

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

9:00 AM

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

**INVOCATION**

Elder Clayton Gilliams, New Shiloh Christian Center, Melbourne, led the assembly in the invocation.

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES**

The Board approved the May 26, 2015, Regular meeting minutes.

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

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

The Board tabled consideration of resolution recognizing the 15<sup>th</sup> Anniversary of The Children's Center to the August 18, 2015 meeting.

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**ITEM I.B., RESOLUTION, RE: PROCLAIMING AGING MATTERS IN BREVARD'S 50 YEAR ANNIVERSARY**

Commissioner Barfield read aloud, and the Board adopted Resolution No. 15-111, recognizing Aging Matters of Brevard for 50<sup>th</sup> years of distinguished services to the citizens of Brevard County.

Ryan Brant, Vice Chair of Aging Matters of Brevard, offered thanks to the Board for the recognition.

Cindy Flockmyer offered thanks to the Board.

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

**ITEM I.C., RESOLUTION, RE: RECOGNIZING GIVE A LITTLE HOPE, INC.**

Commissioner Anderson read aloud, and the Board adopted Resolution No. 15-112, recognizing Give A Little Hope, Inc. for devoting its time and energy to raising funds for locally cancer-affected families.

Sally Derrick offered thanks to the Board, and shared her personal experiences battling cancer, and about the help her family received from Give A Little Hope.

Randy Routers also offered thanks to the Board, and shared future plans for Give A Little Hope.

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

**ITEM I.D., RESOLUTION, RE: PROCLAIMING SEPTEMBER AS CHILDHOOD CANCER AWARENESS MONTH**

The Board adopted Resolution No. 15-113, proclaiming the month of September as Childhood Cancer Awareness Month.

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

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**ITEM I.E., RESOLUTION, RE: RECOGNIZING COASTAL HEALTH SYSTEMS OF BREVARD ACHIEVING ACCREDITATION THROUGH THE COMMISSION ON ACCREDITATION OF AMBULANCE SERVICES**

Commissioner Anderson read aloud, and the Board adopted Resolution No. 15-114, recognizing Coastal Health Systems of Brevard, Inc., for their exceptional professional achievement, and commitment to the citizens of Brevard County.

Bill McCarthy, President CEO of Coastal Health Systems of Brevard, stated that going through an accreditation process is very difficult, and there is a lot of work that goes into it; and he thanked Fire Chief Mark Schollmeyer for his support and action as the contract manager, Senior Paramedic Directors Joe Goodwin and Lisa Moore, and the Board.

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

**ITEM I.F., RESOLUTION, RE: CONGRATULATING DAVID SCHMITT FOR RECEIVING THE FLORIDA DEPARTMENT OF HEALTH EMS EDUCATOR OF THE YEAR AWARD**

Commissioner Barfield read aloud, and the Board adopted Resolution No. 15-115, recognizing David Schmitt for his distinguished medical career serving Brevard County residents, and for receiving the Florida Department of Health EMS Educator of the Year Award.

David Schmitt thanked the Board for the recognition and his family and co-workers for their support.

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

**ITEM I.G., RESOLUTION, RE: VICTORY FLORIDA COMMEMORATING THE 70TH ANNIVERSARY OF THE ENDING OF WWII**

Commissioner Smith read aloud, and the Board adopted Resolution No. 15-116, commemorating 2015 as Victory Florida Year in honor of the 70<sup>th</sup> Anniversary ending of World War II.

Cheryl Rowe thanked the Board for the Resolution; and she announced information regarding an event commemorating the 70th Anniversary of the ending of World War II.

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

**ITEM II.A.1., FINAL PLAT APPROVAL, RE: FIRST ADDITION TO STONE LAKE ESTATES**

The Board granted final plat approval for the First Addition to Stone Lake Estates; and authorized the Chairman to sign the final plat.

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

**ITEM II.B.1., AGREEMENT WITH HARLAN PROPERTY DEVELOPMENT, LLC, RE: CONSTRUCTION OF THREE SINGLE-FAMILY HOMES IN ROCKLEDGE (FISCAL IMPACT: \$300,000 GRANT FUNDS)**

The Board authorized the Chairman to execute an Agreement with Harlan Property Development, LLC, for the construction of three single-family homes located in Rockledge, for the development of affordable rental housing; and authorized the County Manager, or his designee to execute modifications and amendment to the Agreement.

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

**ITEM II.B.2., PERMISSION, RE: TERMINATE CURRENT BREVARD COUNTY TOURISM DEVELOPMENT OFFICE ADVERTISING AND PRODUCTION AGREEMENT WITH MCBRIDE MARKETING GROUP**

The Board approved terminating the current Tourism Development Office Advertising and Production Agreement with McBride Marketing Group, exercising Section 11(a). Termination for Convenience.

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

**ITEM II.B.3., PERMISSION TO PURCHASE OFF COOPERATIVE CONTRACT, RE: FIVE DIESEL FUELED TRANSIT COACHES (FISCAL IMPACT \$2,150,000,)**

The Board granted staff permission to purchase five Diesel Fueled Transit Coaches off the Florida Transit Association Finance Corporation (FTAFC) Florida State Consortium contract in the amount of no greater than \$2,150,000; authorized the payment of \$2,500 to the FTAFC for the transaction fee; and authorized James Liesenfelt, Transit Services Director, to travel to the Gillig plant for the preproduction and the inspection meetings.

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

**ITEM II.C.2., ACCEPTANCE, RE: DELTA DENTAL RENEWAL PREMIUMS**

The Board accepted the 2016 dental insurance rates as proposed by Delta Dental in their Low and High PPO plan options; and authorized you to publish a Request for Proposals (RFP) in 2016 for dental insurance plan options effective January 1, 2017.

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

**ITEM II.C.3., APPROVAL, RE: LABOR AGREEMENT WITH LABORER'S INTERNATIONAL UNION, LOCAL 678**

The Board approved ratifying the tentatively agreed upon modifications of two Articles in the Collective Bargaining Agreement presented herewith; and authorized the County Manager to execute the Agreement as provided for by Section 447.309, Florida Statutes.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Andy Anderson, Commissioner District 5  
**SECONDER:** Jim Barfield, Vice Chairman/Commissioner District 2  
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**ITEM II.C.4., AUTHORIZATION, RE: RENEW BASIC LIFE, SUPPLEMENTAL LIFE, LONG TERM DISABILITY AND SHORT TERM DISABILITY INSURANCE COVERAGE WITH STANDARD LIFE UNDER POLICY NO. 641728**

The Board authorized Gerard Visco, Human Resources Office Director, to execute any and all contracts, documents, and/or applications necessary to secure employer funded basic life insurance available to all full-time permanent employees, as well as retiree funded retiree life insurance, employee funded supplemental life insurance, employee funded short-term and long-term disability coverage currently available on a voluntary basis to all full-time permanent employees.

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

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

The Board approved the Budget Change Requests, as submitted.

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

**ITEM II.D.2., ACKNOWLEDGE, RE: RECEIPT OF FY 2013-2014 COMPREHENSIVE ANNUAL REPORT, INCLUDING CRAS, ENDING SEPTEMBER 30, 2014, FOR THE CITY OF COCOA**

The Board acknowledged receipt of the 2013-2014 Comprehensive Annual Financial Report (CAFR), including CRAs, ending September 30, 2014, for the City of Cocoa.

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

**ITEM II.D.3., RESOLUTION, RE: CONSIDERING AD VALOREM TAX ABATEMENT - PROJECT TAYLOR**

The Board adopted Resolution No. 15-117, qualifying Project Taylor as an eligible business under the County's Tax Abatement Program; and authorized a public hearing to consider adoption an exemption ordinance.

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

**ITEM II.D.4., RESOLUTION, RE: QUALIFIED TARGET INDUSTRY - PROJECT TAYLOR**

The Board adopted Resolution No. 15-118, qualifying target industry Project Taylor as an eligible business under the County's Tax Abatement Program; and authorized a public hearing to consider adoption an exemption ordinance.

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

**ITEM II.D.7., APPROVAL, RE: PROPOSED GUIDELINES FOR BREVARD COUNTY COMMUNITY CULTURAL GRANTS, FY 2016**

The Board approved the proposed guidelines for the FY16 Brevard County Community Cultural Grant Program.

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

**ITEM II.D.8., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS**

The Board acknowledged the appointment of **Ralph Williams** to the Merritt Island/Beaches Advisory Board; and appointed of **Dave Pasley** to the Citizens Budget Review Committee.

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

**ITEM II.C.1., APPROVAL, RE: 2016 GROUP HEALTH PLAN CHANGES**

Dawn Butterfield stated that she is a registered pharmacist and an independent pharmacy owner of West Cocoa Pharmacy, and she is representing independent pharmacies; independent pharmacies in Brevard added together would make up the largest group of pharmacies, if they were considered to be a chain, there are 32 in total; they do not accept or expect government funding to open or operate; one of the largest challenges facing the nation today, is the ability to provide cost-effective, quality health care; and this is one of the largest challenges that the Board faces for its health plan. She noted the challenge that the pharmacies face while serving the community is the same challenge the Board faces when negotiating benefits for its employees every year for its self-insured plan; those negotiations affect pharmacies and other providers; she added that the largest challenge facing independent pharmacies is their inability to negotiate contracts with Pharmacy Benefit Managers (PBMs); contracts with pharmacies and PBMs are take it or leave it contracts, with PBMs holding all of the power; and as a result, providing prescriptions to Brevard citizens, pharmacies are now losing money in ten percent of transactions. She advised the Board this is solely based on the cost of the drug, this does not include labor, rent, employee benefits, liability, and insurance required to maintain the business, taxes, or other regulatory cost; if these losses to pharmacies end up at a higher quality with lower cost or end up reducing the cost to the plan, it may be an easier pill to swallow; if it is beneficial to the community, losing money may be more understandable, however, it is neither the patient nor the plan that is benefiting, it is the PBM or the insurer who is the ultimate beneficiary; independent pharmacies understand the plight of Parish Hospital, and that Health First acting as a third party administrator and a provider, makes for a closed system whereby Health First can profit on every end, with patients being left with less options and forced into systems whereby Health First is the beneficiary; and the situation is also true for the Cigna Plan as it is designed now, with the mail order and specialty pharmacy networks managed by their own PBM. She added that as an independent pharmacist with limited resources, she is very passionate about this issue; she believes this an important issue for the entire community; and she asked that the Board to realize that there are others such as herself that understand the healthcare system and are willing to help insure that Brevard County has an appropriate healthcare plan that benefits the community.

Commissioner Infantini stated that Ms. Butterfield brought some things to light, and she asked staff if it will be able to be incorporated into some of the information that staff will bring back to the Board. Frank Abbate, Assistant County Manager, responded that staff went out on Request for Proposals (RFP) this past year, and as staff moves forward, they will be looking at issues that will put them in a position to have a more cost-effective plan.

The Board approved the Group Health Insurance Program for CY2016 as recommended by Human Resources Office/Employee Benefits and the Employee Benefits Insurance Advisory Committee (EBIAC); and authorized the EBIAC to move forward with developing additional plan design and premium options for the Board's review, and approval.

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

**ITEM III., PUBLIC COMMENTS**

Carl Rosskamp informed the Board that the Springs of Suntree held a meeting the previous night, and formed a task-force called VS is GREAT, that stands for Viera Suntree the Green Environmental Action Task-force; and the task-force had contact with the Brevard Public Schools, Brevard Zoo, Brevard Nature Alliance, University of Central Florida, Florida Institute of Technology, Space Coast Eco Geeks, and others; it was discovered that there are four Brevard County schools that are sponsoring a trip to Costa Rica for students and biology teachers to study gopher turtles; he added that there are 400 gopher turtles in this area, but they cannot be accessed; he also informed the Board that the task-force is at it, and that the Board had asked for a coalition for form good ideas to be presented and the task-force is going to do that, but they need access to the 114 acres of land.

Commissioner Smith commented that the Board is working on this; and he received a detailed letter from another member of the task-force, regarding the previous night's meeting; he added that the Board needs the task-force to take the ball on this issue, because if nothing is done and a decision is not met, a future Board could decide to sell this land; he added that he is glad the task-force has formed and that they are running with this, and that the Board is going to do its part as well.

Charles Tovey stated that many years ago he addressed the problems that Brevard is now facing; he thanked the Board for its concern for the environment; he added that all of the money is being built up, but the roads, environment, schools, and prisons have been neglected; and the problem with the government is that the money is not being used to help the hardworking citizens; he added that he is working to sustain the river.

**ITEM IV.A., ORDINANCE, RE: TRANSMITTAL OF COMPREHENSIVE PLAN PACKAGE 2015-2 PLAN AMENDMENTS**

Chairman Fisher called for a public hearing to consider transmittal of the 2015 - 2 Comprehensive Plan Amendments, including one private application for Imperial South Inc. (2015-2.1).

Robin Sobrino, Planning and Development Director, stated that this Item represents the second large scale Comprehensive Plan amendment cycle of the year, Planning and Development has one private application in the name of Imperial South Inc., and it represents a request to change the Future Land Use Map from Planned Industrial to Residential-15.

Commissioner Anderson motioned to approve the plan amendment 2015-2.1, Commissioner Barfield seconded.

Commissioner Smith stated that his concern is that it is on Wickham Road, and in this particular area the road is quite compacted with cars; and it was planned industrial because there is a railroad behind it; he understands it would be beneficial to the community if there are apartments there; and he questioned the density of the apartments, and he would like to reserve judgment, but he likes the idea.

Ms. Sobrino reminded the Board that this is the transmittal phase of the large scale amendment; once it is reviewed by the State agencies it would come back to the Board for an adoption phase, so there will be a second opportunity to review this; and at that time the Board will be reviewing it in connection with a specific rezoning request and will have a better sense of the type of development that is being proposed, and the Board can analyze it in conjunction with the comprehensive plan amendment.

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The Board conducted a public hearing to consider transmittal of the 2015-2 Comprehensive Plan Amendments, including one private application for Imperial South Inc. (2015-2.1).

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

**ITEM IV.B., PUBLIC HEARING, RE: FY 2015-2016 BREVARD COUNTY HOME CONSORTIUM ANNUAL ONE YEAR ACTION PLAN**

Chairman Fisher called for a public hearing to approve the Fiscal Year 2015-2016 Brevard County HOME consortium annual action plan.

Ian Golden, Housing and Human Services Director, stated that this is the second and final public hearing for the annual action plan; and Housing and Human Services received no comments during the public comment period, and is seeking Board approval of the plan and authorization for the Chairman to execute the agreements; and authorize the County Manager to do the agreements and disbursement agreements with the consortium cities, and allow the County Manager to sign contracts and for the department to put the projects out to bid.

The Board approved the FY 2015-2016 Brevard County HOME Annual Action Plan; authorized the Chairman to execute the required certifications and SF-424 Housing and Urban Development (HUD) Application for Federal Assistance for the Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME) Programs; approved the County Manager, or his designee, to be authorized to execute the CDBG and HOME Program Grant Agreements and the Disbursement Agreements with the four HOME Consortium member cities, upon approval from HUD; authorized the County Manager, or his designee, to sign contractual agreements for projects identified in the Action Plan after approval from Risk Management and the County Attorney's Office; and authorized you, as contract administrators, to use competitive bids to secure contractors to complete proposed projects.

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

**ITEM V.A., ACCEPTANCE, RE: MOCKINGBIRD LANE PROPERTY FROM THE ST. JOHNS WATER MANAGEMENT DISTRICT**

Commissioner Infantini stated that this a discussion regarding keeping the dock at the end of Mockingbird Lane; it was originally thought that Brevard County owned Mockingbird Lane and the water attached to Mockingbird Lane, and, that it had jurisdiction over the dock that was in the water; the Board agreed to make repairs, maintain the dock, and seal off the boat ramp; though a title search, it became known that in fact Brevard County did not own the water rights, instead St. Johns Water Management District (SJWMD) owned the water and the dock; and now the dock has fallen into disrepair, because someone is undermining the integrity of the

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dock in an effort to break it down. She added that SJWMD is willing to turn the property rights over to Brevard County, if the Board would be willing to accept ownership and go forward with the plans to maintain the dock.

Jillian Schoeller stated that she and her husband has lived on this street for almost ten years, and pending health and weather conditions, they have visited the dock twice daily since adopting their dog five years ago; she reviewed the history of the dock, and added that the property and dock have been maintained and enjoyed by a majority of property owners and neighbors from and through multiple generations; removing the dock and closing, or limiting, the use of the property is not in the interest of the majority of the neighborhood, and is not in keeping with the original dedication of the land to the perpetual use of the public; and transfer of the property back to Brevard County will return the ownership to a previous owner and keep the property in government ownership. She went on to state that her family will continue to visit the property whether it is owned by the County or Saint Johns, or if there is a dock there or not, as she suspects her neighbors will as well; and she is grateful to all of her neighbors that for the past year, since the Board voted to keep the dock and properly permit it, that things have been calm in the neighborhood, and that the area near the dock has remained cleaned and clear of garbage; she added that before the vote, many neighbors had verbally agreed, and shown with their actions over the past couple of years to have adhered to a set of rules and behaviors for the property that are in line with both the County's Code of Ordinances and general neighborly conduct; and while the dock does require repairs, she and the neighbors have waited respectfully for the permitting process to be completed, and will continue to support the County in any way to build and maintain the dock and property. She concluded by sharing her family's experiences and encounters with nature while visiting this dock, and it is her hope that the Board will vote to take back ownership of the property.

Herb Brannan thanked the Board for voting last September to allow the community dock to remain and to take over maintenance; he purchased his house on this street because of the access to the river, and has enjoyed this dock for over eleven years; the two neighbors that opposed this dock agreed to abide by the decision of the Board; and residents have made every effort to be respectful to those neighbors, and if they park there to fish they ensure the cars are out of view, and clean up after themselves, and do not stay at the dock after dark. He added that the fence that was put in place to prevent launching boats into the river is serving its purpose, unfortunately the dock has continued to deteriorate because the County has been unable to obtain the permit; residents have made some repairs to the dock, but were advised against continuing to do so, because it would be illegal without obtaining a permit; there is now a sign posted at the dock, instructing individuals to stay off of the dock due to the unsafe conditions. He asked the Board for permission to mow the grass surrounding the dock, and that the Board approves the County taking the dock back from SJWMD, allowing the County to obtain the permit to make repairs.

Commissioner Infantini asked Mr. Brannan if it is correct that for the past 50 years the County has not had to make repairs; and that the residents in the neighborhood have maintained the dock, and have not asked for assistance. Mr. Brannan replied yes, that the residents took it upon themselves to keep up with repairs so that the dock would not fall apart, and have enjoyed the dock over many years, not knowing who was in ownership of it.

Linda Brannan stated that this has been a long legal process for the residents, but living near the river and being able to access it has been a blessing for the neighborhood; she thanked the Board for its decision last September to keep the dock, and for the County to obtain a permit to make it legal, and be able to make repairs to the dock; she added that at the meeting in September, the riverfront property owner did apologize to her and her husband for past harassment, and conveyed that he would like to be friends with all of the neighbors; and it was a relief to know that the riverfront property owner was ending his personal crusade to have the

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dock removed. She went on to state that when she researched this issue, she found that in 1967 the Central and Southern Flood Control District petitioned Brevard to give up the 20-foot strip of land, and had already obtained deeds from the two adjoining riverfront owners, giving up all of their rights, interest, and claims to the right of way; the 20-foot strip of land adjoined the canal, and so it was not going to be needed for a road, and so Brevard County approved taking over ownership; apparently there was a dock on the land during this time, and was used by the original settlers of Mockingbird Lane; after the canal was dredged, it seems that Saint Johns did not have anything to do with this piece of property, but allowed the dock to remain in place for over 40 years for the residents to use; and it is the residents who maintained it. She added that she is aware that the current policy for Brevard County, that was approved in March 2012, acknowledges the importance of maintaining public access to riverfront property, and vacating access will not be considered unless it is absolutely necessary; and it is her hope that the Board will accept the opportunity to petition Saint Johns to return the property to the County's ownership.

Tom Seiler stated that he has lived on Mockingbird Lane since 1997; what he finds so attractive about this area is that it is pristine and there is a lot of wildlife; he reviewed a brief history of the dock and reiterated previous comments made by Mrs. Schoeller and the Brannan's, regarding maintenance of the dock; and from a historical stand point he would like for the dock to remain accessible.

Michael Schoeller informed the Board that there are not many public access points along the north prong of the Sebastian River, and the primary reason for purchasing his home on Mockingbird Lane was for the access to the river; and he would like to continue to have this access.

Bob Audette noted that during the meeting on March 19, 2013, the Board voted 3:2 against the proposed maintenance use agreement, and took no action regarding the dock; one month later, the Army Corps of Engineers sent their first letter to Brevard, requesting action on the dock; after some correspondence, the Army Corps of Engineers then sent the strong letter, July 8, 2014; he added that to correct items placed in the Agenda packet, he asked the Board to consider two aerial photos of his property, and photos of the current state of the dock, showing that it is in fact unsafe for public use; and he stated that the County's own survey department discovered a legal resolution in 1967, in which the County vacated the last 20 feet of Mockingbird Lane, on which the dock is located. He added that the clarity and importance of this document gave staff clear direction to notify the Army Corps of Engineers that they will no longer be seeking to permit the dock. He went on to state that it was incorrectly stated during the previous Board meeting, that the County donated this land to the Water District, but in fact it was the adjacent property owners at the time who either sold or donated this land, and the only thing that the County gave away was any future rights of residents to use this property for anything, including building a dock; he referenced aerial photos proving that there was clearly no dock in existence in 1958, or in 1969; existence after the resolution in 1967 is in fact illegal; and he asked that the Board please not accept this, and allow Saint Johns to move forward with the removal process.

Thomas Barnes stated that three years spent on this issue, seems like a lot of time and stress to be haggling over an illegal dock, on land that the County does not, nor ever did, own; during the previous Board meeting, it was stated that there was only one person that had objections to the illegal dock, but in fact, there are ten people with objections; and he hopes that in light of these facts, a decision will be rendered to discontinue permitting an illegal dock.

James McMillan stated that he conducted research, and in speaking with a representative from SJWMD, he found that they would like to give the land back to the County; he reiterated

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comments made regarding the residential enjoyment of this dock; and residents will continue to maintain the dock and make repairs if it is allowed to stay.

Commissioner Infantini stated she finds it curious that in January of this year, staff went out to the dock and took pictures of the integrity of the dock, and attested to safety of the dock; currently the dock is in peril and has become dangerous, and she finds it hard to understand how the dock deteriorated so rapidly; and she speculated that the dock is somehow being undermined so that it does not meet the requirements to be allowed to be repaired and maintained, so that it will have to be removed. She added that this dock was already in existence for many of the property owners, and the residents took it upon themselves to maintain the dock for many years; and she added that this should not be taken from the residents, only because now two neighbors are complaining about it, because now they have their own dock, and do not want the community using the community dock.

Commissioner Smith stated that he would like to get counsel on this issue, and asked Scott Knox, County Attorney, where this stands from a legal stand point. Attorney Knox replied that the County does not own the dock, and there is an Army Corps of Engineers violation pending on the dock; and if the Board decides it wants to take the deed from SJWMD, it will inherit this pending violation. Commissioner Smith asked if the dock is removed by SJWMD, will the community still have access to the land. Attorney Knox replied that it will be owned by SJWMD, and they will control who has access, but since the community has had access to it, he assumes they will continue to have that access. Commissioner Smith stated that does not think the County has enough access to the water as it is, however, that access must be legal; and the dock is in disrepair and needs to be fixed; he inquired if everyone in the County decides they would like to have a dock similar to what would be built for Mockingbird Lane, what would the Board tell them; and he stated it is a difficult situation.

Commissioner Barfield stated that the issue comes back to it being an illegal dock that needs to be permitted; the Army Corps of Engineers has declared that there is a problem with the dock; and he has a hard time taking on liabilities when the homeowners can work directly with SJWMD, and questioned why the County has to take this on; and if the Board does take this on it will also have to pay the cost associated with this; and he stated if the homeowners still have access to the water, which they will, he does not believe that the Board should take on the responsibility for someone else's liability.

Commissioner Infantini addressed Commissioner Smith's concern of the Army Corps of Engineers, and stated that it is a violation because of one individual's continuous phone calls; she added that Commissioner Smith can contact the Army Corps of Engineers and find out why they suddenly became interested in this dock; it is true that the dock was never permitted, at some point it in time was put up, and all that needed to be done is an application for an after-the-fact permit; she added that this is not a violation that will cost the County money, and if the County failed to maintain all of the docks in Brevard, of course there would be a liability there; and she made comments regarding a dilapidated dock and boat ramp located in Merritt Island, and stated that her engineers could not even find the boat ramp because it was so hidden. She pointed out the County spent a couple million dollars to purchase that dock and boat ramp, and hundreds of thousands of dollars to renovate it, so that the public would have continued access to the water; and she retorted by saying that the Board now does not want to invest perhaps \$20,000 to bring the dock at the end of Mockingbird Lane back up to Code, so that people can enjoy it, and children will have a safe place to fish. She added, addressing Commissioner Smith, that she is baffled by this and thought he of all people would be in support.

Commissioner Barfield, addressing Commissioner Infantini, stated the he does not appreciate her comments regarding the dock and boat ramp located in Merritt Island, and added that had she been there recently she would see how nice that dock is; and the fact remains that the dock

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at Mockingbird Lane is illegal, the Board has documentation from an federal agency stating that the dock is in violation of the Rivers and Harbors Act and the Clean Water Act, and that violation would remain and the County would inherit it; and he made a motion to deny the request, Commissioner Smith seconded.

Commissioner Smith stated that whether one individual complained, or 20 people complained, the fact is that the dock is a violation; if the Board inherits the dock, it will inherit the violation as well, and will have to deal with the Army Corps of Engineers; and he suggested, that since the residents are very emotional concerning this dock, that they are capable of pursuing this on their own.

Chairman Fisher stated that he does not believe accepting the liability of SJWMD and the Army Corps of Engineers would be a good decision of the Board.

The Board denied request to accept a transfer of property on Mockingbird Lane from the St. Johns Water Management District containing a dock that has been utilized by the community for an extended period of time.

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

**ITEM VI.C.1., AUTHORIZATION TO EXTEND PURCHASE ORDER, RE: CONTRACTED SERVICES FOR SYSTEMS ADMINISTRATION**

Frank Abbate, Assistant County Manager, stated this Item is a request for extension of a temporary purchase order that the County Manager signed back in March, dealing with Senior System Administrators; there is a need in information systems to have these function performed, there was difficulty keeping on Senior System Administrators staff, so this was done as a temporary measure; alternatives are currently being looked at, including whether or not staff would come back to the Board, and request that these positions be filled at a salary outside of the jurisdiction of the County Manager; another option would be independent contractor possibilities; and finally, currently these positions are being filled with something called a Western States Contracting Alliance (WSCA), that was a bid that was done by a variety of states. He went on to say information systems also looked at the Department of Management Services, and he referenced an attachment that shows the rate under that particular contract, a variety of companies that bid on that contract with the State is available; the price that is currently being paid is within the price range for that particular contract; and a third option would be, if the Board wants staff to generate their own bid in hopes of gaining a better pricing, if staff continues with any outside contracting services from either the WSCA or the Florida Department of Management Services.

Chairman Fisher stated that he would like to see this go out to bid.

Commissioner Anderson motioned to extend the current existing contract, Commissioner Smith seconded.

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Commissioner Infantini stated that she does not understand how it is above the pay that the County Manager is permitted to pay, and she asked Mr. Abbate to elaborate.

Mr. Abbate responded that the County Manager has a pay plan that has been in place for a number of years, and this particular position has a starting salary of approximately \$52,000, and in fact the County Manager has the ability to authorize up to 50 percent above the minimum salary, which would put it at approximately \$75,000; this type of position in the County's current marketplace is approximately \$85-90,000, which is above the County Manager's authority; there are a few options to consider, one is taking the position and making it an un-graded position, or coming back to the Board if there was a specific candidate that is worthy of this salary; and in the past, staff has had to deal with internal equity issues when that is done, and that is a consideration that will need to be kept in mind.

Commissioner Infantini stated that she is not concerned about internal equity issues, and if there is a position that commands a pay grade much higher than what the County is currently paying, it needs to be adjusted; the pay system is obsolete and needs to be revamped; she believes it is time to start upgrading some of the paid positions to meet with the current market economy; and she added that she is not in favor of it.

Commissioner Barfield stated that in IT there are developers, programmers, systems people, database operators, and the beauty of contracting this out is, once a developer is through with it, they can be cut loose, the contract is done; if someone else is needed for something else, they can be brought in; it is very specialized in IT, and the Board gets more bang for the buck when it uses those people for what is needed and then are cut loose; he added that the when the State comes up with different companies that can be used, they are already competed that, and they have better resources than the County to compete it; and he believes that nothing needs to be competed locally when there is already a pre-competed vendor list.

Commissioner Smith stated that he agrees with both Commissioner Barfield and Commissioner Infantini; and if the Board is going to contract with this group, it will be for \$180,000, if the Board hires someone it would be for \$85-90,000; this does not work in his business world, however, if this gives staff time to come up with an employee, and the salary can be raised, he agrees with Commissioner Infantini, that the Board would have to raise that salary base; and he suggested that the Board upgrades the salary for the positions and increase the staff to a third person at \$50-60,000 as a trainee, to cover for the next time there is an employee who leaves.

Chairman Fisher stated that the Board should understand that the County adjusted pay in 2006, due to a study showing that county employees were underpaid; if that same study was done today, the same problem would be found; he believes that the pay scale will always be behind; and he suggested that if this adjustment is done, there will be a lot of positions that will need an adjustment in pay, and that becomes a budget issue.

Commissioner Smith stated that if there is a position that pays more and the Board wants to staff it, they will have to pay, otherwise it will go empty.

Commissioner Barfield stated that for a short-term solution, he believes the Board should approve what is being suggested, because fiscal impact is \$88,000 increase to consulting services, there is no overall budget change; if the Board looks at upgrading positions and adding other positions, that will impact the Budget; and he suggested that as a short-term solution, the Board should approve what is being proposed, and in the meantime get staff direction to come up with position descriptions, looking at what survey data says what should be paid, and bring it back to the Board.

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The Board authorized the extension of a Purchase Order with Datalink for contracted services for Systems Administration; and directed staff to look at the whole bidding process regarding recruiting and retention of Senior System Administrators.

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

**ITEM VI.E.1., RESOLUTION, RE: CONSIDERING AN AD VALOREM TAX ABATEMENT - PROJECT MAPLE - HARRIS CORPORATION**

Stockton Whitten, County Manager, stated that this is the first action to consider a tax exemption for Harris Corporation to make some improvements to corporate headquarters; this process was started as Harris Corporation was considering whether or not to keep their headquarters in Brevard; Harris Corporation is proposing to create ten new jobs with average wages of \$50,000, and put in place \$25 million in new capital expenditures; but this is only the first step, the amount of the exemption has not been calculated yet, and it will come back to the Board.

The Board adopted Resolution No. 15-119, qualifying Harris Corporation as an eligible business under the County's Tax Abatement program.

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

**ITEM VI.E.2., RESOLUTION, RE: CONSIDERING AN AD VALOREM TAX ABATEMENT - THE BRIX PROJECT BREWERY**

Stockton Whitten, County Manager, stated that this is the first step in the consideration of a tax exemption for the Brix Project Brewery, who is proposing to create 23 new full-time jobs with average wages of \$36,080 annually, and \$3.65 million in new capital investments; and the exemption has not been calculated.

The Board adopted Resolution No. 15-120, qualifying The Brix Project Brewery as an eligible business under the County's Tax Abatement program.

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

**ITEM VI.E.3., RESOLUTION, RE: AMENDING CITIZENS BUDGET REVIEW RESOLUTION NO. 05-120**

Stockton Whitten, County Manager, stated that the Board directed him to review the current Resolution 05-120, for the Citizens Budget Review Committee; and his proposed changes are: 1) to have the requirement to have a representative from each Commission District is eliminated, 2) it clarifies that the Committee will operate under Robert's Rules of Order, 3) the County Manager is added as an Ex Officio member of the Committee, and 4) and provides for a process and timeline for recommendations to the Board.

Peter Fuscas, Budget Review Committee Member, asked for clarification on the County Manager being added as an Ex Officio member; he asked if the County Manager will be subject to the Sunshine Laws; that Ex Officio members, unless provided an amendment to the charter, will have the right to vote; he asked what is the intent, if the County Manager is subject to the Sunshine Laws members cannot talk to him unless he is participating in a public meeting; and it is the County Manager's budget that is being reviewed, and in cases of a tie vote, the County Manager's vote will be determinate on how the budget is interpreted by the Committee.

Mr. Whitten stated that the County Manager as Ex Officio would be subject to the Sunshine Laws, and for Robert's Rules, he would also be a voting member of the committee. Mr. Fuscas added unless the charter or Resolution makes a provision excluding him as a voting member, which would be another alternative.

Commissioner Infantini asked Mr. Whitten to explain why he would like to be a voting member; and considering that Mr. Whitten makes up the budget, he already has a huge vote in it when it comes to the Board.

Mr. Whitten stated that he has a huge invested interest in the budget; he thinks he can help the Committee; and in terms of participating and voting and deliberations of what will come before the Board, he felt that it is important, because the County Manager is deeply vested in the budget and budget proposal, that this position be a voting member.

Commissioner Smith asked Mr. Whitten, that if this is approved, would this hamstring his duties, and would it not benefit him and the Board to not have him subject to the Sunshine Laws, because if Mr. Whitten is not subject to the Sunshine Laws, then other committee member can approach him and ask any question anytime; and if he is subject to the Sunshine Laws they cannot talk to him.

Mr. Whitten replied that committee members can probably ask the same questions of the Budget Director; he has not had a lot of dialogue in terms of those questions, and he is always happy to accept those; and he thought his participation would be added value.

Commissioner Smith stated that he is unsure if Mr. Whitten needs to be a voting member, because what the committee votes on is a suggestion; the Board already knows what Mr. Whitten's vote is, and respects it; and he added that he would like to have Mr. Whitten outside of the Sunshine Laws so that the committee can converse with Mr. Whitten, and vice versa.

Chairman Fisher clarified that if Mr. Whitten is at a committee meeting he can have conversations with the other members and not be in violation of the Sunshine Laws; the only time it would be an issue is if Mr. Whitten was having conversation with members outside of an open meeting.

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The Board adopted Resolution No. 15-121, amending Resolution No. 05-120 for the Citizens Budget Review Committee.

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

**ITEM VI.F.1., APPROVAL, RE: INDIAN RIVER LAGOON NATIONAL ESTUARY PROGRAM INTERLOCAL AGREEMENT AMENDMENT**

The Board executed an Amendment to the existing Indian River Lagoon Nation Estuary Program Interlocal Agreement.

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

**ITEM VII., PUBLIC COMMENTS**

Christopher Duncan stated that he would like to thank Commissioner Barfield; about three weeks prior, he had to seek assistance through the Community Action Agency; around three to four days after, Commissioner Barfield's staff called, and they were very warm and gave him information, and wanted to know about suggestions that could be made; this pertains to the Community Action building in Cocoa; and he had a few concerns, one was that there was an older gentleman who came all the way from Barefoot Bay to receive assistance, and he was turned away because of his was the 17th person in line, and unaware that only the first 15 people in line could be helped. He stated his suggestions were heard, and the reason why he calls, is because in this world of decisions that individuals make, people are never really sure what is going on in their area, or who's lap it falls in; he added that staff did great work, and in the future what he would like to see is Commissioners visiting these locations, and witness what families are actually going through when requesting assistance; in the Cocoa area there was only one chair outside and six chairs inside, and many people standing; he suggested making more accommodations for people, especially for those who are disabled; and he asked that Commissioners please take the time to visit some of these locations.

Commissioner Smith stated that he agrees with Mr. Duncan's comments.

Stockton Whitten, County Manager, stated that this is the first that he has heard of this operational issue, and he would be happy to take those on.

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

Commissioner Infantini commented that the company that received a tax abatement at the previous meeting, actually owed the County \$32,000 in back taxes; but after receiving the tax abatement, moving forward with any improvements or additions they make to the County, they now do not have to worry about taxes going forward.

**ITEM VIII.D., REPORT, RE: CURT SMITH, DISTRICT 4 COMMISSIONER**

Commissioner Smith noted that All Aboard Florida is in Orlando this morning, attempting to get activity bonds passed; he hopes that the Board considering that, realizes the negative impact the train will have on Brevard County; he believes that due to the overwhelming negative impacts it will have, public funds should not be used for allowing this to move forward; and he hopes that the Board hearing this will turn down the request.

**ITEM VIII.F., REPORT RE: JIM BARFIELD, DISTRICT 2 COMMISSIONER**

Commissioner Barfield stated that last week, he and Kimberly Prosser, Emergency Management Director, visited Washington, DC, and spoke with the Weather Service and Federal Emergency Management Agency (FEMA), looking into their interest in Emergency Operations Center (EOC); the Weather Service is all on board, and would like to co-locate with the new EOC; and when speaking with FEMA, all of their grant people were in the room and on the telephone, not a single question regarding their grants could be answered, and it was disappointing.

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

Chairman Fisher stated that he handed out an Item that he intends to place on the Agenda for a future meeting; it is an Agenda Item for USSSA, as the Board knows, they did a Memorandum of Understanding back in May; a full lease agreement will be sent out for the Commissioners to review before the meeting, and the document has been signed by USSSA; and USSSA is ready to proceed with a long-term 20 year agreement on the Stadium.

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

ATTEST



SCOTT ELLIS, CLERK



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

APPROVED BY THE BOARD: 09/01/15