

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

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on April 5, 2016 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

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

**INVOCATION**

Pastor Kenneth Delgado, House of Prayer International, Palm Bay, provided the invocation.

**PLEDGE OF ALLEGIANCE**

Chairman Barfield led the assembly in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The Board approved the January 26, 2016 and February 9, 2016 Regular Meeting Minutes.

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

**ITEM I.A., RESOLUTION, RE: RECOGNIZING THE WEEK OF APRIL 10-16, 2016, AS NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK**

Chairman Barfield read aloud, and the Board adopted Resolution No. 16-038, proclaiming April 10-16, 2016, as National Public Safety Telecommunications Week.

Kimberly Prosser, Emergency Management Director, stated when people call 9-1-1 it is probably the worst day of their lives; people may be angry, terrified, impatient, or in extreme pain; and it is these professionals and 200 others who are the calm professional voice on the other end of that line. She went on to say it is their job not only to provide assistance, comfort, and response to those callers, but to gather the information to make sure they provide for safety of the law enforcement, fire fighters, and emergency medical responders; they are the first, first responders, and she is honored to represent them.

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Sheriff Wayne Ivey expressed his appreciation to the Board, citizens, and County Manager for recognizing these incredible individuals; and he stated they are truly the lifeline between the citizens and the responders; and without them, nothing works.

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

**ITEM I.B., RESOLUTION, RE: PROCLAIMING APRIL 23, 2016, AS THE HELPING HANDS AND LINKING ARMS DAY OF SERVICE**

Commissioner Infantini read aloud, and the Board adopted Resolution No. 16-039, proclaiming April 23, 2016, as Helping Hands and Linking Arms Day of Service in Brevard County.

A representative of the Church of Jesus Christ of Ladder Day Saints stated she would like to thank the Board for approving the Resolution, and especially Commissioner Infantini for sponsoring the Brevard Day of Service; she expressed her appreciation to the Board for the numerous years this Resolution has been done; she stated for the eighth year of the Day of Service they have a number of projects they are planning; and as they did last year, they would like to work with the schools the children attend. She pointed out this year they have made a concerted effort to have the youth involved in the planning and leadership of these projects so that they get the valuable experience; and they will be partnering with the AT&T Pioneers in sewing heart pillows for heart patients as they have done in the past.

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

**ITEM II.A.1., RESOLUTION AND RELEASE PERFORMANCE BOND, RE: RODINA DRIVE ROAD PLAT - THE VIERA COMPANY**

The Board adopted Resolution No. 16-040, releasing Contract and Surety Performance Bond dated November 19, 2013, for Rodina Drive Road Plat.

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

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**ITEM II.A.2., RESOLUTION AND RELEASE PERFORMANCE BOND, RE: ADDISON PRESERVE - TGO CAMPSITE, LLC**

The Board adopted Resolution No. 16-041, releasing Contract and Cash Performance Bond dated November 17, 2015, for Addison Preserve.

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

**ITEM II.A.3., BACKUP FUNDING AGREEMENT WITH THE VIERA COMPANY (TVC), AND RESOLUTION AND LOCAL AGENCY PROGRAM AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: WICKHAM ROAD AND STADIUM PARKWAY INTERSECTION IMPROVEMENTS PROJECT FPN 434423-1-58/68-01**

The Board executed Backup Funding Agreement with The Viera Company, adopted Resolution No. 16-042, and executed Local Agency Program Agreement with Florida Department of Transportation (FDOT) for Wickham Road and Stadium Parkway Intersection Improvements Project FPN 434423-1-58/68-01.

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

**ITEM II.A.4., WORK ORDER WITH AVCON, INC., RE: PRIMARY RUNWAY 14-32 REHABILITATION, DESIGN PHASE SERVICES**

The Board executed Work Order number 2 with Avcon, Inc. For Design Phase Services related to Asphalt Rehabilitation and Edge Lighting of Primary Runway 14-32 at Valkaria Airport; and authorized the Chairman to execute the pending Federal Aviation Administration (FAA) Grant Offer and pending Florida Department of Transportation (FDOT) Joint Participation Agreement for funds related to this project/work.

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

**ITEM II.B.1., APPOINTMENT, RE: LOCAL HEALTH COUNCIL OF EAST CENTRAL FLORIDA**

The Board unanimously appointed **Gerard Visco** to serve on the Local Health Council of East Central Florida in the Health Care Purchaser group, with term expiring December 31, 2018.

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

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

The Board approved the Budget Change Requests, as submitted.

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

**ITEM II.D.2., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS**

The Board appointed/reappointed **Kevin Jobs** to the District 2 Canal Dredging Committee, with term expiring April 6, 2020; and **Mark LaRusso** to the Community Action Board, with term expiring December 31, 2016.

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

**ITEM III., PUBLIC COMMENTS**

Marjorie Derrick stated in 2003 the Board passed a law protecting the migratory birds, and it was a law that set a national precedent; the importance of it cannot be stressed too much; the problem was with cell phone towers, they were standing in the way of the bird traffic; and the birds fly at night and they were colliding with them. She went on to say four to 84 million birds a year were being killed in that manner; the Board passed a law to regulate the cell phone tower construction following the Fish and Wildlife Service guidelines; and Florida is one of four migratory bird tracts. She stated at Sebastian there was one tower that killed 300 birds in one night; and at NASA there are about 100 just from the buildings standing there. She noted she worked with the Board, it passed the law, and it was featured in the *American Bird Conservancy Magazine* in two articles; and she received three awards for it. She stated she heard the Board was going to make exemptions to the law now; and she asked the Board not to do that. She requested the Board hold the towers down to 200 feet or less, it will protect the birds and give the County all of the towers it needs.

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**ITEM IV.A., RESOLUTION, RE: PETITION TO VACATE PART OF PUBLIC RIGHT-OF-WAY OF PALM BAY AVENUE - BAY CREST VILLAS, MICCO - ANTHONY DEFELICE**

Chairman Barfield called for a public hearing to consider a resolution to vacate part of a public right-of-way of Palm Bay Avenue - Bay Crest Villas, as petitioned by Anthony DeFelice.

John Denninghoff, Public Works Director, stated this is a vacating request for a portion of the Palm Avenue right-of-way located in the Little Hollywood area of South Brevard County; it is an undeveloped portion of the road that the County has no plans for in the future; and in addition, staff has received no objections to the petition.

The Board adopted Resolution No. 16-043, vacating a portion of the south 20.0 feet of the 40.0 foot wide public right-of-way of Palm Avenue in Micco - Bay Crest Villa, as petitioned by Anthony DeFelice.

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

**ITEM VI.E.1., ACKNOWLEDGE RECEIPT, RE: FY 2014-2015 CITY OF TITUSVILLE'S DOWNTOWN COMMUNITY REDEVELOPMENT AGENCY ANNUAL REPORT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015**

The Board acknowledged receipt of FY 2014-2015 City of Titusville's Downtown Community Redevelopment Agency annual report for the fiscal Year ending September 30, 2015.

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

**ITEM VI.E.2., ACKNOWLEDGE RECEIPT, RE: FY 2014-2015 MERRITT ISLAND REDEVELOPMENT AGENCY (MIRA) ANNUAL REPORT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015**

The Board acknowledged receipt of FY 2014-2015 Merritt Island Redevelopment Agency (MIRA) annual report for the Fiscal Year ending September 30, 2015.

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

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**ITEM VI.E.3., ACKNOWLEDGE RECEIPT, RE: FY 2014-2015 ROCKLEDGE COMMUNITY REDEVELOPMENT AGENCY ANNUAL REPORT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015**

The Board acknowledged receipt of FY 2014-2015 Rockledge Community Redevelopment Agency annual report for the Fiscal Year ending September 30, 2015.

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

**ITEM VI.E.4., ACKNOWLEDGE RECEIPT, RE: FY 2014-2015 TOWN OF PALM SHORES REDEVELOPMENT AGENCY ANNUAL REPORT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015**

The Board acknowledged receipt of FY 2014-2015 Town of Palm Shores Redevelopment Agency Annual Report for the Fiscal Year ending September 30, 2015.

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

**ITEM VI.E.5., ACKNOWLEDGE RECEIPT, RE: FY 2014-2015 WEST MELBOURNE/BREVARD COUNTY JOINT COMMUNITY REDEVELOPMENT AGENCY ANNUAL REPORT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015**

The Board acknowledged receipt of the FY 2014-2015 West Melbourne/Brevard County Joint Community Redevelopment Agency Annual Report for the Fiscal Year Ending September 30, 2015.

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

**ITEM VI.F.2., REAPPOINTMENT, RE: JIM KATCHAKIS TO BREVARD COUNTY HOUSING FINANCE AUTHORITY**

The Board acknowledged reappointment of **James Katchakis** to the Housing Finance Authority, with term expiring April 3, 2020.

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

**ITEM VI.F.3., CITIZEN REQUEST BY DALE YOUNG, RE: JOINT LEGISLATIVE AUDITING COMMITTEE (JLAC) AUDIT OF COMMUNITY REDEVELOPMENT AGENCIES (CRAS) IN BREVARD COUNTY**

Chairman Barfield stated the next Item is a Citizen Request from Dale Young; and he asked Mr. Young to come forward.

Commissioner Smith advised the Board that Mr. Young is not present.

Chairman Barfield inquired if the Board wanted to delay the Item.

Commissioner Fisher stated no, there are speakers for the Item.

Cliff Shepard, representing the Satellite Beach Community Redevelopment Agency, stated he represents a number of cities and Community Redevelopment Agencies (CRAs), they never move this fast, and he is grateful; he also represents the Florida Redevelopment Association; it is the State organization under the umbrella of the League of Cities that is responsible for providing good information, which is clearly needed regarding how CRAs operate, why they operate, and why they work for everybody, including the counties that set them up; and he wants the Board to understand that all CRAs submits annual audits. He went on to say what is being requested by the citizen is an audit on top of an audit; that is unnecessary; they kind of tend to say in government that duplication is not a good thing; and that is how the government ends up with \$600 toilets and other things of that nature. He stated the Joint Legislative Auditing Committee (JLAC) has the authority to enforce provisions against local government entities when they fail to submit financial reports as required by law; there are no County agencies that failed to submit financial reports; it simply has not happened; and this would be a duplication, which is bad policy. He noted if there is a problem, that is what the audits reflect; those audits would then be turned over to JLAC if a citizen or even a member of the County said things were out of whack and that it needs further investigation; that is not what is going on here; and it is a matter of policy and of good government. He pointed out duplication is not a good thing. He stated if the Board could spare an hour of its time, the FRA would be happy to educate it and the citizens who do not understand the way these things work, because to say that the County is taking away taxpayer dollars in order to benefit a specific district in a city is simply not true; these dollars would never go back to the city but to the CRA; and local dollars are best spent locally by people.

Commissioner Infantini stated her opinion differs from Mr. Shepard's; it does take away from General Fund dollars; the city dollars would stay in the city that they are generated in the CRA; and to say differently, would be just factually incorrect. She went on to add it is like a retirement plan, she puts into her retirement plan and her employer matches it; and that is money they have chosen to match rather than spend elsewhere to benefit that organization. She noted anytime the Board matches CRA dollars, it is actually taking money out of the General Fund to put in one area as opposed to spending it for the greater good of the entire County.

Commissioner Fisher stated Mr. Shepard is absolutely correct.

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Carol McCormack, Mayor of Town of Palm Shores, stated her Town Clerk is going to pass out some information to the Board that she feels is prudent; and she also has a short PowerPoint Presentation that she feels is very informative. She went on to say she picked seven different properties in the Town of Palm Shores, starting with one valued at \$87,000; if the Board will note, the money was paid to the Tax Collector; and she has continually been saying the Town is not taking from the General Fund. She pointed out Lisa Cullen, Tax Collector, wrote to each of the Board Members; if the Board looks at the Town of Palm Shores it says zero; and the other homes say Brevard County. She stated there is nowhere in this where the Town is taking money from the General Fund, all the money goes to the County not to the Town. She noted they have been back before the Board time and time again; people are questioning the legality; and it is a total misunderstanding. She stated the administrative fees they pay the attorney who handles the ordinances as far as zoning issues; they pay a Code Enforcement Officer who has plenty to do; they pay their Town Engineer; and she does not know where people think there is a slush fund because it is just factually not there. She advised the Board they are not misappropriating funds and it is frustrating; and as an elected official who prides herself on doing what is right and then being accused of doing something wrong is so offensive. She went on to add the Town submits its report not only to the Board but to the Auditor General; and now they are asking for an additional form. She inquired how many times they have to come back before the Board to defend what they are doing; the individual who made the citizens request did not even show up at the meeting today; he may put it back on another Agenda; and she inquired if they will have to come back before the Board again. She pointed out they are the ones who are being punished; she believes it is unfair to the cities and towns; and she inquired if the Board can set a rule on how many times they have to do this when someone does not even show up to defend what he or she wants. She stated people take off from their jobs to come before the Board and try to give it the most current and best information they have; and she inquired if the Board is going to make everyone show up to another meeting.

Commissioner Infantini stated she has never said the Town of Palm Shores collected property taxes; Mayor McCormack has come before the Board and said that before; and what she said is their CRA is funded from the County's General Fund. She noted apparently Mayor McCormack is not aware of how the CRAs are funded.

Mayor McCormack advised Commissioner Infantini she is fully aware.

Commissioner Infantini stated then she would know it comes out of the County's General Fund; if the County makes a tax payment of \$84,000 to the Town, it comes from the General Fund. She pointed out she did not place this Item on the Agenda; it appears Mayor McCormack is under a misunderstanding that she has made a statement that she has never made, because she knows where the money is funded from; and for the public record, the money that the County submits to the CRAs comes from its General Fund. She stated sometimes if there is a city that collects property taxes, it also is contributed to by their General Fund; but whenever there is a CRA, it is coming, the County's contribution, from the General Fund. She noted whenever a decision is made to fund a CRA and the improvements therein, it is making simultaneously a decision not to fund something else that may be of greater importance to the community at large; she is always posing questions to the Board because she is not a CRA believer; and she thinks it is better that the Board funds more responsible projects Countywide, which is only a position.

Mayor McCormack stated there is a portion of Tax Increment Financing, which the County does get a portion of, and it is not the whole Town of Palm Shores; the only portion that the County is paying to the Town is for that small portion; and the rest of the money the County is making from the Town goes to the County, and that is the point she is trying to make. She stated the audience has the misunderstanding that the Town is not paying; and she feels like they do a good job with the small portion of money the Town receives.

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Commissioner Smith stated he wants to address Mayor McCormack's comment regarding how many times she has to come here. He noted he told Mayor McCormack she does not have to show up for this; this is not a witch hunt; and the Board is not pointing its fingers at the Town of Palm Shores. He stated the Board is not taking a vote today; if a vote was going to be taken, then the cities and municipalities could mobilize the forces; and he wants everyone to know the Board is only taking questions not doing away with CRAs. He reiterated the municipalities do not have to send a representative to come to the meeting every time they hear someone wants to take away their CRA; and he asked everyone to step back, to take a deep breath, and everything is going to be fine.

Mayor McCormack stated that is very reassuring and she is going to hold Commissioner Smith to his word.

Commissioner Fisher inquired if some of the Town of Palm Shores has done some infrastructure projects that benefited the County.

Mayor McCormack replied affirmatively.

Commissioner Fisher stated the Town is paying the County a million and the County is giving the Town \$88,000; and he inquired if Mayor McCormack knows exactly what the Town has done.

Mayor McCormack responded they went from \$9 million in their property values to approximately \$24 million of taxable value; without the CRA, the Town would not have the building they have, and they would not have the new business coming in. She stated by tearing down a building with a tarp on it and replacing it with 52 new affordable homes, that would never have happened without the CRA. She pointed out the more successful the Town of Palm Shore's CRA is, the more money that comes to the County.

Commissioner Fisher stated the Board passed a resolution a couple of months ago that it will not defund or reduce funding of the CRAs anytime in the near future. He went on to say when citizens put Items like this on the Agenda he does not know if the Board can control that; and any defunding of CRAs will have to have three votes from the Board. He noted when citizens make these statement it is one thing, but when elected officials give inaccurate statements that is another; and people think elected officials are telling the truth.

Mayor McCormack stated the most offensive statement the citizen made when he made his request about the cities/municipalities being guilty of double taxation and doing something not legal or correct. She expressed her appreciation to the Board for its support in the past and in the future.

Courtney Barker, City of Satellite Beach City Manager, stated she would like to respond to some of the comments on CRAs, and the County spending money on CRAs and taking money away from the Lagoon. She stated in the City of Titusville, they have the North Brevard Economic Development Zone, which helps with the development of the Miracle City Mall; that Mall was a sea of asphalt; the Mall, including the hundreds of acres of the neighborhoods behind it directly outfall into the Lagoon; and now the Mall is going to be redeveloped with stormwater. She went on to add the stormwater comes to current standards of today, not only the Mall, but some of the surrounding areas. She noted people need to be careful about saying that CRAs do not do anything for the Lagoon. She pointed out in the City of Satellite Beach they had four remaining private septic tanks along Shell Street; that is next to the highest eroding area of the community; the CRA in the City shared the cost of putting in a sewer line to get those properties off septic tanks; that project was reported to the Board in the City's last annual report; and they did it because the City is partners with the County and they felt it was an important thing to do. She

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stated beautification in people's minds is landscaping; landscaping helps the environment; and she does not want that to be the only narrative the public hears, because it is not right. She stated she wants to make sure people know all of the CRAs are audited every single one of them; it is required by Florida Statutes; and the Board gets copies of them every year. She advised the Board there needs to be expansion on why that resident thinks there is double taxation; the people who are really losing is the Town of Palm Shores because the Mayor is not at work, she is here, and the City Manager of Satellite Beach is not at work because she is here; and it would be nice if they did not have to be here. She noted she enjoys seeing the Board but it is over and over again; these are political attacks; and she wants it to be called what it is.

Commissioner Infantini stated it is not a political attack, it is a prioritization of funding.

Chairman Barfield stated it is not like Mr. Young not to be here, so he does not want anyone to jump to conclusions; and he hopes he is okay.

Dave Pasley stated Mr. Young's request was for really another organization to take a look at the reports that are coming in; in recent months, they took it upon themselves to find out what happens to these audited reports that go to the County, to the State, or to whoever; and when talking about a self-licking ice cream cone, there is one here. He went on to say the Board receives the report and checks it off, it goes to the Auditor General in Tallahassee, and they check it off; then it goes to the League of Cities, and they check it off; and he inquired if anyone actually looks at what is in the report. He stated financial reports are very simple; this is the simplest audit that can be devised by mankind; it says if it goes into Box A and it is supposed to be spent for Project A; and that is how it the money gets spent. He pointed out it is not a performance audit; it is simply a goes in and goes out audit; but the real issue is CRAs or State Statute 163, Part 3. He stated if a person reads the Statute and complies, they are not going to be putting in storm sewers, that is not allowed; paying for police forces is not allowed; the City of Rockledge did a good job with a piece of property that was blighted, too small to develop; and they filled the property, and the two properties on each side put it on the market. He pointed out that is what a CRA is supposed to do; but as far as the tulip gardening projects that are seen, there are other ways to pay for that. He noted there is technology out there to make septic tanks more sufficient; unfortunately the County cannot get the State to issue permits; and the County is stuck with the technology that goes back to the last century. He stated if a sewer line is put in front of his home, he would expect to pay for it; in addition, he would have to connect to that line; and if the septic tank needs repaired, he will pay for it pure simple. He went on to say he lives on the river; he does not fertilize the grass in his yard because he does not want it running off into the Lagoon; there are a lot of things that need to be looked at; and the first is to dust off Statute 163, Part 3, and find out what the CRAs are supposed to be doing, because these audits are a joke. He inquired if the County is not going to enforce this, why have State Statutes at all.

Commissioner Anderson stated it is something to the effect about stormwater projects and if the County's CRAs are in violation, the entire State is in violation; Mr. Pasley needs to see the Governor; and the City of Alachua Community Redevelopment Agency roadway drainage and park enhancement won an award from the State for the City of Coral Springs CRA stormwater study.

Commissioner Infantini stated the State is not being a vigilant watchdog.

Commissioner Anderson stated there were State people at the meeting at the Lagoon House and they are fine with it; if the State is fine with it, the County is not doing anything wrong and not violating the law; and he is finished with this discussion until November 7th.

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Chairman Barfield stated the Board requested from the State to get a printout of all of the reports; the columns come back as AFR received, which is Authority Financial Report; and it says the audit was received. He pointed out all of the County CRAs have an audit receipt so the State can keep track of it.

Pam LaSalle stated the JLAC looks like a handful of politicians that sit around and decide who to audit; she looked through their audits online; and these audits are not really audits, they are financial statements. She went on to state the CPAs that prepare these reports always have boilerplate disclaimers in there; she looked through several CRAs, found reports, and they are CPA prepared financial statements with boilerplate management letters from disclaimers that the CPA is not expressing an opinion on the effectiveness of the entities internal controls over their financial reporting. She pointed out almost everyone has to fill out a tax return for the individual at a home; this is similar to it; and a person hands them their summaries and they run with it. She stated the CPAs would do the same thing; they do not necessarily dig through there; this JLAC group did not do that many audits; she looked through their online records; and from 2006 through 2016 they did 11 special district reports, and only two of them were CRAs. She noted what is interesting about this group is they like to use the word 'enhance' in their summaries; it does not look like there is a lot of enforcement; the General Auditor did a report in January 2014 on the County school system; they also do the school systems; and they found the procurement issue over the software. She summarized by saying it states controls over the enterprise resource software selection process and related payments could be enhanced; the \$8 million she reads about in the newspaper is the most supreme understatement she has ever read anywhere; and she would like an Inspector General, because they can get in there and help negotiate these contracts before they start not after-the-fact. She stated they hunt the people down, spend money on lawyers, and try to find out where the money went in Broward County; they did several CRA audits and they actually get enforcement; and people get charged with criminal behavior when they find things. She noted the County is long overdue as there is no independent oversight. She stated the CPAs that the County has for internal and external are not independent oversight; they do not get in there and dig down to see that has the money and where it has gone; and the County has a billion dollar budget with no independent oversight. She stated she is not getting paid for anything and she lives in a Community Development District (CDD); she gets to pay; and she really does get to pay double taxation.

Commissioner Infantini inquired how Ms. LaSalle how a CDD is different from a CRA.

Ms. LaSalle replied everybody in the County need to get it into their heads that they pay into the County; when you have a CDD the developer makes a little wad of money, and it is for the infrastructure; and then they get to pay a loan for much longer. She went on to say she was alarmed to find out they have to keep paying even when their loans are paid off because a person gets to maintain everything; and it is more in senior-restricted neighborhoods from her observation. She added they pay extra for infrastructure, along with everything out in the County; the CRAs come along, and they manage to get money out of the County; and then they get money given back to them. She pointed out for instance, if a person lives in a CDD he or she pays \$5, but the people in the CRA get the \$5 back.

Commissioner Infantini stated the point is the people in the CDD pay for their own improvements, their own lighting, their own infrastructure improvements, and their own sewer attachments to make the housing affordable; and it is kind of like a Homeowners Association fee on steroids.

Ms. LaSalle advised the Board there is also interest.

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Stockton Whitten, County Manager, stated CDDs have nothing to do with the County government; Viera East has a golf course and if a person chooses to live in that community, he or she pays into that CDD to maintain the golf course; and it should not be construed as double taxation. He stated he has been in government for 26 years; he has a Master's Degree in Political Science; it is his area of expertise; and it does not have anything to do with a CDD.

Commissioner Infantini stated that is the point, it does not have anything to do with it, and they are paying for their entire infrastructure improvements; and extra fees are not just going for living on a golf course.

Commissioner Anderson stated to live in a CDD they have to pay, actually they choose to pay on a newer development; and that is disclosed at the time of purchase.

Ms. LaSalle noted it was not disclosed to her.

Commissioner Anderson stated she needs to sue her realtor. He went on to say when he buys a house he reads every document even though it is 200 pages long so he understands what is in there; a person chooses to pay into a CDD and pay homeowners fees or condominium fees; and to say that the citizens of the County should step up and help with their improvements is unfair.

Commissioner Infantini pointed out they moved into a community that is self-sustaining; Ms. LaSalle chose to live in the community and may have not been aware that somewhere in the closing documents there was something about a CDD; and she reiterated some communities are self-sustaining while most of the County is not. She noted people who live in a CDD have agreed contractually that they will maintain all of their infrastructure, sidewalks, curbing, and sewer lines.

Peter Fusscas stated he has spoken to everyone in the room about CRAs at one time or another; rather than feed oats to a dead horse, he would like to look at the big picture, which is the County's tax base; and he is particularly concerned about this because it erodes on a number of levels. He went on to state the amount of land that is publicly owned, which he thinks is around 52 percent for the County; the other issue is the erosion of tax base by corporate subsidies; erosion of the tax base by CRAs; and a CRA is funded by the County. He stated it makes a contribution of around 40 percent, depending upon the CRA; every CRA has a different document and there are variations within that document; what they do in the County is provide a rebate or a grant for 30 years to a municipality to assist them in infrastructure; and the municipalities cannot operate their own CRAs on their own money without County money. He noted the cities do not need a CRA to accomplish any of the things they do now with CRA money; they can plant trees without a CRA; it just depends upon the administration of the municipality or the County; and he is concerned about the reporting. He noted CRAs are a creature of the legislation, enabling legislation that allows the County to enter into an agreement with a municipality to create a Special District; and the Special District then has a formula by which the General Fund of the County contributes money into the trust fund of the CRA, and they use that money for certain things. He pointed out that is the fundamental issue; it is they do not need County money to perform their duties and responsibilities; it really is a grant that is up to the CRA; and he does not know how the County exits a CRA. He added the County has had CRAs for 30 years; there are no dissolution clauses in the Ordinances that he has seen; there should be negotiations on how much the 90/10 split on property taxes; and maybe it should be 50/50. He advised the Board he had companies in Central America, South America, Africa, and Asia that he was responsible for; they had a chart of accounts; in every single country where they had different laws and different accounting procedures, they had a uniform way in which they reported their financial results; and a uniform chart of accounts is essential if the County is going to template the CRAs. He stated in the absence of prioritizing the essential

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services and duties, the County tends to spend money on just about anything that comes up and it is without rhyme or reason as it should be planned; and it should be programmed and executed accordingly.

Commissioner Fisher stated it is like arguing about religion, whether a person believes in them or not; he Googled Statute 163.370 under Number 3, and it says installation, construction, or reconstruction of streets, utilities, parks, playgrounds, public areas, or major hotels are all that can be supported by CRA dollars; but that is so a person knows the facts; it also says it can support a convention center, meeting rooms, banquet facilities, parking garages, lobbies, and so on; and to make the statement that utilities, sewer lines, or roads should not be funded by this as it is not true.

The Board acknowledged a citizen request by Dale young for Joint Legislative Auditing Committee (JLAC) Audit of Community Redevelopment Agencies (CRAs) in Brevard County.

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

The Board approved cancelling the April 21, 2016 Workshop meeting.

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

**ITEM VIII.A., STOCKTON WHITTEN, COUNTY MANAGER, REPORT BY STAFF PRESENTATION, RE: WICKHAM ROAD/EAU GALLIE CREEK PROJECT**

Stockton Whitten, County Manager, stated staff used social media so perfectly that they received kudos from Rick Scott, Governor, of how they used it to alert the motoring public to what was going on within the project.

John Denninghoff, Public Works Director, provided the Board with a PowerPoint presentation and a video. He stated it is important to understand what staff was really trying to do; this was a project that Nature Resources Management in their Stormwater Program had been working on for many years; they completed over 150 other projects associated with the Upper Eau Gallie area; and they are down to seven projects left. He went on to say the idea was to keep around 300 homes out of the water more successfully than staff had done in the past; multiple hurricanes had caused multiple homes to go underwater in the Kingsmill and Longwood areas; and this will keep some of those homes out of the water. He stated there was grant funding that paid for about 75 percent of these final projects; they had to be done in a particular order; the one on Wickham Road had to be done first; and it had to be done in time to allow the others to be done subsequently and get completed in time for the grant deadline. He noted because of that time constraint and the need to beat the rainy season, they had to do the project in the quickest way possible; that meant that it was more inconvenient to the traveling public; but it was at a tremendous cost savings as well as time savings. He stated a quick description of the project is 110 feet long and 5x8 box culvert, they are adding a third barrel to that, and there was 14 utility crossings that had to be avoided cutting. He stated there is a gas main communication cables, fire cables overhead, a sewer line, water main, and the list goes on-and-on; and the guys did a fantastic job in avoiding any damage in those. He pointed out there are two aspects of the project that need to be completed, the erosion control facilities that have to be built; and then staff will be milling and resurfacing the area right there where the project was to get it

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completely smooth and appropriately stripped. He stated they had initially talked about 40 days to get the project done; the weather was good; but they coordinated everything extremely well with almost no lost time on the project; and they got it done in 30 days and six hours. He stated they made sure they let the public know what was going on; they put a verbal message board on Wickham Road for over two weeks prior to the project; Don Walker, SCGTV Director, wrote news releases; the newspaper had several articles both in advance and during the project; they sent out over 450 letters announcing the project and giving information; and they met with the two elementary schools that were involved. He stated, as Mr. Whitten indicated, staff used social media; they have a Facebook page, and they will have the link up there for the folks; they updated it daily during the road closure; they posted a lot of photographs and videos; and they had reached over 30,000 people with the Facebook efforts. He stated the video that shows the reopening of the road was viewed over 7,600 times. He expressed his appreciation to staff for such a great job, and Natural Resources Management staff was part of the success as well.

Chairman Barfield inquired how the flood control with this project is helping the Lagoon.

Virginia Barker, Natural Resources Management Director, replied this is a multi-phase project, and this particular phase was just the crossing at Wickham Road, so this particular phase does not assist with the Lagoon; but additional phases do provide water treatment.

Mr. Denninghoff stated it does not add any water to the Lagoon, this water was already going to the Lagoon.

Ms. Barker expressed her appreciation to the Board for permission to work with the Public Works Department; they usually bid out projects; and when they go in house the desire is to deliver the contract but to minimize the public inconvenience.

Commissioner Fisher stated he has been taking a leadership class lately; and this is an example of 80 to 90 percent of what the County does is positive.

Commissioner Smith stated the people will soon forget what a great job staff did; but the people in Kingsmill will remember their house did not flood because of County staff.

Commissioner Anderson stated the entire project is huge that County staff has undertaken.

Commissioner Infantini expressed her appreciation to staff.

#### **ITEM VIII.A., STOCKTON WHITTEN, COUNTY MANAGER, REPORT, RE: HELICOPTERS**

Stockton Whitten, County Manager, stated Virginia Barker, Natural Resources Management Director, is going to give the Board a brief update on the real facts regarding the helicopters the County has operating.

Ms. Barker stated the County has had the helicopters for about two and one-half years, and they have proven to be excellent aircraft for providing mosquito control to the uniquely large coastal County, which manages approximately 28,000 acres of salt marsh, plus the St. Johns River Basin; in August 2012, the Board reviewed the business model for purchasing these helicopters, and approved moving forward with that expense; that business model looked at the 15-year expense of the way the County was doing business versus this decision; and the Board saw a \$3.7 million savings over that 15 years. She went on to say a large part of that savings is due to the reduction in a number of aircraft that the Board has to maintain and operate; instead of three aircraft, they have two aircraft, which means they

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have one fewer pilot and one fewer mechanic; the reduction in aircraft personnel costs totals a reduction from five positions to three positions; and that is a 40 percent reduction in staffing for the air operations. She noted by flying two identical aircraft, it standardizes the air frame, the parts, the training, the mechanics, and pilots have to undertake to be ready to fly those helicopters; these helicopters are specifically outfitted for mosquito control operations, which makes their cost effectiveness much higher than what used to be done; their flight speed is better, the loading time and carry capacity are better, they can treat the entire County in one evening without having to fly back and refuel and wasting valuable moments in the window of time that mosquitoes are most likely to be hit by Mosquito Control; and they were previously burning up some of that time going back to refuel and reload. She pointed out the kill rate is better, which means they fly fewer evenings to provide the same level of service to the public. She stated there are improved safety features to these aircraft, they can perform all of the various related missions that the Mosquito Control operations can have so they do not also need fixed-wing aircraft; and the fuel efficiency is even more than they anticipated. She stated that \$3.7 million savings added up for 15 years, staff expects it to be even greater than that.

**ITEM VIII.A., STOCKTON WHITTEN, COUNTY MANAGER, REPORT, RE: THE FOURTH NEWCOMER TO BREVARD COUNTY**

Stockton Whitten, County Manager, stated this is the fourth newcomer to Brevard County that he has highlighted; her name is Mary Ann Sinar; he met her last week; she has moved from Detroit to Atlanta to Satellite Beach just in the last two weeks; and she has a son in Atlanta and another son in Satellite Beach. He pointed out the son in Satellite Beach won out. He stated Ms. Sinar is two weeks in the community and already volunteering with the March of Dimes. He stated he wanted to give a shout out to Mary Ann Sinar.

**ITEM VIII.D., TRUDIE INFANTINI, DISTRICT 3 COMMISSIONER, REPORT, RE: PRESENTATION OF CHILD ABUSE PREVENTION RESOLUTION**

Commissioner Infantini stated she was at Squid Lips on Saturday afternoon after the rain passed to do the Resolution to prevent Child Abuse; it was a well-received event; and she expressed her appreciation to Squid Lips for every year stepping forward and helping out with that event, and donating some of their proceeds to the organization.

**ITEM VIII.E., ANDY ANDERSON, DISTRICT 5 COMMISSIONER, REPORT, RE: 100-DAY FISHING TOURNAMENT IN PALM BAY**

Commissioner Anderson stated the Coastal Conservation Association is sponsoring a 100-day fishing tournament in Palm Bay; they kicked off in West Melbourne at Academy Sports on Saturday; and it starts Memorial Day weekend. He pointed out if a person catches a Red Fish in the South Lagoon that has a tag, he or she is put into a lottery to win big expensive boats, trucks, and all sorts of things. He went on to add all youth who catch fish out there are eligible for scholarships.

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**ITEM VIII.F., CURT SMITH, DISTRICT 4 COMMISSIONER/VICE CHAIRMAN, REPORT, RE: COUNTY COMMISSION EVENING MEETINGS**

Commissioner Smith stated on his brief time as a Commissioner, he has had people ask him to consider having an evening meeting; and he appealed to his fellow Commissioners to give him some thoughts either now or in the near future about having maybe one meeting at 5:00 p.m. a quarter so if there are people who wish to come to the meetings, and they work all day, they can have an opportunity to attend.

Commissioner Fisher stated the Board has previously discussed that option; one of the things that has always been out there is when issues they know will draw a lot of people, could be put on the Zoning meeting nights; and that is how the Board treated it in the past.

**EXECUTIVE SESSION, RE: MASCI GENERAL CONTRACTOR, INC. V. BREVARD COUNTY, FLORIDA, CASE NO: 05-2015-CA-046973**

The Board temporarily adjourned for Executive Session to be held in the County Manager's Office in the case of Masci General Contractor, Inc. v. Brevard County, Florida, Case No: 05-2015-CA-046973.

Upon consensus of the Board, the meeting adjourned at 11:12 a.m.

ATTEST:



A handwritten signature in cursive script, appearing to read "Scott Ellis".

SCOTT ELLIS, CLERK



A handwritten signature in cursive script, appearing to read "Jim Barfield".

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

**Tammy Rowe**

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**To:** Knox, Scott L  
**Cc:** Lewis, Sally A  
**Subject:** April 5, 2016 Regular Meeting Minutes

Scott:

Attached are the April 5, 2016 regular meeting minutes for your review and recommendations. They will be considered for approval by the Board at its May 3, 2016 meeting.

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