

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 August 6, 2015 at 5:04 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Robin Fisher	Vice Chairman/Commissioner District 1	Present	
Jim Barfield	Vice Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

ZONING STATEMENT

The Board of County Commissioners acts as a Quasi-Judicial body when it hears requests for rezonings and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness testimony showing that the request meets the Zoning Code and the Comprehensive Plan criteria. Opponents must also testify as to facts, or provide expert testimony; whether they like, or dislike, a request is not competent evidence. The Board must then decide whether the evidence demonstrates consistency and compatibility with the Comprehensive Plan and the existing rules in the Zoning Ordinance, property adjacent to the property to be rezoned, and the actual development of the surrounding area. The Board cannot consider speculation, non-expert opinion testimony, or poll the audience by asking those in favor or opposed to stand up or raise their hands. If a Commissioner has had communications regarding a rezoning or Conditional Use Permit request before the Board, the Commissioner must disclose the subject of the communication and the identity of the person, group, or entity, with whom the communication took place before the Board, takes action on the request. Likewise, if a Commissioner has made a site visit, inspections, or investigation, the Commissioner must disclose that fact before the Board, takes action on the request. Each applicant is allowed a total of 15 minutes to present their request unless the time is extended by a majority vote of the Board. The applicant may reserve any portion of the 15 minutes of rebuttal. Other speakers are allowed five minutes to speak. Speakers may not pass their time to someone else in order to give that person more time to speak.

INVOCATION

The invocation was given by Rabbi Sanford Olshansky, Congregation Bet Chaim.

PLEDGE OF ALLEGIANCE

Chairman Fisher led the assembly in the Pledge of Allegiance.

PUBLIC HEARINGS

Chairman Fisher called for a public hearing to consider Planning and Zoning recommendations of July 6, 2015.

ITEM III.B.1., (15PZ00024) - CALVIN D. & DEBRA D. BALDWIN - (SCOTT LANGSTON) - REQUESTS A SMALL SCALE PLAN AMENDMENT (15S.06) TO CHANGE THE FUTURE LAND USE FROM NC TO CC, AND A CHANGE OF CLASSIFICATION FROM GU TO BU-2, ON 4.68 ACRES, LOCATED ON THE SOUTH SIDE OF LAKE DR., APPROX. 0.11 MILE EAST OF N. BURNETT RD. (3255 LAKE DR., COCOA)

Cynthia Fox, Planning and Zoning Manager, stated this is a request to change the Future Land Use from Neighborhood Commercial (NC) to Community Commercial (CC), and to change classification from General Use (GU) to a retail warehousing commercial (BU-2) on 4.68 acres, located on the south side of Lake Drive, Cocoa; and the applicant is interested in developing the property with boat and trailer storage, and future mini warehouse uses.

There being no further comments, the Board approved as recommended; and adopted Ordinance No. 15-21, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan," setting forth the seventh Small Scale Plan Amendment of 2015, (15S.06), to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI (E), entitled the Future Land Use Map appendix; provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing for severability clause; providing an effective date; approved the request of Calvin D. & Debra D. Baldwin for a Small Scale Plan Amendment (15S.06) to change the Future Land Use from NC to CC, and a change of classification from GU to BU-2, on 4.68 acres, located on the south side of Lake Drive,, approximately 0.11 mile east of North Burnett Road (3255 Lake Drive, Cocoa).

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

ITEM III.B.2., (15PZ00026) DARRELL & TRACI FREEMAN, AND KATHLEEN HOLCOMB - REQUESTS A CHANGE OF CLASSIFICATION FROM GU TO AU(L), ON 1.55 ACRES, LOCATED ON THE EAST SIDE OF OSPREY AVENUE, APPROXIMATELY 325 FT. SOUTH OF CANGRO ST. (4755 OSPREY AVE., COCOA)

Cynthia Fox, Planning and Zoning Manager, stated this is a request of a classification change from General Use (GU) to Agricultural Light (AU(L)), on 1.55 acres, located on the east side of Osprey Avenue, approximately 325 feet south of Cangro Street (4755 Osprey Avenue, Cocoa).

There being no comments or objections, the Board approved Darrell and Traci Freeman, and Kathleen Holcomb's request to change classification from General Use (GU) to Agricultural Light (AU(L)), on 1.55 acres, located on the east side of Osprey Avenue, approximately 325 feet south of Cangro Street (4755 Osprey Avenue, Cocoa).

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

ITEM III.B.3., (15PZ00030) SWALLOWTAIL, LLC - (GLENN D. STORCH) - REQUESTS A CHANGE OF CLASSIFICATION FROM AU TO TU-1, ON 8.03 +/- ACRES, LOCATED APPROXIMATELY 0.15 MILE NORTH OF THE WEST END OF DEERING PARKWAY. (NO ASSIGNED ADDRESS. IN THE MIMS AREA)

Cynthia Fox, Planning and Zoning Manager, stated this is a request of a classification change from Agricultural Residential (AU) to General Tourist Commercial (TU-1), on 8.03 +/- acres, located approximately 0.15 mile north of the west end of Deering Parkway.

Commissioners Anderson, Barfield, Fisher, Infantini, and Smith stated they had communication with Glenn Storch for Items III.B.3. and III.B.4.

Motion by Commissioner Infantini, seconded by Commissioner Smith to approve.

Chairman Fisher advised he has a speaker's card.

Joe Crosby stated he is not opposed to any development, but he is opposed to any blockage of accessing the flag lots that are centered behind the blockade; he is understanding this to be a closing off of access to properties and having to access properties by entering through Maytown Road; and there are plenty of people who own properties in Brevard County who still wants to be able to have access to their properties through Brevard County, instead of through Volusia County.

Chairman Fisher inquired if access to his property is by crossing through Swallowtail, LLC's property. Mr. Crosby responded over 50 years ago when the flag lots were designed is the roadway access given for all of those flag lots.

Glenn Storch stated he is in the process also of dealing with these issues of how to allow for legal access to people who own property out there; the problem is there are many trespassers there that are tearing up the environment and making it a worthless area; this is the gateway to Brevard County and the project will be producing jobs in the area; it is very important to Swallowtail, LLC to do what was promised for the development in the area; and he is happy to work with Mr. Crosby to ensure his access is preserved.

There being no further comments or objections, the Board approved Swallowtail, LLC's request for a change of classification from Agricultural Residential (AU) to General Tourist Commercial (TU-1), on 8.03 +/- acres, located approximately 0.15 north of the west end of Deering Parkway.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

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ITEM III.B.4., (15PZ00031) - SWALLOWTAIL, LLC - (GLENN D. STORCH) - REQUESTS A SMALL SCALE PLAN AMENDMENT (15S.07) TO CHANGE THE FUTURE LAND USE FROM RESIDENTIAL 1 TO CC, AND A CHANGE OF CLASSIFICATION FROM AU TO BU-1, ON 8.810 +/- ACRES, LOCATED APPROXIMATELY 750 FT. WEST OF THE TERMINUS OF DEERING PKWY. (NO ASSIGNED ADDRESS. IN THE MIMS AREA)

Cynthia Fox, Planning and Zoning Manager, stated this is a request to change the Future Land Use from Residential 1 to Community Commercial (CC), and a change of classification from Agricultural Residential (AU) to General Retail Commercial (BU-1), on 8.810 +/- acres, located approximately 750 feet west of terminus of Deering Parkway.

There being no comments or objections, the Board approved Swallowtail, LLC's change of classification from Agricultural Residential (AU) to General Retail Commercial (BU-1), on 8.810 +/- acres, located approximately 750 feet west of terminus of Deering Parkway; and adopted Ordinance No. 15-22, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled The 1988 Comprehensive Plan, setting forth the seventh Small Scale Plan Amendment of 2015, 15S.07, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI (E), entitled The Future Land Use Map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

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

ITEM III.B.5., (15PZ00022) - LINDA E. SPAIN, TRUSTEE - (LISA FRAZIER) - REQUESTS A CHANGE OF CLASSIFICATION FROM SEU TO AU, ON 4.08 ACRES, LOCATED ON THE WEST SIDE OF N. TROPICAL TRAIL, APPROX. 460 FT. SOUTH OF INDIANOLA DR. (2105 N. TROPICAL TRAIL, MERRITT ISLAND)

Cynthia Fox, Planning and Zoning Manager, stated this is a request to zoning classification from Suburban Estate Use (SEU) to Agricultural Residential (AU), on 4.08 acres, located on the west side of N. Tropical Trail, approximately 460 feet south of Indianola Drive; this is for the purpose of having a larger accessory structure and agricultural pursuits; the applicant has voluntarily submitted a binding development plan; the stipulations are no commercial retail operation with wholesale of commodities allowed with no advertising signage of hours of operation or products, and the wholesale transactions would be limited to no more than two transactions per day; no structures for the large scale commercial packing, processing, and sales of commodities raised on the premises will be constructed; and no more than six livestock animals at one time (horses, cows, pigs, goats, and etcetera). She suggested for the Board to have the applicant come forward and state that they agree with the stipulations of the binding development plan.

Commissioners Anderson, Barfield, Fisher, Infantini, and Smith stated they all had a conversation with David Spain.

Mr. Spain advised the Board that the items in the binding development plan, he came up with; and he is not looking to be a big farmer, but is looking to be a little more agricultural in going back to where he came from.

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There being no further comments, the Board approved the request of Linda E. Spain, Trustee as recommended with a Binding Development Plan as follows: 1.) No commercial retail operation on the property. Wholesale of commodities may be allowed but may not include on premise signage advertising hours of operation and products. Wholesale transactions will allow no more than two transactions per day on the property. 2.) No structures for the large scale commercial packing, processing, and sales of commodities raised on the premises will be constructed on the property. 3.) No more than six livestock animals at one time (horses, cows, pigs, goats, etcetera).

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

ITEM III.B.6., (15PZ00028) - 1332 CLEARLAKE, LLC - (SCOTT WIDERMAN AND MASON WILLIAMS) - REQUESTS REMOVAL OF A BDP IN A BU-2 ZONING CLASSIFICATION, ON 1.21 ACRES, LOCATED ON THE EAST SIDE OF CLEARLAKE ROAD, BETWEEN MELROSE STREET AND FURNARI STREET (1322 CLEARLAKE ROAD, COCOA)

Cynthia Fox, Planning and Zoning Manager, stated this is a request to remove an existing Binding Development Plan (BDP), on 1.21 acres, located on the east side of Clearlake Road, between Melrose Street and Furnari Street (1322 Clearlake Road, Cocoa), for the purposes of removing a restriction of only having a commercial bakery on the property; the property owner has a new tenant; and they have voluntarily provided a new BDP with the stipulations that were in the previously approved BDP, but changed the use stipulated as all BU-1 uses in the document shredding business to be approved as the use on the property.

Commissioners Anderson, Barfield, Fisher, Infantini, and Smith stated they had contact with the applicant.

Morris Richardson, Assistant County Attorney, inquired if the motion is subject to the BDP's. Chairman Fisher responded affirmatively.

There being no further comments, the Board approved 1322 Clearlake LLC's request of removal of a BDP in a BU-2 zoning classification, on 1.21 acres, located on the east side of Clearlake Road, between Melrose Street and Furnari Street (1322 Clearlake Road, Cocoa); and approved with a BDP limited to BU-1 uses, except to allow a document shredding company.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

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ITEM III.B.7., (15PZ00029) - SEBASTIAN INLET MARINA, LLC - (T.P. KENNEDY) - REQUESTS A CUP FOR ALCOHOLIC BEVERAGES (BEER & WINE ONLY) IN CONJUNCTION WITH A RESTAURANT, IN A BU-2 ZONING CLASSIFICATION, ON 2.85 ACRES, LOCATED ON THE EAST SIDE OF U.S.1 APPROX. 425 FT. SOUTH OF OVERLOOK DR. (8685 U.S. HWY 1, MICCO)

Cynthia Fox, Planning and Zoning Manager, stated this is a request for a Conditional Use Permit (CUP) for beer and wine in conjunction with a restaurant, in a BU-2 zoning classification; this is the Sebastian Marina, a CUP for alcohol was previously approved for this site in 2011, however the actual service of alcohol in the restaurant opening was not established within the three year period required by Code; therefore, they had to reapply; at the time the previous CUP was approved the site plan was finishing up under development and they were working on their site plan, and although the newly proposed restaurant is a much more scaled down version than the original one approved; and the issue of making sure that there is adequate parking for this site still needs to be confirmed. She went on to say if the Board chooses to approve this request she would ask that the Board add the condition to their approval of the CUP, that the parking provided is looked at, and is determined to be sufficient for the onsite uses currently going on at the site.

Commissioner Infantini stated the parking has already been addressed because they were needed for a facility like this that houses boats.

There being no further comments heard, the Board approved Sebastian Inlet Marina, LLC's request to approve with the condition that parking is determined to be sufficient for uses on the site.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM V.A., LEASE AGREEMENT WITH UNITED STATES SPECIALTY SPORTS ASSOCIATION INC. (USSSA), RE: STADIUM COMPLEX

Chairman Fisher stated he does not know how much he needs to explain this Item; the Board is pretty aware of the Stadium and the Stadium lease situation; there are visitors from United States Specialty Sports Association (USSSA) here to answer any questions that anyone may have; and there two speaker cards. He stated the deal points were handed out Tuesday night; there has been a couple of little minor adjustments that needed to be cleaned up in reference to the room guarantee of nights, the first and second year, and how any other reimbursement in the future could be given to them if they exceeded those room nights; the changes made were minor; and the only other thing that has been discussed is they make sure they are promoting tourism for Brevard County. He went on to say it will be made sure that their website and communication pieces are actually promoting the restaurants, the services, the attractions, and the cultures of things that are in the community; he stated he would like for Scott Knox, County Attorney, to give a copy to their attorney of some language to that effect; they are 100 percent behind Brevard County; and he wants to ensure that the local businesses of Brevard County are going to be promoted on everything USSSA does, for promoting tourism related services such as those offered by restaurants, adventure services, attractions, and cultural institutions to their tournament participants in such a manner to ensure priority access. He stated he understands

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that they already had some conversations with the Tourist Development Office about making sure they do that; he stated the goal is that everybody stays in Brevard and getting as many people as possible to use businesses and attractions in Brevard County; and then all will be winners. He added, earlier today Kyle Smith with the Manatees threw an offer to Brevard County, but some did not receive that offer; he did not ignore Mr. Smith's request, but his deal is for five years; the terms of the deal on the table now is for 20 years; the annual contribution towards operating maintenance would be zero for USSSA and Mr. Smith is wanting the County to give him \$1.65 million; and he does not know if Commissioner Infantini has received this offer yet.

Commissioner Infantini inquired if USSSA is asking for zero and the Manatees are asking for \$1.6 million every year. Chairman Fisher responded affirmatively. She stated she thought the deal included \$10 million for improvements; and she inquired how that is zero. Chairman Fisher responded this is operation and maintenance of the facility on an annual basis. Commissioner Infantini inquired if the Manatees want \$1.6 million every year. Chairman Fisher responded affirmatively; he stated USSSA also will \$2.5 million towards capital contributions for repairs; the Manatees will put zero towards that; the room night guarantee is between \$75,000 and \$100,000; the Manatees is zero; and in front of the Board today is an memorandum of understanding and a signed lease from the USSSA; the Manatees submitted this proposal today and have not had much conversation with them since having the memorandum of understanding signed. He advised there were attempts to engage in conversations; but the Manatees position is if they are not the main tenant and the County is not willing to give them one penny, minus \$350,000 in marketing that the Manatees do not have an interest in.

Commissioner Infantini stated that was a very one-sided presentation; she spoke with Mr. Smith about if USSSA had reached out to him because she knew Commissioner Smith had requested the Manatees being able to stay; Mr. Smith had said he has not been reached out to at all, which is why he sent the offer; she is not in either of Commissioner Fisher's offices, so she would not know if he is telling the truth; and she just has to go with what was shared with her. She pointed out Osceola County decided not to invest millions to keep the USSSA at their facility because the room nights claimed could not be verified; they voted unanimously against building a complex for \$6.5 million, but Brevard County is going to invest another \$10 million, because the revenue could not justify the cost; Plant City is selling their stadium that they built in 1997 for \$6.5 million to attract the Cincinnati Reds, because after the 10-year lease was up, the Cincinnati Reds left; and right now it appears that this proposal is going to interfere with private business dealings by USSSA taking away from Cocoa Expo's ability to have a lease contract with them. She went on to say Cocoa Expo is a private facility and the County is getting into the business of doing private work with public dollars; Florida Statute 125.0104 has authorized some uses of the tax; one of the uses is to finance beach park facilities, beach improvements, and including cleanup of rivers; the County would be allowed to use the \$10 million because it is idle cash and it is able to be used for the cleanup of the Lagoon if desired, by changing some of the language in the Charter; and she thinks that that seems to be a much better use than putting the money into a stadium. She added, The Supreme Court has ruled that when using public money it must be for a public good, not for a private purpose; she feels that Cocoa Expo will have grounds for a successful lawsuit against the County; the County is using public funds for a private purpose. She stated the \$10 million that is for improvements is not going out to bid; from her understanding a contractor has already been selected; whenever the County awards contracts it has to go out for bid, but it is turning over the money to USSSA and not following bidding processes, and is circumventing all of the County's rules; it could displace the 120 workers that currently work at the Stadium because USSSA is not under agreement to keep on staff the Stadium employees; they did not contact the Manatees as they had agreed to do so; and she does not understand why the County is throwing out the Manatees with the bath water. She stated she is guessing that they came up with the last ditch item to have some type of deal; she does not know anything about this and she was not a party to it; the current uses are only

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proposed not required; in the Florida Charter, it says that the County is going to use its money for the Stadium, beach renourishment, and beach improvements; and the County could change the uses because those are only proposed uses, they are not required uses in the Charter, or in Ordinances. She suggested for the County to use those funds for cleaning up the Indian River; and that is something that was is near and dear to many hearts.

Commissioner Smith stated that is a lot to follow.

Chairman Fisher remarked there is a lot of inaccurate information.

Commissioner Infantini asked for Chairman Fisher to tell her which information is inaccurate; and she disagreed because she brought supporting documentation for everything she stated; and she inquired if he is going to retract his remark. Chairman Fisher responded no.

Commissioner Smith stated the Manatees have reached out to him since the offer came and they said that they would really like to work with USSSA to stay in Brevard County, and they would like to stay in the Stadium; he encouraged going forward that USSSA work with them; they are not bringing the finances to the table like USSSA is, but they are an asset to the community; and it would behoove the County to work with the Manatees to see if they would stay in Brevard County. He inquired if there is ability to use any of these funds for the Lagoon. Attorney Knox responded affirmatively; he stated the four-cent tax is identified as being used solely for promoting tourism, Stadium bonds, and for construction of the Stadium; for all the other purposes in Subsection 5; there are specific references in the Statute to Subsection 5, which tells to look for the lowest uses; but dealing with the four cents is not one of those, so that is not correct.

Chairman Fisher inquired what the four cents is; and why this agreement is so important as far as how the other pennies are at risk if not having a Stadium use user. Attorney Knox responded Subsection 7 of the Statute says if there is no lease with a professional or a not-for-profit organization for the Stadium, that all of the tourist development tax expires and it has to be reinstated; and going through the procedures that were originally required for installation of the tax to begin with, which means a referendum and in certain cases a super majority votes.

Commissioner Infantini inquired if it is going back out to the voters. Attorney Knox responded if there is no lease with another organization, a professional one or a not-for-profit is what has to be done.

Chairman Fisher stated it is not just the four cents at risk, but all six cents; he is not sure about verification of rooms, but he does have a letter from Kissimmee, with a copy of a check for \$136,428 because they did verify their rooms.

Commissioner Infantini remarked that they did not verify; she stated she spoke with their staff and they issued the check; she talked to the person who issued the check, and he told her that they accepted their word, but they were not verified; and she spoke with the Tourist Development Council.

Chairman Fisher stated he cannot verify who Commissioner Infantini talked to, but he can tell that Michael Kurek, Comptroller of Osceola County, who wrote them a letter and said they had 71,000 rooms at \$3 per night reimbursement is \$213,000; and they ended up writing them a check for \$136,428, and he has a copy of the check.

Commissioner Infantini advised the Board that she does not deny who wrote the check, but she does deny the fact that it was never audited; and they told me that they took USSSA's word for

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the number of room nights but that was in question, which is why they did not agree to go out and finance more, and gave up all those room nights.

Chairman Fisher asked for clarification of Osceola County's room nights.

Don DeDonatis, Chairman of the Board and Chief Executive Officer for United States Specialty Sports Association, responded that is a fallacy; he stated USSSA has been there for 15 years and have brought in about 800,000 room nights into Central Florida, about 700,000 into Osceola County, and that has been audited; there is a contract with them and USSSA had delivered 26,000 room nights and anything exceeding that, would be a reimbursement of \$3 a room night; and checks are not released unless it is audited, and it is his 15th year of getting a check from them.

Chairman Fisher inquired if he cashed a \$136,000 check. Mr. DeDonatis responded affirmatively.

Commissioner Smith stated he has a concern with one statement made regarding no bid process for repairs; and he inquired what the procedure is for going forward with repairs on the Stadium and the grounds.

Chairman Fisher stated he can answers how getting to that process; he stated it is known that it is expensive to do business with the government; the process is very demanding with a lot of requirements to make, due to the timeline that it takes to do things, and was it possible if USSSA is willing to make the improvements and the County would reimbursement them; he asked the County Attorney if that could be done through a grant agreement; and the County Attorney said that it could. He went on to say USSSA agreed to that because they could get more bang for their buck than if the government was bidding it, so that is how USSSA got to that point; and Attorney Knox had said legally the County could do that.

Commissioner Smith stated in going along with the same scenario with government being more expensive; and the County is going to get the money and the Stadium needs fixing, rather than the option of who can do it for the cheapest amount.

Mr. DeDonatis stated the maximum amount of money for USSSA is \$10 million; USSSA is going to have quite a bit of money and skin in the game also, because they are going to do the Stadium right by building 15 fields; and USSSA is going to spend anything over the \$10 million. He added, this is not just a \$10 million project, they are contributing \$250,000 each year; he stated he is not looking for any handouts, USSSA is in the business, and they know the products of turf and lighting; they have over 550 facilities around the country that under USSSA umbrella; they do not run them all but do have affiliation with them; the Big League Dreams facilities are 12 of the biggest and the most expensive facilities in the country; and they know a lot of people in the business, can do it right, and be the best Stadium facility around.

Commissioner Smith stated his main concern is that the money is spent well; he is sure USSSA will have a lot of skin in the game, more money than the \$10 million from the County; his concern is that it is spent well and spent wisely; and if USSSA is going to do its utmost to spend the money wisely, then he trusts that it will be spent wisely.

Bill James, USSSA Representative, stated the County does not relinquish the monitoring of this whole project; USSSA is going through the permitting process and it will be the County's inspectors monitoring the grounds to say yes, it is being done the right way; if there is any life/safety issues or if any quality issues, then the County is right there looking at it; and USSSA is going to put the best stuff out there.

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Commissioner Infantini inquired how the Board justifies using \$10 million worth of taxpayers money to make improvements to a Stadium when there is another individual investing \$30 million of his own money to provide virtually the exact same type of facility; why is this not a lease situation offered to USSSA; and she stated legally she thought the County could only invest the Tourist tax dollars in property that was publicly owned. She went on to say that this property is not publicly owned; it is owned by The Viera Company and the County is leasing it; and she believes that it cannot be used on privately owned property. Attorney Knox responded the Stadium property is owned by the County, along with the parking areas and the areas next to the retention ponds. Commissioner Infantini inquired about the property the County is leasing from The Viera Company. Attorney Knox responded it is a ground lease that the County is subleasing to this organization. Commissioner Infantini inquired if the County is making any improvements to the ground lease; and if all the improvement made will be on the County's property. Attorney Knox replied the County is not making any improvements; he stated USSSA will be making improvements on the ground lease that they are leasing from the County; and the County is entitled to do so by Statute because it is a not-for-profit group. Commissioner Infantini stated she disagrees; and she inquired how much money is USSSA going to put into this, because if the County is putting up to \$10 million in.

Mr. DeDonatis responded USSSA is going to build the facility the way it needs to build it; USSSA is going to do it right but does not know what the amount is going to be because they are committed to build the facility with 15 fields; they are bringing a national headquarters over here with a whole staff of people; and will probably have about 250 jobs, not 120, because this is going to be 15 fields, not just a Stadium; and is going to be a family organization and facility like the Wild World of Sports. He added, there are a lot of people that work for USSSA; there will be a lot of revenue and people coming in the area, and every hotel in this vicinity will be filled; and that is what USSSA does and has been doing so for 48 years. He went on to say USSSA has been doing this for 15 years in Florida, in Osceola County; Osceola County has a plan; they already have a bid in to USSSA for the same plan on his desk right now; and it not true that they would not build facilities for USSSA.

Commissioner Infantini advised that is what Osceola County minutes say; and stated she was reading from their minutes.

Mr. DeDonatis remarked he has a proposal on his desk.

Commissioner Anderson asked Chairman Fisher for point of order; he stated everyone has had their chance to speak that wanted to speak; and he thinks everybody should get to speak at least once. He went on to say the Tourist Tax being used for the Lagoon is fine with him, but this portion cannot be used; and he would not do so unless the five other counties who helped create the impact to the Lagoon are willing to put their skin in the game; that conversation for an interlocal agreement can be had with those counties if they want to ante up their money; and he knows that Volusia County gets a lot more money than Brevard County, and they should probably pay a lot more because they have a larger population that is affecting the Lagoon. He suggested to the Board for Commissioner Smith to discuss that with his partners, if going to go down that road; he stated several millions are from federal and State sources for the Lagoon cleanup; he thinks that is a priority for every county that adjoins the Lagoon; and this is a leased property. He stated he understood Commissioner Smith's concerns of the no bid process, because it is like Nanna's House right now where the County leased to them; and he inquired if there are any other speaker cards.

Commissioner Smith inquired if USSSA has reached out to Cocoa Expo. Mr. DeDonatis responded affirmatively; he stated he has met with them and has worked with Cocoa Expo years ago and it is a good partnership; there has already been a meeting about working together because USSSA is going to be their best friend, because most of the time 25 to 30

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fields are needed to run events in the summer; and between Cocoa Expo and USSSA it should all work out fine.

Chairman Fisher mentioned meetings with engineers of Cocoa Expo's, Jeff Unnerstall, and his attorney Jeff Smith, met upstairs and they had a great conversation; and USSSA is allowing its facility use for when Cocoa Expo needs additional fields; that conversation went real well; and they both felt like they could help each other.

Commissioner Barfield stated the whole concept of amateur sports and families is what this community is about; he likes the idea that it is not an empty building just sitting there; the bed nights are \$380,000 a night from the Tourist Tax coming in for promoting more tourism; and later on it may be more than that. He stated he thinks this is a good deal for Brevard County because there is talk about bringing in amateur sports; and that is a major impact that he is all for.

Chairman Fisher asked Eric Garvey, Tourism Development Office Director, how this affects ability to have additional Tourist Tax dollars; and why this \$10 million investment is kind of a cheap investment compared to it being put into at convention center. Mr. Garvey responded to generate \$75 to \$100,000 room nights on a Tourism Development project, he cannot think of one that would do that with advertising dollars; a facility like a convention center would absorb ongoing tax revenue; it is hard to articulate how great a deal this is for Tourism Development and there is tremendous intangible benefits as it brings in a demographic that will really stabilize the market; and reduce the difference between peaks and valleys, stabilize the market, and will do wonders for our tourism-related businesses beyond hotels, restaurants will no longer have to hire and fire, and adjust for peak seasons it will be more stable; and the attractions will have more families participating in those so there is intangible benefits that go beyond just the room nights generation as well.

Dave Spain stated he is the owner of the Comfort Inn and Suites in Cocoa Beach since 1972; he served three appointed terms on the Tourist Development Council; this was tried before with the Stadium; the TDC was not in favor of professional sports; there now is the Port doing fabulous things with cruising; and cruising is what makes the people in Cocoa Beach survive. He stated the Shuttle Program went away and he is hopeful for it to come back; this is an important step; and he applauded the County for doing this. He went on to say that he talked to Commissioner Fisher several years ago about heading in this same direction before with professional sport but they would not hang around; and now he is hopeful for the hotel and tourism industry to now have an opportunity.

Keith Winston, Brevard Zoo Executive Director, pointed out the Zoo is one of a handful of accredited zoos that does not get recurring operating funds, but the Zoo could not do what it does without working with groups like the TDC to give its support around the County; and the Zoo's segment of business has grown 30 percent to 45 percent by working hand-in-hand with the TDC, the County, and generating that because it is such a competitive market in Central Florida. He stated this is a great move for the Zoo, restaurants, other attractions, and cultural institutions; this is needed in Brevard County; he is fiercely proud of being independent; and these new groups right from the start are marketable for a whole new audience. He went on to say starting at this level with this commitment upfront in the actual contract puts the Zoo in a situation to start the conversations right away; this builds well for tourism; and he is excited about what this holds for the Zoo.

Attorney Knox advised the Board that in paragraph three there is no rent needs to be added.

Commissioner Anderson stated he will make the motion and is fine with the addition of there is no rent.

August 6, 2015

Commissioner Infantini opined she thinks it is really wrong to use public money for a private business.

The Board adopted Resolution No. 15-122, providing for the Lease of the County owned Space Coast Stadium to the Not-For-Profit Corporation, USSSA, LLC, through its manager, United States Specialty Sports Association, Inc.; and approved a Lease Agreement between Brevard County and USSSA, LLC, by and through United States Specialty Sports Association, Inc. its manager for use of the Stadium Complex consisting of Space Coast Stadium and the Carl Barger Training Complex.

Commissioner Anderson noted for the record, that this required a super majority vote, which was received.

Mr. DeDonatis expressed his thanks to the Board for this opportunity; he stated it is a win-win deal; and he is looking forward to hanging his hat in Brevard County for the next 20 years, and to make it the sports capital of the world.

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

ITEM VII.A., STOCKTON WHITTEN, RE: REPORT

Stockton Whitten, County Manager, stated he requests cancellation of the August 20, 2015, Workshop.

The Board authorized the cancellation of the August 20, 2015, Workshop.

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

By consensus of the Board, the meeting adjourned at 5:51 p.m.

ATTEST:



SCOTT ELLIS, CLERK



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

Approved by the Board 10/20/15