks the former Board made prudent steps in putting the current Board in this position. He mentioned learning being married to the 1.26 CPI; the contract does not use that CPI, it uses the Southern Region CPI which is 2.24; it is too bad that the Constitutional Amendment did not foresee the Southern Region's CPI that would be quite a bit different; but either way, when he made the suggestion he did not have these numbers; and he wants to let the other Commissioner's know that he wanted to find out if taking that \$100,000, and putting it into lower rates be disproportionately impact County Commission District 3. He went on to say it looks like 30 percent of the people who incur this fee are actually in District 1, 25 percent are in District 2, 25 percent are in District 4, 9.5 percent are in his District, and nine percent for District 5; disproportionately the fee will be lessened for those Districts; he thinks it is extremely fair that fees are lowered for the individuals that actually are contributing into this; it is just a little bit; but he thinks it would be prudent of the Board to transfer those funds, which in speaking with Mr. Rodriguez, has said that he can budget out in order to drop it from \$5.5 million to \$4.8 million.

The Board selected Option 5 for the Solid Waste Collection Assessment rates for purposes of sending the mandatory letter to homeowners; and authorized the Solid Waste Management Director to advertise for a public hearing regarding the same in August 2017.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| SECONDER: | John Tobia, Commissioner District 3 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM V.B., BOARD DIRECTION, RE: MEDICAL MARIJUANA ORDINANCE

Scott Knox, County Attorney, stated the Board has the right to pass an ordinance banning medical marijuana; there is a dispute among the lawyers as to whether it can be Countywide or unincorporated; he thinks that it is going to end up being in the unincorporated area, because the Legislature will fix it if trying to do it Countywide, that is option one; option number two is passing regulations that would affect both Medical Marijuana Treatments Centers (MMTC) and pharmacies, which has to be treated the same; they are not listed specifically in any of the zoning categories; and the closest thing the County has is BU-1, for medical clinics and buildings that it would probably fit within that. He went on to say the if the County is going to regulate the MMTC, it has to regulate pharmacies the same way, and that would be a different

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ordinance altogether; the third option is to just take pharmacies and medical marijuana, and put them in the BU-1 zoning classification, which is where they are both treated; the reason he recommends that is, if the County is going to do nothing, he thinks in doing nothing it would raise the probability of a lawsuit from somebody over in Orlando who says he can put it anywhere he wants to because an ordinance did not pass telling him where he can put it; and if the Board is going to do nothing, he suggests it pass an ordinance putting the BU-1 classification as the place where the County is going to put pharmacies and medical marijuana treatment centers, which is option 3.

Commissioner Tobia stated this goes against everything he believes in; he does not know where he is on this, but he wants to throw something out there because he did spend a little time with this; if the surrounding counties are looked at, as well as cities, it looks like temporary bans or moratoriums have been placed in Orange, Seminole, Palm Beach, and St. Lucie Counties; it looks like Indian River County is leaning that way; and the outcome that he sees on this is if the surrounding counties and municipalities start limiting MMTC, his guess would be the market would then drive that into Brevard County. He went on to say in the last ordinance the Board looked at, it was arguing over the ratio of 1:40,000 or 1:60,000, and there is no ratio here; if Brevard County is the only place where MMTC can be in the area, his guess would be the County would have a proliferation of them because there would be no mechanism in order to limit that one way or another; he thinks that would probably leans him towards placing a moratorium on that; but he could live with a responsible number of these. He stated he believes if the Board were to regulate them the same way it regulates pharmacies would leave Brevard County having a ton; even if the Board does placed a moratorium, because as Attorney Knox said it does not stop say Cocoa Beach from saying okay this is an economic driver; and he asked what if there was nowhere that one could get to a MMTC from in the tri-county area with the exception of Cocoa Beach; and he stated he wants the Board to be very careful if moving forward, to understanding that there could be a ton in Brevard County if this ban is in populous counties.

Chairman Smith stated if they ban it that does not include cities in its counties from selling it; and he does not know if the Board could carte blanc say that Brevard County would be the only ones.

Commissioner Barfield stated he voted against this, but the voters did for putting it in; he is kind of moving towards the way that the State put its Statues has him almost to the point of drafting an ordinance that includes it in the BU-1 zoning areas; it is going to come eventually and the Board might as well do it; the cities are going to do what they are going to do; and he reiterated that he is leaning towards going ahead and doing it. He advised the Board will end up seeing this again and again; and at this point, he thinks the Board needs to go ahead, and get it over with.

Commissioner Pritchett stated she heard Commissioner Tobia's concern, which is her concern also; this is leading towards getting recreational marijuana eventually legal; it is hard to put limitations on numbers if it is purely for medical; she does not understand why it is not in pharmacies anyway, it is a drug for medical purposes, and she does not know why it did not work out like the opiates did by going through a prescription; and she is probably going to side with Commissioner Barfield on this, because it is coming down the road anyway. She went on to say her biggest concern still is that it does not affect the children and it is kept out of the reach of the children; and she is sure there are things coming along to help guide with that.

Chairman Smith stated the reason for it not being in pharmacies is because it is not legal; in going forward, he guesses that if medical marijuana is legalized the pharmacies will purchase all mom and pop shops, and it will be in pharmacies at that point in time; he is looking at the fact that the County needs to control what it can control; the Legislature threw a curve ball and

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pulled the rug out from under the County; he thinks there was direction then and now the Board is going to have to make its decision kind of on the fly; and this gives the most latitude requiring the BU-1.

Commissioner Tobia stated he wants to ensure that there is not a tie today, there are only four Commissioner's present; it has the required vote for it to move forward, because it is doing nothing if it is tabled for two weeks, and waiting for Commissioner Isnardi; it sounds like there are at least three votes going that way; and he does not want it going down as a tie.

Chairman Smith advised he would not let it go for a tie.

The Board authorized the County Attorney to draft an ordinance for medical marijuana facilities to be in a BU-1 zoning classification and to be the same as pharmacies.

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| RESULT: | ADOPTED [3 TO 1] |
| MOVER: | Jim Barfield, Commissioner District 2 |
| SECONDER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| AYES: | Rita Pritchett, Jim Barfield, Curt Smith |
| NAYS: | John Tobia |

Chairman Smith mentioned he has a speaker card for this Item; and he expressed his apologies to Cynthia Brewer.

Ms. Brewer stated there were big changes to the implementation of Florida Amendment 2; progress was being made since the last meeting being unanimously all on the same page; Tallahassee decided to pull the rug and take away Home Rule; the Board could allow dispensary locations or it could ban them; the Board cannot do anything else because it has no power, only to allow MMTC wherever they want, as long as they are 500 feet away from a school; and that is everywhere. She stated the surrounding counties are already actively banning MMTC; the cities within those counties are banning as well, because they do not want cities to be overran with dispensaries; the Board knows how she feels about medical cannabis; and she is very sorry what Tallahassee did to Brevard County because Senate Bill 8A was not what she voted for and it is not the will of the voters. She stated she preferred a moratorium for more time; the Board met at the end of May and Tallahassee made its decision in June; implementation is to start in August; and she thinks Brevard needs more time to say okay to it. She inquired about the availability of information about this topic; she stated she is a little heated because when pulling the Agenda she gets some blacked out version of the Agenda; she waited a few days and tried pulling another Agenda Item, but it was still blacked out; it has different parts of the Item blacked out; she knows her rights as one of the public; and she requested to get a copy, and all of the information was there. She stated she wonders why it was blacked out; in the correspondence MMTC were compared to meth labs, which is absolutely preposterous; dispensary locations, which the Board is trying to decide to allow or ban, do not have volatile process done that is done after the processing side of growers having the product; on a dispenser level there is no butane available and are providing the community with its medicine; and comparing MMTC to meth labs is not only undermining her hard work, and is uninformed and disrespectful to put in an Agenda. She advised she is going to support the Board's decision to zoning BU-1; she actually works in a pharmacy and the pharmacist that would love to be able to participate in this, but he cannot risk losing his U.S. Drug Enforcement Administration (DEA) license because it is Federally illegal; it does affect her now on a professional level; and she expressed her appreciation to the Board for it taking its time.

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Commissioner Pritchett inquired if the blacked out Agenda pages are from downloading online. Ms. Brewer responded affirmatively. Commissioner Pritchett stated she downloads all the time and has never had blacked out papers; and Ms. Brewer may have a program problem. Ms. Brewer stated she thought that at first, but she always pulls it about one week out; she showed the Board multiple copies of the blacked out printed pages; and she knows it is not a computer issue, and she is hopeful for it to be a language Information Technology issue. She advised it does not determine the fact that the language was used to compare her hard work and the industry professionals who are highly regulated with Occupational Safety and Health Administration (OSHA) standards.

Frank Abbate, Interim County Manager, stated the Clerk's Office would like to speak.

Donna Scott, Assistant Clerk to the Board, advised the Clerk's Office has the Agenda placed on the Clerk's website at www.brevardclerk.us, anytime there is a change made to the Agenda; she is not sure of the site Ms. Brewer is using to retrieve her Agenda; and she inquired if it is the County's website at www.brevardfl.gov. Ms. Brewer replied it is the County's website she uses. Ms. Scott advised that the Clerk's Office does not place anything on the County's website; and she stated it would be a County Information Technology issue.

Ms. Brewer stated obviously seeing blacked out pages is a little suspicious; but then finding out what is underneath that has really nothing to do with suspicion anymore, and just the content was a little difficult.

ITEM VI.A.1., WAIVER REQUEST, RE: SIDEWALK, ROADWAY WIDTH, AND BACKING ONTO PUBLIC RIGHT-OF-WAY - FLORES DE LA COSTA - ALLEN ENGINEERING, INC.

Tad Calkins, Planning and Development Director, stated this is a request from Flores De La Costa to obtain three waivers that will allow the approval of its site plan; the first waiver relates to the sidewalk requirement and they want to postpone the sidewalk construction and installation along Turtle Beach Lane, by entering into a sidewalk assessment agreement; the second waiver is to reduce the pavement width from 22 feet to 12 feet on Turtle Beach Lane; the third waiver would be to allow the townhouse parking to back out directly into Turtle Beach Lane right-of-way; and all of these waivers have been granted by previous boards for a similar development, just down the road from where this is.

The Board granted waiver request for sidewalk on Turtle Beach Lane in Section 62-2956(b)(2); granted waiver request for roadway width on Turtle Beach Lane in Section 62-2956(a)(2); and granted for backing onto public right-of-way on Turtle Beach Lane in Section 62-3206(c)(9).

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jim Barfield, Commissioner District 2 |
| SECONDER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM VI.F.1., BOARD CONSIDERATION, RE: COUNTY MANAGER POSITION

Commissioner Tobia stated the Board went through the hiring process in order to retain a new County Manager; he was not very pleased with the results; he asked the Board if it is willing to hold bringing in candidates until the Board meets again; some of the candidates had some large issues that probably were not necessary in order to bring to the Board's attention; it was brought to Jerry Visco, Human Resources Director, who agreed with that; and even though Frank Abbate, Interim County Manager, did not apply for the position, he would like to put his name in

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the mix, and consider him for the permanent County Manager position in moving forward with the selection of this position.

Chairman Smith stated he requested W.D. Higgenbothom, Mercer Group, to come and advise the Board of his perspective of the candidates.

Mr. Higgenbothom stated the Mercer Group did a pretty extensive recruitment, in addition to some specific solicitations; he summarized for the Board about one month ago in a letter, that there were 200 inquires looking at the site, but only had 28 written responses; there were only seven of the 28 candidates that he felt met the qualifications set forth; after taking a look at those seven, he eliminated one; and of the six he spoke with, he decided to consider five, but he recommended the three that he felt were the strongest candidates. He advised one is the City Manager of Miami, one is a County Manager in Colorado, and one is a County Manager in New Jersey; two of them have coastal experience and dealt with Hurricane Sandy; and the Colorado candidate has experience in disaster dealing with wildfires. He went on to say where it is right now is the Board has not spoken to any of the candidates; he believes there are three candidates that he is comfortable in recommending to the Board, that exceeds qualifications directed, and any one of the candidates could manage the County; unfortunately, he did not get the responses that he had hoped for; he thinks in general speaking some of the areas were competitive and competing with some City Manager positions offering compensation that well exceed what the County was talking about; but he did receive three quality candidates. He advised each of those three current compensation exceeds \$200,000; he is sure the Board can anticipate that it would be looking for something like that, if the Board were to select one for an interview; he does not discuss salary with the candidates, he only discusses what was his or her base compensation to bring to the Board for negotiation; his recommendation at this point would be to interview each candidate for a different opinion because right now the Board has only seen the paperwork on these candidates; and looking a paperwork does not give a feel for the quality of the candidates. He recommended to the Board the County Manager in New Jersey who has about nine years of service in the private sector before entering into the public sector where he is now; he advised that is his initial recommendation to the Board; and if the Board does not want to do that, he can offer some alternatives to the Board.

Commissioner Barfield stated he went through all of the resumes in detail and he did not get the impression that there was one who has a fit for Brevard County; he does not think they would really understand what it is to be in Brevard County; the salary is an issue; it is going to be a lot of work for someone to come here and they have to understand all the intricacies of a 72-mile long County; and he did not see any of those candidates being a County Manager. He advised that he did see quite a few that he thought would be very good Assistant County Manager's; he would like to see the Board consider Frank Abbate, Interim County Manager, as the new County Manager; but he would also like to wait until there is a full Board before moving forward with it.

Commissioner Pritchett agreed with Commissioner Barfield; she stated she went through the resumes and did some extra research on a few, and she did not find a candidate that would be the right fit for here; she would also like to wait until Commissioner Isnardi; and in-between that time, Mr. Abbate had changed his mind that he would consider this position, where in the beginning he was not in the running for it at all.

Commissioner Tobia stated he is guessing the votes are probably here, without Commissioner Isnardi; the County has a wonderful Interim County Manager right now; and he will make a motion to table to the next meeting.

Chairman Smith expressed his appreciation to the Mercer Group; he stated he would reject out of hand his opinion based on what he sees on paper, because more is gotten out of an face-to-face interview; if the County did not have someone with the qualities of Mr. Abbate, he would

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say to interview the candidates; since Mr. Abbate has changed his mind; and the real key is none of the candidates would be able to bring to the table, the institutional knowledge lost from Stockton Whitten, will be gained from Mr. Abbate because he has the institutional knowledge, and has worked for Brevard County for a long while. He agreed to table to the next meeting to make it a unanimous vote.

Mr. Higgenbothom stated he always encourages an internal candidate; he is a strong believer of if there is a quality person in-house, that should be considered; and the Board has his support on it its decision.

The Board tabled consideration of the County Manager position to the July 25, 2017, meeting.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | John Tobia, Commissioner District 3 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM VI.F.2., CITIZEN REQUEST BY BRUCE E. STEVENSON, RE: ILLEGAL AND UNAUTHORIZED PVC PIPES IN COUNTY RIGHTS-OF-WAY BY AT&T

Chairman Smith inquired if Bruce Stevenson realized when he contact his office that he would stir up such a hornets nest. Mr. Stevenson replied not really; and he stated it is important to keep in mind to keep Brevard beautiful, and it should be maintained. He advised he lives in the Suntree community but more importantly, he lives in Brevard County; and he believes in the commitment of Brevard County Policy to keep Brevard beautiful. He went on to say he would like to bring to the Board's attention of the erection by AT&T of numerous, ugly six foot poles in the rights-of-way of Brevard County; he provided the Board with some photographs; and he advised the erection of these poles is extensive. He stated when he saw these, he made an initial inquiry as to how this could happen because he had never seen these before in Brevard County; the Suntree community keeps its rights-of-ways in beautiful condition; and some of the landscaping duties of the County have been taken over by the Suntree community. He stated when he first discovered this, he contacted John Denninghoff, Interim Assistant County Manager, who did not know anything about them; he then contacted Andrew Holmes, Interim Public Works Director, who also did not know anything about the erections of poles; it is citizen and County property that the rights-of-ways belong to; and matters such as this should be looked at. He advised it could get out of hand if there is not proper oversight; after him further investigating, these poles were place illegally in Brevard County rights-of-ways because they were not obtained in any right-of-way permits; it appears some contractor just decided to put these poles up because it indicates where the right-of-way happens to be; he believes these erections are a violation of public policy and should be removed immediately; and any delay condones illegal conduct. He noted Spectrum and FP&L have utilities and fiberglass conduits in a right-of-way; he inquired if they are going to be given authority to put its pipes in the right-of-way; it is important to follow the rules of law; and the provided staff report mentions Florida Department of Transportation having a requirement for six foot poles every 500 feet in their right-of-way, which it relates to the traffic centers and the traffic controls, and not to the whole right-of-way alongside the public highways.

Todd Foley, General Manager of Suntree, stated Mr. Stevenson came to him a couple of months ago about this issue; there was a board of directors meeting to review it; at this time they are opposed to any of these poles being there, unless they are necessary by permit or necessary for a safety issue; Suntree has approximately 13,000 residents, with 4,500 homes;

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and he can answer some questions on how they got there, based on some communication with the contractor at the time, and what was felt as the necessity to have them.

Commissioner Barfield stated when he read about this Item, he requested what these are; on his way home from work he counted 22 of those things and had never thought about them; he expressed his appreciation to Mr. Stevenson for bringing this to the Board's attention; he commented he thinks something for the Board to consider is to direct staff to work with the utilities companies at first, to see if some sort of permitting procedure remedy that can be worked up; he wants to get to have feedback from Andrew Holmes, Interim Public Works Director; and if that does not work the Board will come up with its own procedure to tell the utilities companies what the County is going to do. He asked for Mr. Holmes' input.

Mr. Holmes advised the Board that Mr. Stevenson did an excellent job of outlining the issues and there are no disagreements with anything that he said.

Mr. Stevenson pointed out a lot of these poles are located right on top of a two foot square marker, that is already in the ground; sometimes they have three six foot poles markers within five feet of each other; he knows that would eliminate a lot of problems because there are already markers on the road; and he thinks a lot of the poles can be eliminated.

Commissioner Pritchett remarked they are ugly and there needs to be something done about them; and she stated it has her vote.

Chairman Smith stated Mr. Stevenson contacted his office and his reaction was pretty much the same as Commissioner Barfield's; the more he looked into it, he thought Mr. Stevenson has a genuine complaint; he started driving around and he was appalled, and astounded with the amount of poles he passes on a daily basis and never paid attention to; and after he spoke with Mr. Denninghoff, the problem can be eliminated.

Commissioner Tobia asked for more specifics of the motion. Commissioner Barfield responded he would like for the Department to work with the utilities companies that do and come up with a solution; that solution will be some sort of permitting, or some kind of approval process, and bring it back to the Board; and if there is pushback where the utility companies will not do that, then the County will come up with its own rules.

Chairman Smith indicated the County already has its own rules.

Mr. Holmes inquired if it fair to assume that the Board wants Public Works to find a way to minimize the number of these in the right-of-way. Commissioner Barfield replied absolutely and the size of them; he stated he understands there has to be some because of the purpose of them; but some of the six foot ones makes absolutely no sense.

Chairman Smith inquired if Mr. Denninghoff would like to weigh in. Mr. Denninghoff replied the principle purpose of these poles is to try to identify the location of a utilities facilities that are underground; they are not there for a safety purpose, in the sense of protecting people who are driving on the roadway; in the case of power lines, underground power lines, and underground gas mains there is a safety element associated with that; as Mr. Stevenson pointed out, the vast majority of these are associated with AT&T, which are nether electric nor gas lines; and they do create a problem for maintenance purposes, they are an esthetic issue, and minimizing them is probably a minimum goal. He went on to say that he thinks the protection of fiber-optic lines associated with traffic control devices is an important thing, which is also a safety issue to have the traffic system working properly, but that is not what is being talked about here in these cases; he is encouraged of the idea that the Board would give some direction on this; he thinks a report should come back to the Board for an idea of what the status is of if resistance is given

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that seems to be excessive, or causing a lack of progress should be reported to the Board; and if getting to someplace that is positive the Board should know that as well. He advised that couple be done in about two months or so; in the meantime, direction can be given to not issue permits regarding installing any further of these because there is no requirement under the law to allow them to be installed; and that would sort of put the stops on it, and allow for it to get under control.

Chairman Smith inquired if Commissioner Barfield would consider requiring an immediate halt to permitting on PVC pipes. Commissioner Barfield responded affirmatively; and he stated in addition there will be an immediate halt to issuing any further permits for markers.

Chairman Smith stated it seems to him that it is practice that probably was never authorized by any supervisor in the AT&T world; it is just guys and girls out on the job getting lazy and sticking them in the ground; and he thinks the Board is on the right track, and it will get it taken care of.

The Board directed Andrew Holmes, Interim Public Works Director, to work with the utility companies for a procedure remedying the illegal and unauthorized PVC pipes within County rights-of-way; to provide feedback to the Board, if there is any pushback from the utility companies of not wanting to remedy; to find a way to minimize the number and size of the six foot poles; to halt immediate permitting on PVC pipes; and to halt immediate issuance of any further permits for markers.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jim Barfield, Commissioner District 2 |
| SECONDER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM VI.F.3., RESOLUTION, RE: SEEKING RECOUPMENT OF COUNTY TAX INCREMENT FINANCING (TIF) PAYMENTS USED TO PAY A SALARY TO A COMMUNITY REDEVELOPMENT AGENCY (CRA) COMMISSIONER, AND REVOCATION OF AUTHORITY

Chairman Smith stated he is going to take this Item off the Agenda because the Mayor of the Town of Palm Shores and its attorney had contacted his office: he contacted Scott Knox, County Attorney, about the Town of Palm Shores assuring they are going to pay in full \$101,902 to the County over a 90-day period; it could be put behind the Board if this is acceptable for the Board to move on; and the Town is also dissolving its Community Redevelopment Agency (CRA).

Commissioner Tobia advised this Item was put on the Agenda by his office and his office is the one who did the work; he does not think Chairman Smith can unilaterally remove something from the Agenda; he thinks a motion can be made to remove something from the Agenda; and he reiterated unilaterally the Chairman has no ability to do that. He went on to say when his office did the investigation and found this out, the taxpayers were asked to be held neutral on this; in the proposal from the Town of Palm Shores, no interest was imputed; the County's interest is 1.14 percent amounting to \$3,082 since 2010; if the court was to make a judgment it would be 5.17 percent; and he thinks this is worth a little bit of Board discussion. He advised he understands why the Town of Palm Shores would probably want to put this under the rug, but the reality of the situation is a person who was responsible for taxpayers funds acted in a manner that was inappropriate; though the County has no ability, he as a Commissioner is hopeful of this Board coming together, and instead of levying that \$100,000 on the Town of Palm Shores he would personally ask Mayor Carol McCormack to repay the \$101,000 plus \$3,082 to cover the amount that she says was a mistake. He added he will give Mayor

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McCormack the benefit of the doubt and accept the fact that this was a mistake, but rectifying that mistake by paying the amount of money instead of putting that on the 800 or 900 residents of the Town of Palm Shores; to put this in perspective, this is about 11 percent of the entire budget of the Town of Palm Shores; he knows the Board is not in charge of the budget of the Town of Palm Shores; but that would be \$100 million fine that was being levied on the taxpayers of Brevard County if it was willful negligence, or at least a mistake on any one of County Commissioner. He asked that the Item not be removed from the Agenda so the Board may discuss at least a minimum adding in the interest that the County taxpayers had to pay on this to the \$101,000 that the Town of Palm Shores is being forced to return to the County taxpayers.

Commissioner Barfield stated it is the responsibility of the Town of Palm Shores, they are the ones who gave direction to Mayor McCormack, and as long as the County gets the money back it makes no difference if it comes from Mayor McCormack or from the Town of Palm Shores; he thinks the Board needs to believe what the Town people say; that is how the County needs to deal with this, and move on; he sees no issue here; and the Board should go ahead and accept the money from the Town of Palm Shores.

Commissioner Pritchett stated Scott Knox, County Attorney, sent out two different payoffs; one went from four-year amount to five-year amount because of a Statue of Limitations; and she inquired if they added in that fifth year to try to bring remedy for the full amount. Attorney Knox responded they wanted to pay back everything that went into the CRA that should have been used as CRA money and not paid to the Mayor, so that included everything back to 2010 which would be approximately \$15,000 or \$16,000 more than what they originally had proposed to give the County back; he stated the Statue of Limitations, on an issue like this would have been either four or five years depending upon what the Judge decided to do with it; and it means probably getting \$16,000 to \$19,000 more than would have gotten even with the five percent interest.

Chairman Smith remarked not to mention not having to have an attorney.

Commissioner Pritchett opined she think they are trying to bring remedy to it and it is a shame that this happened; there had to be a board that voted to go ahead and give Mayor McCormack a salary for it; she wishes the County was better at doing these or the attorney had caught it, and did it all correctly; but she is relieved that they are able to pay it all back and paying it back quickly; and it can go back into the County's account to start earning interest on the money. She expressed her appreciation to Commissioner Tobia for getting all the information out to the Board; she stated what Commissioner Barfield suggested is probably the best path for the Board to take to get the County whole.

Commissioner Tobia stated it seems there is not Board sentiment to fully recoup the funds that were taken incorrectly by the Town of Palm Shores; and without three votes, it is a moot point.

Chairman Smith advised as Attorney Knox pointed out because they are voluntarily giving up this money the County is getting an additional amount of money that it could have recouped through a court of law; he thinks the Board needs to agree to do this and move one; it points out the need for CRA oversight; he is hopeful that in moving forward any future Commissioners that puts together a CRA takes things like this into account, and makes things very clear so there are no misstep or misunderstanding; a big step has been made by Mr. Abbate negotiating CRAs in the County and been getting a lot of cooperation from those CRAs; and the Board should have something to report on that in the next month or so.

Attorney Knox advised there is a proposed interlocal agreement that had been distributed to the Board but that does not reflect the 30-day payoff; and it is being modified.

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Chairman Smith remarked 90 days.

Attorney Knox clarified it the Town of Palm Shores has downed it to 30 days.

Chairman Smith inquired they have. Attorney Knox responded affirmatively; and he asked the Board to move as part of its motion to approve the Chairman to sign the interlocal agreement.

The Board approved the Interlocal Agreement with the Town of Palm Shores for the payoff of County TIF payment, in the amount of \$101,902 to be paid back within a 30-day time frame to Brevard County; and authorized the Chairman to sign the Interlocal Agreement.

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| RESULT: | ADOPTED [3 TO 1] |
| MOVER: | Jim Barfield, Commissioner District 2 |
| SECONDER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| AYES: | Rita Pritchett, Jim Barfield, Curt Smith |
| NAYS: | John Tobia |

ITEM VI.F.4., BOARD CONSIDERATION, RE: INCLUDE AUTHORITY TO CONDUCT INTERNAL AUDITS IN NEGOTIATIONS WITH COMMUNITY REDEVELOPMENT AGENCIES (CRAS)

Commissioner Tobia stated the CRA issue with Town of Palm Shores originated from his office and ended with a Board decision; he has a capable and hardworking staff, they do not have an extensive auditing background; if his office was able to find clear violations of Statute, he hopes the County could look and give direction to the County Manager as he moves forward to go ahead and put the internal audits into the interlocal agreements; the answer he received back from the County Attorney looks as though it may, but it is not black and white; and he would like for the Board to have ability to go ahead and do that as it moves forward. He opined the Town of Palm Shores example of the CRAs blatant mismanagement is probably an indication that the Board needs to do a better job overseeing these agencies; since the Board does not necessarily does not have, would cause for and independent outside source to do that; and the CRAs would strongly be in favor of this because if they are keeping books in good order, he thinks they would be proud of having someone come in, and look at them. He added that is the reason he brought it to the Board's attention.

Pam LaSalle stated she would like to make an appeal to have the Board consider creating an Inspector General (IG); she made this appeal prior to the Board that seemed to think there were no problems, but apparently the problem with the pay of the Mayor of the Town of Palm Shores CRA had been going on for several years; an IG could have helped with several things that were on the Agenda tonight; for those who may not know, she has been living and breathing this subject for over one year now because she made a request to the Charter Review Commission, prior to bringing it before the Board in May of last year; and having an IG provides independent oversight. She went on to say having an IG is an office that is created and instilled from other influences within the government structure; there are five other counties in Florida that have an IG; Duvall County's budget for an IG is about \$800,000 a year and its population is about the same as Brevard County; but an IG could cover and provide oversight for contracts, and are an independent watchdog that has a hot line for informants to give information. She added Broward County's IG covers CRAs; Palm Beach County's IG covers the School Board as well; and Duvall County's IG covers everything in its County just like Commission Tobia's office has been doing. She noted she needs someone on the Board to embrace her idea and get it to be developed further. She mentioned the Solid Waste contract being appropriate for an IG to

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be involved with; to get an IG ethic regulations has to be passed; this is an in depth situation and proposal that she cannot explain, and sell in five minutes; and she needs someone on the Board to embrace her idea, and get it to being developed further. She stated Brevard County has hundreds of millions of dollars in contracts that are ongoing; she inquired how much money is being mishandled whether innocently or through malfeasance; and she reiterated she is making an appeal to installing an IG. She mentioned in April there were over 600 pages of internal audits on the CRAs, there was not a word in there about salaries for the Mayor out of the CRA funds; she does not know how it happened to be found; but she is guessing they got it through public records or someone called Commissioner Tobia's office and told him about it. She stated she does not have a staff nor does she get paid to do this job; getting public records is not free, depending on how much is requested there could be in depth cost; she thinks there is some kind of language issue going on with the website, as far as the Agenda was concerned because she had to dig out one of her old computers for the disk to work that she received from Sally Lewis, Agenda Coordinator; and it was random spots, that looked like something had been redacted but she thinks is some kinds of language issue.

Chairman Smith inquired if \$850,000 was the amount for an IG in Duval County. Ms. LaSalle replied no; she stated the last time she looked at Duval County's budget it was around \$800,000; its budget covers everything in its County, the Public Schools and all of its Constitutional Officers; the reason she looked at those mentioned counties is because they are a Charter County; they are a Council not a Board of County Commissioners; but she thinks it is affordable and she had not looked at a single one that did not pay for themselves, and they have to find stuff or they become obsolete. She added the advantage the Board could have if it installed an IG is it can be eliminated; if she could ever get it to referendum to remove it, it has to go to referendum again; the Board can do it; and she thinks if she were sitting on the dais, it would be a load of work off her and her staff, because of the specialized, insolated department that is truly independent, and it would give people confidence in his or her government.

Commissioner Pritchett stated on this subject any good business should welcome an internal audit; and she inquired if the County is able to do internal audits on CRAs right now. Scott Knox, County Attorney, responded performance audits can be done on CRAs. Commissioner Pritchett inquired if there is any consistency that would do these audits on the funded CRAs. Attorney Knox stated Ms. LaSalle brought up a good point about the audits received from the CRAs do not really point things out; Commissioner Tobia had rightly pointed out that the Board should shine a light on the issue as to whether they are compliant with the State law; what happened was back when the Board decided to delegate all of its authority to the municipalities, it gave all of its authority to the municipalities to create CRAs, to monitor them, and to delegate authority to the CRAs; and the Board transferred its Charter Authority over CRAs to cities, and the cities were responsible for making sure the CRAs do what they are supposed to do, especially in cases when the cities Council becomes the CRA board. He went on to say State law allows that situation to take place with counties transferring its authority also requires every CRA to submit an audit at the end of the year; after talking with some of the auditors, it is clear that they are supposed to look for compliance with State law; none of the audits seen have ever mentioned anything about a violation of State law; and there is also an issue with the auditing going on. He advised shinning a light on that issue as Commissioner Tobia has brought up, is probably the best way to do that since it is clear that the CRA and cities who are doing these audits are not focusing on that issue; and he thinks Commissioner Tobia's direction, if the Board is to do it, is for the County Manager to negotiate a provision that actually provides a light on that particular issue, which would be helpful in that regard. Commissioner Pritchett stated she is still learning what the County does; when she served on Titusville's City Council an internal audit and external audit was done on the CRA; but what is being said is there are not those types of control over all of the CRAs. Attorney Knox stated the Statue requires for certain kinds of things when looking at the audit; when looking and reading the audits one will see that the auditors explain what they are supposed to be doing; and they will look for compliance with

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State laws, but they do not do it and render an opinions on it, and that is where he thinks the disconnect is coming because they do not do that kind of meticulous audit Commissioner Pritchett is talking about. Commissioner Pritchett inquired if they are not having a legal opinion and is part of it. Attorney Knox responded typically in the past when there has been internal audits for the County, a department will be audited; if there is an issue spotted that seems to be out of sorts with the law, they come and talk to his office about if it something that should be being done or is it not; and he does not know if that is happening in the cities or not, but apparently it does not because it does not show up in the audits.

Commissioner Barfield inquired when the CRAs do its audits they need to reflect the Florida Statues and regulations. Attorney Knox responded the auditors that do the audits for the CRAs are supposed to be looking for compliance issues, but they do not spend the time that they normally do for an internal audit because the audit requirements of the Statute are not as complex and as inclusive as the actual audit process would normally be; and most of the audits he has seen have nothing to report, or there is no opinion made about it. Commissioner Barfield inquired if this needs to be included in the interlocal agreements to have that clarified. Attorney Knox replied affirmatively. Commissioner Barfield inquired if the Board is validating the internal audits. Attorney Knox pointed out the internal audit is done by an independent auditor of the internal processe of the organization they are auditing. Commissioner Barfield inquired if it is not the County putting out another audit. Attorney Knox replied no; and he stated what is actually trying to be done is trying to get the interlocal agreement to say they are going to have to do this certain internal audit.

Commissioner Pritchett inquired if that is Scott Ellis, Clerk of the Circuit Court. Attorney Knox responded Mr. Ellis has the authority to do this because it is the County's money going to fund the CRAs; he stated he has done that in the past for several of them; he does not know whether he is going to continue doing it or not; if the Board required the CRAs to do it like they are supposed to be doing under State law, that should be the way it is done; and the interlocal helps to force concentration on compliance with the law, and making sure thing are being properly spent is the way to go with that.

Chairman Smith inquired if the Board is prepared to make a decision or does it want to think about it until the next meeting.

Commissioner Barfield advised the Board needs to go ahead and do something; and he stated the County Manager can go ahead and be directed to include in the interlocal to work with the city CRAs to include in the interlocal agreements a definition on the audits to meet State Statutes; and Attorney Knox can provide the wording to do that.

Chairman Smith advised that he would like for the Board to consider investigating having an auditor general position.

Commissioner Tobia inquired if the Board would look at potentially having a workshop to find out how other counties funding the source. Chairman Smith responded affirmatively; and he stated first those can be looked at on a person by person basis; and if the Board thinks there is a reason to go forward, it can move forward to having a workshop.

The Board directed Frank Abbate, Interim County Manager, to clarify and include in the interlocal agreements negotiations with City CRAs, to provide the definition of an audit that meets Statues; directed the County Attorney to provide verbiage for said interlocal agreements clarifying the audits and defining, and meeting the State requirements; and directed the County Attorney to investigate the pros and cons of considering an Inspector General.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jim Barfield, Commissioner District 2 |
| SECONDER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

ITEM VII., PUBLIC COMMENTS

David Henry, Brevard County Fathers' Rights Movement, Brevard County Branch Satellite, stated he takes his direction from the national group and Thomas Fidler, President; he inquired about Family Law Reform and oversight for the Department of Children and Families (DCF) regarding Guardian Ad Litem, State Attorney's office, Empower, and Children from Society; the contract was just lost by Empower and now is Family Allies; and he is supportive of Pam LaSalle's idea for an Inspector General (IG), or an Ombudsman. He added DCF has an IG and it seems to him that one hand washes the other; he thinks at grassroots level more response is given; and he is appreciative of the work done today. He stated a member in Manatee County in 2016 passed a resolution for parental alienation month, being recognized as a form of abuse from either parent, which he is a childhood victim and adult survivor of it, and is experiencing it now as a father. He mentioned Senate Bill 668 was vetoed by Governor Rick Scott despite the majority vote by the House and the Senate, and the Florida Popular vote; and he inquired if there is any medium that constituents can reach out to the Board with when it has complaints or concerns.

ITEM VIII.B., SCOTT KNOX, COUNTY ATTORNEY, RE: AUTHORIZATION TO REVIEW, SIGN, AND SEND A LETTER OF SUPPORT FOR PINELLAS COUNTY TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

Scott Knox, County Attorney, stated he was asked to bring a matter before the Board for direction; the Natural Resources Management Department and its Attorneys representing them from his office have been apprised of Pinellas County applying for a declaratory statement at the Department of Environmental Protection (DEP) relating to the abandonment of retention ponds by Homeowner Associations who think it is appropriate for the County to take over those facilities once they have abandoned them; Pinellas County did not like that and it thinks there is some sort of court decision that came out saying that this is what may be on the horizon; Pinellas County decided to go to the Department of Environmental Protection (DEP) and see if they would interpret its permitting rules as to requiring somebody, other than the County to take over those kinds of things; and Natural Resources Management Department is looking for a support letter from the County, to support Pinellas County in its effort to do that.

Chairman Smith stated it sounds worthwhile to him and he thinks it is something that the Board should consider; and he inquired if Attorney Knox will compose a letter to bring to the next meeting. Attorney Knox replied affirmatively.

The Board authorized Chairman Smith to review a Letter of Support created by the County Attorney's office, supporting Pinellas County declaratory statement relating to Homeowner Association finding it appropriate for Pinellas County to take of facilities once abandoned; authorized the Chairman to sign the Letter of Support; and authorized the County Attorney to send the Letter of Support to the DEP.

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ITEM VIII.C., JIM BARFIELD, DISTRICT 2 COMMISSIONER, RE: CENTRAL FLORIDA EXPRESSWAY AUTHORITY

Commissioner Barfield stated last Thursday was the first meeting of the Central Florida Expressway Authority and he was briefed today on that; and he will let the Board know how it went.

ITEM VIII.D., JOHN TOBIA, DISTRICT 3 COMMISSIONER, RE: GAS TAX INCREASE DONE PRIOR TO OCTOBER 1

Commissioner Tobia stated the Board will be dealing with millage rates at the next meeting; there has been a couple of comments as to the Board not having a spending problem but may have a revenue problem; he reminded the Board of John Denninghoff, Interim Assistant County Manager's, comment that if the Board is looking at a gas tax increase that it can be done prior to October 1, if it is going to impose that, or look at potentially imposing that; he wanted to bring that back up; and he expressed his appreciation to Mr. Denninghoff for doing that.

ITEM VIII.D CONTINUED., JOHN TOBIA, DISTRICT 3 COMMISSIONER, RE: MOMENT OF SILENCE FOR COMMUNITY LEADER BILL ELLIS

Commissioner Tobia asked the Board for a moment of silence for the community leader Bill Ellis who was a Brevard County statesman that passed away on July 4 at age 81; his office has put together a resolution; and he would like to see that be presented to Carol Ellis.

Chairman Smith asked the Board to take a moment of silence honoring Mr. Ellis.

ITEM VIII.F., RITA PRITCHETT, DISTRICT 1 COMMISSIONER/VICE CHAIRWOMAN, RE: FIREWORKS

Commissioner Pritchett stated the 4th of July was just celebrated and fireworks are escalating; there was so many missals being fired; she inquired if the Board is willing to figure something out because it is really becoming the Wild West out there; she commented she talked to the Sheriff who said he does not know how to regulate it, with all of the things that are sold; and she is hopeful for the Board to consider some ideas because it is getting pretty dangerous. She went on to say she would hate to see someone get hurt or a house burn down; they have gone from little bitty things to big ole huge things; and she thought this might be something the Board could discuss on how to protect the community a little.

Scott Knox, County Attorney, advised having him take a look at whether the Board is preempted from doing anything about them due to State law; in the past, it had been preemption and he does not know if they are still there; and he will have to take a look at it to see if there is anything that would hinder the from having a discussion.

ITEM VIII.A (CONTINUED)., FRANK ABBATE, INTERIM COUNTY MANAGER, RE: AUTHORITY FOR CHAIRMAN TO READ AND SIGH THE LETTER OF SUPPORT FOR PINELLAS COUNTY

Frank Abbate, Interim County Manager, stated he believes Natural Resources Management Department has a conclusion related to the letter that they need to bring to the Board's attention.

Virginia Barker, Natural Resources Management Director, stated the comments are due by tomorrow; and Christine Vallier, Assistant County Attorney, has already drafted a letter for her to support Pinellas' request to Department of Environmental Protection.

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Chairman Smith inquired if the letter is available to read. John Denninghoff, Interim Assistant County Manager, responded it can be provided electronically; he stated he received it during the meeting and he reviewed it; and it is a very good letter.

Commissioner Barfield inquired if the Chairman can have authority to read the Letter of Support. Scott Knox, County Attorney, responded affirmatively.

The Board authorized Chairman Smith to read and sign the Letter of Support for Pinellas County.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jim Barfield, Commissioner District 2 |
| SECONDER: | Rita Pritchett, Vice Chairwoman/Commissioner District 1 |
| AYES: | Rita Pritchett, Jim Barfield, John Tobia, Curt Smith |

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

Chairman Smith stated Bill Ellis was a terrific person in Brevard County; he was always a jewel with a smile on his face; was very knowledgeable of what goes on in Brevard County; and he will be greatly missed.

Upon consensus of the Board, the meeting adjourned at 8:55 p.m.

ATTEST:



SCOTT ELLIS, CLERK



CURT SMITH, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

Approved by the Board 9/19/17