

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

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on September 19, 2017 at 9:00 AM 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

Chairman Smith requested a moment of silence.

PLEDGE OF ALLEGIANCE

Commissioner Pritchett led the assembly in the Pledge of Allegiance.

MINUTES APPROVAL

The Board approved the July 11 and August 8, 2017 Regular Meeting Minutes, August 3, 2017 Zoning Meeting Minutes, and August 15, 2017 Special Meeting Minutes.

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

EMERGENCY MANAGEMENT UPDATE ON HURRICANE IRMA

Kimberly Prosser, Emergency Management Director, stated Brevard County experienced the brunt of Hurricane Irma last week; in addition to what were mostly tropical storm force winds, with some hurricane force gusts, the County also experienced 15 inches of rain in 12 hours, and seven confirmed tornados; there was quite a bit of damage throughout the County; at last count there were 7,132 homes damaged ranging from minor damage to destroyed; the County sheltered over 3,600 people in its shelters including over 450 pets; over 307,000 people lost their power; and as of 8:00 A.M. there were only 130 people left without power, which is a big improvement. She continued there were 219 traffic signals impacted; 140,000 sandbags were distributed; and more than 12,000 2-1-1 calls received. She went on to say the estimate of

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debris that needs to be collected is approximately 600,000 cubic yards; there is an estimate of \$25 million in damage to County facilities; and as far as the Federal Emergency Management Agency (FEMA) reimbursement this is declared a major disaster, so the costs that were expended on emergency protective measures and debris are confirmed that FEMA will reimburse the emergency protective measures at 100 percent and debris at 75 percent. She noted the State has confirmed that it will pay for half of the local match; the additional category is for the damages that took public infrastructure; the County's threshold that must be met is approximately \$2 million; and at the \$25 million level, the County has almost reached the threshold of the entire State. She added the social media team did excellent work, and received widespread compliments over the number of Facebook posts, tweets, and text messages that went out; people felt they had access to the information they needed to make good decisions; the County did have a lot of challenges with the Emergency Operations Center (EOC) itself; in addition to losing water, they had a sewer line rupture and had to have port-a-potty's brought in; they had mosquito problems; however, they had a fantastic team who worked together coordinating to keep the public safe.

Chairman Smith stated he was fairly impressed by it; it was his first time, he had never been involved with anything like this before; and he was impressed with the coordination and how smoothly everything went despite the event itself and the events occurring in the EOC building; and he feels the Board has a terrific County working for it and a lot of really good people.

Frank Abbate, County Manager, stated despite the impact Hurricane Irma had on this County, he wanted to take a minute to recognize the good things that many people noticed, or witnessed as the storm approached and moved through and beyond Brevard County; as Chairman Smith noted, there was an outstanding effort by County staff who were activated for many days and for long hours, including over night shifts at the EOC, and the 21 shelter centers that were opened for evacuees at the consolidated and relocated fire stations throughout the County, including an employee-ran shelter where the County had crews located; he noted there were operators who stayed overnight at the four various waste water facilities and many employees in Departments like Public Works who were out in the field literally until minutes before the tropical storm force winds arrived, requiring their evacuation from both beach side and Merritt Island while trying to keep pumps running to protect citizens and their properties and responding to damage from the effects of Irma once the storm had passed; they had over 1,500 employees that made this type of sacrifice for County residents while leaving their own families at home or in some alternate site; and he commended them for their dedication, hard work, and for the professionalism they all showed through this challenging time. He went on to say he also wanted to recognize the cooperation of many of the agencies who were with the County on the forefront of this event; they were activated and played a key role in helping get the residents prepared and safely through Irma, they included Brevard County Public Schools, the Brevard County Sheriff's Department, Florida Highway Patrol, Florida Department of Health in Brevard, United Way, 2-1-1 Brevard, the Salvation Army, the American Red Cross, Florida Fish and Wildlife, Conservation Commission, and many other partnering agencies; and another highlight was the partnership that staff had with County and municipal leaders who stayed in contact daily with the County planning, coordinating, and cooperating in ways that helped the County address the biggest concerns of the storms aftermath, which included restoration of the integrity of the water plants which were issues they faced both on a countywide and municipal level, insuring the safety and wellbeing of those in assisted living facilities that were left without power, and checking on them when there was no communication to contact them. He continued on to say these people went on site to make sure everything was okay and then they worked together for the safety of the children to be able to head back to school yesterday; also he recognized Florida Power and Light (FPL) who were able to do what they did in a relatively short period of time; the Commissioners and their staff for also rolling up their sleeves, something the public may not be aware of, but several of them and their staff were at the EOC working, helping in shelters, and assisting the County in assessing the damage as the storm finally moved north and out of

Brevard County; he stated he would hope the Board agrees with him, that the leadership and command that was exhibited by a world class Emergency Management team was evident as they guided them through the preparation and response to Hurricane Irma, and continued to coordinate the recovery efforts that are underway to assist the community; and he wanted to thank the volunteers who played an extremely important role at the EOC and in recovery, as well as the agencies that donated their time, services, and donated aid to those who needed water, food, and other assistance. He commented it was a collective effort and he feels it reflects some great relationships in this community, the State, the cities, and the leadership teams with faith-based organizations all worked with a single purpose in mind which is the safety and wellbeing of the residents; he is very thankful to be a part of that leadership team; and he stated he appreciates what the Board has done to get the County to where it is today.

ITEM I.A., PRESENTATION, RE: THE BREVARD HEALTH ALLIANCE, INC.

A representative from Brevard Health Alliance, Inc. stated this is a great place to live and sometimes it takes a natural disaster to bring everyone together to celebrate this kind of partnership and work to see the great leadership across this organization. She went on to thank the Board for allowing them the opportunity to share a little bit about their organization; and she introduced Megan Anderson, COO, and Austin Helton, CFO. She noted Brevard Health Alliance is a private, not-for-profit, federally qualified health center; they are a 501C3 with receipt of a little bit of federal dollars that help fill in the blanks to be able to provide affordable, accessible care to all citizens across the County from Mims to Malabar; and they are there to respond to the needs of individuals healthcare across the County. She stated the organization became a Family Qualified Health Center (FQHC) and they were incorporated in 2005; their predecessor organization was called HOPE; they were a department of Holmes Regional Medical Center even before Health First was created; and they existed with two site clinics, one in Melbourne, one in Palm Bay, and a mobile unit. She mentioned that mobile unit existed as a bridge for individuals that were living at Wickham Park, homeless individuals that were going to daily bread, and it went to many campsites throughout the County; they had 65 annual encounters a year and that is defined by the Feds as a face-to-face visit, which is a 15-20 minute face to face with a doctor, dentist, or psychologist; they provided acute care for uninsured adults at that point; and in 2005, they wrote a competitive grant which had unanimous support by the County Commission at that point to be able to move forward with funding to become what is called a qualified health center. She continued most every county in the State of Florida, except Brevard and one other County on the west coast, did not have a FQHC; she heard a lot of things at the point when they were filing the paperwork, about why this is needed, and who these people are; quite honestly, these people are neighbors, friends, and those who live one paycheck to the next, people that are vulnerable of losing their insurance or at least that is how it sounded to her at the very beginning; and then the bottom fell out at the Space Center and that is not who they provided services to, it was a completely different group of folks that were coming to them, but that is not the typical norm of individuals who use this FQHC. She stated at this point Brevard Health Alliance has clinics in Rockledge, Malabar, Melbourne, Palm Bay, Port St. John, Titusville, and two mobile units; their strategy is to have regional centers which are defined as a congregation of adult medical services that are services provided by board certified internal medical physicians, certified pediatricians for the children who are 18 years old and under, dental services that provide oral health through dental hygienists and dentists, and emergency dental services and psychiatric services as well as psychology services; and those services are provided through a medical home model through an integrated type delivery system so the patient receives the services they need at the particular time they need them in an integrated fashion, not ala carte. She added they are all delivered through the same Electronic Medical Record (EMR) so they can assume services in a very efficient fashion, which is the idea of a FQHC. She continued the mobile units, one is mobile medical and one is mobile medical and dental, and they continue to provide services throughout the community like churches where

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social services and partnerships exist and congregate for services around the individuals that may be homeless, or maybe in a marginal situation that cannot access services at a fixed site clinic; from those regional centers there are satellite clinics; at this point they have two regional centers, one at Port St. John and one at Sarno Road, they need one in Palm Bay which is growing like crazy, and one in Titusville for dental, which has some access issues; and these are the services she has already spoken about that they provide: family pediatrics, adult dental, pediatric dental, behavioral health, the service they opened nine months ago is a required OBGYN service which is for women that receive emergency Medicaid, who meet a financial criteria, or are in this Country illegally and do not have any support services and are pregnant; and they provide a medication assistance program, which provides about \$9 million a year in free medications for individuals that have no support in that area. She mentioned their philosophy is, why provide the medical assistance if they cannot provide the medications; between the free medication programs and the ability to purchase medications at a deeply discounted relationship through the big pharmaceutical companies, they have enabled \$52 million in free pharmaceuticals since their inception; that is what their patient mix looks like, if someone does not have insurance or has Affordable Care Act (ACA) insurance products, which are not kind to poor individuals on the outpatient side because they have large deductibles and most traditional physicians will not see these patients, they see most of them in their offices because of the high deductibles and they treat them as uninsured patients and put them on the sliding scale; the average uninsured patient pays \$5 at their clinics for the visit and anything else that happens, including the pharmaceuticals, the diagnostics, and anything that needs to happen in terms of nurse visits, supplies, or education; there are 32 percent uninsured, 47 percent on the adult side, Medicaid, Medicare, ACA and traditional commercial, who are children that have mostly chosen their pediatricians and continued with that pediatrician because they had made a decision early on to have the brightest, and most engaged physicians if they were going to care for the sickest patients in the community; and they felt that was the only way they could change the needle on population health improvement. She mentioned it was a challenge at the beginning, but it has become an easier task as they move forward in their development; in 2016, they had seen almost 50,000 patients; their annual budget going into the next Fiscal Year starting October 1, is going to be right around \$30 million; about \$4.5 million comes from the Feds, the rest is third party revenue through Medicaid and Medicare; the next slide shows the federal grants, patient revenue which is defined by the third party revenue not out of somebody's pocket; and since they began in 2005, this slide shows what was provided to the community, and the number that is most staggering to her is 105,000 patients were served and the community is 580,000, so that is one in seven patients have been their patient at some point. She went on to say the hope is the community will stabilize and not need those services, some chose to stay with them; that also shows that they are meeting the needs those individuals, when they need them; they are a patient centered medical home and in February of 2017, they hit the one million mark of face to face medical visits; she feels they are an asset to the community; they would like to continue to have dialogue in terms of what the County thinks; and she commented they like to have very strong partnerships in the community and like to continue those conversations, because the world is changing in terms of health care. She stated it is challenging for individual physician groups and they would like to be part of the solution, not part of the problem; and any feedback the Board would like to provide, is welcomed.

Chairman Smith mentioned he visited her back in June or July and was thoroughly blown away because he does not know much about the medical industry but he does know what is there seems to be broken and what these folks have to offer could be the solution; he noted that is just his point of view but he would encourage the other Commissioners who have not been there to visit with them.

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ITEM I.B., RESOLUTION, RE: HONORING KISSIMMEE POLICE OFFICER MATTHEW BAXTER

Commissioner Tobia read aloud, and the Board adopted Resolution No. 17-154, honoring Kissimmee Police Officer Matthew Baxter.

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

ITEM I.C., RESOLUTION, RE: HONORING KISSIMMEE POLICE SERGEANT RICHARD "SAM" HOWARD

Commissioner Tobia read aloud, and the Board adopted Resolution No. 17-155, honoring Kissimmee Police Sergeant Richard "Sam" Howard.

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

ITEM I.D., RESOLUTION, RE: PROCLAIMING OCTOBER 2017 AS MANUFACTURING MONTH IN BREVARD COUNTY

Chairman Smith read aloud, and the Board adopted Resolution No. 17-156, proclaiming October 2017, as Manufacturing Month in Brevard County.

A manufacturing engineer from Harris Corporation expressed his appreciation for the Resolution; he stated all of the manufacturers have had the opportunity to open their doors to the high schools and colleges in Brevard County so the students can see what they do in manufacturing; manufacturing has changed a lot over the years, it is not like it was in the past when it was a dirty job; now they work in clean rooms; it is good stable work and people can make a career of it; and they also have where students can come in to the manufacturing and go to school at Eastern Florida and sign up for the engineering technology program and the certified production technician credential so they can get the jobs at these companies and start a career here in Brevard County.

Commissioner Barfield stated it is really good for himself; he went to a number of tours in the manufacturing setting which he did not really expect it to be as organized and high tech and no longer as it was in the past; the skill levels now required are much higher and this area really has to step up to meet the skill levels needed to do this type of work; with Eastern Florida State and other organizations like Harris Corporation, he thinks the County is on the right track, it may just take a while; and he expressed his appreciation for what they do and everything that goes along with it.

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 JUDGE MAXWELL FOR HIS SERVICES TO THE PEOPLE OF BREVARD COUNTY; AND HONORING HIM ON THE OCCASION OF HIS RETIREMENT

Chairman Smith read aloud, and the Board adopted Resolution No. 17-157, recognizing Judge George Maxwell for his service to the people of Brevard County; and honoring him on the occasion of his retirement.

Judge George Maxwell stated he has had the opportunity to stand at the podium many times in the course of the last 40 years in practice and in 1999, at the formal swearing in ceremony, which was two months after he was elected and a month after being on the bench, he pledged to the people of Brevard County that he would do his best to do his duty and he hopes that almost 19 years later he has acquitted that pledge; one famous Virginian once said, "You should always strive to do your duty, you can do no more, hopefully you will do no less."; with that pledge in his conscience now fulfilled he has taken leave of the active bench; and since he has gone off the bench, he has been filling in for County judges. He added had he known it was so much fun he would have run for it probably five years after law school; he is enjoying it and is signing all the recent drug warrants in South Brevard County; he spent more than half a day sitting with detectives, going over them to make sure what they execute in their process is fair and meets the constitutional standards; he is blessed to teach Introduction of Law at Florida Tech and if any of the Board would like to take the course or Professor Tobia's course everyone is welcome to come visit any time; he has a fun class and gets put on the spot by college Sophomores and Juniors; and he thanked his wife, his former law clerk, Judge Roberts, and Judge Dugan, his two daughters, and his four grandchildren, and hopes he has left them some legacy that they can be proud of.

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 SUPPORT OF ZONTA CLUB OF MELBOURNE'S ONGOING FIGHT AGAINST HUMAN TRAFFICKING

Chairman Smith read aloud, and the Board adopted Resolution No. 17-158, proclaiming support of the Zonta Club of Melbourne's ongoing fight against human trafficking.

A representative of the Zonta Club stated Zonta has been fighting Human Trafficking here internationally and locally for over 10 years; they were the first ones to be able to train law enforcement about human trafficking; they are members of the Space Coast's Human Trafficking Task Force and work very closely with them; they do everything in their power to bring awareness of this; many people think it still has to do with foreigners which is not true; these are American children being trafficked, 100,000-300,000 children every year are subject to this, runaway children, children in foster care, and children who are searching or looking for

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something because things are not good at home; the traffickers know where they are and where to find them; they fight violence against women and children period; they partnered with Sheriff Ivey and the Sheriff's Department in a 5K run on October 7, and it is all while trying to prevent violence against women along with strangulation, that is happening more and more; and she expressed her appreciation to the Board for the Resolution.

Chairman Smith mentioned he thinks this is a topic that not a lot of people think about or talk about; and it is important for people like her to keep it in the forefront, because it is a reality.

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

ITEM I.G., RESOLUTION, RE: RECOGNIZING AND COMMENDING NANA'S HOUSE

Commissioner Isnardi read aloud, and the Board adopted Resolution 17-159, recognizing Nana's House.

A representative from Nana's House stated she loves this community and this County; she could not do what she does without the Board; they take in neglected, abused, needy, or abandoned children and provide a safe, loving home for them; it is amazing to her how the eyes of a child transform when they are taken out of a horrible environment and placed in a safe, clean, loving, and stable environment, they just thrive; they have had so many different kinds of cases, they have had cases where the child has never been loved, or held a toy in their hand, situations where grandparents have taken care of the children and they became terminally ill; and the bottom line is all the children they take in are in need of a safe, loving home and that is what Nana's House provides for them. She continued she thinks one of the most amazing things about the community she is building is the fact that all of their builders are volunteering their services. She went on to say she is heading up the whole thing and she finds contractors and links them in with the builders; it is amazing all the relationships being formed out there, and the lives of not only the children being changed, but the lives of adults because they cannot believe what is going on out there; she loves being a part of this ministry; they are going to have 40 children living on this property; she received a call on Friday about a car full of kids, living in a car with mom for four months; she thought she was going on vacation, but that did not happen, she had her house parents who have already been trained and screened, move in on Saturday, and the kids moved in on Sunday; and she thanked the Board for its support. She went on to say, if anyone wants to volunteer, they are 100 percent volunteers, they do not receive any State funding, they are funded 100 percent from donations; they are planning their very first grand opening for people to see what they are doing first hand and welcoming them into the community building; she hopes for the whole gated community to be done by the end of the year, or at the latest their anniversary date, which is April 20; they plan to have a family fun day celebration; they already have music, and food planned; and she expressed her appreciation for the Resolution and the community.

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

ITEM II.A.5., BOARD CONFIRMATION, RE: NORTH MERRITT ISLAND DEPENDENT SPECIAL DISTRICT BOARD MEMBER

Mary Hillberg stated she is the Chair of the North Merritt Island Independent Special Advisory Board; the Item II.A.5., Board Confirmation for a North Merritt Island Special Dependent District Board Member for District 2, and they have Jim Caronneau and he has volunteered to, as a stake holder in the area, to represent the people and work as a volunteer; she would like to support him and respectfully request that the Board do the same.

The Board approved the conformation of appointment for Jim Caronneau to the North Merritt Island Dependent Special District Board, with term expiring November 20, 2018.

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

ITEM II.A.1., COOPERATIVE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA DEPARTMENT OF THE ARMY AND MEMORANDUM OF AGREEMENT AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT (BOEM) AND THE U.S. ARMY CORPS OF ENGINEERS, RE: FEDERAL SHORE PROTECTION PROJECT NORTH AND SOUTH REACHES

The Board executed and approved the Cooperative Agreement between the United States of America Department of The Army for rehabilitation of the Brevard County, Florida Shore Protection Project - South Reach; approved the Memorandum of Agreement Among the BOEM and USACE for the use of the Outer Continental Shelf Sand Resources of the Federal Shore Protection Project; and authorized the County Attorney to affirm, or recertify, the real estate requirement necessary for the construction of the North and South Reaches.

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

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

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

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

ITEM II.A.3., BINDING DEVELOPMENT PLAN, RE: JAMES H. DIXON, JR.

The Board executed Binding Development Plan with James H. Dixon, Jr., for property located on the south side of Arthur Avenue, approximately 305 feet east of North Atlantic Avenue. Said plan was recorded OR BK/PG 7986/1195.

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

ITEM II.A.4., WAIVER OF PARKING AND ON-SITE PAVING, RE: NANA'S HOUSE THRIFT STORE - MBV ENGINEERING, INC.

The Board approved a waiver to Section 62-3206(d)(14) to reduce the required 11 parking spaces down to seven spaces, and Section 62-62-3206(b)(5) to allow asphalt millings in lieu of paving on the new parking lot.

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

ITEM II.A.6., ACCEPTANCE OF SIDEWALK EASEMENT (801 & 802) FROM CONSTELLATION COMMONS, LLC, RE: PROPERTY LOCATED ALONG WICKHAM ROAD, MELBOURNE

The Board approved and accepted the Permanent Sidewalk Easements (801 & 802) from Constellation Commons, LLC in favor of Brevard County on property located along Wickham Road, Melbourne.

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

ITEM II.A.7., ACCEPTANCE OF PERMANENT SANITARY SEWER EASEMENT FROM CLA RETAIL, LLC, RE: COLONNADE AVENUE

The Board accepted a Permanent Sanitary Sewer Easement from CLA Retail, LLC, for Colonnade Avenue.

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

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ITEM II.A.8., ACCEPTANCE OF TEMPORARY CONSTRUCTION EASEMENT, RE: CONSTRUCTION RELATED TO THE J-02 LIFT STATION (CVS STORE AT FAY BOULEVARD AND U.S. HIGHWAY 1)

The Board accepted the Temporary Construction Easement for construction related to the J-02 Lift Station (CVS Store at Fay Boulevard and U.S. Highway 1).

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

ITEM II.A.9., RESOLUTION AND RELEASE OF PERFORMANCE BOND, RE: ADELAIDE, PHASE 1 SUBDIVISION - THE VIERA COMPANY

The Board adopted Resolution No. 17-160, releasing the Contract and Surety Performance Bond dated December 15, 2015, for Adelaide, Phase 1 Subdivision - The Viera Company.

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

ITEM II.A.10., RESOLUTION AND RELEASE OF PERFORMANCE BOND, RE: ADELAIDE, PHASE 2 SUBDIVISION - THE VIERA COMPANY

The Board adopted Resolution No. 17-161, releasing the Contract and Surety Performance Bond dated July 26, 2016, for Adelaide, Phase 2 Subdivision - The Viera Company.

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

ITEM II.A.11., SOVEREIGNTY SUBMERGED LANDS EASEMENT, RE: OYSTER REEF LIVING SHORELINE INSTALLATION AT KIWANIS PARK - GEIGER POINT

The Board executed and accepted the Sovereignty Submerged Lands Easement adjacent to Kiwanis Park - Geiger Point for the Oyster Reef Living Shoreline Installation.

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

ITEM II.A.12., GRANT ACCEPTANCE FROM FEDERAL AVIATION ADMINISTRATION (FAA) AND FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: PRIMARY RUNWAY 14-32 REHABILITATION, CONSTRUCTION PHASE SERVICES

The Board executed and accepted grant from FAA; authorized the Chairman to execute the pending FDOT Joint Participation Agreement for the funds related to the rehabilitation of Primary Runway 14-32, including edge lighting and construction phase; and approved the Work Order for the consulting engineering firm (Avcon, Inc.) for the Construction Phase Services.

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

ITEM II.B.1., AMENDMENT OF AGREEMENT, RE: EXTENDING THE MEDICAL EXAMINER'S OFFICE AGREEMENT WITH CASKET GALLERY D/B/A B&B ENTERPRISES FOR THREE MONTHS UNTIL JANUARY 10, 2018

The Board approved the Amendment to Agreement for extending the Medical Examiner's Office Agreement with Casket Gallery d/b/a B&B Enterprises for three months until January 10, 2018.

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

ITEM II.B.2., THIRD AMENDMENT TO LEASE AGREEMENT WITH CITY OF CAPE CANAVERAL, RE: USE OF MULTI-PUPOSE PUBLIC MEETING ROOM AT CAPE CANAVERAL PUBLIC LIBRARY

The Board approved the Third Amendment to the Lease Agreement with the City of Cape Canaveral for the use of the multi-purpose public meeting room located within the Cape Canaveral Public Library.

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

ITEM II.B.3., INSTALLATION OF A MOSAIC WALL MURAL, RE: EAU GALLIE PUBLIC LIBRARY

The Board approved the installation of a mosaic mural on the wall of the Eau Gallie Public Library.

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

ITEM II.B.4., PERMISSION TO ADVERTISE REQUEST FOR PROPOSALS (RFP), RE: OPERATION OF CONCESSIONS AT THE TITUSVILLE VETERANS' MEMORIAL FISHING PIER

The Board granted permission to advertise RFP for operation of the Concession at the Titusville Veterans' Memorial Fishing Pier; authorized establishing selection and negotiation committees consisting of Parks and Recreation Director, or her designee; Jeff Davis, North Area Parks Operations Manager, or his designee; Greg Minor, South Area Parks Operations Manager, or his designee; Jim Liesenfelt, Interim Assistant County Manager, or his designee; and Hector Lopez, Assistant Parks and Recreation Department Director, or his designee; authorized awarding the contract to the most qualified proposal according to the selection committee ranking; and authorized the Chairman to execute resulting negotiated agreement upon County Attorney and Risk Management approval.

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

ITEM II.C.1., RESOLUTION AND MEMORANDUM OF UNDERSTANDING WITH VETERANS OF FOREIGN WARS (VFW) POST 4228, RE: POST 4228 TO FURNISH, INSTALL, AND MAINTAIN IMPROVEMENTS AT THE VETERANS CEMETERY, LOCATED AT 1143 DAY STREET, TITUSVILLE

The Board adopted Resolution No. 17-162, authorizing Veterans of Foreign Wars Post 4228 to furnish, install, and maintain improvement to the Veterans Cemetery, located at 1143 Day Street, Titusville; and executed and approved the Memorandum of Understanding (MOU) with VFW Post 4228.

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

ITEM II.C.2., AMENDMENT TO LEASE AGREEMENT FROM VIERA COMPLEX FOOD SERVICES, INC., RE: SNACK BAR LEASE

The Board approved the request from the Viera Complex Food Services, Inc. for Amendment to Lease Agreement to include providing beverage vending at the Government Center Viera and the Harry T. and Harriette V. Moore Justice Center.

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

ITEM II.C.3., AMENDMENT TO LEASE AGREEMENT WITH WILLIAMS SCOTSMAN, INC., RE: MODULAR OFFICE TRAILER, LOCATED AT ROAD & BRIDGE SHOP

The Board approved the Amendment to Lease Agreement with Williams Scotsman, Inc. to extend the lease term one additional year to September 29, 2018; and approved any Budget Change Requests associated with this action.

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

ITEM II.C.4., PERMISSION TO ISSUE OPEN PURCHASE ORDERS (FY 2017/2018), RE: APPROVED VENDORS OF RECORD

The Board approved the use of State Contract, cooperative contracts, and other agency contracts as Vendors of Record List for Fiscal Year 2017/2018; approved the use of vendors determined to be the sole source for the products or services indicated; approved the issuance of blanket purchase orders; authorized the Chairman to execute contracts to those vendors, exceeding \$100,000; and approved competitive action in the event of unforeseen changes to the approved vendors and/or the cooperative purchasing programs.

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

ITEM II.C.6., PERMISSION TO WAIVE THE FORMAL BID PROCESS AND LEASE CONTRACT WITH AFFORDABLE STRUCTURES, RE: TEMPORARY OFFICE TRAILER, LOCATED AT SOUTH CENTRAL WASTEWATER TREATMENT FACILITY - BID #B-5-12-80

The Board granted permission to waive the formal bid process; executed and approved the two-year Lease Contract with Affordable Structures, Inc., as a single source for the temporary office trailer, located at the South Central Wastewater Treatment Facility.

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

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ITEM II.C.7., FIRE PROTECTION AND RESCUE/EMERGENCY SERVICES AGREEMENTS WITH FOUR COMMUNITIES VOLUNTEER FIRE DEPARTMENT (FCVFD), MERRITT ISLAND VOLUNTEER FIRE DEPARTMENT (MIVFD), AND MIMS VOLUNTEER FIRE DEPARTMENT (MVFD), RE: SERVICES WITHIN THE UNINCORPORATED AREAS

The Board approved the Fire Protection and Rescue/Emergency Services Agreements with FCVFD, MIVFD, and MVFD for services within the unincorporated areas.

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

ITEM II.C.8., LEASE AGREEMENT WITH CITY OF COCOA, RE: OCCUPY AND OPERATE AN AMBULANCE OUT OF ITS CURRENT FIRE STATION #2

The Board approved the Interlocal Agreement with the City of Cocoa for lease occupancy and operation of an Ambulance out of Fire Station #2.

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

ITEM II.C.9., AUTHORIZATION OF RECOMMENDED CHANGES, RE: BREVARD COUNTY PAY AND CLASSIFICATION PLAN UPDATE OF AFFECTED CONSOLIDATED SERIES OF ADMINISTRATIVE OFFICER AND STAFF PROFESSIONAL

The Board authorized recommended changes to the Brevard County Pay and Classification Plan update to the affected consolidated series of Administrative Officer and Staff Professional.

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

ITEM II.C.10., COLLECTIVE BARGAINING AGREEMENT WITH LABORER'S INTERNATIONAL UNION, LOCAL 630, RE: TENTATIVELY RATIFYING THE AGREED UPON MODIFICATIONS BY LABORERS' INTERNATIONAL UNION OF NORTH AMERICA (LIUNA)

The Board ratified the tentatively agreed upon modifications to the collective bargaining agreement presented herewith; and authorized the County Manager to execute said Agreement as provided for by Section 447.309, Florida Statutes, subject to ratification of the Agreement by LIUNA, Local 630.

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

ITEM II.D.1., REQUEST FOR EXECUTIVE SESSION, RE: BREVARD COUNTY, FLORIDA V. B WEST TOWNHOUSES, LTD, MEADOWBROOK, LLC, TRADEWINDS PLAZA, LLC - CASE NO. 05-2013-CA-025677

The Board approved the cost of advertising for, and the scheduling of, a private attorney-client meeting to be held on September 19, 2017, after the Regular meeting for the purpose of discussing litigation strategy and settlement negotiations on appraisal fees in the case of Brevard County, Florida v. B West Townhouses, Ltd., Meadowbrook, LLC, Tradewinds Plaza, LLC - Case No. 05-2013-CA-025677.

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

ITEM II.D.2., ACCEPTANCE AND APPROVAL, RE: TIMEKEEPING AND OVERTIME CYCLE AUDIT REPORT AND UTILITIES CONSTRUCTION MONITORING AUDIT REPORT

The Board accepted and approved the Timekeeping and Overtime Cycle Audit Report and the Utilities Construction Monitoring Audit Report.

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

ITEM II.D.3., CONFIRMATION OF APPOINTMENT, RE: ANDREW J. HOLMES, P.E., AS PUBLIC WORKS DEPARTMENT DIRECTOR

The Board confirmed the appointment of Andrew J. Homes, P.E., as Director of the Public Works Department.

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

ITEM II.D.4., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

The Board appointed/reappointed **Bill Rettinger** to the Community Action Board with term expiring on December 31, 2017.

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ITEM II.C.5., PERMISSION TO ISSUE(FY(FY 2017/2018), RE: ANNUAL SUPPLY BIDS, PROPOSALS, REQUEST FOR QUALIFICATIONS (RFQ), AND/OR NEGOTIATE COMPETITIVE AGREEMENTS

Commissioner Barfield stated the Board did appoint Mr. Andy Holmes as the Public Works Director; he has done a stellar job and he feels it is well deserved; and with the recent events, he has been in the middle of everything.

Leslie Rothering, Purchasing Manager, stated this is requesting permission for Purchasing to solicit the annual supply bids proposals, and Request for Qualifications (RFQ) for the next Fiscal Year 17/18; they are asking permission to solicit those term bids, or formal solicitations to authorize renewal options; also to authorize the Chairman to execute the contract on contract renewals; these are the term agreements that Purchasing solicits annually on a recurring basis, they are the typical ones that they do every year; and this is permission so the Departments do not have to come back with the individual Agendas requesting this permission.

Commissioner Barfield stated as he was reading through this and his concern is, which may already be taken care of somehow, but the annual Bid Quote Proposal List; some of them are very extensive, \$2 million, \$3.5 million, \$1 million, and some others along that range, one of them is Solid Waste at \$12.4 million; and he just wants to make sure that there are controls in place and that the Commission has approval authority in some of the larger ones.

Ms. Rothering stated on some of the larger ones they do, because they are recurring, and for some reason that a contract needs to be terminated or they need to go back out, put it in there so they can at least continue with the service, but if they had a large item that needed to be brought back to the Board for its attention or approval, they would do that individually.

Commissioner Barfield stated he is not clear on what Ms. Rothering means by that; if it is an estimated annual expenditure of \$12.4 million in one area, he asked what the cut off is, or at what point would it come back to the Board.

Ms. Rothering stated this Agenda Item is not required to come back; this is requesting the approval for the solicitation, the approval to solicit, and authorization to execute the contract; if there was a disruption in service of a large contract that they had to come back and go back out to resolicit, that item would come back to the Board; and that item would be at the discretion of her office.

Commissioner Barfield asked at what dollar figure that would be.

Ms. Rothering stated there is not a dollar figure, it is more based on the services, the large contracted services, and they do not have a dollar amount specified to bring back to the Board.

Commissioner Barfield stated he believes this should be tabled and brought back at another time, because he is not comfortable that he has enough information; and he wants to make absolutely sure that he has a good understanding of the dollar figures, how much, and what controls are in place.

The Board tabled permission to issue Fiscal Year 2017/2018 for annual supply bids, proposals, RFQ, and/or negotiate competitive agreements to a later Board meeting date.

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

ITEM III., PUBLIC COMMENTS

Sara Ann Conkling stated she is here to talk a little bit about Hurricane Irma and the disproportionate effects on the poor, when a tragedy such as this strikes; some of this is from her own personal experience of needing to deal with the storm; first there are going to be a lot of people with loss of food in their refrigerators; the food cupboards are already being extremely hard hit, some of them were not able to get out to get their food during the storm, so they are low and are getting slammed; the only official reimbursement for people who lost food may come through the State for food stamp recipients, but there are people in this community who are not food stamp recipients, who work paycheck to paycheck and lost the entire contents of their refrigerator during this storm; there are also people who have home damage that does not rise to the threshold where Federal Emergency Management Agency (FEMA) will come in and provide individual assistance, they actually have to have an unlivable home for FEMA to provide housing assistance during and after a storm, so some people who have some house damage, but their house is not deemed unlivable will have to somehow come up with the money for those repairs; and in addition to that almost everyone in the County lost a week of paid work, unless their employer was kind enough to pay them for not being there. She added there are people who had additional life crisis that happened on top of it; she heard the other day from a family who lost power and water in Cocoa for several days, and then they had a fragile, ill family member who had to go to the hospital, and right away the hospital wanted several thousand dollars to let them in; people are having to deal with these types of crisis after the aftermath of the storm unfolds; and another thing that has to be paid for, if someone is disabled, is for people to pick up their yards because some people cannot physically do that. She went on to say the reason she is talking about this is because the Commissioners have an opportunity to do something really right and really good right now; the Board could restore the money that was taken out of the budget for the Community Action Agency which helps the County's most vulnerable citizens, for the people who lost that week of work, for the people who lost the food in their refrigerators, and the single mothers who are struggling with a house full of hungry kids; that money could be restored and the money could be restored for the Community Based Organizations (CBO) that are going to get slammed starting right now; she thinks that people of conscience and as people who are dedicated to all of the citizens, not just those who have the resources to weather the storm well, and not just the people who were able to evacuate; and she expressed her appreciation to the Board for considering this to better serve the citizens.

Nick Supuran stated he was in attendance about a month or so ago discussing renewable energy; he is trying to find out if there is any help forthcoming from the County for the renewable energy law that Florida passed with the voters voting 73 percent saying that they want to encourage renewable energy; unfortunately in the County, the renewable energy is discouraged by the City of Melbourne, by most associations, and so far he has not seen any encouragement from the County; and he asked the Board to pay attention to the laws. He noted he asked the County Commissioners to look into that and nothing has happened as far as he knows of; the County Attorney looked up the State Law and it does apply to the County, and all the people who live in the County, because they voted for it; he thinks the Board should pay attention to what the citizens want; he just had a case where he went to the City of Melbourne and they told him flat out they do not get paid to enforce the State Laws, they are not going to pay attention to it; he thinks that is ridiculous, when the people voted to encourage it; and by the same token his own homeowner's association refuses to acknowledge they have to pay attention to renewable

energy; they changed the bylaws illegally, with things that were against the Florida Statute and they claimed a tree has higher priority than somebody's right to renewable energy. He mentioned if a tree is blocking a person's sun, and the person is trying to use renewable energy, their position is the tree has been there before and they do not have to give a person their rights to the sun; the County needs to put its foot down and say the people voted on it and they have the right to renewable energy, whether it is wind, solar, or whatever they need; he feels whatever stands in front of them should be moved; local courts, judges, and everyone else should pay attention to anything being passed that is state law; and every city in the County should be notified that they need to start paying attention to State law.

Commissioner Barfield asked Scott Knox, County Attorney, to provide a paper at an upcoming meeting so that the Board can understand this.

ITEM IV.A., RESOLUTION, RE: PETITION TO VACATE A 12.00 FOOT WIDE PUBLIC UTILITY EASEMENT IN BAREFOOT BAY UNIT TWO, PART TWELVE, BAREFOOT BAY - MARK SOTT

Chairman Smith called for public hearing on a petition to vacate a 12.0 foot wide public utility easement in Barefoot Bay, Unit Two, Part 12, Barefoot Bay.

Andrew Holmes, Public Works Director, stated this is a petition to vacate a 12 foot public utility easement in Barefoot Bay; the petitioner owns lots on each side of the easement; he would like to construct a screen room over a portion of the land occupied by the easement; and he has received no objections to this request.

There being no further comments or objections, the Board granted the petition to vacate a 12.0 foot wide public utility easement in Barefoot Bay, Unit Two, Part 12, Barefoot Bay, as petitioned by Mark Sott.

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

ITEM IV.B., FIRST PUBLIC HEARING, RE: DEVELOPER'S AGREEMENT WITH WEST MELBOURNE, RMS PALM BAY, LLC, AND RIVIERA DRIVE COMMERCIAL, LLC

Chairman Smith called for public hearing on the Developer's Agreement with West Melbourne, RMS Palm Bay, LLC, and Riviera Drive Commercial, LLC.

Tad Calkins, Planning and Development Director stated this is a request for the Board to consider the approval of a developer's agreement between RMC of Palm Bay, Riviera Drive, West Melbourne, and Brevard County; the agreement will reimburse RMC of Palm Bay \$727,782 in transportation impact fees for intersection improvements of Palm Bay Road and Durham Drive; in addition, the agreement will vest the developers for transportation concurrency for ten years; and there will be a second reading of this agreement on October 5, 2017.

Philip Nohrr stated he is just there to take any questions; he has developers there and some of the engineers as well; and he respectfully requested the Board approve the agreement, and stated it has been a pleasure working with the County and City staff getting to this point.

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There being no further comments or objections, the Board held its first public hearing for Developer's Agreement with West Melbourne, RMS Palm Bay, LLC and Riviera Drive Commercial, LLC; and announced October 5, 2017, at 5:00 pm as the scheduled date and time for the second public hearing.

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

ITEM IV.C., ORDINANCE, RE: CREATING A NEW CHAPTER TO THE BREVARD COUNTY CODE OF ORDINANCES, CHAPTER 3, CODE OF ETHICS

Chairman Smith called for public hearing for an ordinance creating a new chapter to the Brevard County Code of Ordinances, Chapter 3, Code of Ethics.

Scott Knox, County Attorney, stated this is the Commissions lobbying ordinance which is for public hearing; it covers registration of lobbyist, four year employment; lobbying ban on Commissioners after they vacate their office; prohibits gifts being received by Commissioners for greater than \$25 from lobbyists per year; and it also deals with travel by the Commissioners to receive an approval from the Board before they go for out of State travel.

Ben Wilson stated he is the Associate Corporate Council for The Viera Company and A Duda & Sons; he has one request on this ordinance, which is the definition of Lobbyist with heavy exclusions; in exclusion one, he would like to have the term "citizen" changed to "person" because person is a defined term and includes both individuals and corporate entities; also based on exception 8, which there is an exception for people who are employees of a corporation or consultant; and that is his only request.

Scott Knox, County Attorney, inquired what section he was talking about.

Mr. Wilson responded it is in the definition of Lobbyist on page four, exception number one. He reiterated to change the word "citizen" to "person" because person is a defined term on page five, and includes not only an individual, but business entities as well.

Attorney Knox responded he thinks that is a good change.

There being no further comments or objections, the Board adopted Ordinance No. 17-21, relating to Ethics; creating a new chapter in the Brevard County Code of Ordinances, Chapter 3, "Code of Ethics"; providing for definitions; providing for a lobbyist registration process; providing for penalties for failure to register as a lobbyist; providing for a lobbying and employment ban on Commissioners following vacation of office; providing for a prohibition on the acceptance of gifts by County officials; providing for the establishment of a Board procedure for sending County Commissioners on out-of-state travel using County funds; providing for penalties; providing for conflicting provisions; providing for inclusion in the Brevard County Code of Ordinances; providing for severability; and providing for an effective date.

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

ITEM IV.D., REVISION OF MERIT SYSTEM POLICY II, PAY PLAN AND MERIT SYSTEM POLICY VIII, HOLIDAYS, RE: PROVIDING CONSISTENCY IN PAY STRUCTURE AND ALLOWING CURRENT INTERNAL CANDIDATES TO BE TREATED THE SAME AS EXTERNAL CANDIDATES; AND PROVIDING CLARITY LANGUAGES AS TO PERSONAL HOLIDAY LEAVE ACCRUAL FOR USE BY PART-TIME AND FULL-TIME EMPLOYEES

Chairman Smith called for public hearing to consider revision of Merit System Policy II, Pay Plan and Merit System Policy VIII, Holidays for providing consistency in pay structure and allowing current internal candidates to be treated the same as external candidates: and providing clarity languages as to personal holiday leave accrual for use by part-time and full-time employees.

Frank Abbate, County Manager, stated staff would like to request this be continued to the next scheduled Board meeting on October 10, 2017, to give staff the opportunity to clarify some language that is under revision; they need to make the language more clear and will bring it back for the Board's consideration.

There being no further comments or objections, the Board continued the Revisions of Merit System Policy II, Pay Plan and Merit System Policy VIII, Holidays for providing consistency in pay structures and allowing current internal candidates to be treated the same as external candidates; and providing clarity languages as to personal holiday leave accrual for use by part-time and full-time employees to the October 10, 2017, Board of County Commissioner's Meeting.

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

ITEM IV.E., ORDINANCE, RE: AMENDING ARTICLE III, DIVISION II, SECTION 2-73, PROVIDING FOR THE DEPARTMENTAL STRUCTURE OF COUNTY GOVERNMENT

Chairman Smith called for public hearing on an ordinance to amend Article III, Division II, Section 2-73, providing for the departmental structure of County Government.

Frank Abbate, County Manager, stated this is a request for restructuring of various parts of the organization and it is outlined in the Agenda Report; he has discussed it with each Commissioner; basically it recreates the Mosquito Control Department, and it also moves Facilities from under Central Services to Public Works, and it also places Fire Rescue under Community Services; and those changes as well as renaming the remaining group, Support Services Group, adding Budget Office to that group, and it will report directly to him.

There being no further comments or objections, the Board approved Ordinance No. 17-22, amending Article III, Code of Ordinances of Brevard County, Florida, amending Section 2-73 providing for the departmental structure of County Government; providing for conflicting provisions, severability and an effective date.

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

ITEM V.A., CONSIDERATION OF OPTIONS, RE: PURSUING STATUS OF HURRICANE MATTHEW FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) APPEAL

Euripides Rodriguez, Solid Waste Management Director, stated this is a consideration for the status of the Hurricane Matthew Appeal of private roads; they are seeking guidance from the Board; Federal Emergency Management Agency (FEMA) denied their request for reimbursement for those private roads which occurred during Hurricane Matthew debris cleanup; they went through the process of appealing it; the appeal went to the Florida Department of Emergency Management; they never processed it forward and it was never filed with FEMA; the cost of the collection of private roads was \$391,000; and what they are asking is a series of questions on what they should do now, direct staff to file for a public records request to see exactly what happened at the State level, direct staff to prepare a letter to the Governor and Legislative Delegation for the Chairman's signature requesting compensation from the State, or any other direction that the Board may wish to provide.

Commissioner Isnardi stated it was her understanding that they changed the rules and that FEMA no longer reimburse for collection on private roads; and that the rules were changed close to the time that the County re-applied for reimbursement; and she inquired if that is what happened.

Mr. Rodriguez stated traditionally FEMA, at the beginning never approved the private roads; what traditionally has happened since the year 2000 or late 90s is the County makes an application, presents all the documentation, and at the end it has always received approval for these roads; initial denial, then the County goes through the process and receives approval for them; and in reality, through the years, the County has always gotten reimbursed for these expenses in private roads.

Commissioner Isnardi inquired if FEMA is really obliged to reimburse for them and if that is the problem.

Mr. Rodriguez stated no, the rule is for public right-of-ways, that is the term that they use; he had gone to the Board in 2004, after the normal difficulties in getting FEMA to approve this, and asked for guidance on what it wanted staff to do if there was another hurricane, and if they should collect on private roads; and the answer at that time was yes, the reasoning behind it was that all the residents contribute, no matter if they were on private roads or not, to hurricane reserves.

Commissioner Isnardi stated her opinion on the matter is why the County has not been more aggressive with the State, if they failed to file the appeal with FEMA.

Mr. Rodriguez responded when he was notified that they had failed to file the appeal with FEMA, Brevard County was one of at least 50, and at that time, the time had already elapsed; there was a lot of confusion after Matthew about filing directly to FEMA, or filing directly to the State; the State provided instruction for all the appeals for private roads to be filed through the State and not directly to FEMA, like they had in the past; and they followed instructions of the State, and the State failed them.

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Commissioner Isnardi inquired if Brevard County was the only County this had happened to.

Mr. Rodriguez stated no, there are 50 other entities, what he does not know is the circumstances, whether they were cities, whether it was just Matthew, whether it was appeals of other things regarding private or public roads; they just do not have the information; and they have not been willing to share the information with them.

Commissioner Pritchett stated inquired if the Florida Department of Emergency Management has already owned the fact that they did not file it.

Mr. Rodriguez replied, yes, they have received letters from some other officials saying that they did not file it on time.

Commissioner Pritchett asked, if the County already knows that fact, and if it did option number one, and did the public records document, would that persuade FEMA, or is that something staff wants to do as formality to maybe go to option number two.

Mr. Rodriguez stated he thinks part of the problem is that staff does not know what happened at the State level, they do not know if this sat on someone's desk, if that person was let go or transferred to another job, or whatever; in order to fix the problem, in his opinion, he would have to know the circumstances of the problem; at that point in time, staff could maybe propose to the State, that what was done prior did not work, and ask the State to change it, so this does not occur again; however, at this point in time, staff is operating completely blind.

Commissioner Pritchett clarified that staff would have a little bit of proof in their hands, and they would have the ability to move forward with maybe some kind of solution for this.

Mr. Rodriguez stated he would hope so because being confrontational at this point in time, he does not think would get them anywhere.

Commissioner Pritchett inquired if Mr. Rodriguez wants to do option one, then option two at the same time, or if he wants the Board to allow him to do both as, he sees it timely to do so.

Mr. Rodriguez state that is the Commission's choice, but he would think the Board would want the information staff can get from the State before making the next decision.

Commissioner Pritchett stated she is thinking, he would come back with the information since they have already acknowledged that they are the ones responsible for the error; and she inquired if it is just getting the proof in hand, before moving forward.

Mr. Rodriguez stated yes, he would like to understand the complete problem that occurred so he can explain it, because right now he cannot.

Commissioner Barfield inquired when staff filed the appeal for the cost reimbursement if it went directly to FEMA.

Mr. Rodriguez stated in the past it had gone directly to FEMA; and this last hurricane, the State had instructed them it would go to the State first.

Commissioner Barfield stated option two is to send a letter to the Governor and Legislative Delegation with the Chairman's signature, but what he thinks is they need to talk to the Legislative Delegation and have them change the rules so the appeals can go directly to FEMA, without the middle man or the risk of not getting the money again.

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Mr. Rodriguez stated in the past their relationship with the State has been pretty good, this last hurricane, not so much; this last hurricane FEMA has responded a lot quicker; he mentioned for example, there was approval of the reimbursement by FEMA 12 weeks ago and it went to the State, however, the County has not received the money from the State yet and the approval of the second one was approved about two or three weeks ago, which was a little over \$8 million, it was remanded to the State with approval from the Federal Government, and they still have not received any money yet.

Frank Abbate, County Manager, stated the specifics on that does impact the County over time and it still has not received the first dollar yet from any of the reimbursements for Hurricane Matthew; the specifics on the kind of money being talked about is, \$4.2 million listed under debris for the first 30 day period, and the second was for protective measures such as sheltering, etc. which was a little over \$1.2 million, and then the remaining debris which Mr. Rodriguez mentioned was already approved through FEMA, was an additional \$8.3 million; that is \$13.7 million listed in the budget as though the County has it, but it continues to wait for that reimbursement. He noted the \$391,000 is another portion that is not included in the first total.

Commissioner Isnardi stated the more information she hears the more upset she gets; she realizes the County wants to keep a good relationship with the State, but if that money is approved she cannot understand why the State is holding on to it, that is not right; the Commissioners are all elected and held to a standard and she thinks the Board needs to talk to the Delegation and have them work on the Board's behalf, in her opinion; and she thinks since they have acknowledged that it was their failure, then why would the State dance around it, they had already admitted it was their fault, no matter what they did wrong; and she thinks the Board needs to demand it, if that is the County's money.

Mr. Rodriguez stated he does not have a preference one way or another; he believes Commissioner Isnardi is probably right in taking the two-prong approach; he was thinking more in terms of the future, that staff needs to understand what went wrong so if it was something that staff can correct, it can be done for the future, however, it will not solve what was done in the past; and he mentioned they still have problems that need to be solved to avoid what has occurred in the past.

Commissioner Barfield stated the Board needs to do something a little more forceful to try to push the Legislators to find out what really happened and create some legislation or rules to prevent stuff like this from happening again, particularly if there is a means of going straight to FEMA and getting reimbursement directly from FEMA; it concerns him that they reimburse it to the State and the County is still waiting for it, when this is where the money is needed; and he would like something be put in there to send a letter to Legislative Delegation explaining this, saying the County needs their cooperation to push for a review and change regulations if required.

Chairman Smith stated he would agree with Commissioner Barfield; he thinks staff needs to propose and put together a letter outlining the problems here, that the County has not been reimbursed for over a year; that this is money out of the County's pocket and it is facing another storm with similar cost involved; and explain the background, because he is not sure they even know about it. He added he will sign the letter and send it to the entire Legislative Delegation.

Scott Knox, County Attorney, stated he thinks it may help if his office does some research on what the legal process was that got fouled up and maybe propose some kind of solution that goes along with the letter like a piece of legislation or change in the rules, whatever it may be.

Commissioner Barfield stated the Delegation meeting is tomorrow.

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Chairman Smith asked if Attorney Knox could get something together for Commissioner Barfield for tomorrow.

Attorney Knox stated he could certainly get a letter together by tomorrow, but he is not sure he could get rules or a new statute done by tomorrow; they will be meeting for forward process in six or seven months.

Commissioner Isnardi inquired if there are other entities that reimbursed directly from FEMA where they do not have to go through their State or another legislative body.

Mr. Rodriguez responded not for his type of work, the debris collection; the grantor is the State and he is the Sub-grantee, so they fall under the State by Federal Rules.

The Board approved Option 1, directing staff to file Public Records Requests for documents related to Brevard County's appeal and other FEMA appeals not timely filed by Federal Division of Emergency Management (FDEM); and directed the County Attorney to prepare a letter to the Governor and Legislative Delegation, for the Chairman's signature, requesting compensation from the State in the amount of \$391,096.14 if FEMA refuses to consider Brevard County's appeal.

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.B., CONSIDERATION OF AMENDMENT TO GRANT AGREEMENT WITH ECONOMIC DEVELOPMENT COMMISSION OF FLORIDA'S SPACE COAST (EDC), RE: REQUIRING TRANSPARENCY FOR THE BREVARD COUNTY CITIZENS RIGHTS TO KNOW HOW THEIR TAX DOLLARS ARE BEING SPENT

Commissioner Tobia stated he thinks the Board could not have had a better segway leading to the necessity for transparency in government and that is exactly what the Item V.B. seeks to do; he provided a brief introduction as to how this item got here; on February 10th he sent a letter to the EDC asking for some simple information on such items as travel expenses and salaries; the EDC did not provide him with the information that he requested; therefore, he produced a proposal to amend the County's Grant Agreement with the Economic Development Commission (EDC) to bring more sunshine to how taxpayer money is being spent, at August 22, 2017, meeting. He continued Commissioner Pritchett requested that the proposal be tabled for four weeks so the EDC could have even more time to decide whether or not they wanted to be transparent; the Commission agreed to that wise suggestion; the reason it is being heard today is A) that four weeks has transpired, and B) according to the County Manager's Office, this proposal must be heard today because the grant renews automatically when the County sets its budget on the 26th; and he went over the proposal again stating there is no change to the disclosure requirement for information which is confidential under Florida Statute Section 288.075, this amendment would only require the basic disclosure such as travel expenses, lobbyist expenses, salaries and bonuses, advertising expenses, lists of projects, and expenses on sporting event tickets; and his proposal is far less stringent than what the State requires for State agencies. He noted that Commissioner Barfield made an excellent point, one that he did not foresee, about the numerous grants that the County provides as far as disclosure and he did not have a good answer at the time, so that is another good reason for the four week break, so he could do his homework; this grant is unique for a number of reason and the first one is this is the only grant that auto renews, of all the grants; most other grants are either secured mortgage

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assistant grants for HHS or pay for service; and there is only one grant over \$300,000 and that is a grant for the C1 re-diversion, which is a cost sharing grant with the St. Johns River Water Management District for specific capital projects and it is fully and completely subject to public record. He stated he, as well as the other Board members, had received some suggestions from the Economic Development Commission, which were very unique, the Grantee was making suggestions to the Grantor as to how they would like to disclose money from the Grantor, which the access to documents are documents that do not provide the same transparency and clarity that he previously requested; he received, as did the Board, a half page financial report that everyone already had access to, for \$1.4 million; to him, that is a little scary because when looking at the County budget it is hundreds and hundreds and hundreds of pages in which the citizens have the ability to go through, and yet \$1.4 million is expended on less than half a page; and his amendment would provide more transparency. He went on to say he would request that the Board move forward with the amendment to the grant and submit that before the budget meeting on the 26th.

Commissioner Barfield stated this is again the continuous attack on the EDC and everything else that has anything to do with economic development; the amendments that the Economic Development Commission provided makes a very important point that he thinks needs to come out; the \$1.4 million is not the entire amount that the EDC has as their revenue; they have sponsors, they have investors, and they have people who put money into this, so what they propose is basically to provide all the detailed information on how they spent the \$1.4 million grant; and he thinks that is appropriate. He noted in his company, he has different government contracts and stuff, and different types of government contracts and different other types of money; he does not have to tell anybody what he spent on another company, and he does not think that is appropriate; and the government does not even require him to do that. He went on to say he thinks the EDC's amendment is fine and that it would meet the requirements that are necessary; and he motioned for the Board to accept Amendment 1 prepared by the EDC to the grant agreement.

Commissioner Pritchett noted she had just a couple comments; looking through the stuff that the EDC sent over, it would be important for her to go ahead and see that the County funds are being spent responsibly, and that is outlined in the documentation; she does like the way they are trying to make it more accessible for the community by placing it on the EDC website, so it is easier to locate; and she mentioned the one thing that got her attention was the EDC did a Florida Single Audit Act and she thinks those are kind of tough audits to go through. She added with internal controls audits, they really check through all those items; the officer Board, and their Boards of Directors, are volunteers and they are pretty smart people, some are CPAs and CFOs so she thinks they have a lot of great oversight as far as responsibility in the community; on behalf of the EDC, they take a small amount of money, which does not seem like a small amount, but compared to the bang on the buck and the return on investment, it is quite substantial, so she believes it is working; and she thinks the EDC is responsible and as far as getting the transparency with County funds, she stated she is probably comfortable with that also.

Commissioner Tobia commented he has heard some scary words up here; first of all there is attack, and this could not be nothing less of an attack; this is money that comes from taxpayers, hard earned taxpayers money that the Board decided it was going to spend less on such programs as Meals on Wheels and give to an organization that fails to disclose basic information such as how much money the officers receive of taxpayer dollars, if they spend any money on lobbyists, if they receive any bonuses, or buy tickets to Superbowl games, how much money do they spend on hotels at the Four Seasons in Seattle to attend a Blue Origin event; taxpayers do not have access to this stuff; and a Commissioner who spoke of, as far as the EDC behalf, and he believes as Commissioners, the Board is up there on the taxpayers behalf and he thinks it behooves the taxpayers to have access to know where their resources and how

their resources are spent. He continued he does not want to think, he wants to actually have the numbers and make the decision that the people made to elect the Board, so it could decide whether or not empirically instead of just thinking whether or not this money was used wisely; but if the Board votes for this, it will not have access to find out, again, if the EDC used taxpayer funds to buy fancy bottles of wine, or rent sports cars for their investors; all of this stuff would be perfectly acceptable right now and not disclosed in their current financial report; and if the Board thinks as Commissioners that, that is not shirking its duty to look out for every single precious taxpayer dollar, ones that it said it was going to take away from Meals on Wheels, and if the Board thinks fancy bottles of wine, Superbowl tickets, and fancy hotel rooms, are a better use of resources, then he would encourage the Board to support Ms. Weatherman's proposal; but, if the Board believes its job is to look out for each and every taxpayer dollar and require that the money it hands over is disclosed and as transparent of the manner as it discloses every other dollar up here, then he would encourage the Board to support his proposal which again, asked very basic questions such as where do they travel, do they pay lobbyists, how much do they get paid, what projects are they working on; and again he noted none of this deals with the disclosure of confidential information, they are basic questions to find out if the Board believes that it is getting the bang for the buck of \$1.4 million. He went on to say If the Board would disagree with that statement, then he will respect that, however, he would ask for its indulgence for more transparency; he does not know what harm, and the EDC is not answering those very basic questions, to the taxpayers would there be finding out how their taxpayer money is being spent; it is that simple and that basic; and he asked the Board to reject the proposal currently on the table and ultimately accept the proposal that he put forth four weeks ago, the Board gave the EDC four weeks and the EDC decided this was too much transparency.

Commissioner Isnardi stated she thinks the Board has to be really careful here because, while she may agree with Commissioner Tobia's champion of transparency thinking, this is still a private company that receives additional funding separate from the County's funding; she thinks the Board has to be careful because it is not entitled to all of those records, although it would be nice to have all that; the Board chose, as it does its budgets annually, to do business in this manner, to do this as a grant, to do business with a private company for economic development, it was a decision of this Board; therefore, the Board has sort of set itself up for this, in her opinion, because she does not think the Board has the right, although she does not agree with some of the cash incentives that this Board and others in the past have granted to big corporations, to have public records access to their books either; and that falls under the same category as grants. She went on to say while she thinks that it would be ideal, that is just not the structure of this grant agreement; if this Board desires to change that in the future, she is all ears; she is not opposed to changes in future, in regards to how the Board is granting the EDC these funds, but because this is a private company, she will not agree that the Board has 100 percent complete access; and she would not want the government looking into her private business if she had applied for a grant, she would follow the terms what was required of her financials. She added she thinks because they do have such a large source of funding outside of what the County grants them, the Board has to be careful, and they are a private company; if the Board were to change the terms of that grant later, that is the way this Commission will go, but, that is not the way this Board has voted, so it is bound by the terms that it set up.

Commissioner Barfield stated he finds it ironic that Commissioner Tobia is talking about not feeding the elderly since he supported doing away with feeding the elderly on Community Based Organization; to put that aside, he believes the \$1.4 million, the way this proposal is from the Economic Development Commission, it is the \$1.4 million that the Board is interested in, not the rest; all those reports were available, the annual audit; there is oversight by Commissioners, and its appointees; there is a County Commissioner on the executive committee, so there is oversight in so many different ways; he stated again, it is the \$1.4 million, not the rest; and he thinks the Board needs to accept it with amendment from EDC.

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Chairman Smith stated he is all in favor of full disclosure for the \$1.4 million of County money that they get; he is convinced that the Board has full disclosure; it knows, through the tax documents, what their top executives are paid; he does not support a witch hunt of going after their records; the Board would not do that if it was Harris Corporation; he thinks there are some people that just do not like this particular operation; and he would not support this.

The Board of County Commissioners, in regular session on September 19, 2017, approved the Grant Agreement with Amendment 1 from the EDC with the information it has provided.

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.A.1., APPROVAL OF TEMPORARY 90-DAY WAIVER OF BUILDING PERMIT FEES, RE: REPAIR OF HURRICANE IRMA DAMAGE

Tad Calkins, Planning and Development Director, stated this is a request for the Board of County Commissioners to consider a 90-day temporary waiver of permit fees for certain permits related to storm damage caused by the Hurricane Irma; those permits would include roof replacements, air conditioners, equipment replacements, screen and pool enclosure replacements, replacement of car ports and replacement of destroyed mobile homes during the storm event.

Frank Abbate, County Manager, stated staff will do that if the Board approves; the permits are still going to be required; what is being spoke about is only the fees associated with those permits; citizens will still need to get the permits; it actually impacts residents insurance policies if they do not do it properly, as properties have inspections done; and County staff will continue doing that, which it is looking to assist them by waiving the fees that are associated with repairs due to damage caused by the hurricane.

Commissioner Isnardi inquired if that could include fences because it was not in the list, or if fences are assumed.

Mr. Calkins stated fences are already precluded from needing necessity of a permit based on the County Ordinance for 90 days; therefore if anybody has a fence repair they do not need a permit to do that.

Chairman Smith stated the permits are still required; he thinks it is important to make that very clear to the public; he really does not have any aversion to waiving the permit fees, but he thinks the County would achieve the same thing, and he is throwing this out there, if the permit fees were cut in half, that would send a message to the public that they do have to get a permit; he thinks it just gets confusing to the public when they just see waiver and building fees and think the waiver includes the fact they do not need a permit; and he thinks it would be doing a service to the community in several ways. He added one way is informing the public that they need a permit and the County would be cutting the fee by 50 or 75 percent; he noted that is just his thoughts.

Commissioner Tobia thanked Chairman Smith for the suggestion and asked if what he meant was the Board would be doing the public a service by charging them for damage, due to no fault

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of their own, because of a hurricane instead of waiving that fee altogether; and he asked Chairman Smith for an explanation because he does not understand.

Chairman Smith stated he already explained it once; he reiterated if the Board does not charge a fee, the public is going to go out there thinking, and he has talked to staff about this, the public will assume because the fee is waived that permit requirements are waived; he wants to make sure the public understands; and he mentioned it could be 25 percent or \$10, he is not looking to punish anybody, he is just suggesting that rather than create confusion to make it simple so everybody understands, the Board understands that something happened beyond their control, but at the same time he wants them to understand they still have a responsibility of getting a building permit.

Commissioner Tobia inquired if Chairman Smith was insinuating that the public is not smart enough to understand.

Chairman Smith interrupted stating for Commissioner Tobia not to put words in his mouth; and noted that was not what he said at all.

Commissioner Isnardi stated she thinks the idea is to give these people relief; she would support this; it states pretty clearly that it is a waiver of permitting fees in relation to hurricane damage, so for someone to think they would not need a permit, they are probably the kind of people who would not get a permit to begin with; maybe that is the excuse they would use, but for people with a damaged home or commercial building, she does not think they would try to pull a fast one; and she thinks any relief the Board can give their residents is a good thing, so she will support waiving those fees for 90 days.

Chairman Smith commented staff just went through this a year ago; and he asked if that was what had happened, because that is what he was told yesterday,

Mr. Calkins stated yes, last year during Hurricane Matthew the permit fees were not waived; the storm events in 2004 when there was widespread damage and a lot of contractors coming in from out of State to help provide relief, and at that time there was a lot of construction that was done that was not documented with a permit; what they find, and what happens in their world today, is people get their insurance bill and are looking for wind mitigation credit and come back saying they need to get a copy of the building permit, staff does not have that document to provide for their insurance company; and that is where it becomes very important for them to receive the insurance credits, is to have the permit document. He added that is what staff needs to ensure, that they achieve; with this storm there was more damage done than what was seen with Matthew; and they will probably have some folks coming in from out of state looking to do that work, and that is where the concern comes in.

Commissioner Barfield stated this is where the County gets out there to see if social media gets out the awareness of it; he really thinks that can happen from what he has seen; he does know when using contractors, there are those contractors who are unscrupulous, local ones, but there are also ones who are licensed, especially with roof replacement, air conditioning, screen enclosures, replacement car ports, and when using licensed contractors they know they are supposed to have a permit; if they do not, they will be paying the price for it; he thinks the County runs that risk anyways because of the major influx of work; however, he does believe that this is the right thing to do.

Chairman Smith stated he likes the fact that it is the right thing to do to waive the fees; there are going to be people who want their roof fixed or screen enclosure replaced and they are going to have contractors say they will take care of the permit or that they do not need a permit, but in either case, if the permit does not get applied for, then the homeowner is spending the money

with no documentation; and if they need documentation at a later date that they had replaced the roof or something, the County does not have a permit, so they can not verify it. He stated that is where he is coming from; but he is all for taking care of the public; and if the Board thinks waiving the fees will not create any confusion then have had it.

Commissioner Isnardi stated she believes that at some point homeowners need to be responsible for getting their own permits or making sure that the person repairing their roof has a permit; she would never pay somebody several thousands of dollars to repair a roof without the permits being in place; and people would hope that does not happen, but it is going to happen either way.

The Board approved a temporary 90-day waiver of building permit fees for repair of Hurricane Irma damage.

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

ITEM VI.A.2., BOARD AUTHORIZATION, RE: RESTORATION OF ENGINEERED DUNES IN THE MID REACH AND SOUTH BEACHES POST HURRICANE IRMA

Virginia Barker, Natural Resources Management Director, stated this is for restoration of the engineered dunes in the Mid-Reach, along Satellite and Indian Harbour Beach in the South Beaches from south of the town of Melbourne Beach down to just north of Sabastian Inlet; the sand along these beaches in the restored emergency berm in the dunes, provided storm protection; they had very few structural damages to the cross-overs; and comparing that to the damages that are seen a few miles inland along the western shore of the Indian River Lagoon (IRL) all the dock damage, much less wind filed, storm surge, less wave environment, but much higher damages; and the reason for that comparison is this very healthy sand beach and dune that they have maintained along the beaches. She continued this Agenda Item is looking for authorization to proceed with replacing the sand that was lost due to Irma and additionally some of the losses in the Mid-Reach that were experienced during Matthew; they have provided two options if the Board wants them to proceed; one is to negotiate directly with the previous low bid contractor to restore these emergency dunes; JP Donovan has been the low bidder or amongst the low bids multiple times for this week and he has performed the scale of restoration that is needed successfully in the time frame they have trying to prepare for next year's hurricane season, and she knows he is capable; and if the Board does not want to do that as a negotiated change order, she would ask for permission to shorten the bid period to two weeks to allow them to get this work underway as soon as possible. She went on to say there are two reasons to push this forward quickly; one is that although there was enough sand out there to protect all of the infrastructure from this event, no one knows what is right around the corner, they do not know what the impacts of Maria is going to be, other storms, or winter storms, so the sooner they can get this done the more protection they are providing to the folks along the beaches there and the road, and the utility infrastructure that is out there; the other reason is that there is going to be a lot of demand for the sand resources that they need to implement this project and the borrow pits that are producing this material, there is a lot of processing that goes into producing the quality of sand they want for the beaches, especially being the world class turtle nesting beaches that Brevard County has; that demands a certain quality of sand that cannot be just dug out of the ground, it has to be processed; and in order to give the pits the maximum amount of time to produce this material, they need to get there first before the neighboring communities are competing for that sand. She commented to do a project of this scale they will

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probably need to use or borrow pits in multiple counties around Brevard, as far south as Fort Pierce; and those neighboring communities that also suffered will be looking for the same resource. She noted those are the two choices and reiterated either negotiate a change order with the existing contractor or shorten the bid period and authorize the County Manager of the Chairman to execute all the necessary contracts to implement the work; and to authorize any associated budget change requests. She added the funding would come from the Tourist Development Tax Beach Improvement Fund; the local cost after FEMA and DEM reimbursement would be \$1,051,000 approximately; the TDC has emergency reserves of \$1 million for this kind of work; and any remaining balance there can be covered by excess collections that have already come in this year.

Commissioner Pritchett stated she is probably leaning more towards using Mr. Donovan; Ms. Barker stated he was doing a really good job and he is already in the flow; she had also mentioned that due to him not having to put in a formal bid, it would save him money, so she thought she could probably negotiate a lower price than what the County already has him for; what caught her attention when she was requesting this, was Ms. Barker said that time is of a great value to the County; and that is probably the way she will be leaning today on this.

Commissioner Tobia inquired if the County were to wait the two weeks what would be the potential impacts of the weather on the horizon and how big is this total project if \$1,051,000 is the County's portion of the project.

Ms. Barker stated they know there is a lineup of events out in the ocean, and Florida often experiences winter storms as well, once it gets through the summer tropical storm season; the beaches are very vulnerable right now, there are 12-14 foot cliffs in the dune, closer than is comfortable for many structures out there; they will experience the highest high tides of the year next week, October, and November; at those times the water elevation of the ocean is high enough that it is eating away at the bottom of those 12-14 foot cliffs in the dunes; and to add a storm swell or a wave event on top of that, there can be major collapses underneath these people's foundations. She continued the size of the contract is about \$8.4 million worth of work, which includes the permitting, the design work, the construction oversight, a replacement of sea oats, environmental sea turtle monitoring, and the construction contract would be on the order of \$7 million, or slightly less.

Commissioner Tobia asked how quickly Mr. Donovan could start; if this could be completed in that two-week period in order to protect from the storms or either way whether the Board gave a no bid contract of roughly \$8 million or \$7 million have an impact; and if the County were to put out a project of this magnitude how many bids Ms. Barker would expect to receive.

Ms. Barker stated she will let Mike McGarry, Beach Management Coordinator of Beaches, Boating and Waterways Program Manager, respond to some of those more detailed questions.

Mr. McGarry stated he did not check the passage records recently, but typically there would be on the order of four or five bids; typically two of the contractors have been the most competitive historically; their historic price of what they have actually paid ranges from \$23.5 up to \$49 a cubic yard when they have gone out to bid; they have paid as much as \$49 per cubic yard and the current contract is \$28.80 per cubic yard; that is over the last 17 years; and after a storm event the bid prices are typically higher because there is more demand.

Commissioner Tobia inquired if he could answer if the County were to give a no bid contract to J P Donovan Construction.

Mr. McGarry stated the contractor could not be on the beach within two weeks, that is impractical, but what would happen is the sand production, which is the critical link in the

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project, it could begin immediately; but the construction would not begin within the next few weeks on the beach.

Commissioner Tobia stated if he understands correctly, nothing tangible would be happening to the dunes, obviously things would be leading up to that, but nothing tangible can be done whether the Board does the no bid \$7 million to \$8 million contract or it truncates the bid process to two weeks; and he asked if that is a fair assessment.

Ms. Barker replied that is correct, either way it will be multiple weeks before there is heavy equipment out on the beaches; it will be several weeks further if they wait for a bidding process; and the other consideration is the sooner they have a contractor out there, if they do have additional storm losses, they know specifically which properties are most vulnerable, they could, instead of working in order, get to those sites ahead of schedule if they needed to.

Commissioner Tobia inquired if this bid is slightly more and 20 percent higher than the historic low bids that the County has had in the past.

Mr. McGarry stated no, to take an average of historic low bids, it would not be near 20 percent lower; and there was one bid that was \$23.50.

Commissioner Tobia inquired if this bid was \$28.80; and he stated that is right on the magnitude of 20 percent give or take one percent.

Mr. McGarry noted that was the lowest low of several bids; they have had other bids that came in as \$27.50 and some as high as \$49, so it is of the lowest low; and as Ms. Barker pointed out sand specifications, they have improved them over the last several years after public input and consulting with the agencies to more closely match the native beach material; that has increased the cost of sand production.

Commissioner Tobia stated he is not an environmental expert, so he asked if the sand color is the same color as the current sand and if that is the argument for that potential 20 percent matching.

Mr. McGarry stated it is more relevant to grain size and fine sediment content to meet environmental permit requirements.

Commissioner Tobia asked if it is the County that is concerned, or if it would be the State concerned with the size of the grains of sand.

Mr. McGarry responded they are concerned, the State is concerned, and they have received immense public input that the public is concerned; their office has worked very hard over the years to set a very stringent sand standard for both to meet the environmental permit agency requirements and also results they have seen in the past, to assure good turtle nesting.

Commissioner Tobia inquired if he were to public records request this office, he would see a plethora of communication from constituents that were concerned about the size of the individual grain of sand; and he inquired about how many because he has not received one in his office.

Ms. Barker commented yes, there are a number of them and they also come up in regular meetings at the Archie Car National Wildlife Working Group, the Surf Rider Foundation has been especially concerned, and as an organization they have worked with them to improve the grain size; what they found is that if they do not do the extra wash to remove the majority of the very finest size grains, the material tends to compact on the beach; it become too compact for

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turtle nesting; they are required after placing sand on the beach to do compaction testing; if the beach or dune is too compact, then they have to till to fluff it up; those tilling cost are not inexpensive to till 20 miles of beach and dune; and it is a better quality product and less costly to get the right material on the beach up front than it is to go with a looser sand specification.

Commissioner Tobia inquired if that is what the \$23 per cubic yard; and he inquired if the \$23 per cubic yard is the wrong size sand or the right size sand.

Mr. McGarry stated that met the minimum State requirements at that time, but it was less desirable sand and it was more prone to compaction as Ms. Barker suggested.

Commissioner Tobia inquired if the \$23 bid they had received would have met State standards

Ms. Barker stated it met State standards, but it did not meet community standards.

Commissioner Pritchett stated she does not mind going out for bid because it is a large project and there are a lot of companies, but she thinks in the long term it is going to cost more to do it; sand fascinates her, it is a very hot commodity during these times, because everybody is after it; she knows some people at the north end of the District and that is what they do for a living; they take trucks full of sand out to the beaches; back at Cocoa beach one time with her kids, they had placed the wrong sand on the beach, it was dark black sand, and everybody's feet were blistered; she knows they had talked about the turtles too, but if the wrong sand gets put out there, children are going to lose their feet; and she stated she does understand why they need to get the sand out there. She reiterated she does not mind going out for bid because her initial instinct is to always do that on these types of things for companies; however she does believe in the long run it is going to be less of a benefit for the County to do that and more costly; she has a feeling these are sought after commodities right now and that the prices are not going to come in at \$23 a cubic yard; and she thinks it will be a little bit more because it is high in demand.

Commissioner Barfield stated he cannot believe the Board is talking this long about sand; his first meeting the Board talked about this long about dirt; his concern, if he is understanding this correctly, if staff negotiates with this contractor now, and the County already has terms and conditions under contract, this would just be a change order; the other thing is mobilization, the County would not have to mobilize twice; and he inquired if they were going to bring in Irma damage of if they were going to save money with mobilization.

Ms. Barker commented there is no one out there right now, so they will mobilize regardless.

Commissioner Barfield inquired about the production of the sand, production of sand is what they talking about needed to be done early.

Ms. Barker stated that is the weak link in all of this; and that is where they need the most time is for sand production.

Commissioner Barfield inquired if that can be done as soon as there is a contract in place.

Ms. Barker replied affirmatively.

Commissioner Barfield stated he is fine with doing a change order as long as they can negotiate a price at no more than what they are right now; and if not then he thinks it needs to go out for bid.

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Commissioner Tobia inquired if Commissioner Barfield mentioned the change order for the current contract, and he would like to know how large the current contract is and if it is a small change fraction of the current one.

Mr. McGarry stated the existing contract is on the order of \$10 million; however, he does not have the exact number with him.

Commissioner Tobia stated for fun he builds houses and the change order is to add an additional light or fan or something like that, and this change order is to build another house of the same size, if they have a \$10 million contract and this one is for \$7 of \$8 million; that makes this change order 70 percent of the original one; and he asked if that is a fair assessment.

Mr. McGarry replied affirmatively.

Commissioner Isnardi stated she thinks it is a little insane that the Board talked about sand for this long, but the Board learns something new at every meeting; she thinks it is hard to predict what those bids will come in with; she does not have an issue necessarily with the quality of sand as far as helping the sea turtles and preventing impaction and that sort of thing, if it is environmentally the smart thing to do; however, she is not comfortable not going out to bid on this; she thinks people can assume that everybody is going to be vying for sand, and the County wants to get in there when the price is right, but that is speculation at this point because there are no more storms that are hitting the east coast at the moment; and something may be coming, but the County will be doing this for the next couple of months, so she would be more comfortable going out to bid.

Chairman Smith stated he is also opposed to just handing over money without a bid process; as Commissioner Barfield suggested if the County can lock this guy in at the current price then he thinks they would be way ahead of the game because having gone through the hurricanes in 2004, and him having been in business back then, he knows that everything that was in the commodity was more expensive; paying for cars was more expensive, shingles were more expensive; shingles before the storm installed were like \$14 a square foot, and he thinks three weeks after the hurricane it was all the way up to \$28, and topped out at like \$34 a square foot; he is assuming the same will probably happen with the commodity of sand, and if the County has to stand in line to get sand, he wonders if there is enough sand to go around, at any price, or should the County wait for it to show up; and he inquired if there is enough sand out there, if the County does not put its order in for another three weeks or three months, and if the price is likely to change.

Mr. McGarry commented the price is likely to go up with competition and there is not an unlimited supply of upland sand, so there may not be enough once adjacent communities start of if there is enough it will require 24-hour production, which makes the price go up, so it is not a readily available product.

Chairman Smith stated even though there is not a storm out there today that may affect Brevard County, but he does not think that matters in the scheme of things; if we do that just magnifies the problem; he noted assuming there is not another storm coming, there are still an awful lot of counties to compete with for sand; the entire east and west coast of Florida is going to be competing for sand; and he does not know if they are all the same sand, but competition increases price, that is the law of supply and demand.

Ms. Barker stated Brevard County would be in competition with Indian River County, St. Lucie County, and maybe Martin County who would be going after the same sand resources.

Chairman Smith asked about the counties on the west coast.

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Ms. Barker stated those counties probably have closer supplies.

Commissioner Isnardi stated it is two weeks and if the price of sand is going to change that much in two weeks, then she is not going to base her decision on failing to go out for a bid that is a \$7 million project based on a two week time frame of what may or may not be, and trying to base it on storms that happened over 13 years ago, so she reiterated she would rather take the risk in going out for bid and possibly coming in cheaper than what it is agreeing to pay if the County continues this contract.

Chairman Smith stated it is a business decision to roll the dice; it is not \$7 million total that the Board would be rolling the dice on, it would be \$9 million, the cost of \$2 million to drag its feet; if it can get in for \$5 million then roll the dice it saves \$2 million.

Commissioner Isnardi stated she would agree with him if that number was a realistic number, however, she does not feel that is a realistic number.

Chairman Smith stated he does not know; and he commented welcome to the business world.

Commissioner Barfield pointed out that this low bid contractor was prior to Irma; post Irma, as everyone has seen, everything goes up; there is no gouging but it seems like a lot of things are going up; sometimes it is better to look at what the County has, instead of taking a risk when everything around is going up in price; and he is good either way, he just wanted to point that out from a business stand point.

Commissioner Pritchett stated she just wanted to reiterate what Commissioner Barfield stated; they have \$28 per cubic yard and that is when it was in low demand; she does know they are already getting bids in for sand, so it is a limited commodity and it is already moving; she noted she will vote with the Board with whatever comes out; and she thinks this will be cheaper and quicker for the County.

The Board authorized staff to negotiate directly with the previous successful low bid contractor, JP Donovan Construction, for a price at no more than what the contract price is now, and if the price cannot be negotiated the contract shall go out to bid; authorized the County Manager to execute all contracts including construction, engineering, and environmental services necessary to complete the projects; and authorized associated budget change requests.

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

ITEM VI.B.1., RESOLUTION AND LEASE AGREEMENT WITH SPACE COAST FULL THROTTLE SPEEDWAY, INC., RE: USAGE OF SPACE AT SPACE COAST COMMUNITIES SPORTS COMPLEX

Chairman Smith reminded the Board, this Item requires a super-majority vote.

Mary Ellen Donner, Parks and Recreation Director, stated this is a lease agreement for Space Coast Full Throttle Speedway; they have a Go-Kart compound at one of the County's parks; in the past they have been in a recreation partner agreement; however, because they have exclusive use at Space Coast, she is asking that it be a lease agreement.

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Commissioner Pritchett stated she knows from some work that Parks have done, they made sure that he had correct liability; it is serving the community and there is no high demand for the property otherwise; and he has agreed to make payments on the lease also, so the County is actually in a better position prior to this agreement.

Commissioner Tobia asked Ms. Donner to run over the lease terms very briefly; and he inquired if this lease is similar to other leases that the County may have.

Ms. Donner explained the lease is for three years with an option of one or a two year renewal; that is similar to other lease agreements that they have with Senior Centers; therefore, this is standard.

Commissioner Tobia inquired what the fee pay is for the lease.

Ms. Donner noted he is paying \$100 a month.

Commissioner Tobia asked what responsibility the County would have for maintenance of that, any type of trash pickup, or anything like that.

Ms. Donner explained under the terms of the agreement Space Coast Full Throttle Speedway is solely responsible for the leased area, which means they are responsible for the maintenance and up keep of that area; there is a concession stand, a tower, and some grass that they maintain; the County has no responsibility; there is a \$1 million general liability insurance policy that they will provide the County for 365 days a year; and an additional \$4 million general liability that will be in force on event days.

The Board adopted Resolution No. 17-164; and approved and executed the Lease Agreement with Space Coast Full Throttle Speedway, Inc. for usage of space at Space Coast Communities Sports Complex.

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.E.1., APPROVAL, RE: 2018 LEGISLATIVE PROGRAM

Frank Abbate, County Manager, stated this is the Board's consideration for the Legislative Delegation and items that were put together by staff based upon input they received from the Board and County Directors; they had planned for this to be on the zoning meeting but that meeting was obviously bumped; and the Legislative Delegation Meeting is tomorrow, so what they are really looking for here is the Board's consideration and Board discussion on particular items that it would like Commissioner Barfield to bring forth to the Delegation tomorrow; he has very limited time to do that, so they are hoping to hear more discussion on the most important priorities as a group, that it would like brought forward; and if there are any particular items that individual Commissioners do not want to support, so if the Board chooses to make a motion on presenting this, they could have on record who supported what items, and which ones it did not support.

Commissioner Tobia stated he had some he was opposed to and some further additions; he stated he will start off with those he opposes; home rule he would have opposition in legislation action that reduces Home Rule, he certainly does not mind having his books opened by the

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State; he would oppose legislation that allocates funding for Brevard County Environmentally Endangered Lands (EEL) for conservation land acquisition; the County has bonds that are running and he does not believe it would make any sense for the County to continue to purchase land and turn around and have no way to manage those lands; he would oppose the Tourist Development Legislation which would expand the legal use of Tourist Development Tax; he does not know why in the world the Board would be against flexibility; and there are some other ones, those were just the highlights. He continued he has some other fun ones here, where home to Eastern Florida State College so he would support repeal of laws and policies extending in-State tuition and benefits to undocumented immigrants; he would, since unions cause concern, he would support the repeal of paycheck protection which is where the State collects union dues and then remits them back to the unions; he would support efforts to transition FRS from defined benefits to defined contributions as many of the individuals who are currently County employees are on FRS, so the Board needs to make sure their benefits are there when they decide to retire, that is a way to shore that up; and he would support the prohibition, when it comes to a Community Redevelopment Agencies, as other commissioners have pointed out, once they are created they never go away. He went on to say there certainly is and has been legislation in the past dealing with these organizations; and he noted he named some of the other ones that he would be in opposition to the Board supporting and some additional ones for food for thought.

Commissioner Barfield stated he wants to point out he has three minutes so he does not think he can get all of these in; he would recommend the Board come up with three top items; and the rest, the Chairman can write a letter of what the Board wants for the Brevard Delegation.

Chairman Smith stated that is a good idea; and he suggested what the Board could do is number them and hand them in to the Board at the end of the meeting.

Commissioner Isnardi stated she would do that, but she thinks the Board could just as easily discuss what is most important, rather than going through each one.

Commissioner Barfield commented that is a good point; and he mentioned the EOC is going to be a separate item for Kimberly Prosser, Emergency Management Director, so he will not have to address that one.

Commissioner Pritchett asked if each Commissioner could go through and say what their most important issue was individually.

Commissioner Tobia stated he thinks the entire Board has discussed and is in favor of the FEMA reimbursement as far coming up with some sort of legislation that would potentially take the State out of that; and he thinks that is something that could remit Brevard County quite a bit of resources in the future; he thinks that would have some tangible benefits; and it is something he would certainly support.

Commissioner Isnardi stated that is a big dollar amount; if they are opposed to that maybe another option would be that they have to turn around those monies quicker, like 30-days to remit and if they do not remit, charge them interest, although, she highly doubts the State would pay the County interest or penalties; however, maybe if that is the solution, if the State has to stay in the mix.

Commissioner Barfield stated the Board may want to do it in a way to get legislators to look at the current process as it is now and identify a better way, where the County gets their funding back faster, such as direct to Federal Emergency Management Agency (FEMA) or faster paying within the Organization of Department of Emergency Management (DEM).

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Commissioner Isnardi stated if the Board wanted to get really adventurous it could discuss or at least mention that the length of time the appeals process takes, because it can take years to get reimbursed.

Commissioner Tobia stated he is just looking at items where all the Board members have been on the same page with; the first being Home Rule one which is support amendment of Chapter 2001, dealing with the Melbourne-Tillman Water Control District; it was a 3:0 vote and then the Chairman of the Board had a 5:0 vote; therefore, he thinks the Board has come together uniformly on the first one, which is the support of the Amendment of Chapter 2001. He went on to say those would be his suggestions, knowing that the Board Members all agree on them.

Chairman Smith stated that works for him; he stated he would like to weigh in with the Indian River Lagoon (IRL) restoration and stormwater treatment; support initiatives that reduce pollution sources, remove legacy loading, restore critical ecosystem functions would be his number one.

Commissioner Pritchett stated her number one would be the infrastructure with the new bridge that needs built across NASA Causeway; this probably will not need any funding to be transferred this time, but she thinks it is important to keep it out there and let them know it is a priority because eventually the County is going to need some help; if that bridge shuts down, she thinks it is 2019 when they will no longer be able to use it.

Commissioner Barfield inquired if that is the bridge that is being replaced.

Commissioner Pritchett stated yes but they will still need funding in a few years; they have the primary down for the bids to go out for the TPO; and she stated the initial part of it is already down, but they will need a big chunk coming down the road.

Commissioner Barfield stated this is one that was funded by the State, actually the Federal Government funding the money to the State.

Commissioner Pritchett stated they are going to need State participation.

Mr. Abbate stated he believes the design build on that was like 30 percent funded; and he believes it needs in the area of \$140 million total; some of that would be State dollars and the Feds would be putting in the rest of that.

Commissioner Barfield stated he still opposes the Legislative action that takes away Home Rule; as Commissioner Tobia was talking about oversight and viewing the County's records that is all fine; and what he is talking about is the Board making decisions at the local level.

Commissioner Tobia stated there is a member of the delegation that sponsored a piece of legislation in Tallahassee that went directly contrary to this; what he is afraid of is that if the Board were to do something like that and then ask for three or four other things, that may not work favorably for the delegation to support three things and then actively work against the one; and if that is a statement that this Board elects to take that is one thing, but as far as Brevard County's delegation going up there and working contrarily the way they have in the past, he thinks that would a very hard ask.

Commissioner Barfield stated he could start out just saying Brevard supports Home Rule and just leave it at that.

Commissioner Isnardi stated she thinks the legislators intent was not have a County government come in and put ridiculous rules and regulations and very strict requirements on

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businesses and otherwise; she does not believe it was that they did not want local government to not have any authority over its backyard; and she thinks it should be kept off the list.

Commissioner Barfield stated he could say please consider Home Rule in any legislation actions they take.

Chairman Smith stated he is big on Home Rule.

Commissioner Isnardi stated if she believed that it was a threat, she would say yes.

Chairman Smith stated it is being talked about and that makes it a threat.

Commissioner Isnardi disagreed.

Commissioner Barfield stated the IRL support of Senator Mayfield's push for the matching funds for septic tanks to sewer.

Commissioner Tobia stated he thinks the Board has a member of its Delegation who is pushing for something and the Board can lend local support; and he thinks that would be a way to curry favor with these folks.

Chairman Smith commented because she is in favor of it does not mean Commissioner Barfield should not mention it; it would reinforce and support her.

Commissioner Tobia agreed.

Mr. Abbate stated he would like to summarize what he thinks the Board has said; relative to FEMA, perhaps by rule, requesting they improve their reimbursement timetable with a definitive rule of how quickly they are going to give funds back to local government; Melbourne would be the second; Lagoon Restoration through septic sewer conversion; Space Coast transportation and infrastructure; and he believes those were the first four, but he does not believe they decided Home Rule would be the fifth one or not.

Commissioner Smith reiterated he supports Home Rule.

Commissioner Isnardi noted she likes Commissioner Tobia's; she does not know if Commissioner Barfield would be able to abolish the CRA's but she likes the prohibition of the creation of new ones; and she thinks it is a huge issue across the whole State right now.

Chairman Smith stated the County is already going there; and he asked how many agreements have already been signed.

Mr. Abbate stated they had hit the stumbling block in September thanks to the hurricane; they were supposed to have the first couple done a few weeks ago; they are in process with at least four or five that they anticipate coming back soon.

Chairman Smith stated he thinks they are making pretty good headway.

Commissioner Isnardi stated the County has made progress on the existing ones, but this is about not creating anymore.

Chairman Smith pointed out what he is trying to get across to them and the County is that going forward, future Commissions will be able to say yes or no, but there needs to be stipulations that make sense and shut them down; they have to go away, they cannot just be going and going;

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he thinks the Board can do that; and if Commissioner Isnardi thinks the Board will have some influence on the State then he thinks they should do it. He added there is only three minutes and he thinks the Board has already done a lot on that front.

Commissioner Barfield stated he is doing FEMA, IRL supporting initiatives to reduce pollution sources, but what he would like to do is say he encourages priority given to those projects which can provide matching funds at State level.

Chairman Smith stated he likes that; for Board clarification, he really likes that because last year while educating the public about these programs and the funding for the tax, the people wanted to vote for the tax and not vote for the tax; one of the questions people wanted to know was if they would be eligible for matching funds; he spent a lot time on the phone with delegation, the governor, and the governor's aides, and he was assured that there would be matching funds; after it was passed, the County received no matching funds because the attitude turned 180 degrees.

Commissioner Barfield pointed out there was no funding for it at all across the state.

Chairman Smith went on to say Brevard County was the champions who went out on a limb and passed these taxes and then it received nothing; and the matching funds went away.

Commissioner Tobia asked if Chairman Smith's thoughts are that the Governor has switched his opinion on this, and the Brevard Delegation has switched on offering matching funds; and if it is his belief that now the three minutes provided to make his case, that Commissioner Barfield can switch that mindset.

Chairman Smith responded that was Commissioner Barfield's position and that he supports it.

Commissioner Tobia stated Chairman Smith was the one who was speaking with the Governor.

Chairman Smith stated he just thinks it is important that Commissioner Barfield reiterate the fact that Brevard County is the County that stepped up to support its back yard; Brevard was promised the help and it would be nice in the future if they would consider giving that help.

Commissioner Tobia stated his suggestion is that the Board lend as much support to its Delegation for things that are mutually agreed upon; he thinks if Commissioner Barfield says he disagrees with their opinions on X, Y, or Z, which is okay to disagree with their opinion on anything, but he thinks the Board will find much more success with the suggestions it makes if they meet the criteria or the philosophy that the delegation has; and while Commissioner Barfield only has three minutes, he has been a part of these Delegation meetings which are long and people are asking for things that are many times outside of the control of the Delegation, so he thinks it would be unique if Commissioner Barfield went up there and said he is there to support them on items that both benefit them and Brevard County; and that is why he chose the Melbourne-Tillman item. He continued to say he imagines if the Delegation knew the issue with FEMA, that they would be fighting on the Board's behalf; the fact that Senator Mayfield has already identified this, he thinks the delegation would have to do a double take that the Board was not asking for anything that would cost them any political or financial capital; and if the Board was just there to support them that would be unique and make Commissioner Barfield's three minutes that much more meaningful.

Chairman Smith agreed with Commissioner Tobia. He stated he thinks it would be more productive to ask them for something they already want; and to get the septic to sewer from Senator Mayfield that is a big plus for the IRL and he can look for Indian River support on a one on one basis when he talks with them.

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Commissioner Pritchett asked Commissioner Barfield to state the items one more time.

Commissioner Barfield stated FEMA, IRL with the matching funds, Septic Sewer Conversion, and Melbourne-Tillman.

Commissioner Pritchett stated she still thinks he needs to bring up the bridge; it is not going to cost anything right now, but as Commissioner Tobia was saying, the Board needs to have them really thinking about and being in favor of this down the road.

Commissioner Barfield stated he thinks this all needs to be written up in a formal document and sent from the Chairman; and that these items are of highest priority and he thinks then it gets on their radar and when they get up there they will send back for more information to be pushing this through.

Commissioner Pritchett stated as a female she has learned the more she nags about things, the more attention it gets; this is going to be expensive in a few years and she thinks the Board really needs start saying the bridge is important to Brevard County's economy so everybody is positioned on this.

Mr. Abbate inquired if the Board is going to take any formal action in terms of approving the package because there really is no Board approval for the package that staff put together.

Scott Knox, County Attorney, stated if it were him, he would be sticking to the five picked, and not worry about the rest of them because the Board is going to dilute the five if everything is added to it.

Chairman Smith stated he would just put this in the form of a document that can be voted on tonight.

Mr. Abbate stated if those were the only five items that would be fine; he is just looking, if they give anything to lobbyist relative to what the Board is prioritizing moving forward; and they would share that with them as well.

Commissioner Barfield stated he thinks the Board needs to spend a little more time on this document and come back to it at a regular Board Meeting, not tonight.

Mr. Abbate agreed.

Chairman Smith agreed.

The Board reached consensus in identifying the priorities for the September 20, 2017, Legislative Delegation meeting, as follows:

1. State to evaluate current processes and identify a better way of disbursing Federal Emergency Management Agency (FEMA) funds
2. Support Indian River Lagoon initiatives to reduce pollution sources and encouraging priority be given to those projects which can be provided by matching funds at the State level
3. Support Senator Debbie Mayfield's proposal to provide a continuous matching fund stream for counties and municipalities for septic to sewer conversions

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4. Support Amendment of Chapter 2001-336(8)(12)(C) to allow members of the Board of Brevard County Commissioners to have equal weigh in the setting of user fees of the Melbourne-Tillman Water Control District, a Dependent Special District of Brevard County

ITEM VI.E.2., APPROVAL, RE: 2018 BOARD OF COUNTY COMMISSIONERS MEETING SCHEDULE

Frank Abbate, County Manager, stated there was one modification sent out yesterday; the proposed calendar changing, from November 6, because it is an election day, the Board Meeting to November 13; and he wanted to make sure the Board is familiar with that change.

The Board approved the 2018 Board Meeting Schedule.

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

ITEM VI.F.1., CREATION OF POLICY, RE: CAMPAIGN AND SOLICITATION

Commissioner Pritchett stated she thinks this would beneficial for the Board to have in place, not because it would be a problem with anyone on the Board, but sitting in her last position there was opportunity for a few problems that arose during a meeting and because they had this in place they were able to ask them to take it outside; she asked the County is it had anything in place and it responded it had not; therefore, she brought this forward because she thought it would be good to protect the meetings. She added the Board does not want to have campaigning going on while it is trying to conduct public business; she thought it was a good rule to put in place; and she was actually surprised the County did not already have something in place.

Commissioner Tobia asked Commissioner Pritchett if she could help him with the necessity for this; and he inquired if she was aware of any actions, he knows she mentioned before and does not know if it was with the city or the County.

Commissioner Pritchett stated there was a lady running for office and while she was running there was a hate group out, they had shirts that said stop her, they had fake websites up, and they kept showing up to the meetings with signs and t-shirts; and they were told they could not bring it in. She mentioned it came to be on television; it would have been distracting to the meeting; it was something that had protected them at a governing board level of just people coming in and using the diocese; the heat is going to get turned up during political times; and she learned that drastically when running for seats. She added she just thought it would be best to protect the meetings so the Board does not have to deal with it.

Commissioner Tobia inquired he has not done this, but he knows Commissioners in the have, if he were to sit at the dias and where a shirt with a monogram with his name as County Commissioner would, under Commissioner Pritchett's proposal policy, he be able to do that.

Commissioner Pritchett explained if he was already a sitting Commissioner then she would think so.

Commissioner Tobia asked for clarification if she would be allowed to.

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Commissioner Pritchett replied affirmatively.

Commissioner Tobia asked if there was a speaker at the meeting who was running in direct opposition to Commissioner Pritchett if he would be able to wear a t-shirt with his name on it.

Commissioner Pritchett stated she does not think it would be appropriate; she does not even think it would be appropriate if her husband wore a shirt with her name on it.

Commissioner Tobia asked if that was kind of self-serving that it would allow the present Commissioner's names to be out there, but not allowing the names of people who are stepping up to run against them.

Commissioner Pritchett asked if Commissioner Tobia wanted to make it so the present Commissioners could not wear shirts with their names on them as well. She stated that could be done.

Commissioner Tobia stated the issue is, if she watches Space Coast Television, the first thing plastered up there is and every time one of the Commissioner's speak their name is everywhere; any time his name is in the paper, that is name recognition, that is not provided to the people who are running against the Board members; and he believes that is abridging peoples speech and the fact that courts have said the Board is allowed to do this, does not necessarily make it right. He continued to say he respects the people who wear green t-shirts saying to save the Indian River Lagoon.

Commissioner Pritchett explained that would not be in this at all.

Commissioner Tobia stated unfortunately then what would be, if the Board is going to limit speech on individual candidates, then a slippery slope argument would be what is the difference from a candidate to an issue that may or may not be on the ballot; he is disappointed with fringing upon anyone's opportunity of speech whether it is with him or nine out of 10 times, against him; and he is afraid someone who came in to the meeting with a Donald Trump t-shirt if they would be allowed to wear that. He noted Donald Trump is currently the President, but he has opened exploratory or political action committees and holding rallies, so he is a candidate for the Republican nomination in three years; and he inquired if that person would be asked to step aside or would it only be persons who decided to run against the Board that would be asked to step aside.

Commissioner Pritchett stated if Commissioner Tobia does not mind everybody coming in and doing that, then she is fine with it; she thinks when the Board starts getting distracted with campaigns at the time, it might where on what the Board is trying to do; if Commissioner Tobia is dead set against it then it is fine with her; she saw with another board she sat on that it was beneficial to be able to get the business done at hand without having distractions come in that were motivated other than the benefit of the County; she is not looking at this as a free speech issue, if it is in Commissioner Tobia's head then she respects him for that and she hears it, however that was not the flavor of this and she believes there is a benefit to it.

Commissioner Tobia stated he did not mean to insinuate that Commissioner Pritchett was trying to curve free speech, or try to hold anyone back; he thinks the Board needs to encourage political participation and if people want to show up to support the Board or oppose the Board, then he thinks they should have access to those seats and that microphone to discuss their beliefs as to why the Board is doing a good or bad job; and while he appreciates the intent of this and he loves the thought behind it, he just thinks the potential outcomes of infringing upon people's free speech is somewhere that he could not be with right now.

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Commissioner Barfield questioned Scott Knox, County Attorney, what the rules are as far as campaigning in government facilities, especially near the elections offices, which is right across the hall; and he inquired if that would come into play there.

Attorney Knox stated the Board chambers is a limited public forum for the purposes of free speech which means the Board can pretty much control what goes in and comes out in terms of who can say what; the cases in the Circuit Court of Appeals made it pretty clear that the Board has that kind of control, and it can exclude any kind of speech that it prefers, unless it is something that the Board is actually working on; if there is an Agenda Item and someone comes in to speak and there is a procedure set up for them to speak; somebody who wants to come in and wear a shirt in support of the Indian River Lagoon (IRL) Referendum and it was something the Board was considering, that would be something that would be appropriate to be in here; and if someone came in saying vote for Donald Trump and he was standing at the micro phone and bearing his chest with a Donald Trump sign, that is something the Board does not have to allow if it does not want to.

Commissioner Isnardi stated this is clearly, and she is 100 percent sure that it was not Commissioner Pritchett's intent, infringement on first amendment rights; she does not want to discourage anybody, and she has been on the other side of it where she had her opponent at the podium telling her what a horrible person she was, so she knows it happens, but that is part of what a person signs up for; sometime people see some things and hear some things they do not like, and at times there are rooms full of angry people, but that was what the Board was elected to do, was to take that on; and she noted she would not be in support of any kind of policy changes that restricts anybody's first amendment rights.

Commissioner Pritchett stated just on that note she does not really believe that this does that; that is an opinion, she does not really think that would take away someone's first amendment rights to stand for the candidate they had, it would just be in a Board member setting when it is doing other business that is not in direct correlation of what is happening at the time; however, she respects that and she will let this go, but she really does not think any of this had to do with taking away first amendment rights, and that is her own opinion.

The Board took no action regarding the creation of a policy for campaign and solicitation.

ITEM VI.F.2., LETTER OF SUPPORT, RE: SENATOR DEBBIE MAYFIELD'S PROPOSAL TO PROVIDE A CONTINUOUS MATCHING FUND STREAM FOR COUNTIES AND MUNICIPALITIES FOR SEPTIC TO SEWER CONVERSION

The Board approved and the Chairman or Vice Chairwoman to sign and send the Letter of Support to Senator Debbie Mayfield for her proposal to provide a continuous matching fund stream for counties and municipalities for septic to sewer conversion prior to her meeting with the Governor.

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

ITEM VII., PUBLIC COMMENTS

Charles Tovey stated he wrote on his card about Payola and conflict of interest; he wanted to briefly touch on his high school; after he got home from Georgia he tried to go to Satellite High school; he could not go there because he was seeing the head football coaches daughter and had conflict from all the athletic supporters and the police; his mom drove his car, so he could drive her car to go to school and she was pulled over; anyway he went to Winter Park, a couple families adopted him for a while so he could finish high school; while in high school he took a job training course, he chose radio; they discussed about Payola and about it being a conflict of interest; although the Board is not directly giving money or obvious things like trips to Colorado, the Space Conventions form public or private, which is another conflict of interest; public and private does not mix, but yet that is why he has a couple businesses; he can funnel money through one and if he is dishonest he can say it the business doing it; and that is another practice they could utilize. He commented would people think that anybody taking benefits, personal benefits to a conflicting interest, be a conflict of the peoples interest; they are not going there in the best interest and it is being funded; he asked where those dollars are coming from; Commissioner Anderson and Commissioner Fisher indulged in those kinds of trips, good for them, and if he had the opportunity he would go if someone paid his way; now he is head of Economic Development Commission (EDC) of Palm Bay, and all the while he was making decisions with the people of Brevard County's tax dollars for theirs, it does not fit, he knows; he has 30 seconds left and he wanted to thank everybody; and he lives like Hurricane Irma, Fred, Wilma, and that is how he lived since Palm Shores invaded his right to live. He added he cannot speak, he cannot have religion, he cannot have property; the Board has heard the story; he has wasted his time, but he thought the Payola was very interesting; he thinks it is a conflict of interest when the Board passes these things, yet people are collecting personal benefits.

ITEM VIII.A., FRANK ABBATE, COUNTY MANAGER, RE: REPORT

Frank Abbate, County Manager, stated going back to Hurricane Irma, he has had two emergency declarations that were executed before the hurricane, and shortly after, by the Policy group that the County may have to extend because they expire in seven-day increments; and he requested the Board provide permission or authority to execute any extensions, as necessary. He noted last year during Hurricane Matthew, they had six extensions just to cover the County over the time it was doing debris removal.

The Board granted you permission to execute any necessary extensions of the Emergency Proclamation for Hurricane Irma.

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

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

Commissioner Barfield stated with the impact of Hurricane Irma a lot of people were out of work for a good amount of time; he thinks the Board needs to revisit the emergency services fund, that it cut \$180,000 from; that is for that one time help if someone needs to pay rent or something like that; and he will probably bring that up more tonight to revisit it.

ITEM VIII.E., KRISTINE ISNARDI, DISTRICT 5 COMMISSIONER, RE: REPORT

Commissioner Isnardi expressed her appreciation to all the County employees, First Responders, and everyday neighbors who helped each other before, during, and after the hurricane; someone had shared a story with her about Commissioner Tobia pushing somebody in a wheelchair, through the rain, to a Space Coast Area Transit (SCAT) bus and to her that was real inspiring to hear, because it is what people do when no one is watching; it is hard to see what people do outside of these meetings; and she just wanted to thank everybody on the Commission, they all have a great staff, everybody pitched in, and she thinks it does not often get recognized, so she wanted to express that.

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

Commissioner Pritchett commented she is always overwhelmed at how the worst circumstances can bring out the best in the community; she is really proud of how the community came together; she is fascinated that Florida Power and Light only had six trucks left in the area when they went to Texas to help; the first few days they were working 24 hours, seven days a week trying to get power back up; and she thinks the County employees are all amazing.

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

Commissioner Smith stated he has a personal family issue that has arisen; there may be a few meetings, one to three or more, that he is forced to miss; he should be able to call in to those meetings; however, he needs a motion that would allow for him to call in. He went on to say, he obviously would not be there to run the meetings, but his presence will be.

Commissioner Tobia stated he would miss Chairman Smith if he were not there.

The Board granted permission for Chairman Smith to attend meetings via electronic communications until which time his personal family issues have been resolved.

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

EXECUTIVE SESSION: BREVARD COUNTY, FLORIDA V. B. WEST TOWNHOUSES, LTD, MEADOWBROOK, LLC, TRADEWINDS PLAZA, LLC CASE NO. 05-2013-CA-025677

The Board recessed for an Executive Session for Brevard County, Florida v. B. West Townhouses, LTD. Meadowbrook, LLC. Tradewinds Plaza, LLC. Case No. 05-2013-CA-025677.

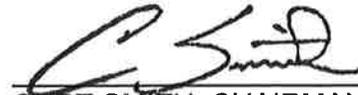
September 19, 2017

Upon consensus of the Board, the meeting adjourned at 12:31 p.m.

ATTEST:



Scott Ellis
SCOTT ELLIS, CLERK



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

As approved by Board 10-24-17