

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

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on October 10, 2017 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

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

INVOCATION

The invocation was provided by Pastor Thomas Unrath, Evangelical Lutheran Church, Cocoa.

PLEDGE OF ALLEGIANCE

Commissioner Smith led the assembly in the Pledge of Allegiance.

ITEM I.A., RESOLUTION, RE: RECOGNIZING EAGLE SCOUT NOAH ARTHUR HALAVIN FOR OBTAINING EAGLE SCOUT RANK

Chairman Smith read aloud, and the Board adopted Resolution No. 17-193, recognizing Eagle Scout Noah Arthur Halavin for obtaining Eagle Scout rank.

Noah Halavin stated his journey started when he was a Cub Scout crossing over into the Boy Scouts; it was scary going into a group of older kids that he did not know; it turned out to be a lot of fun; they went on a lot of camp outs; and he enjoyed planning and executing his Scout project, building a kiosk in West Melbourne.

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

ITEM I.B., RESOLUTION, RE: RECOGNIZING EAGLE SCOUT BRAD BUTTI FOR OBTAINING EAGLE SCOUT RANK

Commissioner Isnardi read aloud, and the Board adopted Resolution No. 17-194, recognizing Eagle Scout Brad Butti for obtaining Eagle Scout Rank.

Brad Butti stated he was four when he told his mom he wanted to join; it was not until first grade when he got the chance to join; he has been in it since he was six and he is now 15 years old;

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he is now an Eagle Scout and his project was bat boxes for his community deer run, because there are a lot of mosquitoes down there; and he thanked the Board for the Resolution.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Commissioner District 5
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM I.D., RESOLUTION, RE: PROCLAIMING OCTOBER 8 - 14, 2017, AS FIRE PREVENTION WEEK

Chairman Smith read aloud, and the Board adopted Resolution No. 17-195, proclaiming October 8 - 14, 2017, as Fire Prevention Week.

Chief Mark Schollmeyer, Fire Rescue Director, stated the every second counts plan this year, although it applies or is more intended to home escape plans, it also applies to work; most of the time firefighters enter through an exit into a structure via one entrance or exit; that is the one they become familiar with; there are hundreds of fires nationwide every year where people pass away right by a viable exit that they could have used but probably forgot about; and at home or at the work place always think about where the other escape is, besides the one normally used. He added this Friday afternoon and Saturday the Fire Prevention Bureau will be at the Merritt Square Mall in District 2 with their fire prevention display; they will be handing out a bunch of free stuff; and he encouraged people to come out.

Chairman Smith mentioned the point Chief Schollmeyer made about people passing away close to the exit, people do get programmed to go in and out of one exit, and they do not think about the quickest way out of the house; he thinks that is the biggest part of the plan; and if everybody is charged with getting out of the house, that would be most people's first response, instead of running around, trying to save each other because then everyone might perish. He added everyone should have a plan in place where everybody meets out on the front lawn.

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

ITEM I.E., RESOLUTION, RE: RECOGNIZING OCTOBER 2017, AS FLORIDA NATIVE PLANT MONTH IN BREVARD COUNTY

Chairman Smith read aloud, and the Board adopted Resolution No. 17-196, recognizing October 2017, as Florida Native Plant Month in Brevard County.

Carol Hebert stated they are very pleased that Brevard County is the first County to have the Environmentally Endangered Lands (EELS) Program; there are 150 plus members; it great seeing more people involved and conscience of it; and this weekend is the Native Plant Garden Tour and it is free.

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

ITEM I.F., RESOLUTION, RE: PROCLAIMING OCTOBER 13 - 20, 2017, AS CHAMBER OF COMMERCE WEEK

Commissioner Barfield read aloud, and the Board adopted Resolution No. 17-197, proclaiming October 13 - 20, 2017, as Chamber of Commerce Week.

Jennifer Sugarman stated all four Chambers of Commerce will be celebrating the week differently, however it is all about celebrating their members and partners; they have a lot of businesses to serve and each chamber does that in their own unique way; and at the end of the day it is all for the County and they all come together for that. She mentioned there will be a wrap up party on October 20, in Viera from 4:00 p.m. to 6:00 p.m. at the Chambers Viera office; and she expressed her appreciation for the Resolution.

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

ITEM I.G., RESOLUTION, RE: PROCLAIMING OCTOBER 1 - 7, 2017, AS NATIONAL 4-H WEEK IN BREVARD COUNTY

Commissioner Barfield read aloud, and the Board adopted Resolution No. 17-198, proclaiming October 1 - 7, 2017, as National 4-H Week in Brevard County.

A representative of the 4-H program expressed her appreciation for the recognition of the 4-H program; she stated they have reached over 1,700 children in the last year; that would not have been possible without the 130 or so volunteers that dedicate their time and extensive knowledge for all the great programs from archery to animal science; through all those programs the children are able to gain lots of life skills while being surrounded by positive adult mentors; they get to make new friends and they get to learn something they are really passionate about; and she could go on forever about the benefits of 4-H, but there is a youth member here who is the president of the 4-H and farm life club who would like to share what 4-H means to her.

A member of the 4-H program stated she is 17 years old and has been a member of 4-H for nine years; over those years there have been many activities she has been fortunate enough to be a part of; caring for and showing horses, working with local farmers and creating gardens, and auctioning market chickens; just a few months ago, because she is a 4-H kid, she had the opportunity to attend a camp at the University of Florida called 4-H University; she actually had a chance to stay in a dorm and experience college life; and it was amazing. She continued she is a member of the competitive horse judging team; they learn how to judge horses on how they look and how they move; she found that the skills she was learning through horse judging she was applying to many other aspects in her life, especially test taking; she was learning how to skillfully eliminate the right answer; going back to the horse judging team, her team worked all year and they won all the way to the Regionals held in Georgia; they did pretty well overall; and

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that was just another opportunity she had because of her association with 4-H. She added the 4-H organization has done a lot for her; it has taught her many important life skills, public speaking, interpersonal skills, problem solving, the ability to work under pressure, the ability to work in a group setting or as a member of a team, how to communicate effectively, organization and studying skills, how to manage her finances, the importance of volunteering, and so much more; without 4-H she could not imagine what she would be doing; there have been so many benefits through the program, finding wonderful friends, life experiences, and skills that she possesses today; and she expressed her appreciation to the Board for everything it has done for the program. She went onto say most of the kids do not realize what happens behind the scenes to make it all come together; as she gets older she recognizes how important the Commissioners of Brevard County are to the program and to keep this organization running smoothly; she stated moving forward she can see herself being part of the 4-H world for many years to come, now as a member, later as a volunteer, and further as a leader in her own 4-H club with her own kids; and she expressed her excitement in continuing to be a part of the 4-H family that keeps learning and growing together.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM I.H., RESOLUTION, RE: RECOGNIZING MARCIA BOOTH FOR HER VOLUNTEER WORK AND CONTRIBUTIONS WITHIN THE COUNTY IN THE AREA OF RECYCLING, ENVIRONMENTAL EDUCATION, AND CARE FOR THE ENVIRONMENT

Chairman Smith read aloud, and the Board adopted Resolution No. 17-199, recognizing Marcia Booth for her volunteer work and contributions within the County in the area of recycling, environmental education, and care for the environment.

Marcia Booth stated it has been a journey focusing on recycle Brevard which started six years ago with her daughter; her daughter was six and she saw a garbage truck and asked where the garbage went, so they went to a landfill tour; after that she started Recycle Brevard because of what they saw at the landfill; since then, with the League of Women Voters recycling awards that is one of the things implemented so other kids can also have the same experience that her daughter had; and it was an eye opener, even for herself; recycle Brevard with help from a group of friends, who became volunteers, supports, and partners they just opened a place in Rockledge which is opened to the community; people can drop off hard to recycle materials, and they send even less to the landfill, which is the main goal; and she expressed her appreciation to the Board for the Resolution.

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

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ITEM I.I., RESOLUTION, RE: PROCLAIMING OCTOBER 18, 2017, AS INTERNATIONAL PROPELLER CLUB DAY IN BREVARD COUNTY

Commissioner Barfield read aloud, and the Board adopted Resolution No. 17-200, proclaiming October 18, 2017, as International Propeller Club Day in Brevard County.

A representative of the Propeller Club stated their mission is to strive to support Port Canaveral and everything maritime; by getting this proclamation today, it just reinforces their efforts in the community, so they really do appreciate it; next week they will be hosting propeller clubs from all over the world; it will be bringing over \$1 million in revenue to this community; they are excited to show the beauty of Brevard County and the notoriety; and he expressed his appreciation for the Resolution.

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

ITEM II.A.1., FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) GRANT AGREEMENT NO. 5112 AND INDIAN RIVER LAGOON LOAD TOXICITY AND TRANSFER WITH MARINE RESOURCES COUNCIL (MRC), RE: GROUNDWATER POLLUTION PROJECT, ENGAGING THE COMMUNITY IN SOLUTIONS

The Board approved and executed the FDEP Grant Agreement No. LP05112 for a Project titled Groundwater Pollution, engaging the community in solutions; approved and executed the Indian River Lagoon Load Toxicity and Transfer Agreement with MRC to conduct the grant funded Project; authorized the County Manager to execute amendments to either Agreement, as needed, subject to the approval of the County Attorney's Office and Risk Management; and approved any associated budget change requests.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.4., BINDING DEVELOPMENT PLAN APPROVAL, RE: CRISAFULLI ENTERPRISES, INC.

The Board executed Binding Development Plan (BDP) with Crisafulli Enterprises, Inc. for property located on the southwest corner of Porcher Road and North Courtenay Parkway.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

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ITEM II.A.5., INTERLOCAL AGREEMENT WITH CITY OF TITUSVILLE, RE: COUNTY PROVIDED CONTRACTOR LICENSING, REGULATION, AND ENFORCEMENT SERVICES

The Board approved the Interlocal Agreement with City of Titusville for the County provided contractor licensing, regulation, and enforcement services.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.6., BOARD POLICY, BCC-89, FLAG STEM AND EASEMENT REVIEW, RE: SUNSET AND REPEAL

The Board approved the sunset and repeal of Board Policy BCC-89, Flag Stem and Easement Review.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.7., SUBORDINATION OF UTILITY INTERESTS FROM FLORIDA POWER AND LIGHT (FP&L), RE: TWO EASEMENTS (801 AND 802) FOR A SIDEWALK ALONG WICKHAM ROAD, MELBOURNE

The Board accepted and executed the Subordination of Utility Interests from FP&L for two easements (801 and 802) for a sidewalk along Wickham Road, Melbourne.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.8., ACCEPTANCE, RE: SANITARY SEWER, FORCE MAIN, AND LIFT STATION EASEMENT (T-14 LIFT STATION) FROM FIELDSTONE AT SUNTREE, INC.

The Board accepted the Sanitary Sewer, Force Main, and Lift Station Easement from Fieldstone at Suntree, Inc.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

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ITEM II.A.9., RESOLUTION AND RELEASE OF PERFORMANCE BOND, RE: KERRINGTON AT ADDISON VILLAGE, PHASE 2 SUBDIVISION - THE VIERA COMPANY

The Board adopted Resolution No. 17-201, releasing the Contract and Surety Performance Bond dated July 11, 2017, for the Kerrington at Addison Village, Phase 2 Subdivision - The Viera Company.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.10., REVISED RESOLUTION OF NECESSITY, RE: ACQUISITION OF PARCELS FOR THE ST. JOHNS HERITAGE PARKWAY PROJECT

The Board executed and adopted Resolution of Necessity No. 17-202, for acquisition of parcels for the St. Johns Heritage Parkway Project; authorized the County Attorney's Office and staff to proceed with action in accordance with the requirements set forth in Chapters 73 and 74 of the Florida Statutes; and authorized the payment of reasonable expert fees per Chapters 73 and 74 of the Florida Statutes, as part of staff's efforts to negotiate settlements.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.11., CONTRACT FOR SALE AND PURCHASE, RE: ACQUISITION OF PARCEL 106 (CREWS PARCEL) AS PART OF THE ST. JOHNS HERITAGE PARKWAY PROJECT

The Board executed and approved Contract for Sale and Purchase with Michael B. Crews, Jr. and Rebecca B. Crews, for the acquisition of Parcel 106, as part of the St. Johns Heritage Parkway Project.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.12., CONTRACT FOR SALE AND PURCHASE, RE: ACQUISITION OF PARCEL 107 (WELCHWOOD PARCEL) AS PART OF THE ST. JOHNS HERITAGE PARKWAY PROJECT

The Board executed and approved Contract for Sale and Purchase with Welchwood Enterprises, Inc., for the acquisition of Parcel 107, as part of the St. Johns Heritage Parkway Project.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.13., CONTRACT FOR PURCHASE OF EASEMENTS AND ADDENDUMS FROM SIX PROPERTY OWNERS, RE: PACE'S LANDING ROAD CULVERT REPLACEMENT PROJECT

The Board accepted and executed Contract for Purchase of Easements and Addendums from six property owners; accepted public utility, drainage, and road right-of-way easement for the Sarkarati parcel; and authorized the County Manager, or his designee, to accept delivery of and cause the recording of any deed, grant or easement, or other instrument conveying interest in real property needed for the Pace's Landing Road Culvert Replacement Project, pursuant to BCC-24.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.14., FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) JOINT PARTICIPATION AGREEMENT (JPA) #438500-1-94-01), PHASE 2, RE: CONSTRUCTION OF AIRCRAFT STORAGE HANGAR-F

The Board approved the Florida Department of Transportation (FDOT) Joint Participation Agreement (JPA) #438500-1-94-01, for Phase 2 Construction of new aircraft storage Hangar-F; and authorized a commercial paper loan or best available financial mechanism to fund the County/Airport share to construct the Project.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.B.1., AMENDMENT #4 TO AGREEMENT WITH AUR STAFFING SOLUTIONS, INC., RE: EXPANDING CURRENT BACKGROUND AND SCREENING SERVICES

The Board approved and executed the Amendment #4 to the Agreement with AUE Staffing Solutions, Inc. to expand their current background and screen service to include volunteers, caretakers, contractors, Recreation Instructors, and Recreation Partners.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.C.1., APPROVAL, RE: BUDGET CHANGE REQUEST

The Board approved the Budget Change Requests, as submitted.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.C.2., AMENDMENT TO INTERNAL AUDITING SERVICES AGREEMENT WITH RSM US LLP AND CARR, RIGGS AND INGRAM, LLC, RE: RENEWAL OF EXISTING AGREEMENT FOR ONE YEAR

The Board executed and approved Amendment to the to the Internal Auditing Services Agreement with RSM US LLP and Carr, Riggs and Ingram, LLC, which renews the existing Agreement for one year.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.C.3., BOARD POLICY, RE: REIMBURSEMENT OF AUTHORIZED TRAVELERS' EXPENSES INCURRED DURING PERFORMANCE OF OFFICIAL DUTY

The Board accepted staff review and approved Board Policy BCC-29, Travel, for reimbursement of authorized travelers' expenses incurred during performance of official capacity.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

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ITEM II.C.4., APPROVAL, RE: PERMISSION TO ISSUE ANNUAL SUPPLY BIDS, PROPOSALS AND REQUEST FOR QUALIFICATIONS, AND/OR NEGOTIATE COMPETITIVE AGREEMENTS

The Board of County Commissioners, in regular session on October 10, 2017, granted permission for Purchasing Services to perform the list of commodities and services for Fiscal Year 2017/2018 as follows:

- 1). Solicit competitive bids, quotes and/or negotiate competitive agreements, and award to the lowest, responsive, and most qualified supplier.
- 2). Solicit competitive proposals and Request for Qualifications; establish selection/negotiation committees approved by the County Manager, or his designee, and award contracts and/or open purchase orders with the best-ranked proposer.
- 3). Exercise renewal options upon evaluation of supplier performance and recommendation from user departments/offices, establishing the continuance of the contract is favorable prior to extension of the agreement.
- 4). Authorized the Chairman to execute contracts and contract renewals over \$100,000 in annual value.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.C.6., AGREEMENT WITH FLORIDA DIVISION OF EMERGENCY MANAGEMENT, RE: FY 2017/2018 STATE HOMELAND SECURITY GRANT PROGRAM OF \$31,501.00

The Board approved and authorized the Chairman to execute the 2017-2018 State Homeland Security Grant Program Agreement for \$31,501.00; and authorized the County Manager or his designee to submit and execute any additional changes, documents, or budget actions, as well as any amendments to the Grant Agreement.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.C.7., AGREEMENT WITH FLORIDA DIVISION OF EMERGENCY MANAGEMENT, RE: FY 2017/2018 EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE GRANT OF \$115,806.00

The Board approved and authorized the Chairman to execute the 2017-2018 Emergency Management Preparedness and Assistance Grant of \$115,806.00; and authorized the County Manager or his designee to submit and execute any additional changes, documents, or budget actions, as well as any amendments to the Grant Agreement.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.C.8., AGREEMENT WITH FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT, RE: FY 2017-2018 EMERGENCY MANAGEMENT PERFORMANCE GRANT OF \$145,857.00

The Board approved and authorized the Chairman to execute the 2017-2018 Emergency Management Performance Grant of \$145,857; and authorized the County Manager or his designee to submit and execute any additional changes, documents, or budget actions, as well as any amendments to the Grant Agreement.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.3., APPROVAL, RE: REQUISITION OF ONE-TWELFTH OF THE FISCAL YEAR 2018 BUDGETED FUNDS AT THE FIRST BOARD OF COUNTY COMMISSIONERS MEETING IN OCTOBER 2017, AND ONE-SIXTH OF THE BUDGET IN JANUARY 2018, AND EQUIPMENT (CAPITAL) BUDGET

The Board approved the requisition of one-twelfth of the Fiscal Year 2018 budgeted funds at the first Board of County Commissioners' meeting in October 2017, and one-sixth of the total budget in January 2018, and Equipment (Capital) Budget.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.4., ACKNOWLEDGEMENT OF STIPULATED JUDGEMENT, RE: CATHLEEN SMILEY V. BREVARD COUNTY, CASE NO. 05-2000-CA-004291-XXXX-XX LOCAL CLAIMS BILL (SB 52: RELIEF OF CATHLEEN SMILEY BY BREVARD COUNTY)

The Board acknowledged notification of the stipulated judgment in Smiley v. Brevard County, Case No. 05-2000-CA-004291-XXXX-XX, and the filing of the Claims Bill (SB 52: Relief of Cathleen Smiley by Brevard County) in relation to the stipulated judgment.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.2., AMENDMENT TO INTERLOCAL AGREEMENT WITH PARTNERING MUNICIPALITIES, RE: STORMWATER OUTREACH

Virginia Barker, Natural Resources Management Director, stated this is authorization to execute an amendment with an Interlocal Agreement with nine partnering municipalities, who have been partnering with the County on stormwater outreach; eight of the nine since 2011, the ninth joining a year or two into the program; as they move forward, beginning to implement the outreach, funded by the new Save Our Lagoon Trust Fund, they want permission to take this service out to bid, along with the trust fund education outreach and grant funded outreach that comes up along the way, throughout the year; and to move toward coordinating those three different outreaches so they support each other and there is a synergy there.

Commissioner Tobia stated this increases the educational component from \$.30 to \$.35; after Hurricane Irma, his office has been inundated with phone calls about water situations, sometimes septic overflow, but he has not received one phone call from an individual saying they need more education; his suggestion would be instead of increasing it from \$.30 to \$.35, although he understands they have to have it yet there is no statutory limitation, he would drop it to a penny per individual; this would free up almost \$100,000 in resources that could help deal with the next rain occurrence; about \$40,000 would come from County and \$54,000 would come from municipalities; and this could go a long way to help many of those citizens that are facing these water occurrences, moving forward. He added while he understands education is important, dealing with water backed up in peoples yards and septic tanks malfunctioning, he believes is more important right now.

Commissioner Pritchett asked Ms. Barker to speak about that.

Ms. Barker stated the County, in order to take flood water away from streets, yards, and all the places people do not want it to be, there is an extensive drainage system, thousands of miles of drainage ditches and canals, many of which discharged to either the Indian River Lagoon or the St. Johns River; in order to have a permit that allows that discharge, a National Pollutant Storage Elimination System (NPES) Permit, they are mandated to do stormwater pollution education and outreach; the exact way they do the outreach and the amount of funding is up to each individual permit holder; they have chosen to work with multiple municipalities through the Blue Life Program to meet those permit requirements; however, they can increase or decrease their outreach and negotiate their permit requirements to allow for those changes.

Commissioner Pritchett asked if it was increased to just \$.31 instead of \$.35 what would be the significance and what would be the dollar savings.

Ms. Barker responded that at \$.30 the County has been contributing \$36,000; when adding the municipal partnerships the total has been \$83,412; under the proposed plan with \$.35 the County's input would be \$42,050 per year, which is an increase of \$6,050; the reason that the partners want this increase is because they have been working, through grants over the past five years, to develop various public service announcements for the most likely causes and contributions of pollution to the water; they now have radio and television public service announcements and billboard ads, but what they lack is funding to air those often enough that

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they make an impression on people; and they try to get free air time for public service announcements on the channels that do that, but those channels tend to not have a very large audience, and the time slots are for 2:00 am and 3:00 am, so they would like to be able to buy air time during the time that it is most likely visible to the people they are trying to reach. She went on to say it's about a \$15,000 increase between the County and all the cities; and that will allow them to have a year round presence moving seasonally from billboards to radio, to television, to other media outlets, with different campaigns throughout the year.

Commissioner Barfield stated if he remembers correctly on the NPES program, it is for pollution not for floodwater; the other thing is, that cannot be used for septic tanks or any of that, it is truly education as it comes to pollution discharge; the County has to be really careful how that is used; it seems to him if they are taking care of pollution discharge, it is also helping with normal discharge and flooding; and he is okay with this.

The Board approved and executed the Amendment to Interlocal Agreement with Partnering Municipalities for stormwater outreach; authorized Purchasing Services to provide Request for Proposals (RFP) for the Education and Outreach Program; and authorized any necessary budget change requests.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
NAYS:	John Tobia

ITEM II.A.3., CHANGE IN COST SHARE FOR SUBSTITUTE PROJECTS THAT TREAT STORMWATER, RE: SAVE OUR INDIAN RIVER LAGOON PROJECT

Virginia Barker, Natural Resources Management Director, stated when the Save Our Indian River Lagoon Project Plan was adopted they needed to have a plan that the public could see a list of projects, costs, and what they intended to accomplish; they also knew that they would be able to change through time as new technologies became available, as new project opportunities arose, so they came up with a process that each year they allow people to submit substitution projects; the way they make sure those substitution projects are at least as good as the projects in the original plan, is they set a performance standard; in the case of stormwater, the performance standard is the Lagoon Trust Fund Dollars will contribute \$88 per pound of nitrogen pollution removed; and the way they came up with \$88 per pound was they added the cost of all the stormwater projects in the plan and all of the nitrogen removal benefits in the plan and divided the cost by the benefit to come up with \$88. She continued they also looked at what the cost was in different regions of the Indian River Lagoon (IRL), eco system in Brevard County, which there are three sub lagoons, northern IRL, central IRL, and the Banana River; they looked up the cost in each of those sub lagoon areas, the Banana River cost was on average \$96 per pound with nitrogen removed, the northern IRL costs was \$92 per pound, and the central IRL was \$77 per pound; and for the purposes of considering substitution projects, they kept it at a flat \$88 per pound. She added some of the municipalities along the Banana River asked that they consider looking at the true cost to their sub lagoon and allow them to get the \$96 per pound instead of the \$88 per pound; in order to do that, they would need to recognize the \$96 per pound for the Banana River partners, the \$92 per pound for the north lagoon partners, and \$77 per pound for the central lagoon partners if the total costs of the plan was to be held constant with this change; they have already accepted, the Board has already approved, and they have already contracted with some municipalities in the central lagoon for

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projects, some are already underway and some are already complete for projects at the \$88 per pound, so at this point there is no way for the Commission to increase the cost share for the north lagoon and the Banana River partners and decrease the cost share in the central lagoon enough for the plan to come out exactly even; the best cost effective way to accommodate the cities requests would be what the oversight committee recommended and is in the packet, which is for the projects in the central lagoon that are already committed, contracted, or underway, that they would proceed with the \$88 per pound rate, but going forward they would reimburse at the \$77 dollar rate; and she reiterated this was recommended by the Save Our Indian River Lagoon Citizen Oversight Committee for the Board's consideration. She noted if the Board accepts their recommendation, the Fiscal Impact over the 10 year life of the plan would be \$35,495.

Commissioner Tobia stated this is a redistribution of services from the plan to three County Commission Districts at the expense of two County Commission Districts; County Commission Districts 5 and 3, the cities of Melbourne, Palm Bay, West Melbourne, Grant, Valkaria, Indialantic, Malabar, Melbourne Beach, and Melbourne Village will decrease the amount of cost share to the direct proportional increase that the cities of Cape Canaveral, Cocoa Beach, Indian Harbour Beach, Satellite Beach, Cocoa, Indian Harbour Beach, parts of Melbourne, Rockledge and Titusville will receive; in the packet it is mentioned that the Banana River Lagoon and the north Indian River Lagoon, the ones in County Commission Districts 1, 2, and 4 were sent letters of support for this, very understandably; and he inquired if Ms. Barker contacted central Indian River Lagoon, the cities in County Commission Districts 3 and 5. He added he did and after speaking with many of them, including the Town of Malabar who would seek a reduction in the cost share and once they were aware of this, he has an actual opposition to this shift of cost share.

Ms. Barker replied she did send a copy of the Agenda Item to all of the municipal city managers to make sure they were aware of the issue, the Oversight Committee recommendation, and that this would be coming before the Board tonight.

Commissioner Tobia inquired if Ms. Barker had received any responses or emails; he stated this was very complicated, it took her 15 minutes to explain how this was a redistribution of wealth without necessarily mentioning that; and he inquired if she had taken the time to explain that to the cities on how the cost share would decrease over the initial plan, or if it was merely an email.

Ms. Barker stated it was an email and it was also discussed at the Citizen's Oversight Committee meeting, which many of the cities attend; and Melbourne in particular was at the Oversight Committee where this was discussed.

Commissioner Tobia stated he just saw this on consent, and asked if this could be tabled for a week; thankfully Malabar was quick in their response, he left messages and he would like to let the cities that will lose over \$150,000 in cost share, speak up on this and give them the opportunity to see what was discussed; and for the Board to reach out to see if they are actually in support of this or if they will be, as he imagines, in strong opposition.

Commissioner Pritchett stated she will probably be okay with tabling this; and she asked Commissioner Tobia if he knew what District 3's numbers would be.

Commissioner Tobia stated there would be a reduction of approximately \$150,000 over the next 10 years to Commission Districts 3 and 5; and while this would be a \$30,000 increase, the bulk of the money would be shifted from those two County Commission Districts into one, two, and four.

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Commissioner Pritchett asked if it is because he has the majority of the \$77 in there.

Commissioner Tobia responded yes, because those would be the central IRL.

Commissioner Pritchett stated she is okay with tabling it; she thinks this is coming from the Indian River Lagoon Board so she definitely wants to make sure the Board is on target with them because they have worked so hard on this; she would not mind getting some more input on this; and she commented she thinks the Board does need to have more accurate numbers of what it is actually costing the County, moving forward. She noted it is hard to change this mid-stream; she gets it, but she does not want to penalize two Districts; and she does not want to disrespect the Lagoon Council either.

Commissioner Barfield stated he pulled this for similar reasons; he would like to send it back to staff and let them work with the Oversight Committee because to him it just does not feel right; and he is fine with tabling it.

The Board tabled consideration of a change in cost share for substitute projects that treat stormwater for Save Our Indian River lagoon Project Plan, to a future Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.C.5., RENEWAL OF EXISTING AGREEMENT WITH REPLAY, RE: SERVICE ITEMS OF EQUIPMENT RELATED TO THE HARDWARE OF THE E911 SYSTEM AND MAINTAIN THE SOFTWARE OF THE DIGITAL VOICE LOGGING SYSTEM

Kimberly Prosser, Emergency Management Director, stated this is a renewal of the existing Agreement with Replay; the E911 administration division maintains a digital voice recording system that is used by all 11 public safety answering points in Brevard County; it records both 911 phone calls and megahertz radio traffic; and this is the annual renewal of the Maintenance Agreement.

Commissioner Tobia stated contracts like this scare him; this is proprietary software; when this was passed in 2012, the license had one year maintenance and after that the County was, due to the fact that it was proprietary, at the mercy of the business when it comes to maintenance; it looks as though the contract maintenance was five percent higher this year than it was last year; and he inquired if there is anything in the contract limiting the increase for next year.

Ms. Prosser stated it is at five percent limit each year.

Commissioner Tobia asked if the CPI is a small percentage of that, and if it has grown five percent each and every year.

Ms. Prosser stated this is the second renewal; the first renewal, last year, was also five percent.

Commissioner Tobia inquired if this is something that could be put out to bid or looked at another way so the County is not consistently weighted down with an automatic five percent increase year after year.

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Ms. Prosser replied affirmatively. She noted as a matter of fact, in the next couple of years this equipment will be nearing end of life so they will be looking to bid it out for a new product and vendor; hopefully they will be in a new Emergency Operations Center (EOC) by then and they might have the option of fewer servers rather than one in every public safety answering point; and that might save them some money as well.

Commissioner Tobia announced he is not familiar with this software; he inquired if this software is all proprietary; and he stated he imagines there are other competitors.

Ms. Prosser stated there are competitors.

Commissioner Tobia inquired if there are any open source or if it is all proprietary.

Ms. Prosser stated it is all proprietary.

Commissioner Barfield asked if there is any way, since they know it has two years of life that they could negotiate a maximum increase for the next two years, where they would bring it down.

Ms. Prosser stated they do already know based on the Agreement that it is a maximum of five percent per year; and she mentioned they are starting to look at other competitors already.

Commissioner Barfield stated he thinks that would be a reason for them, if they want to be competitive, they may want to bring their price down.

Ms. Prosser commented she can have that conversation.

Chairman Smith stated in other words if they want to compete in the next bid then they might be a little friendlier.

Ms. Prosser reiterated she can have that conversation.

Chairman Smith stated he would strongly recommend it.

The Board approved renewal of the existing Agreement with Replay from October 12, 2017, to October 11, 2018, for service of the equipment related to the hardware of the E911 System and to maintain the software of the digital voice logging system.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Commissioner District 5
SECONDER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM I.C., RESOLUTION, RE: PROCLAIMING OCTOBER 6 - 12, 2017, AS NATIONAL PHYSICIAN ASSISTANTS WEEK

Chairman Smith read aloud, and the Board adopted Resolution No. 17-203, proclaiming October 6 - 12, 2017, as National Physician Assistants Week.

Susan Hammerling expressed her appreciation for the Resolution.

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Mike Thomas, President of the Space Coast Clinician, stated a lot of people are not understanding of the concept of how PA's came to be; this concept began in the 1960s when the GMENAC report came out and predicted a huge physician shortage coming; people put their heads together and decided there is a lot of core men coming back from Vietnam and developed a high number of honed skills, but they only had the ability to be orderlies in the hospital, so Duke University put together a program where they took these returning core men and graduated their first class in the 1960s after two years of training in a mini medical school; and then turned these people out to practice medicine with licensure. He continued the concept spread around the United States and was brought to Florida to the University of Florida for the first PA program; some might recall Eugene Tubbs, he was a physician at the University of Florida, who was also an attorney and a Legislator in the 70s; he brought the concept to Florida, he was quite the visionary; he took out the patent on Gatorade and started the first burn unit at Shands; and unfortunately he died in a plane crash in 78. He went on to say, since that time, the PA profession has flourished; there are multiple PA programs throughout the State of Florida; he came to Brevard County in 1984 and to his knowledge there was only one other PA in the State and a couple nurse practitioners; in 1987 they decided to start a professional society since there were not enough of them, they got together and invited all the PAs and nurse practitioners and they ended up with seven; and that is the organization now, Space Coast Clinicians, which now includes some pharmacists and physicians and they have over 700 members and followers in Brevard County. He commented when a person goes to see someone for medical issues, chances are he or she will be seeing a PA or nurse practitioner rather than an established physician.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Chairman/Commissioner District 4
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM III., PUBLIC COMMENTS

Charles Tovey stated people would never guess he is a passive introvert; while he appreciates the Scouts and all they do for everybody, he had a chance to play Mrs. Santa Claus and the Carnival Lady in Scouts so he learned from them; hopefully he will be able to continue more of his education; he wanted to speak about the mosquitoes, aerial spraying, and how he can get information and he could probably call the County Office to get that information; he does want to mention, he cannot see a difference other than everything else that is being eradicated but the mosquitoes are just the same, if not worse than what they were before the aerial spraying; and the ground level spraying seems to be doing a better job at killing the mosquitoes and leaving the other insects. He continued he had 5,000 honey bees, now he is glad to have a dozen; no more dragon flies and the larvae for dragon files also live underneath the water before they are adults and they do eat mosquito larvae in the water; there are certain things people can do to have a better environment and spend the money more wisely than eradicating everything; and the other thing is about the population of raccoons that are over running his property and tearing up his personal possessions as well as anything else. He stated he has been up there for years speaking; his first time there speaking was September 5, 2009, at minute 2:45, then it was October 4, 2011; all these times he makes these phone calls, he comes to the meetings to address things, but it seems it is in vain because there is no direct attention and no resolution to any of his problems; he guesses he is up there for nothing; and he questioned where he goes from here. He added he does have concerns about Palm Shores, the County, the elected officials, and about Americans; he hopes someone can find a way to put America back to the

way it used to be, where there were two parents that teach their children the fundamentals and the values of being an American and what it is to live in America.

ITEM IV.A., RESOLUTION, RE: PETITION TO VACATE A 5.0 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT - FINCH DRIVE - WATERWAY ESTATES FIFTH ADDITION - ADRIENNE TRENT AND CURTIS FERRY

Chairman Smith called for public hearing on a petition to vacate a 5.0 foot wide public utility and drainage easement on Finch Drive located in Waterway Estates Fifth Addition.

Andrew Holmes, Public Works Director, stated this is a petition to vacate a 5.0 foot wide public utility and drainage easement on Finch Drive; is located in Waterways Estates Fifth Edition; the purpose of the vacating is to remove an encroachment for an awning and a portion of the support for that awning; and they have received no objections to this request.

Adrienne Trent stated they filed the petition to vacate the utility and drainage easement when they discovered the home they bought three years ago had an awning on the home that apparently was not permitted even though it has been there well over 15 years; that is the first step they have in getting a variance; they are asking the Board to vacate the easement; there were no objections; and filed with her petition, the neighbor to the west which is on the side of the awning, signed a consent without objecting. She noted she also has some pictures of the awning if the Board would like to see them.

There being no further comments or objections, the Board adopted resolution No. 17-204, vacating a 5.0 foot wide public utility and drainage easement on Finch Drive located in Waterway Estates Fifth Addition.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Commissioner District 5
SECONDER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.B., RESOLUTION, RE: NOTICE OF PROPOSED CHANGE TO THE VIERA DEVELOPMENT OF REGIONAL IMPACT

Chairman Smith called for public hearing on a notice of proposed change to the Viera Development of Regional Impact

Tad Calkins, Planning and Development Director, stated this is a notice of proposed change to the Viera Development of Regional Impact (DRI); they have proposed numerous changes to the development program; it is his understanding that the applicant has a presentation for the Board; and if the Board has any questions, he would be happy to answer them.

Todd Pokrywa stated this is a simple and straight forward request; The Viera Company has nearly built out the development rights within the third phase of the Development of Regional Impact for the development of the master plan community of Viera; and The Viera Company has worked closely with County staff and its consultants during the last two years to identify improvements that provide the most benefit in mitigating off site traffic impacts associated with the next phase of development, and providing the necessary certainty to finance these improvements with third party lending institutions. He continued the boundaries of the Viera DRI

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and the areas for future development are not changing nor are any environmental commitments, set asides, or existing transportation obligations for the current phase; the DRI development order allows The Viera Company to implement the previously approved development plan through this approval; the Viera DRI order is the overarching approval, governing development in Viera, which addresses regional and external impacts; the development order was originally approved in 1990; and in 2009 it was expanded to its current configuration covering approximately 20,000. He added the development is designed to essentially be a new town; schools, government, office, retail, and residential uses have all been developed over the course of nearly 28 years to meet that vision, thus far, and have led Viera to be ranked as one of the top bestselling master plan communities in the United States with over 10,000 homes developed to date and over 10,000 jobs amongst 350 businesses; they are very proud that they have been able to generate one job per every household that has been developed; during this time The Viera Company has constructed nearly 30 miles of arterial and collector roads with a cost of over \$150 million, which does not include local neighborhood streets; and The Viera Company has been building central Brevard's roadway network for the past 28 years, and it has a successful track record for delivering on all its commitments in the development orders since its approval in 1990. He stated the development order includes four phases; these are not geographic, but have certain increments of development for various land uses; the development order has been amended four times since 2009; it is currently developing within the third phase of the DRI; the most recent amendment, in 2016, encompassed a wide variety of topics to update the development order to current standards and practices, while this applications primary focus is on addressing mitigation of external transportation impacts through build out; this application is referred to as a Notice of Proposed Change (NOPC); and it is reviewed not only by Brevard County but by State, regional and adjacent local governments. He went on to say the amendments themselves generally provide 1) a mitigation plan for phase four to utilize proportionate share in mitigation which is exactly what was used for phase three, the current phase The Viera Company is developing under; in order to provide employment uses 2) some of the development totals are being modified for office, industrial, and hotel while also adding post-secondary uses to the list of allowable uses; there will be between what is remaining in phase three and what is in phase four, 634 hotel room rights; there is an ability to respond to the current demand in the market and provide up to five additional hotels beyond the Fairfield that is under construction across from the Avenues; and The Viera Company has planned three residential villages south of Wickham Road, and one to the west of the current terminus of Viera Boulevard, which also includes a wide variety of commercial and office opportunities. He added these areas designated for that development are not changing with this amendment; nearly all of the remaining residential and commercial development rights and the current phase three have been constructed or committed for development within the first village south of Wickham Road; approval of phase four traffic mitigation is anticipated to provide long term certainty regarding The Viera Company's transportation investment to obligations; these approvals are necessary to continue developing, marketing, and selling future planned neighborhoods, retail development, and employment based uses; the existing development order includes a commitment for the transportation mitigation for phases one through three; and it also sets forth a procedure for continuing development into phase four. He continued the project already has authorization to develop phase four, but without the necessary certainty and predictability associated with prior phases, which is necessary for financing large scale infrastructure improvements; the current development order procedure calls for interim measurements which would allow The Viera Company to proceed under the current development order by identifying mitigation on an incremental basis and potentially resulting in smaller improvements provided in the piece meal fashion; this is not at all the best approach for long term planning and therefore this application before the Board identified the mitigation for the entirety of the remaining development as was done for phase three in 2009, so that both The Viera Company and Brevard County can be nimble in responding to opportunities; this is not unlike what The Viera Company did a couple years ago in terms of mitigation of educational facilities impacts through build up; and it is difficult, if not impractical, to proceed without knowing what future mitigation

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and financial investment would be required. He noted this would result in The Viera Company and Brevard County missing certain market opportunities such as the current hotel demand and corporate office opportunities, that they cannot respond to absent the approval; The Viera Company began this application process nearly two years ago; they presented a transportation analysis which looks at the development as a whole, identifies off site mitigation through build out, and they have committed to mitigation up front that is far in excess of that identified and required by law; The Viera Company's consultants undertook an analysis based not on assumptions, but on empirical evidence provided through actual traffic counts performed in various locations around Viera which allowed the consultants for The Viera Company, Brevard County, and Florida Department of Transportation (FDOT) to accurately project future traffic conditions based on what is actually occurring in Viera rather than on assumptions or theories; Brevard County felt very strongly that such a method and proof was necessary and The Viera Company agreed; and the resulting analysis prepared by The Viera Company's consultants demonstrates that the development pattern has resulted in fewer external trips than predicted in 2009 which means the mitigation committed to in 2009 was actually in excess of that necessary, but they are not changing any of those obligations committed to in 2009. He went on to say the assumed trips never came to fruition as was proven by the data collected which meant the development of the retail, office, schools, churches, and other services needed for a community allowed many of the residents to travel within Viera for those services; additionally the substantial investment made by The Viera Company of an extensive mobility trail system provides additional benefits to resulting traffic volumes and patterns; The Viera Company worked with Brevard County and FDOT to agree on an appropriate transportation improvement plan that could be completed and would have substantial benefit to the region; it is important to note that The Viera Company's calculated proportionate share following the statutory formula is only 360,000; however, The Viera Company, as an important stake holder in Brevard County, and as they did in 2009, is committing to contribute a significantly larger amount that is not technically or legally required, so that mitigation program for phase four that is being committed to is in excess of \$15 million, and is in addition to previously committed \$40 million in 2009. He added ultimately in phase four those two projects comprising of more than \$15 million that were chosen are the design and construction in the Spyglass over pass as a reliever to Wickham Road which is just north of the Wickham Road and I-95 interchange, and a financial contribution to FDOT to assist in the cost of the ultimate 1-95 and Fiske Boulevard interchange improvements. He went on to say as staff has noted in the Agenda cover memo, the additional development, in phase four of the Viera DRI, will significantly increase the County's tax base and will generate millions of impact fees; the LPA unanimously recommended approval last month; and The Viera Company is respectfully requesting approval by the Board this evening.

Brian Lightle stated he moved to Brevard County about 30 years ago from Miami; even in 1987 it was very apparent that the lack of planning by the government, in that area, was so far behind in the infrastructure requirement that they were never going to catch up; in 1987 he had a 14 mile commute to work and it took an hour and 15 minutes each way, if there were no accidents or no problems; today it is the pure definition of gridlock; one of the biggest reasons he and his family moved to west Viera seven years ago was because it was very obvious that planning was taking place as this construction was ongoing; drive down any road in Viera and see the extra road and already there for the right-of-way designations so there will be no problems in expanding the roads; everything from having services nearby from churches, to hospitals, to schools, to shopping, and everything a person needs basically within distance, including his mother, they can go everywhere they need to go with a golf cart, which is another way to alleviate and not have travel issues in Viera; and their willingness to invest in over \$150 million in this infrastructure to include the upcoming Viera Interchange, Spyglass fly over, the expansion of Wickham and 1-95, and others that have been mentioned, shows him, as a Viera resident, that The Viera Company is committed to staying ahead of this growth, and not letting it fall behind. He continued he is in attendance as a Viera resident and to show his support for approval of this proposed change to the Viera DRI; he believes they are due some certainty with

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their long term planning and that it will also benefit the Board to know what is happening on the long term as well; he believes The Viera Company has shown by their actions that they can and will go beyond what is required of them to do development right; and at present the State of Florida is adding in excess of 1,000 net new people per day, so growth is inevitable; however, smart growth, as evidenced by The Viera Company, is a blessing.

Peter Carnesale stated he lives along the widening of Viera Boulevard that is being done; the idea of it is fantastic because he believes they do need the widening and the traffic flow to go by there; there is a short area that goes between the rear entrance of Independence Avenue and on the other side, Heron's Landing, where there is a four-way corner; according to the master plan there is already a plan in place for left hand turns from both sides of the isle for people to go into each of the items from the opposite direction, however, they are not building anything for a turn lane when heading in direction of the entry; dealing with Heron's Landing, when driving around the bend there is an open two lane road that extends for well over half a mile so if people are driving 45 mph as they hit that corner, they do not have to worry because there is nothing built there; the problem is on the other side with Indian River Colony without a right-hand lane to be able to turn into it, there is only a two-car length distance after making that turn before hitting the gate because it is a closed community. He noted there is no way to move that gate because there is a road and a lake; if people are heading east and want to make a right hand turn into Independence Avenue, once the road is widened there will be know way for the people coming east to turn safely; if they were to slow down drastically, which they must do because it is a very short turnaround and they cannot see if there is any space, or they would come around the bend and slam their brakes, so basically it is either deciding to slow down quickly and getting hit in the rear or coming around the bend and hitting someone in front because they were not seen, because they have to sit there to wait for the gate to open; and he is not hear to complain about the whole entity, he is for it because in general most of it is there. He added his only problem has been, according to the master plan, that turn lane has not been written into it; the master plans shows when there are turn lanes and when there are not any turn lanes, by the colors of the roadway and the colors of the grass ways and walkways; and he has been at the various level meetings, the FDOT, the meeting before this, and for him it is a dickering between him and The Viera Company rather than with the County, because it is an individual thing and it is not going to effect the overall picture; but from what he is hearing, The Viera Company is very willing to negotiate, or look at whatever, and he did not get that from any of his previous meetings, so either the people from Viera were not there or the people who were authorized to make the changes were not there. He went on to say, in this particular case he will speak later with a previous speaker and see if they can detail it and get that incorporated.

Mike Renfro stated he is honored to be able to communicate to the Board his thoughts and experiences in dealing with The Viera Company over the last 25 years; as a founding partner of Matthew Development they have had numerous successful interactions with the professional and involved principles and staff of The Viera Company from projects as small as the Corporate Park at Viera, to as large as the Avenues, Viera; they have seen the inner workings of The Viera Company design team; he can attest with the greatest level of certainty that their hearts, their minds, and their experiences are all in the right place; they are tough but fair, they are particular yet open minded, and they are deliberate in their planning and execution of the basic frame work of the development called Viera; and because of all of the above, it is Matthew Development's favorite and a satisfying place to develop whether it is an office, park, or major lifestyle center or anything in between, they know when dealing with The Viera Company folks, they have to do it right and they have to make it special. He noted they particularly enjoy doing developments that are special and done right; his hope is tonight's application for phase four of the Viera DRI will be approved and if so, he is certain because of culture of excellence established early on by Joseph Duda himself, this next phase will be even better than the last three; this application has the support of Matthew Development and they hope it has the support of the Board as well.

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There being no further comments or objections, the Board adopted Resolution No. 17-205; approved the Notice of proposed changes to the Viera Development of Regional Impact; and authorized the Chairman to execute the amended and restated Development Order for the Viera Development of Regional Impact.

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

ITEM IV.C., PUBLIC HEARING, RE: ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM PROHIBITING ANY AND ALL MEDICAL MARIJUANA DISPENSING ACTIVITIES

Chairman Smith called for public hearing on an ordinance establishing a temporary moratorium prohibiting any and all medical marijuana dispensing activities.

Tad Calkins, Planning and Development Director, stated this is the first public hearing for an ordinance establishing temporary moratorium prohibiting any and all medical marijuana dispensing activities with the unincorporated areas of Brevard County; this moratorium would sunset July 1, 2018; and if the Board has any questions he would be happy to answer them.

Commissioner Isnardi stated while she will not be supporting this, and whether or not the Board agrees with medical marijuana or if it agrees philosophically with the fact that they are in place, it was a voter approved measure, and she thinks the misconception or misinformation about what these dispensaries will look like, is what has people scared; this is basically an oral medication that would be dispensed, very controlled, and it will not be the kind of place where people go to smoke pot; this is not Colorado, it is an oral dispensary and she reiterated it was approved by the voters; and she believes the community has a right to provide dispensaries. She added her fear is the Legislature, because of all these municipalities and counties refusing to either create zoning or to allow them where pharmacies are allowed, what will happen with this is local government will have little authority about where it can regulate that.

Chairman Smith inquired about what Commissioner Isnardi objects to because he is still wide open on this.

Commissioner Isnardi stated she does not think the County should have a moratorium.

Chairman Smith asked what she thought the Board should approve.

Commissioner Isnardi replied the Board should either create a zoning classification where they are allowed, which the Board had worked on before; allow them in the County where pharmacies are allowed, although she is not sure what the thinking is on that considering marijuana is federally not allowed, so pharmacies are not dispensing marijuana, therefore, she is not sure why that came down from Legislature, because it does not make logical sense to her because they are not a pharmacy; she just thinks a moratorium is not the way to go; and she feels it is denying people access.

Commissioner Pritchett inquired if when this came back if they were told it was either all or nothing; it has to be done exactly like pharmacies or not do them at all; what she is trying to move forward with staff is working on the pharmacy zoning and hope that is being regulated; her

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only thought is that the County has to fix the pharmacy so that there is not a lot of traffic moving in and out of neighborhoods; she is not really worried about the dispensaries, but she does think the County needs some kind of regulation, even on pharmacies, so it does not end up with businesses in the middle of neighborhoods; and Commissioner Tobia had brought the Board information that at this point they could. She continued she does not really want to do a moratorium but she is hoping the Board comes back soon with some type of direction moving forward, on how to fix that little mess in the County.

Commissioner Barfield stated he thinks it is either all or nothing; the Legislature may be doing something or they may come up with some clarification; and his thought was to just put it on hold, which is the moratorium; if they make a decision, then the Board already knows what to implement; if they make changes that become laws than there is no reason to wait for it to become law, the Board could put the changes in the ordinance; and having no direction, if the Legislature is going to change it, then we wants to wait to see what they are doing.

Commissioner Isnardi stated part of her reservation with that is that it has a sunset of July 1, 2018, and she worries the Board will delay action on what it wants to do with this; this is not a philosophical discussion on whether or not the Board members agree or disagree with it, if possible the Board could tweak the pharmacy zoning to accommodate the fear of them being next to somebody's church or residence, if that is the case; and she thinks delaying it is denying access, and that is what she takes issue with.

Chairman Smith inquired whether it is currently available.

Commissioner Isnardi responded it is; she stated she does not know how many in the County, but just having asked around the medical community, she knows people can actually have it delivered; and it is very controlled from where it is shipped and that makes access difficult.

Chairman Smith stated on of the conundrums he has is if the voters approved it, the Board should make it available; the problem he has is that he does not know what the State is going to do and whether it would preclude what the Board is trying to do; the Board could go through a lot of trouble to make it available; and he inquired what if the State comes in and does not like the Board's plan.

Commissioner Isnardi stated that is the fear she has with this, everyone having a quick reaction and not wanting to allow them at all.

Chairman Smith stated he likes a moratorium just because it gives the Board flexibility; he does not want to deny people the right to have this; and he inquired if Scott Knox, County Attorney, would weigh in on this.

Scott Knox, County Attorney, stated it came to the Board last time with an ordinance that basically put dispensaries in the same category as pharmacies, and made it clear the pharmacies were included in the commercial zoning, which would not give any of the restrictions the Board needed to follow with the 500 foot setbacks under State law; the Board directed him to come back with a moratorium, so that is what they did; and right now the way the legislation reads is they either have to be regulated like pharmacies or to not regulate them at all.

Commissioner Isnardi stated the question then comes if the Board can regulate pharmacies, maybe not affecting existing pharmacies, but at least until they change Legislature.

Mr. Calkins stated staff can look at the zoning classification for pharmacy and they can come up with some separation requirements; and the concern is there are a lot of existing pharmacies, so he does not know how they would separate those from the new ones being proposed.

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Commissioner Isnardi inquired if they would be grand-fathered in.

Mr. Calkins stated if the Board's wishes was to have it grand-fathered so all new pharmacies coming in would have to abide by all the new standards; if there was a pharmacy inside a Publix, or a Walmart, it becomes a little more problematic to enforce because that is where the separation requirements come in.

Chairman Smith inquired if those were excluded from future restrictions, so that if at a point in time where the Legislature, Feds, or whomever decides to legalize this, the pharmacies will get into the dispensing business, obviously, that they would still be able to get into it, and if it could be worded that way.

Attorney Knox stated he can try to do anything the Board tells them to.

Commissioner Isnardi stated she is sure every city and county across the State is not doing a moratorium, but she is sure they are in the boat as this County.

Attorney Knox stated they are either doing a moratorium or creating regulations that allow pharmacies and dispensaries in the same place, or banning them all together in the unincorporated areas.

Chairman Barfield asked if anyone knows what other counties have done.

Commissioner Isnardi stated she would have done the research herself, but the Board was 4:1 on doing the moratorium so she did not believe anyone would change their mind.

Commissioner Barfield inquired if the Board could put the moratorium on until the House and Senate close, because the Board would know the law at that point.

Attorney Knox stated what the Board could do is change the duration of the moratorium to the end of the Legislative Session because he has heard different rumors about what is going to happen with this at the State level and what is not going to happen; and that would put an end to it, because the Board would know at the end of Legislative Session what it will do and what it can do.

Commissioner Barfield asked when that is.

Attorney Knox responded sometime at the end of April or May.

Chairman Smith stated if the State gives the Board direction at that point in time, it can move forward with certainty.

Attorney Knox noted he would think at the end of Legislative Session this year, the Board would know what it can and cannot do.

Chairman Smith asked if the Board is looking at March 1, 2018.

Attorney Knox stated that may be a good date.

Commissioner Pritchett stated maybe the Board could shorten the moratorium; and inquired if there is just a small select group that can put these in now; she stated even if one is set up inside of a Publix it probably would not bother her there either; her only concerns are the areas that Commissioner Tobia brought up, where people could end up with heavy traffic in neighborhoods; and she does not know how hard it would be to tweak the pharmaceuticals so

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they do not set up in neighborhoods either. She went on to say she does not necessarily want to keep people from picking up medication, but traffic in neighborhoods is a concern to her.

Chairman Smith inquired if they could still order it; he stated the Board is not preventing people from getting it; it is just preventing people from getting it in Brevard County.

Attorney Knox stated it is not convenient to have to wait for delivery.

Chairman Smith stated but it is not like waiting for an aspirin for a headache.

Commissioner Pritchett asked if the Board could put a few months moratorium on it and come back.

Chairman Smith informed Commissioner Pritchett that is what it being discussed, for March 1, 2018.

Commissioner Tobia stated the last day of the Legislative Session is March 9; and he would suggest the Board push it back to March 10.

Chairman Smith stated he thinks it should be end of Legislative Session.

Commissioner Tobia stated again that would be March 9.

Chairman Smith inquired if that could be extended.

Commissioner Tobia stated they can extend it as long as they want to.

Chairman Smith replied exactly, so he thinks the Board should stick with end of the Session; that would be his recommendation.

Commissioner Isnardi stated she will, even though it will fail, make a motion to deny the moratorium because she believes it is denying access; and she reiterated this is not a philosophical discussion of what each Board Member religiously, ethically, or morally believes, this is a liberty issue for her.

Motion failed due to lack of a second.

Chairman Smith inquired if anyone wanted to make another motion.

Commissioner Barfield made a motion to change the moratorium to sunset date to the end of the Legislative Session.

Chairman Smith directed staff to research plans from other counties.

There being no further comments, the Board amended the proposed ordinance to modify the moratorium sunset date to after the legislative session ends; directed staff to research plans from other counties; and continued the public hearing for ordinance establishing a temporary moratorium prohibiting any and all medical marijuana dispensing activities to the second reading to the October 24, 2017, Board meeting.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	John Tobia, Commissioner District 3
AYES:	Rita Pritchett, Jim Barfield, John Tobia, Curt Smith
NAYS:	Kristine Isnardi

ITEM IV.D., ORDINANCE, RE: CHANGES TO THE TOURIST DEVELOPMENT TAX BUDGET PLAN

Chairman Smith called for public hearing on an ordinance for changes to the Tourist Development Tax Budget Plan.

Eric Garvey, Tourism Development Director, stated this is the second reading of the proposed changes to the Tourist Development Tax Budget Plan; on August 22, the Board approved the advertising of the Legislative Intent for those changes; as a reminder, Florida's development tax law is State law allowing for a local option sale tax to be applied only to short term lodging; the tax is implemented locally as an ordinance; and Brevard County's tourist development tax rate is five percent. He continued the Tourist Development Council (TDC), and the Advisory Council that is also required by State Statute unanimously approved these changes back on July 26; the changes to the five percent tax are essentially a reallocation of the fourth penny of the five penny tax; the fourth penny has been used to construct and now renovate Space Coast Stadium; upon completion of the USSSA Space Coast Stadium project the allocation of nearly \$2.5 million to that project is not needed nor is it needed for any other professional sports franchise facility, because the fourth penny is a narrowly restricted State Statute for only professional sports facilities, convention centers, or permission for advertising; they have also made adjustments to the first three pennies, to shift more tax revenue to the broader uses of tourism, related capital projects; and the change also increases overall the amount of promotion to advertising budget available to promote these additional attractions and facilities. He added there is also an increase in the allocation to the Brevard Zoo, to allow them to continue with their capital plans; the reductions come from the Space Coast Stadium, as mentioned, and a small decrease in the amount used to fund their visitor information programs; the plan makes no changes to the allocation for their beach improvement funding or cultural event marketing programs; the text of the new ordinance is in the packet as well as a strike through to show the exact changes; and when it is all added up, the proposed changes would allocate 47 percent of the tourist development tax revenue to promotion and advertising which is \$6,672,998 for Fiscal Year 2018. He went on to say 25 percent of the tax would go to beach improvement which is \$3,586,499 for Fiscal Year 2018, 14 percent would then go to capital facilities, \$2,008,439 for Fiscal Year 2018, five percent would go to the Brevard Zoo, \$717,300 for Fiscal Year 2018, four percent would go to cultural event marketing, \$873,840 for Fiscal Year 2018, and up to \$500,000 each year to be put into reserves for Space Coast Stadium capital repairs. He stated the notice of public hearing and the draft ordinance have been advertised and made available for public scrutiny; to date his office has received no comments on the proposed changes; he regularly presents to local civic groups and Chambers of Commerce; and he believes the changes proposed have strong public support, in addition to the support of the tourism development council and the tourism community at large.

Tom Hermanson stated he is a member of the TDC marketing committee; he is passionate about tourism and concerned with how those funds are used; he has a vested interest in them and the tourism industry; leading up to the payoff of the Viera Bonds, the TDC staff and its committees have spent several years analyzing how the bed tax should be used; the statutorily allowed uses for bed taxes are quite limited and do not seem to be clear to anyone; he keeps

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reading and hearing from people that these funds cannot be used for other needs; and the answer is, it is not permitted by State Law, and until State Law changes, they are limited to how they can allocate those funds. He continued they cannot be used for roads, they cannot be used for schools, they cannot be used for teacher's salaries, or drainage issues, or any other litany of costs borne by the County out of its General Funds; it can however be used to pay for things that the County might not otherwise want and wish to pay for, but as far as the State Statutes it permits those funds to be used for those things, the Commission can direct the County to do that; that is what the TDC has, with much effort, done over the many years; and the bed tax can be used as their primary purpose, which is to support marketing that supports the tourism industry, which by various measures is a \$2-\$3 billion a year economic impact industry in this County, providing untold thousands of jobs and employment opportunities for starting jobs as well as full careers for people wishing to join that sector of the economy. He stated they can promote cultural events and organizations that are all local and not only enrich the lives of residents of Brevard County, but also visitors who come to Brevard County; the County funds pay for beach re-nourishment, if they did not have the bed tax the County General Funds would likely have to be used for beach re-nourishment, which amounts to millions of dollars per year; through thoughtful and careful consideration, the TDC has presented to the County this proposal to allocate the BED tax funds within the permitted uses allowed by Florida Statutes and County Ordinance; it is a sensible plan and it has been fully vetted by the Commission's advisory Committees, the TDC, and the subcommittees; and he urged the Board to move it forward.

Laurilee Thompson stated she has been on the TDC for 17 years; she is passionate about it and loves being there; she thinks that this plan is the best she has seen in the 17 years; she thinks it is good for the community, it will advance tourism, and she is very excited about it; they have been working on it for a couple of years; they have had all types of input; and she suggested the Board move forward on it.

Bob Baugher stated he is also a TDC member; nothing has changed since the first reading; they all support it; and he hopes nothing has changed with the Board and that it will stand behind the plan too.

Commissioner Tobia stated he has heard what certain businesses think, there is very little evidence what citizens think; he had a plan last time that was a little more equitable; the County has an impending crisis coming when it comes to the loss of \$25,000 in homestead exemption which will account for about \$7 million plus dollars of the General Fund; some of the Board will be sitting there talking about if only it had planned ahead, if it could have found the funds, so it would not have to cut services; he thinks that time is now; there was a speaker who stated these funds could not be used for roads, and he thinks that is patently false; and he commented not to take his word for it, but to take staff's word for it. He continued to thank Mary Ellen Donner, Parks and Recreation Director, for acting extremely quick; he inquired instead of the fund allocation here, what could be used to free up General Fund dollars; a handout was passed out with not only Ms. Donner's email, but with the beach, parks, and nature centers out there, that accounts for \$188,000 of General Funds; in other words, the Board is going to hear about a stadium that the County will be lucky enough to have, that could be used to shore up a gap of millions of dollars, at least part of it, to help when the County hits that cliff and it comes to a drop in County funds; she mentioned what he would like, since his plan was either not looked at or outright rejected, would be to cast staff, and it would have to be led by the Directors and Scott Knox, County Attorney, to find out how to write an ordinance to free up as many General Fund revenue dollars as possible; with just two days' notice, Ms. Donner found almost \$200,000 that could be used with these very TDC funds; yes it is a shell game but it is a shell game the government has played for years and years, but this time it is a shell game that is going to put money into County parks and not be passed back through tax cuts; and this will be directly felt by Brevard County residents instead of the needs and the wants of some business men and

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women. He suggested the Board table this and ask staff to see how many of those dollars can be placed back into the County's infrastructure that will directly and immediately impact the citizens of Brevard; he reiterated he did his research and put forth a plan he thought would free up many dollars for General Fund; and the Board knows what the tourist industry wants but it might want to see what the citizens would want with the services they receive now and would not have to cut in the near future.

Commissioner Pritchett stated Mr. Garvey has done a great job putting all of this together; she has sat in on all the TDC meetings, and she is very impressed with the intelligence that comes together and the numbers they crunch to try to pull these things together; she is excited about this because right now with the fourth cent, it can go to USSSA and they do not have the need for the funds any longer so it will sit in a trust fund with dollars coming in; tourism tax was created, and she believes voted for, to increase tourism into the area where this County is heavily depended upon; it is why there are no State taxes; and that makes it important to get more tourism into this area. She added she is fighting real hard to try to get tourist into her District because she does not have the beaches. She continued she likes this because it has been able to bring other capital projects besides just the professional sports into all five Districts; hopefully it will promote a growth tax base because tourist dollars and tourism come into the area with hotels, food, and all those items; and she thinks it is just good for the economy. She went on to say she knows there will have to be a Workshop on the upcoming proposal of taxes, but she does not think it is going to be a tax cut, but a tax shift; she does not think there will be less taxes, just lower income people will have the burden of paying more of those taxes if it is voted in; and she will start working on educating the people in the community. She reiterated she thinks this is a great proposal; and she stated she is excited to see growth come into the community and the opportunity to get Brevard County back on the map for being the number one place to come for tourism.

Commissioner Barfield mentioned Commissioner Tobia gives the Board these other things right at the meeting and he likes to have time to look at things first, so he asked that something better be done with that. He stated he is on the board of the TDC as the Commission representative; a lot has changed and there is a lot going on; the way this is being allocated now, especially the focus on the marketing and advertising side, is a big deal; it seems this County Commission has a tendency to want to immediately cut things that in the long run have a substantial amount of impact for the future, in a positive way; it does that with economic development and tourist development; and these are things that are the backbone of this County's future, it always has been. He continued the Board cannot be upsetting this; to say the Board can shift this and use it for infrastructure, is not correct; he believes what the Board is doing now is for the future and he thinks it will help a lot; the Board cannot be shifting funds around like that; and he agrees it is a shell game, but it is disingenuous.

Chairman Smith stated he would like to hear more discussion.

Commissioner Tobia stated this has been posted for a week and a half; other Commissioners have had the opportunity to do their homework, he just did his; he received from Ms. Donner a list of General Fund revenue that the Parks and Recreation Department spends on the items he requested, a total of \$188,033.93; this is money that could be going to the County's parks; the Board was strongly advocating for the parks system when there were people here, but he does not see parks people in the audience and now all of a sudden the Board is saying that advertising on Facebook and You Tube is more important than putting money into parks, when it knows it is going to face a \$7 million to \$7.5 million shortfall that could be stemmed right now; and he reiterated he will work harder to get his work product out to the Board, but he would request the rest of the Board to do its homework and come up with plans instead of just blindly following what the industry would like it to do with resources that could be better used, in his opinion, on the County infrastructure, meaning parks.

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Commissioner Isnardi stated she had spoken with Mr. Garvey in the past and he had talked about the Board having issues; she inquired if Commissioner Tobia had talked to the TDC board or Mr. Garvey about funding the things he has listed; or about including any of that into his budget.

Commissioner Tobia stated they made their recommendation; he met with Mr. Garvey on that and he looked at his plan; at the last meeting, he had a plan that freed up a few more dollars and he passed that spreadsheet out to the Board; he spent a lot of time that would allow the Board to free up dollars out of General Fund so it could fund many of the programs that the rest of the Board fought so strongly for; but in fairness, this Board overwhelmingly voted for a tax increase; therefore, his guess is it does not have to worry about cutting funds, the County will just see increased taxes as it moves forward.

Commissioner Isnardi stated she does not know how Mr. Garvey or the Board is supposed to work any of Commissioner Tobia's ideas into the budget now; this General Fund expenditure that the County funds and puts in place, or makes that part of their budget, but that was through the Board's budget process; if the Board does not want the County to fund these through the General Fund then perhaps it should bring its ideas to the TDC because she has a feeling, given the fact that this bed tax does collect millions of dollars every year, that the TDC could go ahead and help the County out with \$180,000 at the next budget cycle; she is not going to ask him to adjust his budget now, because he obviously has projects in all of the Districts that stand to benefit; and she would just ask that the Board bring things to Mr. Garvey sooner if it has ideas, just like she did when she met with Mr. Garvey some time ago, about something in her District. She continued Mr. Garvey obviously would not be opposed to looking at the list; and she inquired if he had even seen the list.

Mr. Garvey replied in the affirmative.

Commissioner Isnardi inquired if he would be opposed to looking at Commissioner Tobia's list and at least consider it as part of his budget even six months from now, making adjustments from the current budget.

Mr. Garvey responded he would not be opposed to looking at it; he reiterated the TDC is created through the same State Statute; he completely embraces that oversight from the industry itself; and he would be happy to take any ideas, bring them to the TDC as they meet monthly and they have standing committees that meet in between those times, so there is plenty of opportunity to vet any ideas on the best ways to use Tourist Development tax revenues.

Commissioner Isnardi inquired if they had put over \$3 million in beach nourishment.

Mr. Garvey replied they have over \$3.5 million in Fiscal Year 2017-2018 budget for beach improvement.

Commissioner Isnardi stated she could go through the line items, but if she did not believe he was doing the right things with those monies, she would be the first to yell at him; she suggested the Board bring its suggestions to the TDC because they will listen; and if someone does not like what they have in their budget, then bring that to their attention as well, maybe there would be a compromise to be had.

Commissioner Pritchett stated if the County gets more tourist then the County will have more tourist dollars and things will become a lot easier because there will be more funds; more tourist dollars means less taxes on the rest of the County because the growth comes; that is almost common sense with finances; and she stated she spoke with the County Attorney about the

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fourth cent and whether it could do anything with infrastructure and he stated no and explained it to her, so she would like him to talk about that. She went on to say the discussion on the fourth cent has been going on for so long; she has been studying it for a year; it is pretty narrow what can be done with it; and she thinks Tallahassee has a lot to do with it.

Scott Knox, County Attorney, stated the Statutes are very clear about what it can be used for; the infrastructure is pretty much limited to bonds for construction of sports stadiums and things like that; it can also be used for promotion and advertising of tourism; and there is a provision in there that allows it for the use of events, activities, and other types of things, but that is it.

Commissioner Pritchett stated the Board is discussing what to do with that fourth cent.

Commissioner Barfield stated there are different parks that Commissioner Tobia wants to spend the money on; he inquired how many tourists are using those parks; and he questioned, if they are just set up for tourist, what parks the citizens will use. He continued the Board needs to be careful: and he believes the Board needs to keep going with what the Statute says and not try to deviate off of that track.

There being no further comments of objections, the Board adopted Ordinance No. 17-24, with proposed changes to the Tourist Development Tax Budget Plan, Sec 102-119, Brevard County Code; and approved all necessary budget change requests to reflect the Ordinance changes in the FY2017-2018 Tourism Development budget.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
NAYS:	John Tobia

ITEM IV.E., APPROVAL OF REVISIONS, RE: MERIT SYSTEM POLICY II, PAY PLAN, AND MERIT SYSTEM POLICY VIII, HOLIDAYS

Chairman Smith called for public hearing on approval of revisions to the Merit System Policy II, Pay Plan, and Merit System Policy VIII, Holidays.

Jerry Visco, Human Resources Director, stated this is a public hearing to request modification to two separate policies in the County's Merit System Policies and Procedures; the first is the Pay Plan which is a minor modification to allow the County to treat internal candidates for promotion in a manner similar to the way it treats external candidates for the same position; it gives them the opportunity to give the internal candidate access to the same starting salary as they would an external candidate; they see that as an equity issue; and it is a way to show how much the County values its internal candidates and their willingness to reward them for their commitment and willingness to take on additional responsibility.

Frank Abbate, County Manager, added that applies in those situations where the internal candidate is competing with external candidates; and that is an important point and why it was tabled from the prior meeting, so that could be clarified moving forward.

Jerry Visco stated the second provision is another minor change to the Holiday Policy; he needs to clarify some language with regards to the accrued leave for a personal holiday; the change basically says a personal holiday is equal to the employees scheduled work day; so if that is an

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eight hour work day or a 10 hour work day, those would be the equivalent personal holidays; and he inquired if there were any questions.

There being no comments or objections, the Board approved revision for the Merit System Policy II, Pay Plan, to provide the same methodology for pay upon promotion as is provided for pay upon hire providing consistency in the pay structure and allowing current internal candidates to be treated the same as external candidates, and Merit System Policy VIII, Holidays, to provide clarifying language as to personal holiday leave accrual for use by part-time and full-time employees.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM V.A., INTERLOCAL AGREEMENT WITH CITY OF SATELLITE BEACH AND CITY OF SATELLITE BEACH COMMUNITY REDEVELOPMENT AGENCY, RE: COMMUNITY REDEVELOPMENT AGENCY GUIDELINES

Frank Abbate, County Manager, stated this is the first of the negotiated interlocal agreements for the Board's consideration dealing with municipalities with CRAs that were put into effect after the County Charter; the first one is with the City of Satellite Beach; as the Agenda request explains, there are a variety of items that the Board had asked them to negotiate; as they move into some of the other agreements, there are three before the Board this evening, they were able to accomplish several of the Board's objectives and with this particular one, the no new indebtedness, no more tax increments after September of 2026, every year unspent revenues, which are estimated in Exhibit B, which is part of their current CRA agreement, would be returned to the County ranging anywhere from \$150,000 approximate dollars for this upcoming year, up to \$800,000 to \$900,0000 before the CRA ends in 2026; and that is explained in Exhibit B. He continued they also have the language that deals with an annual report, which includes those provisions in terms of the annual report and a compliance audit provision, which is included in this negotiated interlocal agreement; and he believes the City of Satellite Beach has executed the agreement, so if the Board approves of it, they will have the first one under their belt.

Commissioner Tobia stated he wants to thank Mr. Abbate for entering into these type of negotiations; he thinks that Mr. Abbate has done an absolute stellar job given a fractured Board and many unwilling participants as the Board will see; he would like to make mention of the Board that what it is about to do is extremely important because it is about ready to set a precedent for the negotiations with the other CRAs that are probably watching this, and they will find out whether or not the Board is quick to fold, or stick to the simple and fair requests that it gave the County Manager the discretion to negotiate for; he explained in a quick recap the Board asked for five things: to sunset early, no new debt and there is one exception to that which he will get, a simple annual report, unspent TIF funds above debt service to go to County roads, and internal audits; Satellite Beach rejected 60 percent of the requests, more than half; and this is very ironic since Satellite Beach had misappropriated more than \$5 million, \$1.5 million of which was County funds. He provided pictures to the Board. He continued he passed a handout with some suggested changes to give direction to Mr. Abbate, to make re-negotiations; he does not know if this was the intent of Satellite Beach, but through the negotiations, and there is a letter that he would be more than willing to furnish, that came for the County Attorney's Office, Scott Knox; it may have the effect, if the Board were to enter into this

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agreement of removing the County's authority to revoke delegation of authority or name itself as the board until 2026; and a power that the Board has for a CRA, that again has misappropriated \$5 million, it would potentially lose authority on that. He went on to say he has drafted language that would deal with that; through public record, he received an email from the City Manager over there, and it read, "I am also eliminating the internal audit sentence since the City is basically ending our CRA, we do not want to be subject to any future political harassment, should the Commission structure change."; clearly they think some of this Board is going to lose; he continued reading, "Additionally, we have significant issues with any suggestion that the County has the power to audit the City."; and he quoted what harassment means according to the Florida Supreme Court, to see if the Board met that standard, Harassment means to engage in direct conduct directed at a specific person that is intended to cause substantial emotional distress to such a person and serves no legitimate purpose. He went on to say the very CRA that had misappropriated \$5 million of tax payer money, a million and a half from County coffers, Ms. Barker and the Satellite Beach CRA have explicitly rejected the Boards position; Vice Chairwoman Pritchett has stated any good business should welcome an internal audit, but Satellite Beach does not; Commissioner Barfield's motion asked for clarification of internal audit, again they have rejected it; and he talked about unspent funds above debt service to be used on County roads. He stated this was an ingenious move by the Chairman because this would give the Board leverage when it came to getting County roads, located within city limits, to be partially funded by this CRA and again Satellite Beach has said no; he wondered where those funds were going to go, so he went to the CRA Plan; he noted the County has many issues with its roads; he receives many phone calls where people say there are potholes, and the roads are falling apart; but a call he has never received, is that people need a six lane mural painted on a State road; and this is the CRA Plan, a six lane mural and Palm Trees. He continued he thinks that given the effort by the County Manager, in dealing with Ms. Barker and Satellite Beach has been monumental, however, he thinks the Board needs to give Mr. Abbate its full backing by saying this is ridiculous, and that they need to spend the funds in a manner that is going to directly benefit the taxpayers of Brevard County. He noted when the County is in a crisis of infrastructure, he does not think the money needs to be used in that manner; he has some suggested language that would seek to solve those issues and make sure that the Board has the ability to revoke the CRAs authority for nonperformance, the ability to audit, and reiterated again \$5 million of misappropriated money, and the ability to make sure that money over debt service goes to the reconstruction of roads, not the painting of murals on Federal roads; his suggestion will eventually be a motion to reject the interlocal agreement suggested by the City of Satellite Beach; and he suggested the Board give direction for the County manager to use the language that he provided or other suggestions that any Board Member may have, to negotiate an interlocal agreement that will benefit all of the citizens, not just the lucky individual who will get paid, he imagines, a great deal of money to paint a six lane mural on Cassia and A1A.

Commissioner Barfield stated he would like to get Scott Knox, County Attorney, to explain what Satellite Beach's position is based on.

Attorney Knox stated fundamentally they sent a draft over to Satellite Beach containing provisions that the Board had directed them to put in there, a new audit provision, and Satellite Beach sent back a revised version of that, which took out that language, so that is pretty much what happened.

Commissioner Pritchett stated this is just a reminder, the Board had a workshop on this a long time ago and it invited all the CRAs out; they spent hours on it and at the end of that workshop, the Board's motion was to encourage an interlocal agreement with the CRAs that they would come back with an end date; that was before the Board gave the County Manager some suggestions of things it would like written into it, like sunset early and no new debt; and she reiterated the motion was to encourage the CRAs to come back with an end date, and after the

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Board sat through that, it thought that was the appropriate thing. She noted if the Board is going to pick through these again, then she thinks it needs to invite them back so they can show again what they are doing with their CRAs; she knows it is no secret that she likes CRAs; she has seen the changes it has made in her community; and she noted none of these CRAs have to do an interlocal agreement with the County. She went on to say this is just something they are giving the Board as a courtesy to help; they are already under some criteria of what they can and cannot do; she thinks if the Board does not get some criteria down with them, and some kind of an agreement, it is not going to get them to come into an agreement; and therefore, it is not going to get a sunset date.

Chairman Smith inquired what Mr. Abbate's thoughts were on this since he had the face-to-face with them.

Mr. Abbate stated that it was not just him, and he gave a lot of the credit to Attorney Knox who was just as involved in every one of the negotiation sessions with the 11 different jurisdictions, and for the language that they had put together to put forth to each of the jurisdictions; the Board is going to see that they are going to all have very different perspectives because they are all unique in where they are, what they have done, and where they are going with their CRAs; his challenge, of course, as in any negotiation, is nobody is going to get what they want; they try to do their best and they got to the best place they thought they could; and they have brought back to the Board for its consideration, the Satellite Beach one as well as the City of Cocoa Beach and the City of Melbourne. He went on to say obviously, it is up to this Board because, just like in any negotiation, it has the final authority for how the County is going to respond; they are looking for the Board's direction as to how it wants them to proceed; he would think that many of the other cities will be looking to see how this Board chooses to move forward; and he thinks this particular agreement, probably has the strongest language that they expect to get from cities in terms of the language that they will agree to voluntarily, in the interlocal agreement; and based on that, he is very interested in following the Board's direction on how he can proceed from this point forward.

Commissioner Isnardi stated she is glad Mr. Tobia had come through with the legality of this, because she noticed it too; she was a little irritated they did not want to sunset early, but she was not surprised; her number one concern is not just about the fact that the County does not have authority to audit, that scares her, but more than anything, it is to be able to step in if they are not spending the money correctly, because they did, whether anybody likes to talk about it, it was a big error, and they made a \$5 million dollar mistake; a different board could have probably shut them down, right then and there, but they chose not to, and that is fine; the County allowed them to pay it back with its own money, of future TIF dollars which is even crazier yet, but that should make them understand exactly why the Board wants to have the power to audit; and she thinks it is dangerous not to. She continued she thinks this puts the Board in a worse position because they do not have to meet with the Board, and they do not have to have an interlocal agreement, however, she believes they should have an agreement given the fact that they misappropriated those funds before.

Mr. Abbate stated what the City was talking about with the audit was the Board's ability to audit the City; in the CRA, there is language, and it is the Board requested language, that a compliance and performance audit of the CRA expenditures and it is provided for in Section nine of the proposed interlocal agreement. He noted he just wanted to make sure that was clear.

Commissioner Tobia inquired if the Board were to ratify this, would the cities be able to use a portion of County TIF funds to paint that mural on the road, plant palm trees, and make fences, as they have put forth in the Plan in the rendering.

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Mr. Abbate responded they can change any of the approved plans and the currently allocated dollars that are in Exhibit B.

Commissioner Tobia stated Commissioner Pritchett was pretty picky on sunsetting early and he agrees with her; and he inquired if this interlocal agreement set any provisions for Satellite Beach sunsetting one day early.

Mr. Abbate replied it has a sunset provision, and he believes it is the same that would have been included in theirs.

Commissioner Tobia clarified it was 2026.

Mr. Abbate replied affirmatively.

Commissioner Tobia inquired if it was the opinion of Attorney Knox that this may have the effect of removing County authority to rope delegation of authority by naming itself as the Board until 2026, thus as Commissioner Isnardi said, potentially making this interlocal agreement worse for the Board than the position it is currently in.

Attorney Knox stated the short answer is yes.

Commissioner Tobia stated if the Board were to vote for this, it would get six lane murals with County money, beautiful palm trees with County money, no ability to audit at will, an organization that has decided to spend \$5 million dollars against Statute, no sunset early, and the Board would be delegating its authority to take over a CRA given nonperformance; and not only that there may be another CRA that through the work of a Commission Office and staff, have found out it was doing that and shut one down. He added his point is this interlocal agreement would not do the very things that this Board has set forth, this actually puts the Board in a worse position; and he would like to make a motion to reject the CRA proposed agreement set forth by Satellite Beach, and to ask the County Manager's Office to move forward with the proposed language that would seek to solve those issues.

Chairman Smith stated there is nothing in the agreement that says they cannot sunset it early, there is just an end date.

Attorney Knox stated it has a termination date of the CRA.

Chairman Smith inquired if they decide they want to pay it off early if they are prevented from doing that.

Attorney Knox explained if they pay off their debt; the way the agreement is structured they are allowed to use that extra increment until 2026; he pointed out that the language provided by Commissioner Tobia about audits was taken from the Statute, which allows the Board of County Commissioners to conduct audits on people or organizations that receive money from the County; that should be part of the agreement and there should not be an objection to that; and he thinks what the City objected to was the Board putting that burden on them to provide that kind of an audit.

Chairman Smith stated this clearly says that the Board would bear the costs; he thinks a little background is in order; and he noted he ran for this job four years ago and had no idea what a CRA was. He continued he heard a lot about them, and what he learned about them is they have the potential to do a lot of good, but each one is different, and each Commission has set them up differently; his biggest objection is that they never seem to go away; and they have sunsets but they can arbitrarily extend the sunset by going into debt, because the Statute says

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as long as there is debt they cannot be terminated. He went on to say he spoke with every one of these communities and told them about his concerns; they each stepped up and voluntarily attended a meeting that the Board put together; he was very adamant that he wanted to get something done; he wanted the CRAs to be terminated at some point in time; and he knows they do not have to do anything at this point, they do not have to sit down with the Board, they do not have to agree with the Board, and they do not have to work with the Board; and Commissioner Tobia brought up some specifics that bug him, like \$6,000 palm trees and things like that; a CRA did spend \$6,000 on a whole bunch of palm trees; however, the Board cannot get anything done with these folks, unless they are willing to sit at the table. He stated bullying might make a person feel good, but it does not resolve anything; the Board has to look at the end game, and the end game is to get these things to end; if the Board is short on a couple things like the fact that nothing in this agreement shall be interpreted as modifying the authority of the Board of County Commissioners, then he thinks that is imperative; he thinks the one regarding the audit is just common sense and he believes they would agree with that; and he would like to go back to them and get them to agree on those two points otherwise the Board gets nothing.

Commissioner Pritchett stated she agrees with that because the only thing the Board made a motion on was for them to come back with an end date; she went back and watched the show when she saw the list of things the Board was recommending because she was never in agreement to new debt; if a CRAs got an end date out in 10 years there is not a bank that is going to give them a loan for 20 years knowing those TIF payments are going to wear out; if there is an opportunity to get a comfort level of the CRAs ending, she is all for that; and they seemed all in agreement with that too, coming to the table. She went on to say, the Board gave some things it would love for them to go ahead and put in negotiations so it could get an extra level of comfort but again, like Commissioner Smith stated, they do not have to do these, they are under no legal obligation to sit down and do this; and she suggested maybe the Board ought to let them come and speak to it maybe there is a really good reason for some of these things they do not want to agree to. She commented she hates doing this without them here to be able to speak to the things that are being brought up; and they probably thought this was going to get passed because they thought the Board was doing an interlocal agreement for dates.

Mr. Abbate noted on the zoning Agenda, it was listed under Consent and it did not belong under Consent, so it was moved to Unfinished Business; he wanted to put all three of the agreements in there, that is why he put it on the 10th; Ms. Barker was planning to come on the 5th, but it moved to the 10th and she had a prior commitment and she is out of State, that is why she is not here this evening.

Commissioner Pritchett stated part of her motion, the day of the workshop, was just for them to come and work with the County on an end date of CRAs.

Commissioner Barfield noted Commissioner Tobia gives these changes that he wants to suggest and he has not had a chance to look at them; he agrees sunset was one of the most important things the Board talked about; and he agrees with no new debt, and annual reports, however, he thinks the Board needs to go back to them and say the Board wants internal audits according to regulations.

Chairman Smith replied he does not think that they would have an objection to that, not the first two.

Commissioner Tobia stated he was going to read Ms. Barker's email again from August 30 to see if the Board thinks she would have a problem with an audit; he thinks the Board needs to be honest about it; and he read, "I also eliminated the internal audit sentence since the city is basically ending our CRA." He pointed out they are not; they were already sunseting in 2026,

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whether they have an interlocal agreement or not, so the Board did not get anything here; he continued to read, "We do not want to be subject to any further political harassment should the Commission structure change and, we have significant issues with any suggestion that the County has the power to audit the City"; he inquired if he was reading something different than what Ms. Barker sent on August 30; and noted he thinks they have issues with an internal audit. He added the Board can make a decision right now and say either it is going to accept this or it is not, but Resolution 2-136, Section 3(B), by saying we have no authority is incorrect, completely, totally, incorrect.

Chairman Smith pointed out the Board has already agreed to that.

Commissioner Tobia stated he has the floor right now.

Chairman Smith interrupted stating that Commissioner Tobia was repeating himself.

Commissioner Tobia stated he had not read that yet; what Chairman Smith stated has been patently false; the Board has the ability to take over the CRA board, and by anyone saying the Board has no authority under its Resolution, is incorrect, the Board has the ability to kick out the CRA board and replace it with the Board of County Commissioners; the Board does have leverage here it is that some of the Board does not want to use that leverage to prevent County money that could be used to fill potholes instead of paint State roads with murals and plant Palm trees; and if that is the direction the Board wants to go he will respect that; however, by saying that the Board does not have any leverage is patently incorrect.

Chairman Smith asked Attorney Knox to address that.

Attorney Knox stated the Resolution that delegated authority to the various CRAs in the cities had reserved the authority to revoke their ability to continue as a CRA or substitute the Board of County Commissioners as their CRA board if it has financial circumstances that it deems warranted, or that kind of approach.

Chairman Smith asked if that could be down voluntarily.

Attorney Knox stated he thinks the Board has enough of a case for a financial hardship that the County suffers from, under the Charter and under the coming production clause by the homestead exemption; and he thinks it could do it, if it really wanted to, but that is an issue of whether the Board wants to, it is a policy decision, legally the Board can do it.

Chairman Smith clarified the Board does have some clout.

Commissioner Isnardi stated that is what she was just going to say, because she knows this just happened in the City of Palm Bay; they dissolved their CRA board and the CRA is back at the council; she does not know the details but she does not believe there was anything unlawful that went on; she thinks the council decided it would be best if they made the decisions for the CRA; she knows it has been done and that their attorney on it; and she would rather have no agreement with the City of Satellite Beach, zero than to give up authority.

Chairman Smith agreed.

Commissioner Isnardi stated she hates to pick on just Satellite Beach; there was just an issue in Palm Shores and there could be more issues; there are issues all over the State; and she hesitates to give up that authority because ultimately people will be upset with the Board if that is County money being mishandled or misused.

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Commissioner Pritchett inquired if the Clerk of Courts does some auditing on these things.

Attorney Knox responded the Clerk has done it in the past.

Commissioner Isnardi stated just to audit, they have no authority.

Attorney Knox stated actually the Statute says the County has the authority to do that; supposedly the County has an interlocal agreement with the Clerk to do the audits.

Commissioner Pritchett inquired if they are not spending anymore CRA funds now if it is all just coming back to the County as payback.

Attorney Knox stated he thinks they have their own CRA funds, and they have County CRA funds.

Commissioner Pritchett asked for clarification that there are City and County funds.

Attorney Knox stated a majority of the money is coming back to the County, the County share is coming back to the County and it gets progressively larger as time goes on.

Commissioner Pritchett stated she is in favor of tabling this right now and getting Satellite Beach in here for a discussion; she agrees with Commissioner Isnardi, she thinks the Board would be better not to have an agreement than to get into one that has so many things and details worked into it; she does not think the Board should give up auditing rights with anybody that it is giving funds to; she is thinking the Board should probably table this and come back to it; and she reiterated the only thing she made a motion on in the past was to get an end date on the CRAs and that was the Commission's vote that day. She continued to say she thinks the Board needs to make a change or do something different, because that is still the motion she is standing on.

Chairman Smith inquired since Attorney Knox is saying the Board does have the authority to shut any of the CRAs down, that the Board would assume their CRA agreements with their debt.

Attorney Knox stated if the Board was to revoke their authority and became the CRA board, it would have to follow whatever obligations they had in terms of paying their debt and whatever was not needed for debt service would come back to the County if it was the County increment; and the problem that the cities are going to have with that is that they are going to have their city increment involved with that too.

Chairman Smith stated there is a motion on the floor; he will not support the motion; he thinks the Board needs to go back to them and offer these two items; they are very important and the Board still have that ability if a year from now it is faced with that \$7 million or \$8 million shortfall because of the homestead; and the problem he has is the Board would assume the responsibility of managing them.

Attorney Knox stated if the Commission is the CRA board, all the increment comes to the Board; and the Board gets to pay off the debt.

Commissioner Tobia stated to deny the Resolution and make three changes; direct the County Manager to negotiate with Ms. Barker and bring those resolutions back; and the three changes he has are the language dealing with the Boards authority to take over the authority of performance audits and then a taxing increment, which to his understanding would limit the City of Satellite Beach from using County resources for palm trees and road murals.

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Commissioner Barfield stated a previous Commission has approved their plans and they call for Palm trees or whatever, so that is already been done.

Attorney Knox stated the language Commissioner Tobia is proposing does not really go to the issues of what they spend the money on as much as the fact that the Board has the right to audit them; there are limitations on the amount of debt; and the authority to revoke is still intact.

Commissioner Tobia stated his language would say that if they want to do that, he would have it so that County payments go to debt and if they decide to shift the money over and use their resources for Palm trees, then they can do that, which he is adamantly opposed to; and that is why he has that 40 to 60 percent in there, at least it keeps everyone's hands off that. He commented ideally he would place the Board in the a driver's seat of this CRA, but he would like to offer this as a peace offering to Satellite Beach before the Board brings down its right to a resolution to a replace that board with this Board.

Chairman Smith stated he would agree to vote for Commissioner Tobia's motion if it included the wording from the first two of these; the third one, while he is against murals and Palm trees, he does not know; and he inquired what the rest of the Board thought about the third one.

Commissioner Tobia stated the third one is in other future agreements; this one is a similar one in another agreement the Board is about ready to see; and this is something that he thinks Mr. Abbate can speak to.

Chairman Smith inquired if Commissioner Tobia is suggesting in his motion is that the Board reject it as submitted; it does not shut the door on them, it takes these proposals and includes them in another agreement; and then the Board can move forward and approve this.

Commissioner Tobia stated this would be subject to negotiations of Mr. Abbate.

Commissioner Isnardi suggested the motion be made in the affirmative so there is no confusion.

Chairman Smith agreed.

Commissioner Tobia stated he makes a motion to except the interlocal agreement subject to the three proposed changes listed in the handout, or slight modifications that the County Attorney or County Manager's Office may have to substitute the language.

Mr. Abbate asked for clarification if he is saying it does not have to be that exact language but substantively those three.

Commissioner Pritchett stated she thinks if the Board is going to do this through every board, then it either needs to have another workshop, because the Board may have forgotten all the presentations or it needs to make sure they are here when the Board is changing things, like how they can spend funds and everything because the Board listened to the full presentations and at the end of that workshop it made a motion that they would come into an agreement with the Board on what day they are going to end; now the Board is doing all these stipulations again, that it worked through during the workshops; and she does not think it is fair to do it to them, without them having representation here.

Chairman Smith stated they do have representation because of the negotiation; they have their people on their side of the table and the County has its people on the other side of the table; the way he sees this is these are not new stipulations, they are stipulations that the Board had in the past and they have been exerted out of this agreement; and he thinks it needs to be reinstated, and that they will not have a problem with it.

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Commissioner Pritchett stated the Board can give it a shot but that is what the Board gave them when it went into this.

Chairman Smith stated if they can agree with these then he thinks the Board should move forward and give them an opportunity, listen to what they have to say, and the Board will get a specified sunset and it will come to an end at a specified date.

Commissioner Barfield stated this is negotiating; if they come back and they do not like it they can talk to the Board, this is not on a time crunch here.

The Board rejected the proposed Interlocal agreement set forth by the City of Satellite Beach and Satellite Beach Community Redevelopment Agency; and directed the County Manager's office to move forward with the proposed language that would seek to solve those issues, as follows:

1. Nothing in this agreement shall be interpreted as modifying the authority of the Board of County Commissioners as outlined in Section 3(b) of Resolution No. 02-136.
2. The City and County agree that, in accordance with its authority under Section 125.01(x), Florida Statutes, at any time during the term of this agreement the County shall have the right to require the CRA to retain an independent auditor to conduct a performance audit paid for by the County. At the discretion of the County, any performance audit of the CRA required by the County shall include any or all of the matters specified in the definition of 'performance audit' set forth in Section 11.45(1)(h), Florida Statutes (2016).
3. Add to Section 9 of the proposed Interlocal agreement - The City represents and agrees that the City shall apply no less than 40 percent, and no more than 60 percent, of the annual County tax increment solely for the payment of debt service on bonds, until such time as all projects, as described in Section 10 of this agreement, are completed.

RESULT:	ADOPTED [4 TO 0]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Jim Barfield, John Tobia, Curt Smith, Kristine Isnardi
RECUSED:	Rita Pritchett

The Board recessed at 8:04 p.m. and reconvened at 8:15 p.m.

ITEM VI.B.1., APPROVAL, RE: TOURISM COMMUNITY DEVELOPMENT PLAN CAPITAL PROJECTS

Eric Garvey, Tourism Development Director, stated this is for approval of a set of projects under the Tourism Community Development Plan; it follows the changes of the Tourist Development Tax Budget Plan that with the approved budget plan and the reallocation of the Tourist Development Tax Revenue they have a great opportunity to reinvest the growth and Tourist Development Tax back into the community through tourism related capital facility projects; Florida Statute 125.0104 authorizes the local option Tourist Development Tax and provides defined uses of Tourist Development Tax Revenue with regard to tourism related capital projects; the law specifies tax revenue may be used to acquire, construct, extend, enlarge, remodel, repair and proof, obtain, operate, or promote one or more publicly owned and operated

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convention centers, sport stadiums, sport arenas, coliseums, or auditoriums with the County, and further includes museums, zoological parks, fishing piers and nature centers which are publicly owned and operated or owned and operated by a not-for-profit organization and opened for the public within the County; and the Statute expressly prohibits Tourist Development Tax funds from being used for a purpose that is not specified in the Statute. He continued in this Agenda Item is the first five priority projects of the Tourism Community Development Plan which has been vetted by a defined evaluation process; each of the projects was asked to respond to a questionnaire and the answers were used to determine eligibility and conduct an economic impact analysis; the third party analysis was performed by market and feasibility advisors and provided to members of the TDC Capital Facilities Committee; each project was presented to the committee and responded to questions of committee members; the approved projects were recommended to the TDC with a funding recommendation from staff; and in the packet provided there are the project questionnaires with the answers, the economic impact analysis, and the recommendation for funding approval. He added Oars and Paddles Park, Pier, and rowing docks is an improvement project to increase and competitively maintain the visitor and international Paddle Sports Training tourism sector while supporting local interests; sometimes considered an orphaned sport, rowing has one of the highest demographic profiles of all sports; an incidental benefit for local use is that high school rowing is among the top ten sports for participant odds to receive a college scholarship; rowing and paddle sports are growing in popularity nationally and Florida's Space Coast position with a full set of tourism amenities and activities to be a preferred location for events and training; and the warm climate and protective water have attracted international training in colder months filling lodging when available inventory exists on the market. He went on to say growth in this tourism sector may also encourage additional lodging development in the Indian Harbour Beach, Melbourne and the beaches area; the project has significant return on investment from a relatively low funding need; the project is requesting \$199,495; staff is recommending this be funded with available cash reserves out of their Capital Facilities Fund; and the project is unlikely to occur without Tourist Development Tax Funding. He stated the next project is the Palm Bay Nature Center and Camp Ground; this is an enhancement to an existing regional park operated by the City of Palm Bay that is open to the public; vacation camping, including recreational vehicles, draws 39 million participants each year across all age groups and peaking in households with incomes between \$75,000 and \$100,000 a year; it has special interests to Americans seeking experiences directly connected to enjoying nature and the great outdoors; this area of the Space Coast in Palm Bay is a particular interest to birds and people who fish; camping in campsites is a taxable lodging type and this RV campground will generate Tourist Development Tax in addition to all other taxes and fees; and the Nature orientation center will promote responsible access to the main natural assets in and around Palm Bay, combined with a lodging type popular with nature enthusiast, the Palm Bay nature center campground is a good way to establish a tourism brand position for Palm Bay based on nature based experiences. He continued the total project is \$2 million and the request is support from the Tourist Development Tax of \$1.7 million; the annual economic impacts are calculated to be about \$1.2 million; the project is unlikely to occur without support from the Tourist Development Tax Funding; and the recommended funding is reimbursement of expenses from available cash reserves from the Capital Facilities Fund. He went on to say the third project is the Titusville multi use sports arena; this is an indoor facility designed to attract a variety of events including youth and amateur sports as well as trade shows, socials, special entertainment, and conference events; the facility is positioned on the edge of downtown Titusville and is intended to be a catalyst for positive economic development in the downtown corridor; an indoor facility in a southern state is unique and can offer air conditioning space to sports that can be played indoors; the intent is to design a facility with flexible space that can host a variety of sports and other events; and the project plan includes a hotel belt adjacent to the facility. He added the requested amount of the Tourist Development Tax for this project is \$7 million, and the total development cost of the project is over \$20 million, thus requiring matching funds from a variety of sources; while this adds to the complexity of the project development, it also presents a significant benefit by

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leveraging Tourist Development Tax dollars; in this case the additional investment is almost three times that of tourist development tax; and the funding recommendation is to use long term bond or debt instrument financing. He went on to say the next project is the Viera Regional Sports Complex; this is an improvement to the athletic field at Viera Regional Park which is primarily used by several youth sports leagues including football, soccer, lacrosse, softball, and baseball; due to heavy use the parks athletic fields are in poor condition and are inadequate to serve all leagues; this project proposes placing state-of-the-art synthetic turf and field lighting to allow for increased use; the improved facilities will allow for expanded use by leagues and include opportunities for multi-day tournaments and events to draw visitors to the space coast; positioned adjacent to the USSSA Space Coast Stadium Project provides a unique opportunity for operational proficiencies and a location with unmatched access; youth and sports is a \$7 billion dollar industry and generates significant tourism activity; and this investment allows Brevard County to firmly establish itself as a major player as a sports event destination. He mentioned the project cost is \$8 million with funding recommendation of \$5 million from the Tourist Development Tax and they recommend these funds from the economical long term financing available. He stated the fifth and final project is the Cape Canaveral Lighthouse Keeper's Cottage Museum; the project is being championed by a non-profit foundation, whose mission is to preserve the historic asset, the addition of a museum in a reinterpreted Keeper's Cottage serve as an orientation center for on-going tours of the lighthouse and the Space Center; the lighthouse played a vital role in the establishment of the Space Center on Cape Canaveral; the foundation has raised some matching funds and with the funding request of \$500,000 from Tourist Development Tax, the project can commence; and staff recommends funding this project with available cash in the capital facilities fund. He went on to say in addition to these funding recommendations, the TDC is including in this action the requirement that each project submit a complete final project packet for TDC approval prior to releasing of any funds, and that each project commence within two years or else funding approval is withdrawn; with the Board's support of the changes of the Tourist Development Tax Budget Plan the TDC can reinvest the Tourist Development Tax Revenue back into the community in projects that have both a real tourism impact and provides benefit to the local community; and this recommendation comes with unanimous support of the TDC, approved after the September 27, Board of County Commissioner's Meeting.

Beth Gitlin stated she is a founding member of the Heart and Soul, breast cancer survivor, and supporter of the dragon boat team for four years; she supports and would encourage the Board to approve the Tourist Development Capital Plan including the enhancement of Oars and Paddles Park, to include a pier and additional parking spaces; she has lived here for 11 years and for the past four years she has been really involved in the paddling and rowing community out of Oars and Paddles Park; she has learned that Indian Harbour Beach has some of the best protected winter flat water in the world because of the Banana River and the Grand Canal; there is over 10 miles of paddling through the Banana River from Mathers Bridge up to Pineda Causeway and the same thing with the Grand Canal; people come from all over the world to use these facilities; it is an unexplored area where people do not even know about it, let alone some of the citizens of Indian Harbour Beach and Satellite Beach; and she has four reason why she thinks the Board should support this project. She continued she has calculated from the project, over 14,000 overnight stays can be calculated with those people that they know about who come, which includes the eight plus countries that train with their Olympic level athletes that come to Oars and Paddles for a minimum of three to four weeks, with no less than 1,500 hotel nights; there are Canadian paddle clubs that train over 250 athletes per year out of Oars and Paddles for approximately eight to 12 weeks, with over 11,000 overnight stays; spring training dragon boat camp with over 500 athletes to Indian Harbour Beach for three weeks annually and another 1,500 stays; and that does not include the regattas that happen, university paddlers that come, USA and Olympic team try outs for dragon boating, and the weekend warriors who come to visit from outside of the community. She added this project is just as much about customer retention as it is recruiting new members; it supports the existing business which could be in

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jeopardy if the facilities are allowed to degrade; when those paddlers come they use the facilities, eat at the restaurants, they do their laundry, they shop, and they bring in all different types of tourism; training activity which generates tourism activity can easily go elsewhere if they are not provided a quality experience; the Board needs to invest in a product to keep existing people and attract new customers; number three there are existing clubs that work out of Oars and Paddles Park, the Space Coast Crew Club with over 200 members from junior high school through adulthood that are off the streets and creating healthy lifestyles; and on top of that they are getting college scholarships to go into these elite rowing programs, including Harvard and some of the others. She went on to say the Space Coast dragon boat club, of which she is proudly a founding member, has over 70 members which includes a Breast Cancer Survivor Program that she started six years ago when she was diagnosed with it; the community fully supports the economic growth fueled by the local and international paddling; the fourth reason was that it really allows people to dream big; she is a big proponent of cultural exchange and understanding for the young citizens in the community; she is personally an exchange student, when she was in high school she was an exchange student to Japan and ever since she has been an international citizen as well as a local citizen; the Breast Cancer survivor team does not think of themselves as survivors they think of themselves as athletes first and breast cancer survivors second; and they have had the ability to see other dragon boat paddlers come in from all over the Country and it has given them inspiration. She stated they are sending a team to Florence, Italy, next year to participate with other cancer survivor teams around the world who they interact with and share what their community is all about and invite back to this community to try the experience of paddling at Oars and Paddles Park.

Roslyn Cobb stated she has been a resident of Brevard County since 1974 and has lived in Indian Harbour Beach for the past 29 years; she is one of the Breast Cancer survivors on the Heart and Soul dragon boat team; Ms. Gitlin has stated what this proposal means as far as outreach to other people and she is going to explain what it means to her; this park is such a vibrant park, it does not sit idle or have problems with vagrants and drug dealings, it is a park that is helping increase the health and well-being of the people of Brevard County; she is 70 years old and she is in the best shape she has ever been in, in her whole entire life thanks to this; she has been paddling for three and a half years with this dragon boat team; and her doctor is amazed at what it has done for her. She noted it is all because of this wonderful park; it does not just attract the citizens who live in Indian Harbour Beach, there are people from Titusville who come to paddle three times per week with them; they draw people from Palm Bay, West Melbourne, Viera, Rockledge, Cocoa, Cocoa Beach, and Merritt Island; this is a park that encompasses not only world class athletes from all over the world, but it affects all of Brevard County; because it is so busy, new facilities are needed there and another loading ramp is needed because it is shared with the Space Coast Crew, and all the other people that use it; and she asked the Board to please consider this proposal because it is a wonderful park.

Albert McDonald stated he is from Canada and he is one of those people who the previous speakers have eluded to; he and his wife have been coming to Brevard County to participate in the dragon boat camp, which last had 540 people from outside the area; this week he and his wife went to a dragon boat festival in Orlando and instead of hanging out in Orlando they came to Brevard County because the parks are great to paddle and use the facilities; and he is here in support of the park and wants the Board to know real people like him, love this park, they think it is a great facility, and they are great stewards of the park.

Kevin Panik stated he has been a Brevard County resident since 1976; this is incredible, what a great proposal; Brevard County is on the shores of greatness and it is because of the work of this Commission and the previous Commissions; 40 years from now he thinks Brevard County is going to be launching tourists into space every day, there will be a high speed rail spur, it will have beautiful incredible parks and a crystal clear Lagoon, and it is going to be fantastic; he added when the Board considers this bond issuance, he would love to buy these bonds; he

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would love to invest in this community; and he suggested the Board try to think outside of the box, instead of giving it to Goldman Sacs and letting Wall Street get these bonds and make a lot of money off them, he thinks the County should take a look at it, it's easy to just go to a bond house and they will take care of it right away, but he guarantees a lot of residents would love to get in on these bonds.

Ruth Sanderson stated she is a member of the Heart and Soul dragon boat paddling team; she is part of the Support us group which is called the paddlers gone wild; they are very active and fit adults who paddle regularly on the Banana River; she lives in an area, almost West Melbourne, and she had never been to Oars and Paddles Park before she started paddling four years ago; she agrees it is the most vibrant, active, park she has seen in this County; any Saturday morning to drive by there, it is just packed with cyclers, runners, paddlers, kayakers, and rowers; at this point it is not adequate to support all of the activity that is there; and she urged the Board to vote in favor of these capital project plans. She continued she does not want to reiterate everything everyone else has said, but in her own experience she has participated in Space Coast dragon boat camp, that takes place every April, and she has been there for three seasons; she loves it and she has met so many people from all over the United States and Canada; and it pleases her so much to be able to tell them about this community, because these people go home and tell their friends what a great area this is and that makes her very proud. She went on to say she thinks it is wonderful that people want to come back and use the wonderful facilities here. She stated if the County could improve the parking and the pier space for their boats it would make it even more inviting for people to come here and spend their money.

Carol Ingram stated a few years ago she was diagnosed with cancer, three times to be exact; she found this wonderful thing called dragon boat paddling so she went to the park and started learning how to paddle; a doctor in Miami started this movement of dragon boat paddling; she could not do this two years ago, but it is amazing what this sport will do; and in the winter, there are people everywhere so a new pier, new railings, and more parking would be awesome.

Tom Hermanson stated her heard Mr. Garvey go over the statute and what the money can be used for and he heard the County Attorney go over the same thing, that it cannot be used for roads; more importantly it can be used for capital facilities that are tourism related; these projects were not picked out of the air; staff at the TDC have spoken with both previous and current Commissioners, because this plan has been in the works for many, many years; everybody was invited to put things forward, and some projects did not make the vetting process; people went through a number of iterations of various projects to make sure they passed with respect to what the statute permits the bed tax to be used for and to make sure they made economic sense within those confines; and those are the criteria the TDC Board uses in vetting these projects. He noted the list is not perfect and if someone wanted to poke holes in the various projects because they do not like them, that is possible; however, it is the list the community is interested in, the ones who showed up to the meetings, Commissioners included, vetted and put on a proposal. He went on to say there are more to come before the Board and they each need to stand on their own merit and need to be viable; a lot of them need matching funds because they are big projects, but the first step in that process is to get the commitment from the TDC to commit to the levels they have initially proposed to commit to; with respect to the issue of mitigating General Fund costs, which he understands is a concern of the Board with the state of the roads in certain parts of the County, there are opportunities to find chances to do that; one project that will be coming before the Board is improvements to Lori Wilson Park and the County currently spends \$200,000 a year maintaining; and the proposal is for the TDC to not only improve that park but to takeover that maintenance, so there are opportunities in parks, where there is a tourism related benefit per the statute where the TDC can come in and assist the County in mitigating those costs. He stated as Mr. Garvey has said earlier, he is sure the TDC would welcome those opportunities; and if there are tourism related

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opportunities to utilize County assets and parks it could mitigate the County's costs, and the TDC can look at those. He commented he hopes the Board will look at these projects that were well vetted favorably and move this forward.

Aaron Peacock stated he is a local attorney; he did not have time to prepare, so he feels like he is talking unintelligibly about an issue that came to his attention this afternoon that the Board would be discussing; he sits on the Board of Viera-Suntree little league and they operate out of Viera Regional Park; they did not have the time to go through the proposal enough that he could tell the Board what is good or bad about it, however, he does know that they have a huge league that is running out of room at Viera Regional Park because of all the housing that is coming in to Viera; he apologizes for not making it to all of these meetings where they could have added input to it; and he spoke with Mr. Garvey tonight and he seemed to indicate to him that although the Board may approve these today, in the future they may be able to have that input before anything is done. He mentioned that he thinks Commissioner Tobia and Commissioner Barfield had said at one point that tourism is great and they understand why tourism would add money, but this is a park that the citizens are using, 700 kids are in the Viera-Suntree little league; it is not a place that needs to be focused on to bring tourism in, that is why the County has USSSA, and the Cocoa Expo Center, they can handle the baseball part of tourism; he does not want that to overflow into a park that the citizens are using for little league, which is a volunteer community; being on the board they volunteer a lot of time and they do not want to be left out when it comes to analyzing Viera-Suntree little league; for instance, these fields, the artificial fields may not be the best thing for Viera-Suntree Little League because of the regulations that they have to follow through the international Little League as far as field sizes, materials to be used for pitching mounds; and they just want to make sure that moving forward in this process that they have a say or that they are communicated with so they can add the knowledge that others looking into this project, may not have.

Laurilee Thompson stated she cannot speak for the rest of the TDC but she would be very happy to look at some Parks and Recreation projects; she has always felt that the TDC needs to be doing more with the community; she is very happy that they have figured out how to promote the County and do community projects; all of these projects will increase or enhance tourism and the quality of life in the community; and she hopes the Board will move forward with them. She noted she is especially excited about the one in Titusville because downtown Titusville needs help and she thinks that youth sports facility and the ability to have conventions and other events is going to breathe some major life into downtown Titusville.

Alice Eastwood stated she is excited about Space Coast Crew and the Oars and Paddles Park; like everyone has said anybody who has been there knows it is way too crowded, it needs more docks, and more parking spaces; the Space Coast Crew has really changed her daughter's life as well as many other youth of this area; this year they sent a boat to nationals and they placed third; and that is the first time in the history of that club that someone has placed at nationals. She continued because of that, they have rowers getting all sorts of recruiting from colleges from division one and division two; it is the only public access park on the Banana River and the Grand Canal that they have; not only do they have their club teams but they have national teams coming and that brings in the tourism; they had three regattas last year, one was in Titusville, but her club put it on, the other two were at Oars and Paddles Park; and anybody can use the park, there are lots of kayakers and paddle boarders, and they are all competing for space with the docks and the parking.

Charles Gutierrez stated he is the president for Viera-Suntree little league; this meeting came to his attention, and he apologized for not being informed of previous meetings or other information; there are over 210 volunteers that equals to over 56,000 hours of volunteers in this community; in the spring they have over 60 teams from ages four to 18; there are over 700 players who are registered every year on average; they are the only little league in their district

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with a challenger division; and the league is so big that they are running out of space. He added they use the Viera-Suntree Park and the Suntree fields right next to Suntree Elementary; their budget is about \$175,000; they have players who become managers after they grow through the community and come back as volunteers and managers; and they have pro players who come back and volunteer as well. He continued this year they have reached 20 years in the community; this year alone they had 7 teams that won district titles, four teams that went on to win sectional titles, and those four teams went all the way and almost won State; the league has a huge impact on the children who live in the area; and they would request before any decisions are made that may affect the way the league is run, that they are informed so they can discuss what will benefit and will not benefit the children of this league and the community. He mentioned he does not have any children in the league, he is in it for the children; and he did talk with Mr. Garvey and received his phone number so they can communicate.

Bob Baugher said he is a long term TDC member; he appreciates the support of tourism; they wish they had more money to spread around; and this is only the first round. He continued he has been on the TDC long enough to see the budgets grow, so they have been putting more money back into the communities; he is sure there will be more needs than funds; and when they looked at all these projects these are what came to the top. He noted they support the projects and hopefully they can pick up the next group in the next round; and he mentioned he appreciates all the speakers tonight; he goes to these meetings regularly and sometimes the Board does not get to see the enthusiasm and all the good the TDC does.

Dave Head stated he has been a resident of Brevard county since 1968; he has been a little league volunteer umpire for 30 years; he has umpired in two little league world series; little league is the largest youth organization in the world with over two and a half million kids worldwide; they have a rule book and they have their own pledge; there are over 700 kids at the Viera-Suntree little league; there are only 100 paid employees with little league international; and he is all about the kids, those 700 kids are like his own kids. He went on to say they are out of fields and they need more fields; he is very passionate about what little league is all about and he sees the Board is passionate about the kids as well; little league is so different than any other youth organization because they care about the whole child; fall ball has 400 kids and they do not keep score, it is training only for development; every year all divisions in the spring redraft, they do not load up one team every year; and it is amazing to be out there and see the 12-year olds and how passionate they are about their game. He continued he agrees with bringing in tax dollars from tourism, but not at the expense of the kids; they use the fields nine months out of the year and they fill up every field with practices and games, there is no room for somebody else to use the fields; he agrees with the proposal, however, he wants them to make sure they include the kids in the decision making, otherwise they will be playing on their iPad instead of playing baseball; and in the next three to five years he thinks their league will grow to 800-1,000 kids, so he is not sure how they will fit somebody else unless they use the fields the three months the little league is not using them.

Commissioner Pritchett stated listening to everybody talk about the youth little league, she is actually excited about the USSSA and thinks this is one of the greatest economic drivers this County has currently moving in; the new hotels coming in related to this is exciting; Titusville is getting hotel rooms filling up because he is having to send them up this way; she thinks that is also a great tourism sect because it involves families; and she believes the projects moving forward are great. She commented she thinks this will make Brevard County the number one tourist place in the United States of America. She reiterated she thinks this is wonderful and thanked the TDC for doing a great job and allowing her to sit in on the meetings.

Commissioner Tobia stated he has a series of questions for Mr. Garvey. He inquired if the TDC asked the applicants for TDC funds if they are sponsored by a City or County official.

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Mr. Garvey responded in the project questionnaire they ask if the project has a sponsor from a County Commission Office, the County Managers Office, or a TDC member; he does not think they go down to the City level.

Commissioner Tobia asked if the TDC takes these sponsors into account when they decide to award or not award a project.

Mr. Garvey stated yes they want to know.

Commissioner Tobia stated while he was looking at it, the one sent over for the Palm Bay project, it cited the County Manager, Frank Abbate, as the sponsor for the Palm Bay project; and he inquired so when his board voted for it if that is what they saw.

Mr. Garvey stated yes that would be correct.

Commissioner Tobia asked Mr. Abbate if he put his name down as a sponsor to the Palm Bay TDC project.

Frank Abbate, County Manager, replied no he did not; he immediately contacted tourism, but the City of Palm Bay did indicate that there was either a misunderstanding on how the questions was worded, and his name was put in because it showed those three areas in the question, so he believes they put three individual names there; and they did correct that.

Commissioner Tobia stated his office received that and if the TDC takes that into consideration, as Mr. Garvey has said, then there was an error; and he would think that would invalidate that portion of the Palm Bay project. He continued moving on to the Titusville multi-use sports arena or stadium, Mr. Garvey has listed that this would be a total of \$15 million of tax payer money; he inquired if that was correct, the \$7 million of TDC funds, potentially \$4 million from Titusville, \$3 million from North Brevard Economic Development Zone (NBEDZ), and potentially \$1 million from the State of Florida for a total of \$15 million.

Mr. Garvey stated he is assuming that is correct.

Commissioner Tobia stated never assume, because when he read what the TDC put out, he did not assume and found errors; when he saw the State of Florida, he contacted the local Representatives from Brevard County that would most likely put in that expense and to his surprise none of them were sponsoring local bills for that million dollars; he asked if that was correct and inquired if not, where else he would expect to get that million dollars.

Mr. Garvey stated Troy Post, NBEDZ Director, put the project presentation together and he will let him address that.

Mr. Post stated he was the one who filled out the application; what they have is a proposal for what they think would be sources of funding for this project; the first step in trying to do a project of this magnitude involves going first to the TDC, because it is a tourist development project.

Commissioner Tobia interrupted and stated he appreciates that, but his question was very simple, if it has to come through an elected official in Tallahassee, and he has contacted the elected officials which none of them indicated that they will be sponsoring money out of the shared budget, but it is in the plan, and he questioned where will it come from.

Mr. Post stated it is a proposed source of funding; he reiterated, the process is first to go through the TDC to see if they can get a commitment of the \$7 million to be leveraged against the other funds; he continued if this vote tonight does not go successfully then the project is

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over and there is no need to continue to seek out other sources of funding; and this is not unusual in trying to put together a project like this. He went on to say there could be things they might be able to do through the job growth fund, which is a new program the Department of Economic Opportunity (DEO) has, but he is not going down the pathway trying to identify a specific funding source, he is trying to outline what could be a funding source.

Commissioner Tobia asked if he was aware that in order to be considered in this budget, House rules indicate that the bill must already have been filed and sponsored at this time.

Mr. Post asked if Commissioner Tobia was talking about the job growth fund, because there is not a deadline that has been advertised for that particular program that the State has.

Commissioner Tobia inquired if Mr. Post has no indication, although he has an application for that; and he inquired if he met with any of the elected officials.

Mr. Post reiterated the first step is to get the approval from the TDC Commission on the \$7 million; if that takes place tonight then he will go forward with some of the other sources for financing; a project like this can be very fluid; there can be a lot of changes; and he appreciates the TDC board's recommendation that they would have up to two years to put this together, because it will be very complex. He added the other sources of funding could change; they have had talks with a private developer who may take on a bigger share of the project than what is shown in the proposal; and in order to get to that point and have a more detailed conversation with that developer, they really need the TDC commitment in hand, so they can leverage that to get the other sources of funding.

Commissioner Tobia stated he appreciates that, although it was the longest no ever, he appreciates the time; and he inquired if the Viera project has a total cost of \$8 million.

Mr. Garvey replied that is correct.

Commissioner Tobia inquired if \$5 million of that will come from TDC funds.

Mr. Garvey replied affirmatively.

Commissioner Tobia stated there is a commitment for an ask from Parks and Recreation funds of \$1.5 million; he inquired, as he assumes Mr. Garvey spoke with Mary Ellen Donner, Parks and Recreation Director, where those funds would come from, or what services would he or Ms. Donner plan on cutting in order to get that \$1.5 million; and if they plan on doing none of that, then would he plan on asking the Board for another tax increase this year.

Mr. Garvey stated that funding mix was part of the project proposal by the project sponsor, so he does not have the specifics on that.

Commissioner Tobia stated it says on there that there is another \$1.5 million from other recreation partners; he inquired who those other recreation partners are.

Mr. Garvey stated he does not have that information.

Commissioner Tobia inquired if Ms. Donner's budget has \$1.5 million or potentially \$3 million in extra money lying around; and if so he inquired how she has been hiding it so well from the Board.

Mary Ellen Donner, Parks and Recreation Director, stated no, her Department does not have \$1.5 million laying around; there is a possibility of a contingency, the Wickham Park pavilion is

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currently under construction and there could be some money left over that could possibly go to this project; and there is also a capital project that was in this year's budget that was proposed to refurbish the fields rather than the project that Mr. Garvey is referencing, so there is a possibility that the refurbishment money could go to towards a project if in fact that project was successful.

Commissioner Tobia inquired if those two combined would make roughly \$1.5 million.

Ms. Donner responded she does not know what, if any, will be left over from the Wickham Park pavilion; the project is scheduled to be completed in late November, first of December; therefore, she would not know if those funds were available until January.

Commissioner Tobia inquired if the TDC is not aware of other recreation partners, if she is aware of other recreation partners out there that could help with \$1.5 million.

Ms. Donner stated she knows in preliminary conversations with the recreation partners who currently are playing on those fields; little league has been one of those, football has been in the mix, and lacrosse has been discussed; however, she does not know if there has been any firm commitments, but she does know there has been discussions.

Commissioner Tobia asked since Ms. Donner's time here, if anyone in any of these sports have ever donated to the magnitude of \$1.5 million to Parks and Recreation.

Ms. Donner responded not during her time with the County, but she could not speak to the past.

Commissioner Tobia asked if the money does not come with the overages of the pavilion and the other stuff, what services would she suggest cutting from Parks and Recreation in order to cover the potential \$3 million shortfall.

Ms. Donner stated in her professional opinion there would be no services cut, it would probably be the scope of the project that could be reduced.

Commissioner Tobia asked at what scope would be a decrease of \$3 million.

Ms. Donner responded that would be up to the TDC to define, it is their project.

Commissioner Tobia stated no that would come out of her budget if she had to put forward \$3 million to this project; she would make a proposal and he inquired how she would make up that \$3 million from her budget.

Ms. Donner stated it is not her project; it is the TDC's project so she would not be able to find that money.

Commissioner Tobia clarified Ms. Donner does not have the money, they may not come. He stated on to Oars and Paddles, he read through the market and feasibility study and clearly no one else did; it is very scary that the TDC did not catch the glaring error; to start with the TDC has listed there are 100,000 visitors to this Park; he contacted Indian Harbor Beach whom the park belongs too and asked how many visitors the park has and to his surprise they told him they could not tabulate that number; and he inquired if the City cannot tabulate the attendance, then how does the TDC tabulate the attendance for this market analysis or if it is purely a guess.

Ms. Donner stated that was submitted by the project sponsor and the TDC trusted their analysis.

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Commissioner Tobia commented so in other words the TDC did nothing and just accepted what they said; if they had put down seven million people the TDC would have blindly accepted it; and he inquired if the TDC had called Indian Harbour Beach to ask how many visitors like he had.

Mr. Garvey responded negatively.

Commissioner Tobia stated he sees shaking heads and all this stuff, but he spent a lot of time on this, it is millions of dollars, and it is the job of this Commission, whether people agree or disagree, to do its homework which he and his office did; it has down that there are 100,000 visitors and looking at the market feasibility, table three, proposed annual visitation, states 100,000; and he noted the difference between 100,000 and 100,000 is zero. He inquired how zero new attendees draw \$17 million of new revenue, or if Mr. Garvey did not do his job in vetting this stuff.

Mr. Garvey stated this economic impact analysis is done on the annual visitation that was provided by the project sponsor.

Commissioner Tobia asked if this is 100,000 new attendees.

Mr. Garvey replied no, it is 100,000 visitors to that park; and he does not think that is unreasonable for that park.

Commissioner Tobia asked if that is a total of 100,000 that will now come.

Mr. Garvey stated no, this is annual visitation to Oars and Paddles Park, it is not new.

Commissioner Tobia inquired if this is a total of 100,000.

Mr. Garvey replied affirmatively.

Commissioner Tobia inquired how many come now.

Mr. Garvey responded 100,000.

Commissioner Tobia stated he is confused; and he inquired if Mr. Garvey is stating 100,000 came to the park last year.

Mr. Garvey stated as submitted by the project sponsor this park has an estimated 100,000 annual visitation.

Commissioner Tobia stated again as submitted by the sponsor and not backed up by Parks and Recreation, the City, nobody, Mr. Garvey just took their word for it. He inquired how many new folks would the park get.

Mr. Garvey stated this particular project is much more interested in supporting the existing tourism business that occurs there; and when he toured the park with the project sponsor and others, he witnessed some significant and very impressive tourist activity training from people around the world.

Commissioner Tobia stated the question is there are an estimated 100,000, based on no numbers whatsoever and Mr. Garvey did not even pick up the phone to call the City to find out what their estimate was, by his own admission, and because this is tourism dollars, how many

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new tourist will the County get by investing this money; and she commented that is not an unfair question.

Mr. Garvey stated this project is much more important to support the existing business, meaning that business could be lost to another destination; just because it comes does not mean it will continue to come; and if the County lets that infrastructure degrade, those international training teams may go to other destinations.

Commissioner Tobia inquired with zero new tourists how they will draw \$17 million of new annual revenue. He noted that is what he cannot wrap his head around.

Mr. Garvey stated he believes Commissioner Tobia is reading that incorrectly; he does not think that means it is drawing in \$17 million in new revenue, it is stating that is the economic activity that is associated with this project.

Commissioner Tobia stated he does not understand if the project is not drawing anything new.

Chairman Smith pointed out it is drawing \$17 million now, which is the estimated value.

Commissioner Tobia inquired so in other words if the TDC did nothing it would still draw in \$17 million.

Chairman Smith stated that is not what Mr. Garvey is saying; what he is saying is that if they do not maintain it the business will go elsewhere.

Commissioner Tobia asked if there was any evidence of this because there is no evidence of the 100,000 so he thinks it is a pretty fair question.

Mr. Garvey stated he toured the facility, he spoke with several participants in the sport, and he does stand by his position that the business is in jeopardy if they were to do nothing at this point.

Commissioner Tobia stated Mr. Garvey asked the sponsors and the TDC takes into account who the sponsors are and he inquired if it was correct that they ask if the sponsor is a County Commissioner, a City Manager, or a member of the TDC.

Mr. Garvey stated that is incorrect.

Commissioner Tobia stated the TDC does this through Survey Monkey and he inquired if those were the three lines that were asked for sponsors.

Mr. Garvey stated that is incorrect.

Commissioner Tobia asked what they are.

Mr. Garvey responded they are County Commission Office, the County Managers Office, or a member of the TDC.

Commissioner Tobia asked which one of those three lent their name to the Cape Canaveral Lighthouse Cottage Museum, and he reiterated the TDC takes this into consideration when making their determinations. He announced it was none and asked if that was correct.

Mr. Garvey replied affirmatively.

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Commissioner Barfield stated he does not appreciate how this inquisition is going; he is on the TDC and each one of these are major impacts for the community; he does not see anything wrong with them and he is sure if he runs for office again he will hear about it by this guy, motioning toward Commissioner Tobia; the point is the Board has to protect its interest on tourist development; this is one of those things that work within the community, and the community can share that cost because it is important; they can expand into the Viera Little League because there is not enough room for the Viera sports; and nothing happens until the leveraged money is there. He noted that is why there is a limitation on when that money can be available; he knows Commissioner Tobia is probably putting these things out on his Facebook how the Board should be using this money for infrastructure, but it cannot be used for that; and this is one of those things that has been worked on for years.

Commissioner Pritchett stated the TDC had to agree to commit the funds and it was grueling to try to get them to do that; they talked to other people who want to be involved in the project, but until they knew the TDC thought it was a viable tourist project, they could not go forward with it; that happens, then this happens, and then all the work happens; the TDC is not just going to hand over funds until everything is at the point where the project looks like it is going forthwith; and none of things are written in contract right now. She continued this is just a process the TDC has to go through in getting commitment moving forward; and she asked Mr. Garvey if he had anything he would like to finish saying that he was not giving the opportunity to do so.

Mr. Garvey stated he is just there to answer questions and provide information to the Board and he cannot recall what point he was trying to make.

Commissioner Pritchett stated just spending time with Mr. Garvey working on these, she is very impressed with the line up; she is impressed with what is coming on the horizon; and she cannot wait to have them built, and the new families coming into the area to spend money.

Mr. Abbate stated he would just like to add when the dialogue occurred about Parks and Recreation and the dollars that could be utilized, there is an opportunity, depending on where the Board decides to go, that those dollars would not have to be identified all upfront; there is always the opportunity for commercial paper, or others and some of the recurring dollars that would have been used to fund the improvements on the maintenance of the current facility; they could go back and see what is the most feasible way to be involved in developing that over time, if it was the Board's interest to do so.

Commissioner Isnardi stated as far as her name with the City of Palm Bay, the project was brought to her attention after someone had spoken with them, she knew nothing of the project; she was told about the project afterwards and of course she thought it was a great idea because they are not doing anything out there at that park; the campground and all that will help with tourists and it actually hits a population that is often forgotten, which is the over 55 population; and when she was asked to sponsor the project, use her name or show support, she thinks that is a smart idea, because if she did not like the project she would not have loaned her name to it. She commented it is not her project, not her pet project, and it is nothing she came up with; she just wanted to clarify that for the record; she does not recall what he was speaking about that she wanted him to expand on, but she also does not want Mr. Garvey to feel like he is on trial; she does not believe that is respectful or does any justice because this has been several days, hours, weeks, and committees of planning and she feels it does not do it justice; and she stated from her District she will continue to bring viable projects because these are tourism dollars, not General Fund money. She went on to say she wished a few other great projects that would help spur some development or tourism in her District would have come forward because she would be happy to get behind those too, because that is what this was designed for; and she will be supporting this.

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Chairman Smith pointed out he has been out to Oars and Paddles Park and he thinks it was a couple years ago; he was asked to look at so he could get an idea of what it did look like; he was very impressed with the location, but not with the condition of the docks and the piers; if they are going to continue to attract people to this park then it needs an upgrade, because without one people will stop going there; and he thinks this is a terrific project and he cannot wait to see it completed.

The Board approved the Tourism Community Development Plan capital projects; approved all necessary budget change requests; and authorized the Chairman to sign any required documents.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
NAYS:	John Tobia

ITEM V.B., INTERLOCAL AGREEMENT WITH CITY OF COCOA BEACH AND CITY OF COCOA BEACH COMMUNITY REDEVELOPMENT AGENCY, RE: COMMUNITY REDEVELOPMENT AGENCY GUIDELINES

Frank Abbate, County Manager, stated this is the proposed agreement between the Board, the City of Cocoa Beach, and the Community Redevelopment Agency (CRA); this one is different from others in that they were going to be taking out debt for a parking garage facility in Cocoa Beach; they in fact did that; a copy of the draft agreement is here; and there is a definitive date for the ending of the CRA as December 15, 2033. He went on to explain it does indicate the City will apply not less than 75 percent of the annual County tax increment solely for the payment of debt service on the bonds; they also agreed to limit their expenses for any administrative staff, which they do not use for that purpose, but they limited similar to what they had in the Satellite agreement, the County increment to no more than five percent; they would not extend, add, or incur any indebtedness requiring anything to go beyond the definitive date of the closure of the CRA; and they agreed to the provisions of Exhibit A, which would be the annual reporting, and he believes the annual audit does provide for the language that the County submitted to them.

Commissioner Tobia stated the sunset date was not modified, so they are not ending it any earlier; the no new debt was not applicable on this one, because the Chairman gave authority for the parking garage structure; they agreed to the annual report and the internal audit; and the debt service is kind of a null point as they do not have any other projects. He added his one suggestion would be to add the language as they did for the Satellite Beach one because since entering into a new agreement it could be interpreted that they would be revoking authority; and if his language was added it would put the Board close what they asked for except for a sooner sunset date, but he believes that is a fair compromise.

The Board approved the proposed Interlocal Agreement set forth by the City of Cocoa Beach and Cocoa Beach Community Redevelopment Agency, subject to the addition of the proposed language, as follows: Nothing in this agreement shall be interpreted as modifying the authority of the Board of County Commissioners as outlined in Section 3(b) of Resolution No. 08-128; and authorized the Chairman to execute the interlocal agreement upon addition of the proposed language.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM V.C., INTERLOCAL AGREEMENT WITH CITY OF MELBOURNE AND CITY OF MELBOURNE BABCOCK STREET COMMUNITY REDEVELOPMENT AGENCY, RE: COMMUNITY REDEVELOPMENT AGENCY GUIDELINES

Frank Abbate, County Manager, stated that brings them to the final CRA for this evening which is a draft agreement with the City of Melbourne for portions of the South Babcock CRA; on this particular one, he does want to pass out a document that he submitted to the Board because of everyone's interest, specifically this Board's interest, which he thinks the City of Melbourne also shares, that is to get moving on South Babcock Street; it is refurbishing that street through the reconstruction and repaving of it; in this particular agreement, they have a variety of things that the Board asked for, and he negotiated it right through last Friday; subsequent to that, when he had a meeting of the minds, between County Staff, himself, Attorney Knox, and the City staff; he tweaked some language and quite honestly he did not give them the opportunity to look at it as carefully as they wanted; and he thinks they have captured all of the major points, however, there may be some tweaking of non-substantive language. He continued what they consider the substantive language is obtained in the Agenda Report, with the addition of the memo that he just handed out; that memo should have actually said it is the County Attorney and County Manager who request the ability to make non-substantive changes; the one that was not reflected in the Agenda and Draft Agreement that the Board has is should construction projects experience overrun beyond the amount that is to be funded, which is \$1.8 million, that the County's TIF contributions would be not sufficient over time, depending on where they set the millage moving forward, that could impact how much TIF dollars were available; that they would share with the City 50/50 of either cost overruns, or if there was not enough dollars on the TIF; and with that, what they are proposing on this particular item is what the Board wanted, because in all the CRA Agreements the Board was looking for an opportunity as they understood it to better fund road projects, infrastructure projects, in this particular agreement, the City of Melbourne and the County, what they would be agreeing to do is that they would transfer ownership of Babcock Street parcel, and work with the City to give them what they needed relative to retention pond areas. He went on to say the rights that may currently still exist with the Florida Department of Transportation (FDOT), they would take over the road, they would then do the reconstruction and/or maintenance of the road, and the City would loan the CRA the monies to complete that project in addition to the \$500,000 that the County has already dedicated for that road reconstruction; they would give that to the City upon execution of this agreement; once the CRA makes that road a blighted area within its CRA, so that all can be accomplished, and then at the completion the City would continue to maintain that road from that point forward; and those are the terms basically contained in this agreement. He added he does not have all the language that they were able to achieve in the Satellite Agreement, or the Cocoa Beach Agreement, but once again, this was a negotiation, and the fact that the City is going to take over the road is a significant benefit to the County, so they are recommending that the Board authorize them to move forward with this agreement; and that the County Attorney and County Manager have the ability to make non-substantive changes to the language that has been provided to the City that they will finalize upon the Board's acceptance. He stated this is only for the first of two interlocals; they have not undertaken the negotiations or have any agreement for the Board yet on the Eau Gallie CRA that would be subsequent; he thought this was important to get to the Board as quickly as they could so that they can get with the City and deal with that specific road, which is one of the worst in the County.

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Scott Knox, County Attorney, stated just wanted to point out for the record that the memo that was handed out to the Board this evening regarding the additional overage split between the County and the City refers to the City Attorney and the City Manager as the ones requesting it, that was really the County Attorney and the County Manager; and they were reprimanded by the City because it said the City.

Commissioner Tobia stated he looked at the original draft of this, and it did not have the annual audit report, and Mr. Abbate magically got that put in, so kudos to him; he has that down as suggested language, and he has already taken care of it; one suggestion on this is the exact same suggestion on the Cocoa Beach one, that he add in the provision, again, that says "nothing in this agreement should be interpreted as modifying the authority of the Board of County Commissioners Section III.B of Resolution 97-187" on advice of the County Attorney as to interpretation of this new interlocal agreement, and that would be his motion to the Chair.

Commissioner Isnardi stated this is something that she does not want to let go past without giving credit where credit is due; Mr. Abbate, Mr. Denninghoff, and now Andrew, were brought in to try to take care of Babcock, and this was a crafty, and yet, something so simple was a vote compared to how much time, effort, sweat, tears, meetings, and phone calls that went into this; she just wanted to thank staff tremendously because this was number one on her project list, among other things; obviously she would hope the City of Melbourne would not have an issue with that provision given that is a provision that is pretty standard and in everybody's agreements as it is; and this CRA will end after the road is finished, so that is one big plus. She noted she will thank former Commissioner Anderson, too, for fighting to keep that half million dollars towards Babcock because she is sure it makes it a little less painful for this Board to have to dedicate those funds.

Chairman Smith stated he is the one that initiated the meeting with Mayor Meehan and City Manager McNees; they got the ball rolling on this

The Board approved the proposed interlocal agreement set forth by the City of Melbourne and City of Melbourne Babcock Street Community Redevelopment Agency, subject to the addition of the proposed language, as follows: Nothing in this agreement shall be interpreted as modifying the authority of the Board of County Commissioners as outlined in Section 3(b) of Resolution No. 97-187.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM V.C., INTERLOCAL AGREEMENT WITH CITY OF MELBOURNE AND CITY OF MELBOURNE BABCOCK STREET COMMUNITY REDEVELOPMENT AGENCY, RE: COMMUNITY REDEVELOPMENT AGENCY GUIDELINES (CONTINUED)

Commissioner Tobia stated he would like to make a motion to give Chairman Smith, since there are only two points and it is just the addition of the Cocoa Beach one and the Melbourne Babcock, authority to sign the interlocal agreements as long as that is added in, so it would not have come to a vote.

Chairman Smith pointed out that this is in negotiations so they may come back to the Board with some other ideas; however if they do not he thinks that would be appropriate.

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Scott Knox, County Attorney, stated the plan on the Melbourne-Babcock was to let them go back and make some changes to it because they had already talked about changes to it, but they are not substantive changes, so as long as the deal points to what the Board is approving tonight he thinks it is okay for the Chairman to sign.

The Board authorized the Chairman to execute the interlocal agreement upon addition of the proposed language.

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

ITEM VI.E.1., PAYMENT OF AWARD (EIP #416), RE: EMPLOYEE INNOVATIONS PROGRAM

Jerry Visco, Human Resources Director, stated this is a request for the Board's approval of payment under the employee innovations program (EIP); the EIP rewards employees for making suggestions resulting in improved productivity and enhanced health or safety, and or operating costs savings; there was a suggestion by Debbie Bowling, the Parks and Recreation Leader; she had recognized that there was money being spent on pool maintenance with a contractor and she felt with a little bit of homework that she could get certified to do that same work for the County at a fraction of the cost; for the cost of \$290 to get a license to do pool maintenance for the next five years, Parks and Recreation will save a little over \$11,000 a year in pool maintenance at the two facilities that she has control over; and he would like to reward her through the incentive program with a \$500 cash reward, which is about 4.3 percent of the savings that she will generate with this recommendation.

Chairman Smith stated he thinks that is a great idea; and he asked if they could have her clean up the reflecting pond outside, because he feels that is a big waste of money as well; and he asked if they would work on that.

Mr. Visco replied they will work on that next.

Commissioner Barfield stated this is what is really good about employees who do the work, they can come up with things that seem so common sense, that the Board does not see; and if someone is doing the job all the time it shows the caliber of the employees who work with the County.

The Board approved payment award of \$500.00 to Debbie Bowling, Recreation Leader, Parks and Recreation, for her recommendation that resulted in an annual savings to the County of \$11,250.

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

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ITEM VI.F.1., CITIZEN REQUEST BY HONEST JOHN'S FISH CAMP, RE: ADDITIONAL RIGHT-OF-WAY

Andrew Holmes, Public Works Director, stated this is a citizens request by Honest John's Fish Camp to ask the Board to direct staff to request additional right-of-way for the access road leading to Honest John's Fish Camp; currently Old Florida Trail has a 25-foot right-of-way at the west end that serves as their access; the right-of-way is only slightly wider than the road itself; there would be some benefit to the County to obtain an additional right-of-way; that benefit would primarily center around the maintenance activities that the County does to that road currently; and the maintenance is particularly to the drainage structures and it would be much easier to facilitate if the County had an additional right-of-way. He continued the benefit to Honest John's Fish Camp appears that they could increase their development potential for their property.

Barbara Arthur stated she owns Honest John's Fish Camp and she also lives there; she was particularly grateful for Commissioner Tobia to speak about roads because that is her issue; and since staff has provided information leading up to this request, she would like to provide the Board with the history of the road. She went on to say in the 1880s when her father homesteaded on Mullet Creek, this road provided him access to the beach, there were no roads on the south beaches at that time; as noted on their deeds this road was called Bob Smith's Trail; fast forward to 1947, there were six school age children south of Melbourne Beach and since her family was the furthest south, the School Board hired her mother to transport these six children to Melbourne Beach to catch the real school bus; and that is when the County started maintaining this road. She continued as the south beaches grew in population, the County began paving the various dirt roads as they were easier to maintain; today Old Florida Trail remains as one of the last County maintained dirt roads on the south beaches, if not the last one; and she is not requesting the County to pave the road, only that they maintain it properly. She added over the years as their business has grown, so has the traffic; vehicles utilizing this road include garbage and recycling trucks, UPS, FedEx; beer, soda, ice, boats, sun trailers, cars, mail delivery, and emergency vehicles; the rundown condition of the road is not only a liability to the County, but it is also a detriment to her business; therefore, since this road is their only land-based ingress-egress she would ask the Board to approve this request. She stated she had photos to share with the Board; these photos were taken prior to the recent rains, so it has nothing to do with that; on October 1, she came home at 8:00 p.m. and as she came off the paved portion of Old Florida Trail, 90 percent of the road was covered with water; she carefully made her way to the gate and when she got there, she had to take off her shoes and roll up her pant legs in order to get out and open the gate; that is when she noticed all the water from the road flowing into her property; and she commented something needs to be done. She noted as for development, this property has been in her family for over 130 years; they do not want condos, they are a recreation and eco-tourism based business; and it is family-owned and operated.

Commissioner Tobia asked Mr. Holmes what this would entail as the County's portion; if he has any idea what kind of traffic goes down this road; where it is on the long list of County needs; or if that is what they would do, if the Board directed him to provide more information.

Mr. Holmes stated without additional right-of-way there is very little option for improving the road right now; until that issue is resolved the County does not have a lot of choices as to what it can do; the roadway is bordered on both sides by extensive wetland areas so they expect the wetland areas to hold quite a bit of water during rain events like the County has recently had; he has not seen the photos, but he would not be surprised to see water in the area; and he reiterated the County's options are severely limited without additional right-of-way.

Commissioner Tobia asked Mr. Holmes to explain the process and the cost associated with it.

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Mr. Holmes stated it is a very simple process, and it is an extremely low cost; Florida Department of Environmental Protection (FDEP) controls the right-of-way now and the application is a very simple one asking for very generic information that gets submitted to FDEP and they respond with some type of preliminary evaluation; and then they work out the details. He noted it is not a very high cost endeavor to find out whether the County can get it.

Commissioner Tobia noted there is staff time involved; and he asked Mr. Holmes if there are any negatives other than staff time for filling out the application.

Mr. Holmes responded that staff does not feel there is any negatives to this and that they are actually in favor of the proposal.

The Board acknowledged the citizen request by Barbara Arthur, Honest John's Fish Camp; and directed staff to apply to Florida Department of Environmental Protection (FDEP) requesting an additional 25 feet of right-of-way, for a total of 50 feet, to be granted to Brevard County for maintenance of the Old Florida Trail.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Commissioner District 5
SECONDER:	John Tobia, Commissioner District 3
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM VI.F.2., PERMISSION TO APPLY AND ACCEPT, RE: 2017 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE - LOCAL SOLICITATION

Greg Pelham, Sheriff's Office, stated this is application to the Bureau of Justice Assistance for the 2017 Edward Byrne Memorial Justice Assistance Grant for \$59,000; the monies have to be used for law enforcement purposes; and they will use it to fund a detective assigned to their economic crimes task force to investigate consumer fraud and identity theft.

The Board granted permission to apply and accepted the 2017 Edward Byrne Memorial Justice Assistance Grant - Local Solicitation; and authorized the Chairman to execute the necessary documents and budget adjustments.

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

ITEM VI.F.3., RESOLUTION AND AMENDMENT TO GRANT AGREEMENT WITH ECONOMIC DEVELOPMENT COMMISSION OF FLORIDA'S SPACE COAST, RE: TRANSPARENCY IN EXPENDITURE OF COUNTY FUNDS

Commissioner Tobia stated he brought a sunshine bill up concerning the Economic Development Council (EDC) funds and he listened to the suggestions of his fellow Commissioners; Chairman Smith stated he was in favor of full disclosure of \$1.4 million of County money that the EDC receives; Commissioner Pritchett stated it would be important for her to see that County funds are spent responsibly; and it was the intent of the Board that his reach was further than his grasp because he went to seek how all \$2.8 million was spent. He

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added what he did was pulled the grant application back from the suggestions that the Board made and had an amendment to that which basically sought to find out exactly how the \$1.4 million was spent; he submitted it in the Agenda and the EDC got wind of that; the EDC made some amendments to his amendments, some were scrivener's, which he has no problem with, one was dealing with him asking for an accounting to be provided within 30 days of the request and the EDC thought bi-annually was more fair, he has no concern with that, it will spread more sunshine than what is currently available, the only sticking point he had with their amendment, unfortunately it is a very important one, is they are still not interested in providing positions and total compensation for all of the employees, which he imagines is going to be a large portion of that; and he noted the TDC will offer the full total but not the individual accounting of the employees and how much they receive. He continued he would be more than willing to redact the names of the individuals if it was a confidentiality thing, which he does not believe it is because they were willing to include the names; he would accept all of the suggestions made to the amendment; he commented he thinks it went even further than what he would have expected, his hopes would have been for it to start the following year, but the EDC suggested it start October 1, 2017; he reiterated his only stipulation would be that the Board receive total compensation for each employee, the same way accounting is done for the entire County; and this is just for the County Grant money, not the State money, the federal money, or the private money that they receive.

Commissioner Pritchett stated she likes the Amendment that was sent over; she works in another place and she does not know that it is fair to put out all of their income that they make as individuals; she thinks the Board could divide the total compensation and get an average of what each employee makes; she likes the EDC's proposal and she would vote to pass that through; therefore, she does not care to see what every person working there makes.

Commissioner Barfield stated he agrees with that; they are saying okay to a list of all employees by name, title, and the total compensation pay to all employees; they also provided the compensation of the president, the CEO and the senior directors, which is more than what is provided in a 990 form; the person who is working there as a receptionist did not sign up to have his or her name put out there and how much money he or she makes; he does not think it is right because it is still a private organization; and he asked when the Board does other grants if it is going to request the same level with companies that work by grant. He stated he thinks this is perfectly fine.

Commissioner Tobia stated he would like the Chairman to weigh in on full disclosure and if this meets his definition of full disclosure.

Chairman Smith stated he is comfortable with this and what his fellow Commissioners have mentioned; he does not think lower level staff sign up to have their salaries be made public; they are getting the top employees and what they make; and people can determine an average of the other employees.

Commissioner Tobia pointed out that all the employees who work for the County, their salaries are out there per dollar. He asked the County Manager, Frank Abbate, if there is anywhere in the County where anyone's salary is hidden, or any dollars that the public does not have access to or if this is unique.

Frank Abbate, County Manager, stated no, when employees are hired they are told that information, as public employees there is complete access to any of that information.

Commissioner Tobia asked if that is 100 percent of the dollars.

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Mr. Abbate stated they are not necessarily tax funded dollars because some of them can come from grants and other areas, but they are all subject to the disclosure.

Commissioner Tobia stated grants are still tax dollars.

Mr. Abbate stated depending where it comes from, they could come from different foundations.

Commissioner Tobia asked if the \$1.4 million is grant tax money.

Mr. Abbate replied affirmatively.

Chairman Smith stated he stands corrected.

Commissioner Barfield stated it is still a private company.

The Board adopted Resolution No. 17-206, using the amendments to the Grant Agreement from the Economic Development Commission of Florida's Space Coast; and approved the Amendment 2 to Grant Agreement with Economic Development Commission.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
NAYS:	John Tobia

ITEM VI.F.4., CITIZEN REQUEST BY KEVIN R. PANIK, RE: STATUS REPORT ON COUNTY ROUTINE MOWING OVER ROADSIDE LITTER

Kevin Panik stated just to remind the Board because some of the Board members were not in office a year ago, over a year ago he got hooked into Keep Brevard Beautiful (KBB) litter pick up; after he did that he was trying to understand why Brevard County has this litter, so he took it upon himself to educate himself; he felt the best way to educate himself was to get out there and start picking up some litter; so he did that every Sunday for a couple hours, 52 Sundays in a row in the underserved part of the Titusville area; and through that process his vest kept him safe. He added he also has a bucket and a grabber handle because that is pretty much state of the art for litter removal, it is a manual process; and earlier he said he believed this County is really on the edge of greatness, and he truly and whole-heartedly believes that. He stated over a year ago he thought he could get a pledge to start trying to understand the problem because it is a complex problem; basically he thinks everyone is here for the next generation; he is here because the County and himself really did not make any headway; he has learned that he did not understand how government worked back then, and through the year he has educated himself about the government; he was enlightened just recently about elected officials, leadership, and staff; and what he found over a year ago was that the leadership was reluctant to move or make anything on that. He went on to see reviewing the tape from last year, one of the first comments he received was how the County was going to pay for this; staff was so wonderful, John Denninghoff, County Manager got with him and told him he would work with him on this and to call him in February; staff has a lot of commitments and they work so hard, that Mr. Denninghoff was unable to follow through on that commitment after many, many time; there were three meetings scheduled and three meetings cancelled, May, August, and October; and that is why he is here, because the October meeting was cancelled. He noted he was trying to figure out what his problem was and where he went wrong; he decided to look at the goals,

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these goals are not just set by the Board, this is the government and it took probably 40 to 50 years to get to these goals to contribute enhancing and ensuring the quality of life today and always; and one of the core values of the website is core leadership and that is what the community has elected officials for. He added a quote by Thomas Jefferson, "Folks will suffer a lot before they will have to come forward and try to make some change;" and he quoted Winston Churchill, "With greatness comes responsibility". He stated he wanted to go over a chart on Project Management because he has done that for many years; there are three elements to the stool they are interrelated and linked just like nature, mathematics, or physics; please do not jump to the end game because it is too costly; there has to be understanding of the technical and the schedule because all these things are linked; it is not just money, it is the three elements of project management; and there is a final story about the plaque from his power point. He went on to share a story; he has a pathway about 200 yards long near his house where these little kids walk to elementary school; he picked up all their candy wrappers, juice boxes, and homework papers; every fourth grader gets educated by KBB; he put the bag of trash in his garage and saved it; he put up a picture of his dog in the pathway and asked them not to litter; and there is still littler in the pathway, so he did not solve the problem, but he is trying to collect some data; he will not pick up that litter until the end of the school year so he can weigh the amount of litter that he picks up there with the amount he picked up the previous year.

Chairman Smith thanked Mr. Panik for all he does and how much he cares for Brevard County; when he walks his dog he also picks up trash; and it is an education thing and Mr. Panik is doing it.

Mr. Panik asked if the Board could just direct staff to look into best practices.

Commissioner Barfield stated he would get with Mr. Denninghoff; and he thinks they need some sort of pilot program.

Mr. Panik commented this was talked about but three meetings were cancelled.

Commissioner Barfield stated he understands what Mr. Panik is saying; the Board always jumps to it being too expensive, but the County can find out what it would cost; and he thinks the Board needs to work on this.

The Board acknowledged Citizen Request by Kevin Panik regarding a status report on County routine mowing over roadside litter, but took no formal action.

ITEM VIII.B., BOARD REPORTS, RE: SCOTT KNOX, COUNTY ATTORNEY

Scott Knox, County Attorney, stated the County Attorney's Office would like to request an executive session for Williamson v. Brevard County on October 24, to discuss strategy.

The Board approved scheduling an executive session with the County Manager and appropriate staff to discuss strategy for Williamson, et al v. Brevard County, Case No. 6:15-cv-1098-ORL-28DCI, to be held after the Regular meeting on October 24, 2017.

ITEM VIII.E., BOARD REPORTS, RE: JOHN TOBIA, DISTRICT 3 COMMISSIONER

Commissioner Tobia stated Pam LaSalle had brought up the Auditor General as a potential item of discussion for a Workshop and he thinks they may have some issues coming up shortly where the Board may need that position; he would also like to have a workshop on Homestead

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exemption, that being \$7 or \$8 million; and he asked if there was anything the Board could do now to prepare for that shortfall. He added he thinks the Board should get some suggestions from staff on ways to prepare for that, because he believes there is a potential for that to happen.

Chairman Smith stated he thinks they are both worth looking at; maybe in another meeting of two the Board could bring it back for discussion; and his suggestion would be to bring it back after the first of the year.

Frank Abbate, County Manager, stated if the Board wants, they could discuss that with a budget workshop in early spring; they have a tentative date of February 15; and he suggested they have that before the cost of an Inspector General. He added there is a March date where they could look at having a second Workshop.

Upon consensus of the Board, the meeting adjourned at 10:17 p.m.

ATTEST:



SCOTT ELLIS, CLERK



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

As Approved by the Board
on November 21, 2017