

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

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on November 7, 2017 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

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

**INVOCATION**

Reverend Michael Hageman, Trinity Lutheran Church and School, Rockledge, provided the invocation.

**PLEDGE OF ALLEGIANCE**

Commissioner Barfield led the assembly in the Pledge of Allegiance.

**ITEM I.A., RESOLUTION, RE: RECOGNIZING HANNAH'S HEROES FOR EFFORTS EDUCATING THE PUBLIC ON TEEN SUICIDE PREVENTION**

Commissioner Pritchett read aloud, and the Board adopted Resolution No. 17-218, recognizing Hannah's Heroes for their efforts to educate the public on teen suicide prevention.

Liz Mikatarian, Co-Founder of Hannah's Heroes, introduced Lynn Cline, whose daughter passed, and is the leader of this organization that is named after her daughter, Hannah, and Lori Duester, who runs the Children's Center in Titusville, and she is instrumental in running this Countywide task force mentioned in the Resolution; and she expressed her appreciation to the Board recognizing this as an issue.

<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 EAGLE SCOUT GEORGE "MICKEY" MIKITARIAN III FOR OBTAINING EAGLE SCOUT RANK**

Commissioner Pritchett read aloud, and the Board adopted Resolution No. 17-219, recognizing George "Mickey" Mikatarian III for his outstanding efforts in obtaining his Eagle Scout Rank.

Mikey Mikitarian expressed his appreciation to the Board for the Resolution.

<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.C., RESOLUTION, RE: PROCLAIMING THE MONTH OF NOVEMBER AS NO-SHAVE NOVEMBER IN BREVARD COUNTY**

Commissioner Smith read aloud, and the Board adopted Resolution No. 17-220, proclaiming the month of November 2017 as No-Shave November in Brevard County.

Dr. Firas Muwalla, Medical Director for the Health First Cancer Program, expressed his appreciation to the Board to allow him to appear in front of it tonight; this is a product of a merger between two oncology groups in town, the MIMA Group and the Space Coast Cancer Center to form the Health First Cancer Institute, which is a state-of-the-art cancer institute committed to cancer care for older citizens of Brevard County, and especially prostate and testicular cancer patients; they fight the battle with those patients, help them get through all of the issues people with cancer have to go through in terms of side effects and toxicities; and they are working hard on improving cancer care in the County. He went on to say they are investing in state-of-the-art equipment for the patients; they do chemotherapy, immunotherapy, targeted therapy, and all of the advanced treatments; they affiliate with Moffitt Cancer Center to provide excellent care that they may not be able to provide in the County; and on behalf of the Cancer Institute, they are all committed to their mission.

<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.A.1., ACCEPTANCE OF GRANT FROM FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (FWC) AND MATCHING FUND DONATIONS, RE: ARTIFICIAL REEF CONSTRUCTION**

The Board granted permission to accept matching fund donations from Florida Fish and Wildlife Conservation Commission (FWC); authorized the Chairman to execute an Artificial Reef Construction grant Agreement between Brevard County and FWC with County Attorney and Risk Management approval; Authorized staff to competitively bid and the County Manager to execute a construction contract with lowest responsive and qualified bidder; and authorized any associated budget change requests.

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

**ITEM II.A.2., AMENDMENT, ASSIGNMENT, AND ASSUMPTION OF USE AGREEMENT WITH THE VIERA COMPANY, RE: IMPROVEMENTS WITHIN THE RIGHT-OF-WAY OF MURRELL ROAD TO VIERA EAST COMMUNITY ASSOCIATION**

The Board authorized the Chairman to execute the Amendment, Assignment, and Assumption of Use Agreement with The Viera Company for improvements in the public right-of-way of Murrell Road to Viera East Community Association.

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

**ITEM II.A.3., RESOLUTION, RE: RELEASING PERFORMANCE BOND FOR REELING PARK NORTH AND SEVILLE AT ADDISON VILLAGE PHASE 3 SUBDIVISION - THE VIERA COMPANY**

The Board adopted Resolution No. 17-221; and authorized the Chairman to sign the Resolution releasing Contract and Surety Performance Bond dated February 7, 2017, for Reeling Park North and Seville at Addison Village Phase 3 Subdivision Project for The Viera Company

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

**ITEM II.A.4., PUBLIC SIDEWALK EASEMENT AGREEMENT #2 FROM THE VIERA COMPANY, RE: ADDITIONAL EASEMENT AREA IN LOREN COVE AT ADDISON VILLAGE PHASE 1 SUBDIVISION**

The Board approved and accepted a Public Sidewalk Easement Agreement #2 from The Viera Company for additional easement area in Loren Cove at Addison Village Phase 1 Subdivision.

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

**ITEM II.C.1., PERMISSION TO ADVERTISE REQUEST FOR BIDS, RE: LEASE OF EQUIPMENT AND SERVICES FOR ODOR AND CORROSION CONTROL FOR LIFT STATIONS AND WASTEWATER TREATMENT PLANTS**

The Board authorized staff to advertise a request for bids to lease odor and corrosion control equipment and services; authorized the Purchasing Department to award the bid to the lowest responsive bidder; authorized the Chairman to execute the initial agreement; authorized the County Manager to execute renewal options; and approved any necessary budgetary changes.

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

**ITEM II.C.2., PERMISSION TO QUOTE MATERIALS AND SERVICES, RE: PUBLIC WORKS PROJECTS COUNTYWIDE**

The Board authorized use of written quotations in lieu of formal bids to acquire construction materials or services not included on the annual bid list, as required on job-by-job basis; and authorized the County Manager, or his designee, to award in accordance with Board Policy BCC-25, Procurement, including award of materials and services in excess of \$100,000 in an emergency, or when at risk of interruption or delay of construction activity.

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

**ITEM II.D.1., RESOLUTION AND COMMUNICATIONS SERVICES TAX AGREEMENT BETWEEN BREVARD COUNTY AND THE FLORIDA DEPARTMENT OF REVENUE, RE: ACCESS TO LOCAL GOVERNMENT COMMUNICATIONS SERVICES TAX (CST) SHARING SYSTEM**

The Board adopted Resolution No. 17-222; and authorized the County Manager to update Brevard County's Agreement with the Florida Department of Revenue (FDOR) to allow County Budget access to information provided by communications providers regarding local tax revenues collected pursuant to Florida Statute.

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

**ITEM IV.A., RESOLUTION, RE: PETITION TO VACATE PART OF A PUBLIC UTILITY EASEMENT IN VIA DE LA REINA, VILLA DE PALMAS UNIT NO. 2, MERRITT ISLAND - NANCY JOHNSON**

Chairman Smith called for a public hearing to consider a resolution for a petition to vacate part of a public utility easement in Via de la Reina, Villa de Palmas, Unit No. 2 in Merritt Island.

Andrew Holmes, Public Works Director, stated this Item is a resolution regarding a petition to vacate a part of a public utility easement; this is in District 2; they have received no objections to this request; and the purpose is to alleviate a pool encroachment.

There being no comments or objections, the Board adopted Resolution No. XX-XXX, vacating a part of a public utility easement in Via de la Reina, Villa de Palmas, Unit 2, Merritt Island, as petitioned by Nancy Johnson.

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

**ITEM IV.B., PUBLIC INTEREST DETERMINATION FOR WETLAND IMPACTS FOR COMMERCIAL DEVELOPMENT, RE: VITAS HEALTHCARE CORPORATION**

Chairman Smith called for a public hearing to consider wetland impacts for VITAS Healthcare Corporation (VITAS) to be in the Public Interest.

Darcie McGee, Natural Resources Management Office, stated this was a late addition to tonight's Agenda to accommodate the applicants tight grant schedule; this Item is a Public Interest Determination for wetland impacts for a hospice facility proposed for U. S. 1 and Robles Lane in District 4; the applicant proposes to impact 0.08 acre of the parameter of a wetland that extends offsite to the north and east; the wetland was assessed by Atlantic Environmental Solutions and found to be both high functioning landscape level, which means the Board needs to make a Public Interest Determination to allow them to impact to mitigate; and the applicant has indicated that the public benefits are to provide 14 in-patient beds that were lost due to a closure of a facility on Merritt Island, preserve 12 jobs, and generate tax revenue for the County.

Chairman Smith advised there is one card for questions only.

There being no objections heard, the Board considered wetland impacts for VITAS Healthcare Corporation (VITAS), an in-patient hospice facility, and determined it to be in the Public Interest, in accordance with Chapter 62, Article X, Division 4, Section 62-3694(c)(3)b.

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

**ITEM V.B., APPROVAL, RE: FY 17-18 COMMUNITY-BASED ORGANIZATIONS (CBO) RECOMMENDATIONS**

Ian Golden, Housing and Human Services Director, stated this Item was tabled from the last meeting; it is regarding CBO funding recommendations; per direction at the last meeting staff has created several options for the Board to consider for funding; one option is to adjust the funding percentages from 70 percent that was initially recommended by the Community Action Board to 59.3 percent, which would allow for inclusion of Aging Matters Senior Nutrition Program; the second is to change the scope of the funding allocation to Brevard Alzheimer's to Adult Daycare to Senior Nutrition, which allows for a pass through of funding through Aging Matters; the third option is to approve the recommendations as presented by the Community Action Board; and of course, as always, the fourth option any other action deemed appropriate by the Board.

Cedric Cliatt stated he definitely respects the process of the Community Action Board; his concern is that in one of the examples given, it appears that AMIKids is kind of leap frogged in that; he believes all of the agencies are definitely quality agencies for funding; he would request that the Board take another look at that if it is going to go with that model; and he does not know if there is some way that Aging Matters and AMIKids can split the 59 percent or something like that, but that they do not get skipped in that process.

Latonya Hubbard stated she sits on the CBO board, and they came up with these recommendations; they would love to fund everybody because every agency is important; but the funding is limited. She went on to say with the request or the change that one agency wants to do, she does not think it would be right if the Board changed it to skip over another agency; and she requested the Board take a look if the Board is going to give money to another agency it should be the one in the next score, and that agency should not be skipped over.

Anna-May Smith, Space Coast Center for Independent Living, stated the perception that the County just gives money to non-profits she believes needs some clarity; before funding a non-profit, Brevard County requires an application process; and when the funding decision is made, the responsibility of the parties are codified in a contract that requires auditing through verifiable documentation so the Brevard County residents can have confidence that their monies are managed wisely. She added they take their reliance on transportation for granted; when disease or injury forecloses that ability, basic living needs are severely challenged, that is where they come in; they provide Countywide transportation for physicians visits, physical therapy, scans, dialysis, flu shots, et cetera to hospitals, VA clinics, and other facilities; in addition they provide trips for groceries and other basic items and services vital to one's independence; currently they provide 3,094 one way trips throughout the County; their areas of highest need are Palm Bay at 924, Melbourne at 879, and Cocoa at 406; in reality they are part of a public/private partnership extending Space Coast Area Transit Services (SCATS) services to an underserved population; and they are doing it cheaper, better, and more efficiently at a cost of \$40,000 less than the \$93,000 it would cost the County to do it. She went on to state in addition there is a savings of Medicaid funding for nursing homes either delayed or avoided by allowing folks to remain as independent as possible as long as possible. She stated because they are in the front lines of the community, they often have the opportunity to identify people who are at risk and avert or prevent a tragedy; the Space Coast Center for Independent Living has been in Brevard County for 45 years; they were the first ever center of its kind in the State of Florida; from day one they have promoted independence for those facing some of life's enormous challenges; and they are not and never have been a residential or day care facility. She advised they have had occasions when a veteran needed to arrive at the VA clinic early before opening hours to access service in Tampa; their drivers have come in before hours to make this happen; and on the same return trip, those trips usually come back after they close, but they make sure those folks get home. She pointed out some years ago she was faced with

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transporting her husband to dialysis; the choice she was given was option one, \$600 a week to transport him to dialysis or to put him into a nursing home so that Medicaid would pick up the tab for transportation; they can only wonder what folks do when faced with a cost prohibitive option on one hand and an even more costly, heart wrenching option on the other; and like many other service organizations, they do much with little, they know the value of a dollar, they squeeze the most they can out of every cent they get, and they are acutely aware that someone's health, welfare, and survival depends on them. She provided the Board with a handout.

Tara Paguarini, Executive Director of Family Promise of Brevard, Providers Forum Chair for the Brevard Homeless Coalition, and the Chair for the Emergency Shelter Network for the Brevard Homeless Coalition stated when the Board last met to talk about CBOs, many of the Board Members brought up the need to fund basic services for the most vulnerable populations; and she wants to say she agrees, the limited resources should be focused on the most vulnerable in the County. She went on to say no one should have to worry about where they are going to sleep tonight or how they are going to eat, especially not a child; as of this afternoon, 1,649 students in Brevard County School District were coded as homeless; this number does not account for children birth to five years old who make up 40 percent of all children who are homeless in the country; and with housing and stability comes food and stability, which was the issue brought up at the last meeting. She pointed out Brevard County is on track to exceed last year's count of 2,262 students by the end of this school year. She stated Family Promise of Brevard is committed to ending family homelessness in Brevard County; they do this by meeting the most basic needs for families by providing them with emergency shelter, three nutritious meals a day, and intensive case management support focused on helping families return back to stable housing; they are currently filling a vital role in the County by keeping families together as a unit; and they are currently the only operational emergency shelter designated for families with fathers or male children over the age of 12 who are not in a domestic violence situation. She added last year they received CBO funding to provide these essential services for families in Brevard County; those funds helped them to serve 32 families, 138 people, and assisted them in providing 3,443 bed nights and 10,329 meals to families with children; even greater than meeting the basic needs of these families, they assisted 86 percent of those families in moving back into permanent housing; and their average length of stay is 34 days. She advised their success lies in the hard work put forth by their families to re-house themselves and the strong working collaborations with many of the agencies here in the room tonight; their priority is to not duplicate existing resources but rather to partner to create a seamless transition of services and efficient and effective support; homelessness exists in every one of the Districts in this County; and the Board is making its decision tonight of how it is going to fund and discussing basic needs and the most vulnerable. She noted she wants the Board to remember the 1,649 students currently homeless in the County; students whose families are asking for a hand up and not a hand out; families whose income is not enough to afford the fair market rate of a two bedroom in this County at \$884; people who are living in hotels and motels, who are doubled up with others, sleeping in the car tonight, or in the tents in Wickham Park; and she expressed her appreciation to the Board for its time and consideration.

Commissioner Pritchett stated after going through this and listening to the briefing yesterday, she is still struggling not just going with the CAB recommendation; she wants to hear the other Commissioners thoughts; but she thinks she likes line item 3 to go ahead with what has been presented. She stated a line item needs to be made for the Aging Matters, and to figure out how to get it in the budget; that is a tax savings for the County; it needs to be included some way because it will save the Board money through the year; and her hope would be to approve what has been submitted and add a line item to pick up Aging Matters.

Commissioner Tobia stated his proposal has been passed out; it would shift the money from the Brevard Alzheimer's Day Care of \$42,000 into the Aging Matters, as well as switching part of the

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transportation from Brevard Alzheimer's in order to fully-fund the Aging Matters Senior Nutrition; the Brevard Alzheimer's transportation services would be left over with \$19,500; and Aging Matters would receive their full \$75,000 ask, yielding a net of the \$94,500. He stated he does not want to touch the budget, the tax increase budget the Board just voted for.

Commissioner Isnardi stated she is kind of piggybacking on what was discussed before; nutrition and even housing is going to trump everything else when it comes to filling the basic needs of the community; she met with Aging Matters Director; and she wants everyone to be clear that Aging Matters did not call her office to say they did not get funding, in fact they are actually put in the awkward position of feeling uncomfortable at being at the center of this, because this is a Commission sort of initiative to try to fund them in this program. She reiterated that Aging Matters did not solicit her office or ask the Board, at least that she is aware of, ever to try to get them their funding. She went on to add what she is concerned about, and without trying to directly throw the Alzheimer's Foundation under the bus is they have had some management and financial issues in the past; and what she does like about Aging Matters is because they are often a pass through for some of these other organizations as far as handling transportation and daycare services. She advised the Board what she would like to see, and just given their track record, their leadership, accountability, and their financials, she would rather see Aging Matters manage the financial aspect of the CBO funding, and delegate, if Brevard Alzheimer's Foundation is able to demonstrate they can provide strong financial support, leadership, and directorship to justify how they are spending their money and how they are leading their organization, Aging Matters can be tasked with the delegation of those funds if they see fit; Aging Matters would have to agree to this; that would be something she would have to ask them; but she would be more comfortable with an organization that has a reputation of its high standard that a person expects not just from their employees but how it administers its programs. She went on to say she feels like they have actually been punished because they are so good with their money, so good at getting those grants, they do not look as needy of an organization as say some of the others, and that would be her composition. She pointed out she is okay with Commissioner Tobia's as well if that is a second option, it does not pull more money out of the General Fund, and it leave the existing CBO awards in place so nobody loses anything they have been promised by at least the CBO board; but it would shift the Alzheimer's Foundation award to Aging Matters.

Commissioner Barfield stated this Board made a decision when it funded CBOs and it ended up cutting it; he thinks what the Board should be doing is go ahead with Option 3; the Community Action Board did their review; if any adjustments are needed at mid-year, it can be taken on then; and the Board just got a budget that started October 1, and he thinks that is the best way to do it.

Chairman Smith stated he spoke with Tim Timmermann from the Brevard Alzheimer's Foundation today; he called him because he wanted to hear his thoughts; and basically he said he was good with whatever the Board wanted to do. He noted that was rather magnanimous of him and generous. He stated his feeling is the Board has already made a decision on how it was going to handle CBOs, and he thinks Option 3 is the best route to take; the Board is at the end of the year, and the Board will be turning those ideas over; the process exists; he thinks it is not perfect, but it is fairer than just the Board making decisions; these people have a formula, they use the formula, and that is how they determine how the funding is going to go forward; and he would prefer to see Option 3.

The Board approved Option 3, the Community Action Board's (CAB) recommendation to provide \$408,160 in funding to Community-Based Organizations (CBO); and authorized the Chairman, and/or County Manager, or his designee, to execute subsequent modification and amendments to the agreement, upon review and approval by the County Attorney and Risk Management.

<b>RESULT:</b>	<b>ADOPTED [3 TO 2]</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
<b>NAYS:</b>	John Tobia, Kristine Isnardi

**ITEM VI.A.1., AUTHORIZE COUNTY STAFF AND FINANCING TEAM, RE: UNDERTAKE A REQUEST FOR PROPOSALS TO IDENTIFY A FINANCIAL INSTITUTION WILLING TO PROVIDE A LOAN TO REFUND THE OUTSTANDING BAREFOOT BAY WATER AND SEWER DISTRICT UTILITY REVENUE BONDS, SERIES 200, FOR DEBT SERVICE SAVINGS**

Jim Helmer, Utility Services Director, stated the Board's approval of this Item would allow the County Financing Team and staff to go out and undertake a refinancing based on interest rates, and could save up to \$100,000 a year in debt service; and staff would love to be able to do that.

Commissioner Pritchett stated she wants to brag on staff for being able to do this.

The Board authorized County staff and the County's Finance Team (Public Management - Financial Advisor and Nabors, Giblin & Nickerson - Bond Counsel) to undertake a RFP to identify a financial institution that is willing to provide a loan to refund outstanding Barefoot Bay Water and Sewer District Utility Revenue Bonds, Series 2000, for debt service savings; and approved following the completion of the RFP, the results, along with a bond resolution, will be brought back to the Board for consideration at a future meetings.

<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.B.1., AUTHORIZATION TO ISSUE REQUEST FOR PROPOSALS (RFP), RE: OPERATION AND MANAGEMENT OF THE RIVER'S EDGE EVENT CENTER AT TOM STATHAM PARK**

Mary Ellen Donner, Parks and Recreation Director, stated this Item is requesting an authorization to go out for a Request for Proposal (RFP) for operation and management of the River's Edge Center

The Board approved advertisement of a RFP for event management and operation of the River's Edge Event Center at Tom Statham Park; appointed Selection and Negotiation Committees consisting of Parks and Recreation Director, or designee, Jim Liesenfelt, Interim Assistant County Manager, or his designee, and Jeff Davis, North Area Parks Operation Manager, or his designee; and authorized the Chairman to execute the resulting contract.

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

**ITEM VI.B.2., SOVERIGNTY SUBMERGED LANDS FEE WAIVED LEASE RENEWAL WITH EXTENDED TERM WITH THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, RE: LAKE WASHINGTON PARK**

Mary Ellen Donner, Parks and Recreation Director, stated this Item is the renewal of a Sovereignty Submerged Lands Fee Waived Lease Renewal with Extended Term with the State of Florida for the Lake Washington Park.

The Board executed Sovereignty Submerged Lands Fee Waived Lease Renewal with Extended Term with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for Lake Washington Park; and authorized the Chairman to execute subsequent modifications, amendments, and renewals to the lease, upon review and approval by County Attorney and Risk Management.

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

**ITEM VI.F.1., CENTRAL FLORIDA CRIMELINE LETTER OF AUTHORIZATION TO FLORIDA ATTORNEY GENERAL, RE: CRIME STOPPERS TRUST FUND DOLLARS**

Frank Abbate, County Manager, stated this was endorsed by Sheriff Wayne Ivey for the Crime Stoppers Program.

The Board approved the Board to act as the County's agent for the purpose of applying, receiving, and disbursing Crime Stoppers Trust Fund dollars for approved Crime Stoppers initiatives in the County, as provided for in Florida Statute 938.06, with no additional costs incurred by the County, and as directed in Florida Statute Subsection 16.555(5)(b).

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

**ITEM VI.F.2., RESOLUTION, RE: REQUESTING THE BREVARD DELEGATION TO AMEND FLORIDA STATUTES TO ALLOW THE USE OF THE TOURISM DEVELOPMENT TAX TO PREVENT AND TREAT POLLUTION WITHIN THE INDIAN RIVER LAGOON (IRL)**

Commissioner Tobia stated Representative Randy Fine expressed grave concern about the dumping of 19 million gallons of sewage into the Lagoon; he recommended using Tourist

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Development tax revenue to prevent this from occurring in the future and to help restore the Lagoon; he requested an opinion from Scott Knox, County Attorney, about whether or not this could be done; and his opinion is that Tourism Tax cannot be used for the Indian River Lagoon even though it is critical to tourism because the Indian River Lagoon is not a river but it is actually an estuary. He went on to say according to Virginia Barker, Natural Resources Management Director, a clean and safe Lagoon would lead to a projected \$997 million increase in tourism and recreation. He pointed out he is putting forth a resolution that would encourage the Legislators to support a statutory change that would allow the Board to use some of these resources to help restore the Lagoon; this is nothing more than providing the County with another tool in the tool box; it does not mandate it from using it one way or the other; and with the Board's indulgence he will read the resolution. He read aloud the resolution.

Motion by Commissioner Tobia to adopt resolution requesting the Brevard County Delegation introduce Legislation to amend Florida Statutes to allow the use of the Tourist Development Tax to prevent and treat pollution within the Indian River Lagoon.

Motion died due to lack of a second.

Commissioner Isnardi asked judging by the very long letter, could the County Attorney sum it up for the public why his opinion is that Tourist Development Council (TDC) funding cannot be used for the Lagoon cleanup and also the history of why the Lagoon tax was brought to the ballot. She stated it may be irrelevant as this motion was made to ask the Legislature to change a law that if they had every intention or desire to change, they would do it without the Board asking them please.

Scott Knox, County Attorney, advised the history of the Lagoon Tax came up a couple of years ago; the first thing he was charged to do is to find a way to see if the Board could find a way to restore the Indian River Lagoon; the first place he looked was the Tourist Development Tax; and he came to the conclusion after reading the Statute that it is a Tax Statute, and under Florida Law a Tax Statute can only be used for purposes specifically identified in the Statute. He went on to add there is nothing in the Statute that ties the use of the Tourist Development Tax (TDT) to restoration of the Lagoon; there is restoration of rivers, but this is not a river, the Lagoon is scientifically defined as an estuary; therefore, it did not qualify; and in order to do anything about using the Tourist Development Tax, the law would have to be amended to add 'estuary' or 'lagoon' or some similar term that would cover that particular use. He stated apart from that his next step was to find a way to use the Infrastructure Sales Tax for the purposes of restoring the Lagoon; he was able find a way through the Statutes to get that done; and it went out for referendum and was approved by the voters.

Commissioner Isnardi stated if the concern of the Board is to address the infrastructure, perhaps it needs to look at its 10-year plan with a 1/2 cent sales tax to help take care of some of the infrastructure as there is not existing funding in the utilities; the attempt to get the public excited about cleaning up the Indian River Lagoon was because of the sewage issue; and if it is the direction of the Board, maybe it needs to prioritize some of the projects with that 1/2 cent sales tax. She pointed out there are clam beds put two blocks from where it had to dump raw sewage; that is a concern; but she does not know if the TDT is the way to go given that was not the design of the bed tax to begin with, it is a tourism tax; and the people overwhelmingly voted to clean up to the Lagoon, this is directly tied to the Lagoon, and it would just make sense if it were the desire of the Board so it does not happen again. She stated she will not go through the trouble of bringing something back to the Board if it is not interested.

Frank Abbate, County Manager, stated staff plans to bring back on December 5th a presentation by the Utility Services Department what it is doing relative to their Capital Improvement Plan modifications that they are in the process of re-prioritization which they are

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doing, and other options that may be available; and they are specifically focusing on what occurred after Hurricane Irma and how it impacted discharges into the Lagoon.

Commissioner Isnardi stated her concern is this has been made to be an issue that is and either/or, either the hand is forced and ask nicely that the Legislature change the law to allow the Board to use TDC funding for it, or it funds TDC projects that were recommended to it. She noted she does not like that perception, because to her it is not an either/or; the County has the 1/2 cent Lagoon Sales Tax, there is a Utility Bond of over \$100 million available for projects, so to her it is not an either/or, and she just wants that clear; obviously the Board cares about the Lagoon; but it has to be smart about it instead of just trying to get a *Florida TODAY* headline.

The Board reached consensus to deny request for resolution amending Florida Statute 125.0104, allowing the use of Tourism Development Tax to prevent and treat pollution in the Indian River Lagoon.

**ITEM VI.F.3., BOARD DISCUSSION OF OPTIONS AND CONSIDERATION OF POTENTIAL COURSES OF ACTION TO PROTECT THE COUNTY'S FISCAL INTERESTS, RE: DOWNTOWN MELBOURNE COMMUNITY REDEVELOPMENT AGENCY (CRA) AND OLDE EAU GALLIE CRA FESTIVAL EXPENSES**

Commissioner Tobia stated through public record request, he sought information on the spending practices of all Community Redevelopment Agencies (CRAs) in the County; after reviewing this information, he requested the County Attorney's Office to review and issue an opinion based on the Downtown Melbourne CRA and the Olde Eau Gallie River CRA; the County Attorney issued an opinion that was pretty clear, that both the Downtown Melbourne CRA and the Olde Eau Gallie CRA were not acting in the proper manner; and in addition to that, the same Attorney General Opinion (AGO) that the City of Titusville relied on goes into direct contradiction to what both the Olde Eau Gallie CRA and the Downtown Melbourne CRA had done. He went on to say so, those facts and the opinion offered not only by the Attorney General but that of the County Attorney, he would request that the Board provide or conduct a performance audit on both the Downtown Melbourne CRA and the Olde Eau Gallie River CRA; the question has been brought up as to the cost associated with that, which was a very good question, and one he did not have an answer to; and he expressed his appreciation to the County Manager for getting the Board one estimate back from RSM who outlined on a performance audit that included compliance with all appropriate policies, rules, and laws that it would fall somewhere in the range of \$15,000 and \$50,000. He noted given the opinion of the County Attorney and the Attorney General of the State of Florida, he would like to make a motion that the County conduct a compliance audit on both the Downtown Melbourne CRA and the Olde Eau Gallie River CRA; and he would be more than willing to go into the opinion that states that these funds were used in a manner that were not consistent with Statute if need be.

Commissioner Isnardi asked since the expenditure seemed rather high to do the audit if there was any thought about asking for the TIF funds back since they were used illegally according to the County Attorney; she stated if that is the opinion of the County Attorney, maybe the Board just needs to withhold the next years TIF; and she inquired if that has been explored or if it is something this Board would consider. She inquired if the Board did something similar with the City of Satellite Beach for a much larger amount of money.

Scott Knox, County Attorney, replied the County found that with the City of Satellite Beach and also the Town of Palm Shores; and the City of Satellite Beach responded with an amicable agreement agreeing to use a tax increment to pay the County back.

Commissioner Isnardi pointed out she was not here with that whole Satellite Beach debacle, she would never have agreed to that; and it is not an exorbitant amount of money.

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Attorney Knox advised the Town of Palm Shores agreed to pay the County back in full, and they did, so it has worked in the past to ask.

Commissioner Isnardi inquired if that would be something Commissioner Tobia would be willing to do in lieu of having to go through the expense of an audit, or would he want the audit just to see what else could be found.

Commissioner Tobia responded this was limited to his office, they did the research; while he has very capable staff, one made up of an attorney, as well as someone who is wonderful in interior design, he does not have any performance or compliance auditors; he would like to know if there is anything else out there that is out of compliance; they have an opinion from the Attorney General, as well as the County Attorney, that says a compliance or performance audit should be done; and he thinks that the County should take that counsel and proceed with that on both of these. He added it is a good start, and he is sure the Downtown Melbourne and Old Eau Gallie CRAs have nothing to hide; remember that Palm Shores is no longer collecting payments from the County, so there is extra money to be used to find out that all of the CRAs are acting in compliance and with Statute; and unfortunately these two he has cause to believe are not.

Commissioner Isnardi stated she would assume there are no malicious intentions here, but she thinks an audit is a good idea because even if it brings light to anything they are doing wrong, that would fix the problem. Commissioner Isnardi seconded Commissioner Tobia's motion to conduct a compliance audit on both the Downtown Melbourne CRA and the Olde Eau Gallie River CRA.

Chairman Smith stated he would like to weigh in; he is kind of torn with this; he does not have enough facts to be comfortable with voting for it; he reserves the right to investigate it further; and if he changes his mind, he will be happy to bring it up again.

Commissioner Tobia inquired what Chairman Smith's level of comfort is; he stated the Attorney General of the State of Florida and the County Attorney are saying it is inconsistent; and he asked short of Jesus Christ coming down here and telling the Board that this is inconsistent, what is it Chairman Smith is looking for to find out that will get him across that hump that probably the Board needs to do its job and make sure the County funds are being expended consistent with State Statute. He went on to state he is just looking at what the Chairman's level of comfort is, and he appreciates his ability to do his homework; this was put on the Agenda almost two weeks ago; the opinion was put on the Agenda almost two weeks ago; he saw that Chairman Smith had the opportunity to campaign while he was in the City of Satellite Beach as he saw it on his Facebook; and he inquired if it was a timing issue or is he waiting for divine providence.

Chairman Smith pointed out he finds it odd that Commissioner Tobia invokes the name of Jesus Christ since he does not believe in him; he finds it odd also that he refers to Attorney Knox when he wants to; when he agrees with Commissioner Tobia then he uses him as his foil; when Attorney Knox does not agree, Commissioner Tobia dismisses him; and he is not going to respond to Commissioner Tobia's questions.

Chairman Smith called for a vote on the motion; and the motion is defeated. Commissioners Pritchett, Barfield, and Smith voting Nay.

The Board discussed operation and considered potential courses of action as it relates to protecting the County fiscal interests for Downtown Melbourne CRA and Olde Eau Gallie CRA Festival Expenses, but took no formal action.

<b>RESULT:</b>	<b>DEFEATED [2 TO 3]</b>
<b>MOVER:</b>	John Tobia, Commissioner District 3
<b>SECONDER:</b>	Kristine Isnardi, Commissioner District 5
<b>AYES:</b>	John Tobia, Kristine Isnardi
<b>NAYS:</b>	Rita Pritchett, Jim Barfield, Curt Smith

**ITEM VI.F.4., CITIZEN REQUEST BY REVEREND J. B. DENNIS, RE: TERM LIMITS FOR ALL CONSTITUTIONAL OFFICES**

Reverend J. B. Dennis stated he rises today to enter a proposed resolution for term limits; no Constitutional Officers should remain in office for more than two terms; a public office should not be a rest home; after the National Action Network received a great number of calls they did a survey in all five Districts; and 72 percent of the voting taxpayers citizens states he or she will support term limits if it is placed on the 2018 ballot. He went on to say term limits is important because it holds corruptions and special interests, which is not consistent with the County's Charter; term limits bring new ideas to the table, and makes a fair and equitable push to control organized crime in the County; the four Constitutional Officers who do not have term limits are Brevard County Sheriff, Tax Collector, Property Appraiser, and Clerk of Courts; term limits gets rid of career politicians and promotes political accountability, strengthens democracy, and insures long term stability; and in a true democracy, the citizens should have a say in who speaks for them in the County government. He pointed out no one person should have too much power for a long time; with that said, citizens of Brevard County asked the National Action Network to petition this Board of County Commissioners for term limits to vote to place it on the 2018 ballot; the Board of County Commissioners have the power to do so; and it is its duty to the citizens of Brevard County. He asked the Board to represent the people's interest, so be it resolved that this proposed resolution is approved and placed on the 2018 ballot.

The Board considered citizen request by Reverend J. B. Dennis for term limits for all constitutional offices, but took no formal action.

**ITEM VII., PUBLIC COMMENTS**

Charles Tovey stated he missed the Zoning meeting and some others; he has to remind himself; and his car was on fire. He added before that, he thanks all those who sacrificed their lives for the country, community, and for the rest of those, and the ones who do not get paid first, and the ones that take it as a job, he appreciates it. He commented Happy Veterans Day and a safe and happy holiday. He advised he has let his captains go and they are throughout the community; he reviewed a little bit; he thanked Commissioner Tobia for his level of standards that he is bringing to the Commission; and he stated although things that are happening at this Commission, it is not necessarily at fault. He stated they would like a motion to have tenure from 2008 to 2016 audit, and prior to that, or how about a 20-year audit; and they are living through the symptoms of their problems before this administration or however a person wants to say it. He asked the Board to excuse him for not being politically correct on things, but he did want to address the fire; officials tell him they are going to look into things and do something for him; and his time lapses and nobody does nothing, and it is his responsibility to chase these people down when he is not even allowed to make public comment in public places or go to the law library and do his research. He noted he has been deprived of things, and that is about the fire; all of these suspicious things, but yet no one does anything about it; and there is no suspicion involved, it is a matter of coincidence. He stated it was not an electrical fire because he has solar panels, and a person can clearly see an accelerant was

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used; the news camera pictures a suspect who he calls a suspect at the time of the fire right outside the grass he mowed in with his finish mowers; and he is out there with his bush hog, so there is no fire. He stated that is motive, opportunity, suspects all from his property; he cannot live like everybody else does; four patrol cars came for him parking in the road; he was unloading in 50 degrees in his shorts; they said do not put in, get his hands out of his pockets, do not move, but yet they leave the fuel tank down the road; and soon after that there are trucks all along, and do not forget the comment about his mustang and they launched projectiles on his vehicles daily. He stated all of the things he is cleaning up are from, just like the roads and the Lagoon, are things that have been ignored, excused, or just dismissed.

**ITEM VIII.C., BOARD REPORTS, RE: RITA PRITCHETT, DISTRICT 1 COMMISSIONER/VICE CHAIRWOMAN**

Commissioner Pritchett stated prayers are being sent out to Texas after that tragedy that just happened with the church; it is really heartbreaking; and prayers are going out to the Sheriff and all he is doing to keep the community safe. She wished everyone Happy Veterans Day to all people who have served to keep the country free. She commented she wants to say hello to one of her students, Andrew, from her Financial Accounting class, who gets 10 points extra credit; and she stated it is good to see him.

**ITEM VIII.D., BOARD REPORTS, RE: JIM BARFIELD, DISTRICT 2 COMMISSIONER**

Commissioner Barfield stated for Veteran's Day, Saturday, he wants to let everyone know the Veteran's Memorial Center on Merritt Island at 9:00 there will be a presentation to remember all of the Veterans; and he hopes everyone will be there, because it is very important and exciting time.

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

Commissioner Tobia stated on October 10th, the Board voted to approve 4:1 to approve tourism community development plan which included five projects totaling \$14.4 million; on October 27th, all Commissioners received an email from Scott Knox, County Attorney, detailing why it is his opinion that the Board is not permitted to use Tourist Development Tax revenue to clean the Lagoon; something in that opinion jumped out at him; and Page 3, Attorney Knox states that, "Likewise, the Attorney General has applied the same principals to define the Tourist Development Tax revenues may not be used for repair, construction, or improvement of boat ramps and parking facilities." He went on to say yet on October 10th one of the projects in the package brought to the Board was all about improvements of a boat ramp and a parking facilities, that would be Oars and Paddle Park and Care Project; there was a presentation on the boats, the applicant was the Space Coast Dragon Boat Club; and he asked Attorney Knox was it legal to allocate the \$200,000 of the Tourist Development Tax to Oars and Paddle Project to improve parking and boat launch given the Attorney General's Opinion 91-62.

Attorney Knox replied he would have to take a look at it to determine what exactly they do out there; he had a general understanding from the last time the Board met; but he would like to look at it a little more in detail before he decides.

Commissioner Tobia inquired given one project may not meet Statutory guidelines, would it be wise to review all projects before dispensing any more funds.

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Attorney Knox responded from his perspective, he does not recall any other ones that may have been a problem; most of those have been addressed one way or another at some time; but again, he can go back and look at it if Commissioner Tobia wants him to.

Commissioner Tobia asked if it would be his best opinion that the Board put a hold at least to the funds with the Oars and Paddles or would he suggest the Board continue funding those the way they stand.

Attorney Knox advised if the Board wants him to weigh in on that, it is up to the Board, and it is a policy call at this point; it has been approved, and it is on the list; and he is sure he will get an opinion back relatively quickly if it is qualified or not.

Chairman Smith asked when those funds will be submitted.

Attorney Knox replied the Board would have to ask the County Manager about that.

Eric Garvey, Tourism Development Office Director, responded the process is the final project packet has to go back to the TDC; that final packet has not been submitted yet; and the soonest it would go back to the TDC for final approval before funds can be disbursed is the third Wednesday in December.

**ITEM VIII.F., BOARD REPORTS, RE: KRISTINE ISNARDI, DISTRICT 5 COMMISSIONER**

Commissioner Isnardi inquired if the Board is taking any action on Commissioner Tobia's request; he is concerned because his opinion came back that the Board basically voted and approved items that may have been illegal.

Chairman Smith stated before the funds are disbursed, the Board will have an answer from Scott Knox, County Attorney.

Commissioner Isnardi expressed her appreciation to the Veteran's and to staff; everybody does not see what goes on behind the scenes; these guys work overtime, not just to help the constituents in all of the Districts but just to try to find solutions within the limited budget on what can be done; and she reiterated her appreciation to staff.

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

Chairman Smith expressed his thanks to the Veteran's; it is a solemn weekend coming up; there is a lot to be thankful for in this country; and if there were no Veteran's out there fighting for the country starting way back in 1775 when those activities started to current day, he would dare say the Board would not be here tonight doing what it is doing. He wished his wife a Happy Birthday.

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Upon consensus of the Board, the meeting adjourned at 6:13 p.m.

ATTEST:

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SCOTT ELLIS, CLERK

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