

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

6:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on February 7, 2017 at 6:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

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

**INVOCATION**

The invocation was provided by Reverend Bernard C. Wright, Sr., Bethlehem Missionary Baptist Church, Titusville.

**PLEDGE OF ALLEGIANCE**

Commissioner Barfield led the assembly in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The Board approved the December 1, 2016 Zoning Meeting Minutes and the January 10, 2017 Regular Meeting Minutes.

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

**ITEM I.A., RESOLUTION, RE: AUTHORIZING WREATHS ACROSS AMERICA TO INCLUDE THE VETERANS CEMETARY AT 1143 DAY STREET, TITUSVILLE, IN THE ANNUAL WREATH-LAYING CEREMONY**

Commissioner Pritchett read aloud, and the Board adopted Resolution No. 17-009, authorizing Wreaths Across America to include the Veterans Cemetery at 1143 Day Street, Titusville, in the Annual Wreath-laying ceremony.

A representative of Wreaths Across America stated on behalf of the 130 veterans that are laid to rest in Titusville, it is his honor to present the Wreaths Across America Program; it has been said that a veteran will die twice, first when his or her heart stops, and second when their names are no longer mentioned; part of the Wreaths Across America Program is to keep the names alive, as the wreaths are placed as the name of the veteran buried there is announced; and he

February 7, 2017

invited the Board to Wreaths Across America Day, December 16, 2017, at 12:00 for the ceremony.

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

**ITEM I.B., RESOLUTION, RE: RECOGNIZING FEBRUARY 2017 AS BLACK HISTORY MONTH IN BREVARD COUNTY**

Chairman Smith read aloud, and the Board adopted Resolution No. 17-010, recognizing February 2017 as Black History Month in Brevard County.

A representative of the Brevard County Public School System and Mrs. Walter Butler accepted the Resolutions.

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

**ITEM II., ITEMS PULLED FROM CONSENT AGENDA**

Commissioner Tobia pulled Item II.D.1., Approval for Budget Change Requests and Commissioner Pritchett pulled Item II.D.5., Appointments/Reappointments for Citizen Advisory Boards, from the Agenda for discussion.

**ITEM II.A.1., FINAL PLAT APPROVAL, RE: CASHEL VILLAGE AT CAPRON RIDGE PHASE TWO SUBDIVISION - FLEIS GROUP, LLC**

The Board granted final plat approval; and authorized the Chairman to sign the final plat for Cashel Village at Capron Ridge Phase Two Subdivision - Fleis Group, LLC, subject to minor engineering changes as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

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

February 7, 2017

**ITEM II.A.2., FINAL PLAT AND CONTRACT APPROVAL WITH THE VIERA COMPANY, RE: REELING PARK NORTH AND SEVILLE AT ADDISON VILLAGE - PHASE 3 - SUBDIVISION**

The Board granted final plat approval; authorized the Chairman to sign the final plat for Reeling Park North and Seville at Addison Village - Phase 3 - Subdivision, subject to minor engineering changes as applicable, and developer responsible for obtaining all other necessary jurisdictional permits; and approved the Subdivision Infrastructure Contract.

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

**ITEM II.A.3., FINAL PLAT AND CONTRACT APPROVAL WITH THE VIERA COMPANY, RE: REELING PARK NORTH AND SEVILLE AT ADDISON VILLAGE - PHASE 2 - SUBDIVISION**

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

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

**ITEM II.A.4., FINAL PLAT AND CONTRACT APPROVAL WITH WCI COMMUNITIES, LLC, RE: BRIDGEWATER NORTH SUBDIVISION**

The Board granted final plat approval; authorized the Chairman to sign the final plat for Bridgewater North Subdivision, subject to minor engineering changes as applicable, and developer responsible for obtaining all other necessary jurisdictional permits; and approved the Subdivision Infrastructure Contract.

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

**ITEM II.A.5., RESOLUTION, RE: RELEASING PERFORMANCE BOND FOR REELING PARK NORTH AT ADDISON VILLAGE, PHASE 1 - THE VIERA COMPANY**

The Board executed and adopted Resolution No. 17-011, releasing the Contract and Surety Performance Bond dated September 1, 2015, for Reeling Park North and Seville at Addison Village, Phase 1 Subdivision - The Viera Company.

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

**ITEM II.A.6., RESOLUTION, RE: RELEASING PERFORMANCE BOND FOR KERRINGTON, PHASE 1 SUBDIVISION - THE VIERA COMPANY**

The Board executed and adopted Resolution No. 17-012, releasing the Contract and Surety Performance Bond dated January 12, 2016, for Kerrington, Phase 1 Subdivision - The Viera Company.

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

**ITEM II.B.1., ADOPTION, RE: FEDERAL TRANSIT ADMINISTRATION'S 2017 TITLE VI REPORT FOR SPACE COAST AREA TRANSIT (SCAT)**

The Board adopted the 2017 Title VI Report for SCAT as required by the FTA approved the Fiscal Year 2017 Certifications and Assurances for FTA.

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

**ITEM II.B.2., APPROVAL, RE: BOARD POLICY BCC-14, DRUG AND ALCOHOL TESTING OF SPACE COAST AREA TRANSIT (SCAT) APPLICANTS AND EMPLOYEES**

The Board approved Board Policy BCC-14, Drug & Alcohol Testing changes and new review dates for SCAT applicants and employees.

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

February 7, 2017

**ITEM II.D.2., SETTLEMENT AGREEMENT ON EXPERT FEES AND COSTS IN THE AMOUNT OF \$22,258.49, RE: BREVARD COUNTY V. B. WEST TOWNHOUSES, ET AL, CASE NO. 05-2013-CA-025677**

The Board approved the Settlement Agreement on expert fees and costs in the amount of \$22,258.49 for Brevard County v. B West Townhouses, et al, Case No. 05-2013-CA-025677.

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

**ITEM II.D.3., CONFIRMATION OF APPOINTMENT, RE: PARKS AND RECREATION DEPARTMENT DIRECTOR - MARY ELLEN DONNER**

The Board confirmed the appointment of Mary Ellen Donner as the new Brevard County Parks and Recreation Director.

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

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

Commissioner Tobia stated this is a budget change request in the tune of about \$180,000; he has some concerns that he wanted to bring to light; \$64,000 for a new park in a facility where there is a relatively new park that serves children ages five to 12; this would add another group of playground equipment for two to four year olds; and his understanding for this is because it is in a low income area. He continued his belief is low income is solved with good education not with good parks; there is a park less than a mile and a half away where kids could seek recreational activities; more concerning to him than the \$64,000 for the additional park, is \$10,000 additional funding for what he imagines is for better trucks and vans; money has already been allocated and this would increase that allocation to more than \$10,000; he asked what the \$10,800 purchases, whether it be leather seats, 4x4's, or 250s instead of 150s; and it is very concerning to him instead of using the resources to balance forward, the County is endeavoring to spend each and every penny. He added for that reason he cannot support this budget change request and asked for it to be pulled from the Agenda.

Venetta Valdengo, Assistant County Manager, stated the vehicles are bought out of contract so it is not that there were changes made to the amenities on the vehicles; and typically if a contract changes, the estimate is put together and a new contract can be negotiated as result of the change.

Hector Lopez, Interim Parks and Recreation Director, stated the playground unit is a standard price for the two to four year olds; the five to 12 year olds run from \$24,000 to \$45,000 depending on the elements purchased with it; it also has a shades structure associated with it; and the location is at the Woody Simpson Park Community Center Fields. He went on to say

February 7, 2017

they are without a playground at this time; and the County is initiating that process for the park system at Woody Simpson.

Commissioner Tobia stated he did not mean the funds were being misallocated, he believes the County is misprioritizing the funds; he believes the \$64,000 would be better used paving roads; before this \$180,000, the County had four trucks allocated; since this is not allocating a fifth truck, then his only understanding is that the trucks the County is getting are better trucks; the money ended up magically being the exact amount of the \$180,000; and he believes those numbers were made to fit the \$180,000 and that is why he highly doubts it was off a State contract. He added he just thinks the money could be allocated better to the County's transportation infrastructure and that is why he cannot support it.

Stockton Whitten, County Manager, stated these are referendum dollars and the Board does not have the ability to move those to any other fund, with the exception of the Parks and Recreation Capital Funds; and as he understands it, the funds are being reallocated from a Capital Improvement Project (CIP) that was either completed or no longer a priority.

Mr. Lopez informed the Board it was no longer on the priority list.

Mr. Whitten stated the County is simply reallocating the referendum dollars, which is a special tax voted upon by the voters, specifically dedicated to parks and recreational capital and operating needs; therefore, the Board could not move them to road projects if it so desired. He mentioned the only way the County purchases vans and vehicles is off of the State contract, so these are dollars that are going towards vehicles; he does believe they back into the numbers they are removing from one project and allocating to the various needs across the other projects, so he would not deny that; and there is a project that has \$180,000 dedicated to it, it is no longer of the utmost priority, and they are simply taking those dollars to allocate them across various projects. He reiterated the primary point being the funds are referendum dollars that cannot be used for other expenditures except for the parks capital expenditures in the Central Parks budget.

Commissioner Tobia stated that was why he made it very clear the resources could go to balance forward; it is his understanding Parks and Recreation receives dollars out of the General Revenue to spend; if this is resources that can be used in the future, then that would be less resources they would need in the future out of the pot of money that could otherwise be used for transportation. He apologized if he was not clear when he spoke earlier.

Commissioner Barfield asked the County Manager if the item the money is going towards was listed on the CIP.

Mr. Lopez replied they were not; they were dollars moved from the Jefferson Middle School CIP for lights.

Commissioner Barfield asked again if the other items were on the CIP.

Mr. Lopez replied they are all on unfunded.

Mr. Whitten stated the difference is CIP's are for larger capital expenditures; these may be capital outlay needs as opposed to capital improvement projects; the air conditioning unit obviously is an operational capital need which would be a higher priority than the lighting; generally these are capital outlay items or items that are in the CIP; and sometimes those can be different sets of items.

Chairman Smith asked Mr. Whitten to explain what a CIP is.

February 7, 2017

Mr. Whitten explained a CIP is a Capital Improvement Project, for instance the Jefferson Middle School lighting CIP was a part of a listing of projects or large equipment that the Board has previously approved and budgeted for either in the correct fiscal year or an outlying fiscal year.

The Board approved the Budget Change Requests, as submitted.

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

**ITEM II.D.5., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS**

The Board appointed/reappointed **Lertis H. Brothers** to the Community Development Block Grant Advisory Board, with term expiring December 31, 2017; **Steve Henderson** to the EEL Program Recreation and Education Advisory Committee, with term expiring December 31, 2017; **Barbara Davis** to the Library Board, with term expiring December 31, 2017; **Brian Hodgers** to the Marine Advisory Council, with term expiring December 31, 2017; and **Edwin Poole** to the Port St. John Public Library Advisory Board, with term expiring December 31, 2017.

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

Commissioner Pritchett stated she has received some emails which caused her some concern, so she wants to pull an appointment from the Agenda Item.

Chairman Smith inquired if Commissioner Pritchett would like to identify this person, as there are numerous people nominated in this section.

Commissioner Pritchett replied it is the appointment for District 3, Mr. Charbonneau; and she was going to vote to deny his appointment.

Chairman Smith inquired if Commissioner Pritchett would like to go in-depth on her objection.

Commissioner Pritchett stated she would rather just disapprove; there were complications on other boards; and she feels this is an important board and that Mr. Charbonneau would not be a good fit.

Commissioner Isnardi stated she would like to hear from Commissioner Tobia because this was his appointment; at the very least the Board should hear more detail; and she gets a little nervous denying a Board Appointment. She continued ideologically if four of the Board members see things differently than one they could disapprove of somebody just because of their political beliefs; of course that is not what she believes is happening here; however, it may put the Board on a path that it does not want to go down.

February 7, 2017

Commissioner Tobia stated Mr. Charbonneau has a distinguished career in law enforcement and in the private sector; he holds many certificates proffered by the State of Florida; he believes Mr. Charbonneau would be an asset to the Zoning Board of Adjustment; and he is proud to have nominated him. He continued, he like many of others, is sharp around the edges; and he went with people he believes have a strong work ethic, bring personal skills, and life experiences which he believes Mr. Charbonneau is the type of gentleman who will provide that outlook onto this board.

Commissioner Barfield stated the Zoning Board of Adjustment is very, very important; Mr. Charbonneau was on the Planning and Zoning Board and did not perform well at all; it was in fact, tough for Mr. Charbonneau to stay awake in meetings; and the other issue is Ordinance 76-20, which states the Board of Adjustment shall consist of one member from each County Commissioner's District. He noted there has to be one member from each District; Mr. Charbonneau lives in District 4 which would present two from District 4 and no one from District 3; and that is a real issue.

Chairman Smith stated that takes personalities, options, and opinions out of it since the Ordinance requires one member from each District.

Commissioner Tobia asked if he could get an opinion from the County Attorney on whether the person has to live there.

Richard Charbonneau stated that he does not know Commissioner Pritchett; he is not on any other board like Commissioner Pritchett stated that there was a conflict of him being on another board; and he explained that is not the truth.

Commissioner Pritchett disagreed with Mr. Charbonneau's statement.

Mr. Charbonneau stated for the Board to play it back so everyone could hear what Commissioner Pritchett had said.

Commissioner Pritchett replied she had gotten information on another board that he served on where people had frustrations with his service.

Mr. Charbonneau stated it was said that he fell asleep on the board, and that was not true at all; he pointed out Commissioner Barfield was not at any of those meetings at all so he must be operating by assumption or what somebody must have told him; and he noted that he only served as the alternate and only voted if John Stone was not there, and John Stone was probably there 90 percent of the time. He added whether he came or did not come, whether he fell asleep or did not fall asleep, it did not make any difference because John Stone was there and he did not do anything; for him to not be performing, would require John Stone not to be there; it makes no sense at all; and he stated this is a set up and the Board knows it. He went on to say there are two conservatives on the bookends; then one person who is on speed dial with Robin Fisher; the other person that is on speed dial with the Economic Development Commission (EDC); and the other person who is a swing vote.

Chairman Smith used the gavel to announce Mr. Charbonneau was out of order.

Mr. Charbonneau replied it is about time somebody said it.

Scott Knox, County Attorney, stated the member must be from the District so if there were two from the same District; one would not be able to sit on the board.

Chairman Smith asked Commissioner Tobia if he would like to pull the request.

February 7, 2017

Commissioner Tobia replied he would like to pull the request for the appointment of Mr. Charbonneau to the Zoning Board of Adjustment.

### **ITEM III., PUBLIC COMMENT**

Sanjay Patel stated he is the newly elected State Committeeman for the Brevard Democratic Party; he is speaking as a concerned citizen of the State of Florida and Brevard County; he is concerned about the potential for damage to homes, health, and environment due to the operation of a liquefied natural gas (LNG) export facility on the Brevard County coast; and the transport of Liquefied Natural Gas by rail through Brevard County. He noted the project is on hold pending the approval of a variance due to the dangerous proximity to critical infrastructure; and he wanted to make sure the Board is well aware of the environmental, health, and safety concerns associated with this project. He continued in 2014, an explosion at a similar facility in Plymouth, Washington, exploded injuring five workers and forced hundreds of people to evacuate their homes within two miles of the facility; 14.3 million cubic feet of gas spewed from the storage tank making the residents and emergency responders sick; over 100 emergency workers were required in the response; and just this week according to the *Los Angeles Daily News*, Dr. Jeffrey Nordella reported that a pattern of health symptoms has emerged among the almost 50 patients he has followed since last year's Aliso Canyon natural gas leak in California. He went on to say the doctor saw abnormal pulmonary function among some of those patients and low red blood cell counts in others; the doctor also reviewed the files of residents whose family members died and he saw a rare case of anemia that could be connected to toxic exposure; in addition to the danger of the facility itself, is the danger of transporting liquefied natural gas by rail through Brevard County; and according to a *Channel 9* investigative reporter, the Martin County fire department issued a report that showed a possible blast radius would impact 1,200 residents. He added the report showed that such an accident would exceed local response capabilities; transport of LNG by rail is still experimental and has just begun in one other state, where a lawsuit is already underway which claims the government operated in secrecy, and was not transparent in its approval of the nation's first experimental rail shipments of liquefied natural gas; and he hopes the Board will fully respond to the request for information and present a thorough risk analysis to the community before allowing the project to proceed because of the danger of an explosion like the one in Washington, and because of health risks just now being uncovered from methane leaks like the ones in Aliso Canyon, and because of the anticipated blast radius and the County's limited response to such a crisis.

Gail Meredith stated she is speaking on behalf of the LNG facility and her concerns; she believes it is very dangerous and it has not received the scrutiny and environmental impact study that it should; she thinks the Board should look into it more deeply before going forward with it; she is supporting what Sanjay Patel said and what Mel Martin is going to say; and the long term effects of having such a dangerous facility in the County should be carefully evaluated before proceeding. She added she would like to know the status.

John Saathoff expressed his appreciation to the Board for allowing the public to bring the facts about LNG out in the open; he stated it is not something that has been flying above the radar up to this point; he will leave it to his friends to present their questions and concerns about the risks of moving LNG through Brevard County's residential communities; and he noted LNG creates a significant problem connected with Florida's ecology, water supply and public health. He continued he is speaking to the Board out of the growing concern of the natural gas for LNG processing and export would be moving at very high pressures through the pipeline; the project is under construction now; the pipeline route passes through the most vulnerable parts of the State and the most exposed part of the Florida aquifer; and he believes the Port Canaveral LNG terminal and others on the drawing board are driving the economic justification of the project which will allow Florida into a future of transporting and processing the process of

February 7, 2017

natural gas while potentially polluting its water supply. He went on to say the Federal Energy Regulatory Commission (FERC), Environmental Protection Agency (EPA), and the Army Corp of Engineers have all had the opportunity to evaluate the environmental impact of standard temperature and pressure (STP) and each has dropped the ball; he has two reasons for the concern, the first being because the steady increase in carbon dioxide emissions from burning natural gas; LNG is sent to other countries where it is burned at gas fired power plants and it makes little difference in the world where the gas is burned, all of the gas submissions mix into the atmosphere and trap heat so clean burning natural gas is energy propaganda; and when it comes to climate effects, natural gas is no better than coal. He mentioned coal is carbon in density; it is 82 percent higher than gas; however, the rapid decline of coal coupled with the expedient increase in cheap gas for electricity generation means that admission from natural gas now exceeds those from coal for the first time since 1972.

Stacey Patel stated in addition to the many potential risks to this community, she has learned a lot about natural gas and about the impact of this project since this facility was conceived; natural gas is not necessarily the clean fuel once thought; according to the nation, in March 2016, Harvard researchers used satellite data and ground observation to conclude that the nation as a whole is leaking methane in massive quantities; the data showed that U.S. methane admissions increased by more than 30 percent accounting for 30-60 percent of the enormous spike in methane in the entire planet's atmosphere; and this data suggest that the new natural gas infrastructure has been bleeding methane into the atmosphere in record quantities. She continued this unburn methane is much more efficient at trapping heat than carbon dioxide (CO<sub>2</sub>); carbon dioxide is driving the great warming of the planet but CO<sub>2</sub> is not doing it alone; it is time to take methane seriously as well; this project is an offshoot of the pipeline, a project which prior to political maneuvering, was originally opposed by the EPA; according to Politico the EPA sent a letter to FERC that it had very significant concerns that the proposed route posed a threat to the Florida Aquifer, the drinking water supply for much of the region; and the agency also raised concerns about the pipelines impact on wetlands, conservation lands, and minority communities in the region. She asked if the County should really support projects that threaten Florida's natural resources, and at a time when Florida's Legislature is considering a statewide fracking ban proposed by Republicans, the Senate, and the House. She added this pipeline will carry fracked gas from the backyards of fellow Americans to Florida for export; she asked if the Board could not see the hypocrisy in planning to profit locally from harmful environmental practices that would not be allowed in a person's own backyard; finally it is becoming more clear that green jobs offer significantly greater opportunity than continued investments in fossil fuel infrastructure; just today *TIME Magazine* reported the number of jobs in the U.S. solar industry grew by 25 percent last year; more than 250,000 people work in the solar industry which is a 17 fold increase since 2010; and the rapid growth is largely due to rapid technological advances that have made solar cost competitive with natural gas in many places. She stated last month it was reported the trains in the Netherlands run entirely on wind industry; this County brought a man to the moon; with Elon Musk developing Space X in Brevard and a solar city in the people's backyards, she asked if this could be the County that would build the future of America's energy infrastructure; and she suggested the County not endanger the citizens, the economy, or the environment by continuing the sad legacy of dependence on fossil fuels.

Charles Tovey stated insanity is doing the same thing over and over again; he provided this information once before and he is going to do it again; it is before and after looking for treasure in the Lagoon; he has the same problems; he is trying to do his legal thing, trying to get his medical things, and he cannot have anything at his property; and when trying to tend to some legal things yesterday, he went home to find someone had been at his property, in one of his vehicles, and left a threatening note as well as several weeks ago before someone took his cat, a Heineken bottle was launched at one of his trucks. He continued this has been going on for over a decade; the same with the photographs he provided to the Board, for years and years he

February 7, 2017

did that and has a bag full of videos, that he did not have time to get; he hates to leave his house; and he asked the Board why he cannot have his rights, if he has to earn them, or if someone has to give them to him while everybody else can leave their house in safe and security, but he has to lose everything he has. He went on to say as he expressed at the last meeting, saving the Lagoon cost him a lot, but it was worth it; he has the photographs and the videos, it is all there; the reason he did it from Pineda to Eau Gallie is because it is one of the closest points of the Lagoon; he prays about things and that is where he was led, even though he went to Titusville all the way to Grant; and they had the boom barriers and clogged up everything so he concentrated on the most infected point just like he explained about the heart surgery. He added he cleaned from Pineda to Eau Gallie; it can be seen by the white sands and he will produce the videos; the County is not going to take it away from him, whoever is responsible will have to murder him; and he also wanted to point out anyone can see the difference in the water, the clarity, and the other marine animals, the whole environment comes back. He stated a man took his boat; he provided a photograph with two boats on it, the one on the bottom is the boat that was taken, which was worth \$25,000 and the boat on the top is the boat that was left behind after taking his boat; the man who did it is the person in charge of cleaning up all the muck in the Lagoon; and he has a whole list of people who come to threaten him, while people trespass and destroy his property. He continued he will be at the next meeting, and the one after that, and so on; the County has a mode of do not do anything until it is too late, then tax everybody and create a bunch of boards; and the County could save millions. He mentioned there was a County Commissioner who said a person either has religion or they do not have religion but to him having no religion is a religion. He asked what he is supposed to do about his house; he stated he hates leaving and hates coming home; the people laugh and help themselves to his life and his property while nobody does anything about it; and the Sheriff comes by and he chases him down the road, just for him to keep on going.

Pam LaSalle stated when she spoke to a prior Board she was told she only had to give her name and her town, not her whole address; and she really does not think that should be taken out of her time, because she is trying to clarify what the rules are.

Scott Knox, County Attorney, stated he does not think anybody should be forced to provide their address.

Ms. LaSalle stated at the last meeting Chairman Smith made some remarks and she read some of his comments, "The public, and not all, since I've been in this position, I know there is paranoid people, there's a boogeyman behind every tree and around every corner, I mean we've got people up here that say things that will make your head explode, like we are all going to die from some foreign disease that we are going to get from a cat even though every vet and every doctor, even a medical examiner he spoke to in the County said that wasn't true, but that person was convinced that we are going to die unless we did something;" she stated since she is the only person since he took office, to speak on the health hazard of free roaming cats, she thinks people believe he was talking about her comments on toxoplasmosis; toxoplasma gondii is the cause of toxoplasmosis, it is a microscopic single cell parasite; cats are the definitive hosts for this parasite; and infected cats excrete the parasite in their feces. She continued it is environmentally resistant and can be spread by any number of vectors; during an infection, a single cat can expel 500 million oocysts and a single oocyst can infect a secondary host, such as a human; and it is incurable. She added interestingly Chairman Smith mentioned his head exploding; an infant, cognitively infected, can endure hydrocephalus which causes swelling of the brain; since their skulls are soft, their head can expand in an extreme and abnormal way; the County Manager would not allow her to show the audience pictures of hydrocephalus that are published on Wikipedia; and this County allows feral cat colonies and places the public at risk. She went on to say she does not know what vets or doctors he has spoken with, but she does know there are many in those professions who disagree with his statements and believe it to be a significant senseless health risk; the three new Board members are not familiar with all

February 7, 2017

of the information she had sent the two prior members; and she will be sending them the information on this disease and would be happy to discuss it with any of them.

Melissa Martin stated she may have stirred up some things by asking a few questions; she just wanted to give the Board the framework of why she was curious; she is a judge advocate and a retired marine who was the legal planner for multiple crisis operations, and planning development working groups; and she is familiar with what is necessary in a concerted effort of preparing for the worst and making sure someone has the assets and the training necessary to respond effectively to minimize injury, death, and health issues. She continued while she was sitting at the Citizen's Academy on Friday, she noticed there was not, to the standard of her expectation, sufficient understanding, notice to the public, intergovernmental discussions, and things like that not only regarding the LNG manufacturing plant coming, but also the intent to transport it out of the Port and down the rails throughout Brevard County; she was concerned because people's lives are at risk and they should know about it so they can speak up about it; and she is unsure if this is an issue that is too far down-the-road for the public to have an opinion, but she does not remember the public being asked if it was to their benefit. She stated she understands it was a Titusville issue and has remained a Titusville issue regarding the plant; however, no such discussions have been created regarding the use of the All Aboard Florida Rails for LNG freight. She went on to say this is an experimental issue; no other place in the nation other than Alaska transports LNG by rail; LNG is just a frozen state of methane gas; Alaska's climate is a little different than Florida; her questions are overwhelming, therefore, she is looking to the Board to answer her questions; and in the end she is just hoping to start the conversation in the community.

Abby Johnson stated she is with the St. Johns River Water Management District (SJRWMD) and she just wanted to introduce herself as the new intergovernmental coordinator for Brevard County, she is available to be of service and accessible.

**ITEM IV.A., RESOLUTION, RE: APPROVING THE ISSUANCE OF FLORIDA DEVELOPMENT FINANCE CORPORATION EDUCATIONAL FACILITIES REVENUE REFUNDING BONDS, SERIES 2017 (SCULPTOR CHARTER SCHOOL)**

Chairman Smith called for public hearing to adopt a resolution approving the issuance of Florida Department Finance Corporation Educational Facilities Revenue Refunding Bonds, Series 2017, for Sculptor Charter School.

Scott Knox, Attorney, stated this is a TEFRA hearing on the Florida Development Finance Corporation Educational Facilities Bonds in connection with the Sculptor Charter School.

There being no further comments or objections, the Board adopted Resolution No. 17-013, approving the issuance of Florida Development Finance Corporation Educational Facilities Revenue Refunding Bonds, Series 2017, for Sculptor Charter School.

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

February 7, 2017

**ITEM V.A., PROPOSED SETTLEMENT AGREEMENT, RE: DEER PARK RANCH, LTD. V. BREVARD COUNTY SOLID WASTE MANAGEMENT DEPARTMENT AND DEPARTMENT OF ENVIRONMENTAL PROTECTION, DOAH CASE NO, 16-3549, AND FARMLAND RESERVE, INC D/B/A DESERET RANCHES OF FLORIDA V. BREVARD COUNTY SOLID WASTE MANAGEMENT DEPARTMENT AND DEPARTMENT OF ENVIRONMENTAL PROTECTION DOAH CASE NO. 16-3550**

Scott Knox, County Attorney, stated this is a proposed settlement agreement regarding the Deseret Ranch Property involving solid waste.

David Dee, environmental law attorney, stated he has represented Brevard County for the past 25 years; he is there to provide an overview of a proposed settlement agreement that has been negotiated between the County, Deseret Ranches, and Deer Park; the settlement agreement is in the Agenda package; also included in the Agenda package is a letter he sent to the County Attorney dated January 23, 2017, which provides additional details about the settlement agreement; and it explains why he recommended approval of the settlement agreement by the Board. He continued these issues were discussed at length during the executive session that two weeks ago on January 24; he would like to highlight some of the key issues for the benefit of the public because they were not able to participate in that discussion; the issues began in 1991 when the County filed an lawsuit against Deseret Ranches in Eminent Domain so the County could obtain property for a new solid waste facility that the County wished to build; and the lawsuit resulted in a settlement agreement in 1991 in the purchase of 2,980 acres from Deseret Ranch. He went on to say the County moved forward in fits and starts in the following years; in 2010 the County filed applications with the Florida Department of Environmental Protection (FDEP) for the solid waste permits needed to build the first cell of a class three landfill on the site; Deseret challenged the decision, but ultimately entered into a settlement agreement; in the following year, 2011, pursuant to the settlement agreement, the solid waste permits were issued; in 2016 FDEP gave notice of its intent to issue the environmental resource permits for certain dredging and filling activities on this particular site and construction of certain stormwater management systems to allow the County to go forward with the development of the project; and that decision was also challenged by Deseret and Deer Park Ranch. He added the challenge was referred over to Division of Administrative Hearings and is now scheduled for a formal administrative hearing on May 2, 2017; the proceeding is expected to take approximately two weeks to complete; it will be like a trial in Circuit Court; there will be a judge and no jury with formal procedures implemented for the presentation of evidence and cross examination of witnesses; last spring Deseret submitted a proposal to the Board with a suggestion for how their cases could be settled; the suggestion was based on the concept that the County would agree not to build a class one landfill on its property, which is a landfill that would receive garbage; and in addition Deseret wanted to purchase back approximately 2,250 acres of the site. He stated the Board had a Workshop in May of last year and concluded it would not accept the proposal from Deseret; the Board at that time, stated it wanted to keep all options open, which included the possibility of developing a class one landfill for garbage on this site, in the future; following the Board's Workshop he tried to consider the concerns expressed by the Board as well as the concerns expressed by Deseret and Deer Park; he tried to think about concepts that might bring the parties together so they could resolve the dispute without further expense and litigation; and he coordinated with County staff and consultants to come up with some ideas that were presented to Deseret in over the last four to five months, to work with them and the County staff on negotiation of a settlement agreement that appears to be acceptable to Deseret, Deer Park, the County staff, and himself. He continued the biggest concerns that were addressed by the parties were the County needs a new landfill to replace the Sarno Road landfill in Melbourne, which receives construction and demolition debris, tires, furniture, mattresses, and things that are not expected to propose a significant threat to human health or the environment; that type of landfill is designated by FDEP as a class three landfill; that is what the County needs, based on its best estimates in four to six years the County's landfill on Sarno Road will be filled to the

February 7, 2017

maximum design capacity; Deseret is not so concerned about that type of facility, they do not like it and do not want it next door to them but their primary concern is the disposal of garbage; they want the County to commit that it will postpone the disposal of class one waste on the County's property; that is not an unreasonable idea because the County has said publicly for some time that it does not need a new class one landfill for garbage for at least 30 years; and the current best estimates are the disposal facility in Cocoa will not be filled until about 2047, 30 years from now. He went on to say given those concerns by the parties, the settlement agreement is based on a few fundamental concepts; the County will agree to delay the efforts to obtain permits for a class one landfill for garbage until year 2036 or later; the County will amend its existing applications that are pending for FDEP for the environmental resource permits to eliminate those portions of the application that would provide for construction of the infrastructure needed for the class one landfills, that is to say they are not going to fill certain wetlands for the class one landfills and areas that are used for stormwater management systems; in exchange for those concessions by the County, Deseret has made some concessions of its own; they have agreed not to oppose the issuance of the permits for the class three landfill that the County needs; they will not object to the issuance of the permits for recycling facilities if the County elects to do so in the future; they have also agreed not to object to the permits for a waste to energy facility if County elects to pursue that technology that are like the ones used in Tampa, Hillsborough County, Palm Beach County, and Broward County where garbage is burned to reduce the organic matter to an inner ash; and in addition, Deseret and Deer Park have agreed to not object if the County wishes to use the property for the construction of a landfill where the property will receive the ash from a waste energy facility. He added these concessions would give the County what it needs and it would also give Deseret some assurance that they do not have to worry about a garbage landfill adjacent to them for the foreseeable future; these concessions by the County would result in the elimination of two proposed one landfills on the site; the site plans show in the northeast corner of the property there is an area labeled future cell 376 acres, to the west of that it says future cell 122 acres, which are potential class one landfills that are part of the County's current plan of development; adjacent to those areas are stormwater management ponds that would receive the runoff from those landfills, they are labeled ponds three, five, and six; the total area of development for those two landfills and the ponds is about 647 acres; under the settlement agreement the County would not fill the wetlands in that area, they would not develop those areas, and the habitat would remain as it is currently; and the agreement also provides that the County would not file an application for the class one landfill until the year 2036 which is 10-11 years before the time the County believes the central disposal facility will need to be replaced, and it should be sufficient time to allow the County to file an application, get a permit issued, commence and complete construction, and be commercially operational before central disposal facility needs to be replaced. He added if the central landfill starts to fill up faster than is currently estimated, the timetable for filing the application can be moved up as much as five years, so the County could conceivably file an application as early as the year 2031; before the County files its applications, the proposed settlement agreement would require the County to conduct an evaluation of its solid waste management alternatives, specifically the County would have to look at those alternatives that are available to it such as the use of a private landfill or the use of waste energy technology or whatever innovative technology that might be available at that time; the idea that has been advanced by Deseret, Deer Park, and others, is that there must be a better way to handle solid waste than putting it in a traditional landfill and something more cost effective; the County's study to date is this is the best approach for the County at this time, however, 20 years from now the facts may be different and there may be better technologies and hopefully that is the case; the idea in this instance is the settlement agreement will require the County to conduct a study of alternatives so the Board would be in a position to be fully informed about those alternatives and make an intelligent decision about its future solid waste management options; and under the agreement Deseret will be allowed to continue using the site as it currently does pursuant to a lease the County entered into with Deseret in 2003. He stated under the settlement agreement, the site would be divided into two areas; the area in

yellow on the exhibit is the area to be used by Deseret; the County would install a fence at its expense along the buffer between the yellow area and the remainder of the site; Deseret would have about 1,083 acres to use and the County would have about 1,900 acres, so that Deseret could conduct its cattle ranch operations without interference from the County and similarly the County could conduct its operation without interference from cattle or cowboys; the settlement also requires the County to remediate certain preexisting contamination on the site which was caused presumably by Deseret as a result of historic operations, and in particular it is believed Deseret treated its cattle to kill ticks; the cattle was sprayed with a solution that was laced with arsenic and the arsenic has now contaminated an area called the cattle pins, it is a relatively small area and has been previously evaluated in part by the County's consultant; and there are arguments that can be made as to who has legal responsibility for the cleanup of that area. He continued FDEP has told him, they believe the County has a responsibility for the cleanup of the area because the County purchased the property, they are the owner, and they have obligations under state law that Deseret does not; accordingly to avoid any future disputes the settlement agreement provides the County will pay for the cleanup of that area; the settlement agreement also provides for an extension of the 2003 lease with Deseret, which will expire in the year 2033 and can be extended in five-year increments until the settlement agreement expires in 2076; the term of the lease obviously is very lengthy but it will come up for review every five years; during those five year increments the Board and Deseret will have the ability to terminate the lease if they choose to do so; the lease could be extended until 2076 which is a very lengthy term but the County's plans for the development of the site anticipate the site will be used for 60 years or more; and for that reason he wants binding commitments from both Deseret and Deer Park as well as the County about how the parties will behave for a very long time into the future. He added the settlement agreement provides if the County sells or conveys all or part of the property that sale or conveyance would have to be done in accordance with State law and County Ordinances; Deseret, as the former property owner, believes it should have some special consideration in certain instances, so if the County were to sell or convey the property to a third party, in certain instances the County would need to issue a Request for Proposal (RFP) rather than just putting the property out under a bid for an auction; in a bid or an auction the County could only consider the price that was offered for the property; under an RFP the County Commission can set the criteria to consider other things; if the Board elects to weight price is 99.9 percent, then that is the County's option but it would have the ability to consider other factors such as the use of adjacent property and whether it would be more advantageous to have Deseret owning or operating the property; in any event the RFP process is used routinely under State law and County Ordinances, it is a fair competitive transparent process and seems reasonable in this circumstance; and it should be emphasized the County has kept all of its options open under this settlement agreement. He went on to say the County can pursue a class one landfill in the future if it elects to do so; in the same token, if the County elects to take that action, Deseret reserves all of its rights to challenge the County's activities in an attempt to pursue a class one landfill; the primary benefits of the settlement agreement is it eliminates or reduces the risk of pending litigation with Deseret and Deer Park, thus making it easier for the County to obtain the permit for the class three landfill; it is very difficult to predict what might happen in any litigation or in the permitting process so it is impossible for him to provide a firm estimate about cost, time, or money saved by entering into the settlement agreement; and based on his 38 years of practice and having handled many administrative hearings, it is his belief that the County will have to spend less money and less time if it accepts the settlement agreement. He stated the pending litigation with Deseret and Deer Park is currently proceeding under State law; when the County attempts to get its permit from the U.S. Army Corp of Engineers to fill the wetlands on the property, Deseret and Deer Park will also have the right to challenge the County under Federal law; this settlement agreement would eliminate that litigation; if the County pursues litigation as it currently is, it is his belief the County could spend reasonably three to five years more fighting Deseret and Deer Park; in addition, the County could spend \$1 million or more on engineering, consulting, and legal fees fighting Deseret and Deer Park; the risk in that litigation, is the County has to win every case and every

February 7, 2017

appeal on every critical issue; and if it loses any of them, the facility does not get built or the County has to go back and amend its application, at the least. He continued until the County wins all of those cases it cannot go forward with construction; that is a problem with regard to a class three landfill that the County needs to replace Sarno; from an environmental perspective, by eliminating the activities with a class one would be built and eliminating stormwater ponds in those areas, is an additional 650 acres of the site that will not be developed for at least 20 years or more; those are wetlands habitat that will be available and an environmental benefit; the primary disadvantages of the settlement agreement is new costs and certain delays associated with the plan of action that is set out in the settlement agreement; they will have to revise the applications, go through the permitting process with regards to the revised applications, nonetheless, he would hope the reduction in the environmental impacts would make this current proposal more attractive to the environmental agencies; and he would like to believe the permits could be issued even quicker than 12-24 months after the settlement agreement is approved. He added there will also be new costs and delays associated with the permitting of the class one landfill because they are changing the current plan to develop a class one landfill infrastructure, which means at one point in the future the County would have to start that process again with new applications and new efforts; there are additional risks, while eliminating the risk of litigation with Deseret and Deer Park, but there is a risk that a third party could come in and challenge the County's permit applications; there is a risk of permit denials or delays with the agencies who may not like the revised plans; there are the risks that there may be changes in law or changes in fact that prevent the County from developing the site in the manner it currently proposed, for example the County may not be able to develop the areas that are currently proposed for the class one landfill because of a change in law or because of threatened or endangered species that moved into the area where class one landfills are to be located; and from his perspective, the biggest risk is the concern the central disposal facility will run to capacity before the County has a new class one landfill built and operational on the site. He went on to say he thinks that is unlikely given the amount of time built into the schedule, but it is possible; if that were to occur, the County would have to come up with an alternate plan for the disposal of its solid waste; for example, the County might decide it would haul its class one garbage to the private landfill over in Osceola County or it might work out an interlocal agreement with Orange County or some other action, but it would have to do something to egress that period of time when the site was not ready to receive class one waste; and given all these facts and all these different considerations, he has spent a considerable amount of time trying to come up with every scenario and every bad thing that might happen under the settlement agreement, he is completely confident that his imagination is not good enough to have considered everything, but based on his experience he believes this settlement agreement will allow the County to move quicker with less risks and at less cost to obtain the permits for a class three landfill that will take care of the immediate need. He added this agreement postpones the tough decisions about the class one landfill which seems appropriate under the circumstances because the County does not need to make those decisions today or for another 20 years or more.

David Wright stated Deseret Ranch has been in operation since 1950 producing cattle, citrus, and other agricultural commodities on approximately 40,000 acres of land in Brevard County; as most are aware, this property was taken from them over 25 years ago; today Deseret Ranch and Deer Park Ranch are the only neighbors to the property; therefore, they remain the most affected parties. He continued he thinks it is safe to say no one loves a landfill unless they are in the business; over the history of this proposed landfill Deseret has opposed with significant cost to itself, they have opposed the permitting process; they have tried to identify alternatives that would be better environmentally or economically for Brevard County; and they have consistently offered to repurchase the property at current market value. He added they never had sufficient political support from the County to get the County to change its course; a settlement agreement is rarely perfect, if it were up to Deseret Ranch or Deer Park Ranch they would prefer not to have a landfill on that property, class one, class three, or otherwise; on the other hand he is also

February 7, 2017

sure the County would prefer to build the landfill facilities per the schedule and design within its time lines and budgets, but here they are settling their administrative challenge; Deseret does appreciate the County's willingness to bring some new ideas to the table and work with them on the settlement agreement, to address some of their concerns and allow both them and the County to forego the expense of the administrative proceeding; the settlement delays the class one facilities for 20 years and allows Deseret Ranch to continue their agricultural activities that they have done for decades, which is important to them; another important factor is the County commits in the settlement agreement to do a good faith analysis of the alternatives that are out there, at that time; and notwithstanding the settlement agreement that they have signed and are supporting here today, and actually has a compliment to it, Deseret Ranch plans to continue to work with the County to identify any other options that would be more p[rotective of the environment or frankly cheaper for the citizens of Brevard County. He went on to say both the County and Deseret have a long history with this property and this project; he thinks as a community everyone has to ultimately determine what the best option and alternatives for future landfill facilities, if any in Brevard County or in the region; Deseret does support the settlement agreement; it does not dispose of all the issues, however, it does take care of some things that were of major concern to them; and most importantly it allows them additional time to explore some additional alternatives. He stated Deseret hopefully has a few years before the class three facilities are built on the property; as a long time land owner in Brevard County, they always appreciate areas of agreement; and he expressed his appreciation to the Board and County staff.

Commissioner Isnardi stated she does not want the message to get lost; and she asked if this were an ideal situation would Deseret Ranch be settling for this agreement.

Mr. Wright replied that is safe to say.

Commissioner Isnardi stated the key here is what so often gets lost in the discussion is that the County took this property, which is the saddest thing because 25 years ago the County decided it was an emergency situation to take this property by eminent domain for a landfill; obviously they are not willing participants in this, they have fought the County every step of the way doing whatever they could to preserve that land; there are tens of thousands of acres out there and the County is putting class three construction waste only, for now, in the middle of that property; and she asked why the County was not looking at a willing participant for this landfill. She continued another thing she never heard addressed until her meeting with Deseret Ranch Folks, was there was not overwhelming support for this route, there was not a majority to stop this; and she asked what this will do to the property values. She mentioned this is the first thing people are going to see when they drive into Brevard County on I-92, in the middle of that property; she reiterated the County took this property, they did not sell it; she has been hearing for as long as she has lived in Brevard County that the Sarno Road landfill is at capacity; and that day keeps moving as things are recycled. She went on to say if the County is only going to do a class three landfill there, then why would it not look at Osceola County; there was a number discussed, then the number was reduced by 75 percent; she does not think the County has done its due diligence on this; she is not complaining about this just because it is in her District, but because she has been to that ranch, she drives down I-92 and sees that every day, and there are environmental issues; and she does not think this is the route the County should go. She added this started out with the County taking a family's land and to her that is sinful; she asked why the County would not look at a city or other municipality that is open to the option of having a landfill, because she knows they exist; and she commented they are settling because they are tired of fighting and she thinks they are afraid they will lose. She stated the County had expended hundreds of thousands of dollars already fighting for this property that they took; she is not picking on the County, the County is doing its job, it is doing the will of the Boards over the years and just trying to move forward; watching Mr. Wright saying he agrees to this, she could

February 7, 2017

tell he is just defeated; and she asked as a government if this is what it should be doing, she does not think so.

Chairman Smith stated he sympathizes with the position Deseret Ranch is in he looks at the preview of the people in this County because at some point in time the landfill that is currently used will be filled, and if it filled up tomorrow the County will have no place to go unless they pay a lot of money to places like Osceola County; in 20 or 30 years, whatever the case may be, when this current landfill is full, the County does not know what the landscape is going to look like at that time, Osceola County may not be in the business of having landfills; therefore the County does not know where it would have to truck the garbage to, so what it is doing for future Brevardians is giving them control of an asset that they may or may not have to use. He continued if the County does have to use it then it will have it and if they do not have it then it will cost the County hundreds of millions of dollars; \$100 million was one of the figures thrown around when it was brought up in executive session; he does not want to encumber or burden future generations of Brevard residents with that kind of narrow choice; and this choice, if approved, gives the County broad latitude going forward for the people of this County. He added this is Deseret Ranch's property; their kin have owned it for a long time and he anticipates 60, 80, or 100 years in the future they will still own it; but at some point in time, the purpose of government is to make the decision that is best for everybody; and everybody is going to need a place for their garbage to go. He went on to say he is in favor of this.

Commissioner Barfield pointed out that technology has come so far in the last 20 years for waste energy, different bio remediation methods, and a whole lot of other areas; he stated he truly believes by the time it gets this, the technology will be there; since man was created they buried stuff, and it just does not make sense to him to continue doing that; and he hopes the County will be in a situation where it will have a cost effective, technological method to dispose of the waste.

Commissioner Isnardi commented she would agree with Commissioner Barfield's sentiment if the County was getting started right away with a class three landfill; she would say okay this is something in the future that could be used in 20-30 years when the Sarno landfill is full and yard waste needs to be placed at the western portion of the County, but it is moving forward with the class three; it is like the County has started the train and it will not stop because it invested all this money fighting this family; if the County cannot have a class one because the Commissioner feels a little uneasy about it because it may lose, so it goes for a class three; she believes once the landfill starts it will pursue a class one a lot sooner; and if the County has the need, it has the right; and she thinks they will be back in court fighting again. She added the property would already be damaged by starting the landfill process, not 20 years, but two to three years down the road.

Commissioner Pritchett stated Commissioner Isnardi has made her think a bit more and there should never be a fast decision; he perspective is class three landfills will be the ones that are mines later; there is a lot of value in them; she thinks they will mining those items soon; her hopes would be that if the County uses this now, it will be mined out later and Deseret ranch will end up with their property back as more ways are determined to utilize garbage; and she stated this may be a good subject to discuss in another five to 10 years with the way technology is going.

The Board granted approval of the proposed Settlement Agreement for Deer Park Ranch, Ltd. v. Brevard County Solid Waste Management Department and Department of Environmental Protection, DOAH Case No. 16-3549, and Farmland Reserve, Inc. d/b/a Deseret Ranches of Florida v. Brevard County Solid Waste Management Department and Department of Environmental Protection, DOAH Case No. 16-3550; and authorized the Chairman to execute the Agreement.

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

**ITEM V.B., BOARD DIRECTION, RE: RECRUITMENT/SELECTION OF COUNTY MANAGER**

Pam LaSalle stated she would like the Board to not move forward with this Request for Proposals (RFP); she knows at the last meeting it was discussed and it seemed rather sudden that the County Manager is leaving; everyone was complimentary of him and the Board considered enticing him with a pay raise; an important part of a manager's job is to develop their employees, encourage management, encourage employees to move forward and progress careers so there is a possibility that someone in the County government who could apply for the position; and she would like the Board to make a job vacancy announcement open to the public as well as County employees and not hire a consulting firm to frankly waste the County's money. She noted \$20,000 here, \$30,000 there, it adds up; she does not see the need to hire someone; as she was reading through the Agenda packet she saw where the consulting firm will narrow down the Board's choices to three and she feels it is a waste of money; and it seems illogical to her that the Board thinks so highly of the County Manager who would not develop his own employees.

Stockton Whitten, County Manager, stated Frank Abbate can give the overview of the item; in response to not developing his employees, he believes, and many of the cities that participated in the executive leadership institute, will attest to the County's grooming and training to develop employees to succeed as opportunities present themselves; he is very proud of that 10 plus year program; and he has made every effort to train the employees to move up within the organization and to be credentialed in Lean Six Sigma and other areas, which he believes is one the legacies that he will leave.

Commissioner Isnardi stated she likes the idea of having criteria in the search for a County Manager but she is also hesitant; they are putting out an RFP for a consulting company to find somebody; if anyone has ever seen how some of these work, they become a lot like lobbyists; her fear is that they will find a great candidate on paper, he gives a stellar interview, and the person ends up being a washout from little city in Colorado; and she has seen this happen. She continued she thinks this could be handled internally; and it is a big job but she believes the County could put out the job, use the League of Cities to help get out the information, and she would prefer a candidate from the South or South Eastern portion of the United States, who is familiar with the terrain and structure of the Region.

Commissioner Pritchett stated she had to do this with the City of Titusville when the City Manager moved to another city; she was not real comfortable with it herself; they used Colin Benninger who brought them eight to 10 candidates; they went through and determined the five favorites; then they did a full weekend interview; and what he did was bring eight to 10 highly qualified candidates that were able to do the job. She added he did the preliminary work for them so they gave him marching orders to go throughout the Country and bring the best ones; that is how the process worked; and she stated it really worked. She continued she kind of likes this method; she is probably going to support this; this is an important position; and she is looking forward to having some fresh new ideas.

February 7, 2017

Commissioner Tobia stated staff was pretty helpful looking at what was paid in the past for these search companies, \$30,000, \$34,000, and \$24,500; he knows there are more than 25 people in Human Resources and many of them deal with benefits; the County has a great staff in place that is good at these types of things that can be used for all of their areas of expertise; he went a little further and looked into where the County would put this out to get as diverse of a pool as available; and the leading magazine in this is *Public Management Magazine*. He added there were 150 job listings on there for city and county attorneys, and chief administrative Officers; on top of that he looked at FCCMA.org, which is Florida City and County Management Association, and Lake County has a job opening for a County Manager; what he is saying is the latter is a free tool; and he thinks what the Board should do is use the resources from in house, screen the applicant itself, and try to find a good candidate, whether it be in house or through one of the other mechanisms that will cost very fewer dollars. He continued if the Board is unsuccessful at that point, maybe then the Board could look to one of the consulting firms to go out and help with the search, but if the Board could do it itself with less tax resources then he would much rather advertise on the County's website and these other websites to see what comes in.

Commissioner Barfield stated he has a good amount of experience in recruiting nationwide, highly technical professional people, mostly in the medical field; it is different but there is a lot to recruiting; it takes into account the networks a recruiter has, really knows the market and understands how to find the right people in the match; they will talk with the Board first to find out what its real match would be with the culture; and it gives them a whole other aspect to go out and find these people. He continued the way he sees it is they would bring the person to the Board; it could do individual interviews; he believes the City of Rockledge does separate interviews and rates the people, then end up with a final few to make a decision; and he thinks there needs to be an RFP to find the best of the best, that is where a consultant who knows what they are doing can provide the candidates. He added when talking about the money, this County is going to be without a County Manager for a good while; the money saved from that, will pay for the recruiting cost to find someone; he thinks if it is not done this way, then down the road the County will be scrambling again; and he is fully on board with the RFP and putting it out for bid.

Chairman Smith stated he has had a lot of thoughts on this; emotionally maybe it should be in house; he has never hired anyone on a nationwide scale, but he does know what characteristics to look for; but on a practical scale he thinks the County would be much better off hiring a consulting firm for a few reasons; if a company is hired to do the leg work, the Board will be looking at candidates instead of applicants; instead of looking at 100-150 applicants the Board will be presented with a number that it can give them, if they want to see 10 people, three people, or five people; and another reason he supports going with a consulting firm is because it gives the County a guarantee if the person who is hired after the firms suggestion, does not work out, there is no risk to the County, the firm will continue the search with no additional charge. He added it is the prudent way to go; it is going to cost more money; however when something is done to this magnitude and of this importance he does not believe it will be money ill spent.

Frank Abbate, Assistant County Manager, stated there are a couple of items he would like to address; in the Agenda request the County is looking for the Board to give staff some direction on a variety of items if the Board makes the decision to go with a consulting firm; the first would be, they have presented a complete RFP with a provision; the outline used is one that has been utilized in the past; however, the Board decides to move forward, the Board can decide who it wants on the Selection Committee for the RFP selection for the executive recruiter; and typically, this has been done one time in the past, there have been people on the committee, and that is what is being recommended this time. He continued those three people would include the County Attorney or his designee, the Human Resources Director, and an

February 7, 2017

appointment from the Board; the Board can choose to do that or it can choose a different selection committee; he has presented this as quickly as he reasonably could so that the Board could, if it chose to go this direction, could move forward with it; he would be prepared to issue this as quick as the end of this week if in fact the Board so chooses; the other thing he needs to know is if they have that selection committee, would the Board want the recommendation from that committee's selection; and the second item would be if the Board wants them to move forward more expeditiously to shorten the timeframe as much as possible, to just authorize the County Manager once that selection committee makes a recommendation to forego bringing this back to the Board and let the County Manager execute the agreement under the terms that are contained herein; and the third item, which is the broadest for the Board, would be to bring back three companies for the Board to consider, where the Board could interview them and select one. He added those are the options if the Board chooses to go forward; there will be a lot of latitude if and when a recruitment firm is selected to what process the Board wants to utilize; the firm will help determine what qualifications to look for; if the Board decides it only wants someone from the southeast and not nationwide, those kinds of modifications can be made; and when it gets to the end, the Board can provide the direction in terms of how it wants the interview process to go and how it wants to screen the candidates. He went on to say they did add a provision that under this process there would be agreeing not only to submit the candidates, but this Board wanted to see the complete package of who applied within it could retain that option; and there is a provision that says if the majority of the Board wanted to see one candidate that was not submitted by the recruiting company to be added to the list of interviews, it could add them.

Commissioner Barfield stated the criteria is good; the second item he agrees with, one Commissioner, the County Attorney, and the Human Resources Director; and the third one for final determination by the Board options, he would like the entire Board to do that prior to the work proposal.

Commissioner Isnardi stated she thinks it should be the entire Board instead of just three people for item three, as Commissioner Barfield suggested.

The Board directed the Human Resources Director to proceed with a Request for Proposal (RFP) for a consultant to perform executive recruiting for the County Manager position through a nationwide search using selection criteria of Quality and Thoroughness of Proposal 30 percent, Qualification/Experience/Workload 30 percent, Scope of Work/Methodology 30 percent, and Fee 10 percent; approved the selection committee make-up of one Commissioner, Human Resources Director, and a County Attorney representative; and the final selection determination to be by Board review of selection committee's recommendation to award proposal.

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

Frank Abbate requested the Board appoint a Commissioner to the Selection Committee.

The Board appointed Chariman Smith to the Selection Committee for recruitment of a County Manager.

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

**ITEM VI.E.1., RESOLUTION, RE: PERMIT THE SALE OF LAND IN COUNTY-OWNED SPACEPORT COMMERCE PARK**

Stockton Whitten, County Manager, stated this Item is for approval of a resolution for the sale of a six acre lot in the County owned Spaceport Commerce Park located in Titusville; the sale would be at a price of \$25,000 per acre; and all proceeds from the sale are simply recycled back into Commerce Park.

Commissioner Tobia stated prior to 2013 it appeared the funds went directly towards the park and the Ordinance passed in 2013 prior to his time; now it seems they are funneled through the North Brevard Economic Development Zone (NEBDZ); and he asked the NBEDZ Executive Director to help him see the difference as to what happened prior to 2013 to what will happen now, if the Board goes ahead with this.

Troy Post, NEBDZ Executive Director, stated what he knows about that process is there was a Spaceport Commerce Park Authority that did exist; when the NBEDZ was created in 2011, who is charged with doing economic development in the North Brevard District, it seemed appropriate to the Commission at that time to assign the duties for marketing and developing the Park to the NBEDZ board, so that is what he is currently operating under; and NBEDZ is now the current authorized agent of the Park, for the County.

Commissioner Tobia asked for clarification that the Authority no longer exists and he as NBEDZ Executive Director is acting in that position.

Mr. Post replied he would have to ask legal counsel to advise, but his understanding is the entity may still exist but the NBEDZ board acts in essence as Park Authority for the Commerce Park.

Mr. Whitten explained Spaceport Commerce Park Authority was actually sunset and those duties were transferred to NBEDZ.

The Board adopted Resolution No. 17-014, permitting the sale of land in County-owned Spaceport Commerce Park; and authorized the Chairman to execute all documents in connection thereof.

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

February 7, 2017

**ITEM VI.F.1., RESOLUTION, RE: SUPPORTING HB299 ALLOWING FOR ADDING BREVARD COUNTY TO THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY**

Stockton Whitten, County Manager, stated this is a resolution seeking support of House Bill 299, which would allow for Brevard County to have representation on the Central Florida Expressway Authority.

The Board adopted Resolution No. 17-015, supporting HB299 for the inclusion of Brevard County to the Central Florida Expressway Authority.

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

**ITEM VI.F.3., RESOLUTION, RE: MODIFYING DELEGATION OF COMMUNITY REDEVELOPMENT AGENCY POWERS TO MUNICIPALITIES IN BREVARD COUNTY**

Scott Knox, County Attorney, stated this is a resolution that is fundamentally calculated to allow the County to try and bring the cities and their Community Redevelopment Agency (CRA)'s to the table to talk about interlocal agreements that might result in the County recouping some of the funds that are currently being spent on CRAs; and there are several different ways that happen, which are outlined in the resolution.

Chairman Smith stated this resolution does call for a proposed Workshop.

Attorney Knox stated yes the Board can.

Chairman Smith stated that would be his inclination because thoughts are all over the board on this subject; some people absolutely love CRAs and on the other side some people absolutely hate them; he is in the middle; he understands the purpose of the CRA, but he has been saying ever since he was elected that his problem with CRAs is they never go away; they can be continued by the whim of a few people on the CRA; the Board has advocated its authority over CRAs; and even though it is charged with oversight, it does not really have any. He continued he instituted a motion last year, that passed, which requires a template for CRAs to report to the Board because without a template CRAs did not really know what the Board was looking for; each CRA supplied facts they thought were pertinent; although it passed, he does not think it is strong enough or pertinent enough; and he suggested the Board have a Workshop so that going forward, the communities, the public, and the Board can participate and come up with some direction for current and future CRAs. He added his primary motive is to get the County's money back; the County is the bank; the County allows the CRA or the Community to create an opportunity to improve a blighted area; and well too often the blighted area gets fixed and the bank, the County, never gets paid back. He went on to say that does not work in the real world; and he thinks the CRAs need to be brought into the real world.

Commissioner Pritchett stated she appreciates the intent of Chairman Smith's resolution; she had a call into Mr. Whitten and believes April 13 would be a good day to host a Workshop on that; she thinks the CRAs, by the template he put out before, preparing them sometime in March would give everybody time to come in with their presentations; and maybe the Board can have some good conversations.

February 7, 2017

Commissioner Tobia stated he read through Chairman Smith's resolution and thinks it is heading in the right direction; and he asked in the meantime, does this resolution stop cities from creating new CRAs or amending, thus furthering the existence of any of their current CRAs.

Chairman Smith replied actually he had proposed a resolution which would prevent an existing CRA that does not have debt to fund debt; he thought perhaps that might be seen as being a little underhanded; at the same time he would encourage any CRAs that have the idea of rushing out to encumber themselves so the County cannot close them down, to not think that way; and to answer the question, he replied no.

Commissioner Tobia asked if he stated no to both of his questions, the creation of new CRAs.

Chairman Smith stated the Board is going to discuss new CRAs with the public at the Workshop.

Commissioner Pritchett stated she agrees with that; she is enjoying a good partnership with the municipalities and the CRAs; and she thinks that everybody should be honorable moving forward, come to the table, and have discussions.

Commissioner Barfield pointed out there is a TPO meeting on April 13 in the morning.

Chairman Smith asked if the County Manager had any thoughts on when to have a Workshop for CRAs.

Mr. Whitten stated he will have to ask, but he believes April 13 is an open Workshop date at 1:00 p.m.

Mike Miller, Cocoa Beach City Commissioner, stated he would like to thank the Board for approving the existing CRA because he thinks they are a fantastic investment for the County taxpayers; the CRAs allow jurisdictions to reinvest property tax revenues in highly effective ways; since they are capital investments and not just expenditures, they produce real dividends for the tax payers; CRA funds are invested locally right here in Brevard County and across the board from Palm Bay to Titusville, the money is not going to China, Mexico, or Japan; and though individually they stand in their distinct jurisdictions, collectively they represent a majority of the taxpayers in Brevard County. He continued CRA investments are most important because they provided incentives for private property owners to invest; the increased tax revenue accrues to the CRA; the CRAs in Brevard County increase property taxes over the last two years \$1.1 million which is a return on investment of over 15 percent per year; and he asked why that would be turned down. He went on to say 15 percent per year is a great return; rising tide raises all ships; it is not just property taxes and the CRAs but it also benefits the adjacent areas as well; in summary CRAs make capital investments rather than just expenditures and there is a return on that investment; the CRA funds are invested throughout the County and locally while all the residents, citizens, and taxpayers benefit from it; they provide incentives for private investments that the County benefits from; and they performed well representing a return on investments of over 15 percent per year over the last two years. He added while he holds public office, he is not a politician; one thing he learned in his business experience is not to tamper with business units that are performing; and he believes the CRAs are performing for the taxpayers of Brevard County. He asked the Board to join him in recognizing the best interest of the Brevard County taxpayers by continuing to support the CRAs as they currently exist and he believes the Board owes that to its constituents.

Richard Charbonneau stated he talked to Commissioner Tobia and Clerk of the Court about CRAs, he even talked to Chairman Smith about CRAs a few years ago; he was in favor of continuing the CRAs with a caveat of having some accountability of the CRAs; there is no

February 7, 2017

accountability even though they claim there is; for instance the blighted Satellite Beach community uses the money to fund the police department and the fire department; Scott Ellis caught them and they had to pay the money back; and they are paying back the money with some idea that former Commissioner Andy Anderson had with paying the County back with its own money. He continued this is the exact thing that people worry about is the CRAs doing anything they want with the money including giving the money to projects of their buddies; also to run the police department and the fire department; had it not been for Scott Ellis there would be over a million dollars missing, actually it is still missing since they are paying the County back with its own money; and this is the craziest thing he has ever heard of. He added during the election, he listened to Chairman Smith over and over again stating he had a problem with CRAs, now that he is on the Commission, he changed his mind because of Robin Fisher; Chairman Smith made a promise and he did not do it; and now Commissioner Tobia is keeping that promise for him. He went on to say the Board should follow his lead.

Tom Price, Mayor of the City of Rockledge, stated Rockledge does have a CRA and has had it since 2002; he expressed appreciation for the scheduled Workshop; he mentioned every time there is an election, it seems to him they have to defend their CRAs, because this is not the first time he has been there; he realizes this is all about money; and he suggested the Board keep in mind more than half the residents of Brevard County live in cities and the Board represents everybody in Brevard County not just the County residents. He added the residents also pay the same tax rates that County citizens pay; there is a lot of money paid to Brevard County from the city residents; and he asked what they get out of it. He went on to say his CRA gets \$600,000 a year for their CRA; and he commented this will be discussed during the Workshop.

Ben Malik stated CRAs was one of the reasons he got involved with politics; he has been a banker for over 30 years; he worked at SunBank on Atlantic Avenue in Delray Beach in the late 80's; it was not a real nice place back then, everywhere had bars on the windows; if he worked late at night he would run through the parking lot because it was pretty sketchy; and when the CRA came in, that area was transformed. He encouraged the Board to take a drive down there one weekend and see what is going on; the value to the taxpayers extends well beyond the border limits of the CRA; there are communities in West Delray Beach that are touting proximity to downtown Delray being over 10 miles away and what they were built on was farmland; and now they have three to fifteen million dollar custom homes built in those subdivisions. He continued the Board can do the math on tax of vacant land versus tax on a \$15 million approved residence, and see where the benefit is to the County. He noted he is looking forward to the CRA discussion.

Matt Barringer, Titusville Vice Mayor, stated he is representing himself; what got his attention relative to this specific issue is something he would like to share with the Board and caution prudence as the Board moves forward; not too long ago there was the sting of a down turn economy; the School Board closed three schools; the County reduced park services helping the children; the City furloughed law enforcement; there was a political movement addressing CRAs for the disbandment of the Economic Development Agency that existed at the time; and the State's position against juveniles left little room for rehabilitation, that he would consider effective. He added those are all the agencies that impact the City of Titusville; all are responsible for the citizens; he would reciprocate or say each one of those is an example for any municipality and representative of the constituents that they all serve especially the Board; the reason he says that is because the process in which they went about trying to find money in order to provide services seemed multiple and compounded beyond the best interests of the community; and because of that he thinks they got the results that are still being dealt with today that went far beyond what was necessary. He continued he thinks that an overall partnership that would allow service to citizens, left room to be desired; his challenge to this Board would be as it moves forward to work with the municipalities through notification, giving ample time to be part of the process in both discussion of the issue and the workshops. He noted recently the

February 7, 2017

School Board shrank some districts, and he believes that money is going to go to South Brevard; and what he sees coming is a potential for North Brevard to fall short and he does not want to go there again; and he asked the Board to engage the community when moving forward for whatever it is trying to achieve. He went on to say if funding is an issue he definitely has some alternative ways to help with funding; he currently runs Brevard County Service within Titusville City limits; on Fire Rescue he would be happy to help the County out with that; he would be willing to look into transportation opportunities and shipping that over to the municipality; he would be happy to look at some the fire stations that are in proximity of the City of Titusville; and he would also be willing to look at parks within the City and if the opportunity is there the City could step up and take on that role and divest some of those responsibilities from the County. He noted he thinks that would be a fair ask; and he thinks it would be in line with what the County is trying to achieve. He stated although CRAs are one component, he would appreciate the oversight that the County is recommending; he thinks it is critical to government; it is not the City or County's money, it is the taxpayers money; but he also thinks there are some other opportunities as well. He asked the Board to please keep in mind that there are partnerships with municipalities.

Commissioner Tobia stated while he recognizes Chairman Smith's authority to reorder Agenda Items, he does not recognize his authority to void them off of the Agenda; while he clearly voted for Chairman Smith's Resolution, it was not exclusive about removing his from the Agenda; and if that was the impression, he apologizes. He continued he would like to bring it up, discuss it, and then take a vote on it.

Chairman Smith asked if he wants to do that tonight or at the Workshop.

Commissioner Tobia stated he put it on the Agenda prior to Chairman Smith's Item being placed on the Agenda and yes he would like to vote on it tonight.

Chairman Smith complied.

Karalynn Woulas, Cocoa Beach City Commissioner, stated their CRAs have been a very large asset to the communities especially for downtown Cocoa Beach, which makes up most of their CRAs; it was voted into existence by the citizens in a referendum; the CRA has helped important projects in the downtown, such as the minute men street scape which is not only a beautification effort, but a stormwater project which affects the health of the Lagoon; this and the CRA grant monies have motivated businesses in the CRA area to improve and beautify their store fronts which have stimulated business growth and started a chain reaction in organic growth spreading throughout the downtown area, including more development and beautification; and there is proof of the effectiveness of the CRA quantitatively by the increased growth of the CRA funding in the past three years. She asked the Board to please not take it away from them, especially since Cocoa Beach does collect a large portion of the sales tax that does go back to the County. She stated she is looking forward to the Workshop to discuss this further.

**ITEM VI.F.2., RESOLUTION, RE: REVOKING THE AUTHORITY OF ALL BREVARD COUNTY MUNICIPALITIES TO CREATE NEW COMMUNITY REDEVELOPMENT AGENCIES**

Commissioner Tobia stated before discussing this resolution he would like to thank those various CRAs to discuss their issues; he has not received them all and has not had the time to do the research and due diligence that is deserved. He continued he would like to discuss what the resolution does not do before talking about what the resolution does do; it does not impact any of the current CRAs; if a CRA is in existence right now, this will have zero impact on that CRA; it does not preclude any new CRAs from forming; and the one simple thing this one

February 7, 2017

resolution requires is new CRAs that are created enter into an interlocal agreement with the Board before they receive any County funds. He added before anyone comes to speak on this, he wants to be very clear in that if it passes tonight, there will be zero impact on any CRAs in existence.

Commissioner Isnardi stated she did not realize until she saw this addition to the Agenda that the Board and the CRAs were not required to have interlocal agreements before they were created; that was shocking to her; and she will be supporting this. She added this does not hurt anything nor does it change the Workshop, it is something that should have been in place when collecting CRA applications.

John Titkarich Jr. stated he certainly has thoughts and opinions regarding the ethics of CRAs in general; this evening are clearly not the time to discuss whether or not they are meritorious or a legitimate public purpose; that is a discussion that can be had at the Workshop; however, he is concerned about the resolution. He continued he hears what Commissioner Tobia is saying but he looks to the language of the resolution and it concerns not just him but the City; appearances can sometimes be deceiving and he hopes that any lack of clarification or confusion on his part may be clarified with regard to the intent of the resolution or maybe offer up some additional language that provides greater security or assurances to the CRAs; toward the end Section 2 of the resolution provides, "Effective on the date of the adoption of this resolution the County Commission hereby rescinds and revokes any and all delegation authority by the County Commission to municipal governing body or municipality in County vesting that municipality with the authority to create a new redevelopment agency;" the County Commission already has that authority; if a municipality wants to come before the Board to create a CRA, the Board has to grant that authority, so the purpose of the resolution concerns him that there is not a zero impact; the Board has the authority to say yes or no and to impose an interlocal agreement; all the proposed resolutions granting that authority converts powers both to CRAs and reserve and confer powers to the County; therefore, there is some sort of agreement prior to the formation; and the proposed resolution rescinds and revokes any and all delegation authority by the County Commission, and while it seems to address new CRAs, section two indicates that the County is proposing to rescind and revoke the authority for prior delegation of authority already granted. He asked why the County would need to rescind and revoke the authority if the Board is only concerned about new CRAs, because it is not granting that authority, so proposing to rescind and revoke prior delegations of authority gives great cause because if the resolution is adopted it would be inconsistent with the existing resolutions that most CRAs have through their delegated powers in terms of the provisions of how they can be taken over. He believes that is what this resolution is doing, it is stating that the Board is rescinding and revoking any and all delegation of authority by the County Commission; he does not think the intent is perspective and it leaves open to be construed the intention is to rescind and revoke all delegation of authorities; and it would seem to be inconsistent, not just with the title of the resolution, but also the resolutions that the County previously granted the authority to create new CRAs. He went on to say if the delegation of the authority that the County previously granted to create new CRAs, the basis for CRAs existence, and that delegated power is rescinded and revoked then what happens to the CRAs that were given that power; he asked if they would effectively cease to exist; he mentioned the resolution states the Board is going to rescind and revoke all delegations of powers; only the existing CRAs that are providing the power through the County have that power granted; in the interest of transparency he thinks that should be clarified; he is encouraged to hear people wanting to do a workshop; and he asked for the Board to please Workshop this before it passes the resolution. He stated he thinks it is a critically important public policy matter and the Board's leadership in bringing the County and the CRAs together in a collaborative manner is important; public costs and consequences may be far more severe if the Commission were to effectively eliminate CRAs by the passing of this resolution; he has met with the Board several times, 205, 2012, 2010, and 2008 and he can give them the information; and he thanked Chairman Smith for attending the Community visit to see his area. He reiterated

February 7, 2017

he is just concerned about the way the resolution reads right now; there is no need to rescind and revoke powers because the Board already retains the power to prevent any future CRAs from being created.

Commissioner Pritchett stated she would like to plea to Commissioner Tobia to table this until after the Workshop; it is not a bad proposal going into an interlocal agreement; however, she would feel more comfortable if this could be vetted before moving forward.

Commissioner Isnardi stated she would like to echo what Commissioner Pritchett said only because she is afraid the language is contradictory; she is not trying to pick on the County Attorney, but she assumed the resolution was kosher the way it was; and she was told the Board did not have that authority. She added she wants some clarity on it; she does not think there is a big rush if the CRAs have to come before the Board anyway because the Board can just say no; it can make a policy right now or a commitment as a Board to say no more CRAs because there is a Workshop around the corner; and she does not think there is a CRA in the shadows trying to come in.

Commissioner Barfield stated he agrees with Commissioner Isnardi and Commissioner Pritchett that this is a Workshop item; anything with CRAs need to be done right; and he would like to defer it to a Workshop.

Commissioner Tobia stated he was very specific in his intent on this resolution; not being an attorney or pretending to be an attorney he turned to County staff; he appreciates many of the issues that were brought up and would love to discuss them, but absent a law degree, he does not think he would be all that much help; and he would like to give the County Attorney the ability to speak to those directly if in fact what was spoken about is correct, because if it is, it was 100 percent not his intent. He added he thinks there may be a difference of opinion but he believes the Board should be as transparent and honest as possible; and what the last speaker was trying to convey was not his intent at all. He went on to say the County Attorney drafted this and he would like to hear his opinion on the merits of Mr. Titkarich's argument.

Chairman Smith suggested to Commissioner Tobia to consider discussing this with the County Attorney at the Workshop.

Commissioner Tobia asked the County Attorney to comment to the drafting of the resolution and whether or not the intent was correct or if there was a drafting issue.

Scott Knox, County Attorney, stated the County Commission has delegated authority to the City of Cocoa and various other cities by resolution years ago; the issue is whether the Board can capture that authority; this resolution is designed to recapture the authority to create new CRAs; paragraph two could be eliminated; but that is what the language is supposed to do.

Commissioner Tobia stated he would not expect to get Mr. Titkarich's support or anyone else on this Board, but he appreciates the recommendation that was brought forth and he would make a motion to go forward with the resolution minus paragraph two.

Commissioner Isnardi asked if the Board already has this authority.

Attorney Knox asked Commissioner Isnardi the authority to do what, to prevent the creation of new CRAs.

Commissioner Isnardi replied right.

Attorney Knox stated no, that authority was delegated back by resolution.

February 7, 2017

Commissioner Isnardi asked for clarification on new CRAs.

Attorney Knox stated previous Boards have delegated authority over creation of any CRAs provided for in Part Three, Chapter 163, Florida Statutes.

Commissioner Isnardi asked if the County Commission has delegated all authority to the municipalities if they want to start one and that the Board has no say.

Attorney Knox replied yes; however, the Board has the ability to pull that back if need be and that is what this is about. He added right now all that power that exists with Chapter 163, create, expand, and fund CRAs has been given to the cities.

Chairman Smith stated he thinks this points out the fact that the Board needs more information and input.

The motion died due to lack of a second.

The Board considered request of a resolution revoking the authority of all Brevard County municipalities to create new community redevelopment agencies, but took no formal action.

#### **ITEM VII., PUBLIC COMMENT**

Dave Pasley stated he was not going to speak about CRAs because he has already met with just about everyone on the Board, but he would like to see a copy of the template because it was his suggestion to have a template to have some consistency in the way these things are reported; one of the things he would like to see in the template is why the CRA was created and what the money was being spent on; and what he is hearing people say is about flower pots, park benches, street lights, and does not have anything to do with CRAs. He went on to say he really wanted to talk about being in the budgeting cycle, he is looking for input from the Board for budget objectives and what it wants to accomplish; in his background, there should always be a list of assumptions; one of the assumptions needed is assuming there is going to be \$6 million available for roads; priorities and objectives all need to be down on paper so the budgeting process can look at what the Board really wants, its objectives, its initiatives, and going forward; and that is the basis of what he wanted to talk about. He added he would be willing to work with anyone on the Board with putting that process together; it is not that hard, it is just a process of getting priorities and getting everyone to agree that one of the top priorities is roads; and then to not spend it on other things.

Margaret Koelling stated she recently received information there is a proposal for a Liquid Natural Gas (LNG) Transfer Facility near the Melbourne Airport and her understanding was the gas would be off loaded to railroad cars and be run on the railroads throughout the County; she is not sure if the information is correct but she is very concerned about it since she lives within a two-mile radius of the Melbourne Airport; and her questions and concerns are she understands this is dangerous and there have been accidents where these have exploded both the facilities and the railroad cars in other areas. She asked what this would give the County and what quality would it bring to the lives of the people here; and she was not sure if the Board was even aware of it. She went on to say it is her understanding that the only reason this has not been accepted or moved forward is because concerns of Melbourne Airport itself; she just wanted the Board to know what the people's concerns are; they have to live there; and she wonders what it would do to their neighborhoods, because the railroad runs through a lot of neighborhoods, not just hers.

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

Stockton Whitten, County Manager, stated he does not quite understand the template; CRAs are required to submit annual audit reports, comprehensive annual financial reports, and there is an annual budget; there is an annual report required by Florida Statutes 163.356 Section 3C that requires Special District agencies to submit to the governing bodies on or before March 31 of each year, a report of its activities for the preceding year; the report has to include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of the fiscal year; and he is assuming it is a modification of that report which is required in Statute. He added when looking at those reports, they are going to be somewhat different for each of the CRAs; they require those things mentioned in the statute among which are the operating expenses, at a minimum; staff can play with the template report, but CRAs are already statutorily required to submit those reports; and it was never clear on what, in addition to those statutory things, would be required of the report. He continued most of them, when comparing, list their projects, progress, expenditures, board members, et cetera, so he assumes it is just a matter of taking the best of the best; when the Board had this discussion it was thought that the City of Palm Bay's was a fairly decent template; the City of Palm Bay looks similar to the City of Cocoa's, which is similar to all other cities; and by the time the Board gets to the Workshop staff will have a composite of all of those things, that will probably look like the report that currently exists. He went on to say he will provide that to the Board. He stated the second item is on March 9, there is an open Workshop date; if the Board wants to talk about budget and begin to look at and provide staff with some direction with regards to the Fiscal Year 17-18 budget, he would ask that it accept that open Workshop as a Budget Workshop.

The Board of County Commissioners, in regular session on February 7, 2017, reached consensus for the topic of the March 9, 2017, Workshop Meeting, scheduled at 1:00 p.m., to be a Budget Workshop.

**ITEM VIII.B., REPORT, RE: SCOTT KNOX, COUNTY ATTORNEY**

Scott Knox, County Attorney, stated each of the Board members have expressed interest in the Charter Cap litigation which is pending between the County and the firefighters; and the hearing for that particular item is going to be held on April 6, in front of Judge Rainwater at 3:00 p.m.

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

Commissioner Barfield stated the Board has probably seen in the newspaper and possibly in emails concerning Port Canaveral's Jetty Park; there is some misinformation out there that supposedly the Board is trying to sell the 9.6 acres immediately south of Jetty Park, which is leased to Port Canaveral, and that is not true at all; and he would like the Assistant County Manager to give a background of the history that has transpired over the years.

Venetta Valdango, Assistant County Manager, stated the lease was due to expire December 31, 2015, and the County had been in negotiations with the Port for two years prior; in those negotiations there appeared to be some common interest that the Port would no longer lease the property, but purchase the property; what prompted those discussions was that the County needed to locate an 800 megahertz (MHZ) communication tower; the County could have located on the property which it owned and leased to the Port but that was not a desirable location for them because it would have placed it right in the area of one of their resorts, in the campground; and that is what started the negotiations of the County putting the tower somewhere else on Port property and then perhaps purchasing the 9.6 acres that they had leased for many, many years. She continued the Port had already put infrastructure on the

February 7, 2017

property, there is a parking lot, a roadway, and a retention pond; there was a common interest in that occurring; the County did surveys to relocate the tower elsewhere on Port property; staff did an appraisal of the 10 acres and the Port did an appraisal; and the Port's appraisal came in at 1.6 and the County's came in at 2.4. She went on to say they were negotiating on perhaps something in the middle; staff was in agreement with that approach knowing that they would take it to their board and the County would take it to this Board for direction; there was also discussion of perhaps a lease purchase extending that payment to maybe 10 years with whatever price was agreed on; and that is where this was up until December. She added then the Port took the item to their board and presented a whole different approach than what had been discussed for the two years prior; and the County received a letter stating the Port would not enter a lease for anything more than the one dollar per year. She explained it was December 2014 and the lease was due to expire in 2015.

Commissioner Barfield commented just to explain the timeframe of all that, it was when the Port changed out the CEO and went through new Port Commissioners like the County did with new County Commissioners; at some point this is going to have to come before the Board again and decide what to do with the property, whether it decides to lease it for one dollar a year like it has been, sell it, or come up with something in between to sell it to the Port. He added whenever staff can get that together it will coming before the Board.

#### **ITEM VIII.D., REPORT, RE: JOHN TOBIA, DISTRICT 3 COMMISSIONER**

Commissioner Tobia thanked Chairman Smith for saving him the embarrassment for not receiving a second on his motion; he has spent eight years in the legislature losing and did a good job at it; but he stood on his principles of less government and a conservative philosophy. He added he made a bunch of promises when he ran for this office; it is very difficult when someone has held office and have to ask people to put their trust in that person again when it is a politician; he said he would do the best that he could to make sure the Board covers the needed infrastructure in Brevard County; people did not tell him if he did not have three votes that it was okay to drop the issue; and he made a promise and he is going to stick to it, cognizant that opinions change, members change, but principles do not. He again thanked Chairman Smith for giving him the opportunity, but he thinks it is very important for the Board not to allow any new CRAs to be created between now and the Workshop that may come in the future regardless of the outcome, because right now it is free game; this is a call out to all the cities, create the CRAs; they are free to do that and take the resources that would otherwise be going to infrastructure; and he thanked Chairman Smith for the fatherly help there, but principles will always win over.

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

Commissioner Isnardi, in response to Commissioner Tobia, stated as a Commissioner who would normally second something like that, she did not feel comfortable because she does not believe the document to be legally sound; if she could ask the County Attorney to clean it up, lose that paragraph, and make sure that it is sound, she would have no problem supporting it or bringing it back herself; she believes the Workshop will handle most of the issues and she hesitates to make new laws without making sure they can be litigated without make sure they are sound; and she is okay if the Commission desires to bring this up. She added if these municipalities are allowed to arbitrarily create new CRAs, which she is still trying to wrap her head around, she may consult with someone else she knows who is an expert attorney on CRAs because she thinks there is some misunderstanding with this. She stated she has never gotten so many revisions to an Agenda in her entire life; aside from the CRA items from Commissioner Tobia and Chairman Smith, the other things can wait until the next meeting; she

February 7, 2017

knows Board Appointments are important but it is a little ridiculous when someone has to wait until the last possible moment to save the meeting because of all the additions; it makes more work for staff; and she believes it is just courteous.

Stockton Whitten, County Manager, stated the Board gave him the direction to tighten up the operating policies, and he will be working on those.

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

Commissioner Pritchett stated she has a community announcement; a week from this Thursday from noon til 5:00 p.m. at New Life Christian Fellowship there will be 20 pallets of food brought in to give away; and if anyone needs help with food or knows someone who needs help, come on out.

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

Chairman Smith stated he has volunteered to get his hair cut off to raise money for the kids during St. Baldrick's; and he asked everyone to cough up some money and make it worthwhile.

Upon consensus of the Board, the meeting adjourned at 9:01 p.m.

ATTEST:



SCOTT ELLIS, CLERK



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

Approved by the Board March 21, 2017