



BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
CAPITAL FACILITIES COMMITTEE
May 7, 2020, 2:00 p.m.
Conference Call at 321-236-8852

Chair Giles Malone

Tom Hermansen

Keith Winsten

Jeff Whitehead

Eric Braga

Mayor Hal Rose

Joe Shanks

Samir Patel

Andy Ziegler

AGENDA

- I. Administrative – **Chairman, Giles Malone**
 - a. Welcome and Introductions
 - b. Approval of Agenda (**Action Item**)
Board Member’s request to disclose any conflict of interests with agenda items and/or any business relationships between board.
 - c. Approval of Capital Facilities Minutes of March 5, 2020 (**Action Item**)
 - d. Approval of Capital Facilities Minutes of April 2, 2020 (**Action Item**)
 - e. Election of Vice Chair
- II. Capital Facilities Project Funding Discussion – **Brian Blanchard**
- III. Capital Facilities Grant Application Scores and Ranking – **Giles Malone**
 - a. Project #1 - American Police Hall of Fame
 - b. Project #2 – Veteran’s Memorial Center
- IV. Capital Facilities Funding Recommendations - **Giles Malone**
- V. Public Comment

RECOMMENDED ACTION: Approval of agenda

RECOMMENDED ACTION: Approval of the TDC Capital Facilities Committee minutes of March 5, 2020 and April 2, 2020.

**CAPITAL FACILITIES MINUTES
MARCH 5, 2020 – 2:00 P.M.
BREVARD COUNTY GOVERNMENT CENTER, VIERA**

Capital Facilities Committee met on March 5, 2020 at the Brevard County Government Center, Florida Room, Viera. Members present were: Giles Malone, Jeff Whitehead, Mayor Hall Rose, Keith Winsten, Eric Braga, Samir Patel. Absent Members were: Andy Ziegler, Joe Shanks, Tom Hermansen. TDC Staff present were: Peter Cranis, Brian Blanchard, Deborah Webster, Jeff Baron, Candace Narmore.

Administrative – Chair Giles Malone

Welcome and Introductions

Guests present were: Christine Schverak, Assistant County Attorney; Dave Berman, *Florida Today*; Larry Lallo, Veteran's Memorial Center.

Sunshine Law and Conflict of Interest – Christine Schverak, Assistant County Attorney:

Christine Schverak, Assistant County Attorney, gave a presentation on Sunshine Law requirements and Conflict of Interest. Highlights of her presentations are listed below. Sunshine Law Requirements: The main purpose of the Sunshine Law is to ensure that the decision-making process of a public body is open and transparent. Three basic requirements of the Sunshine Law outlined in Section 286.011, F.S. Meeting must be open to the public. Reasonable notice of each meeting must be given. Minutes of the meeting must be taken.

Applicability of the Sunshine Law: The Sunshine Law applies equally to elected and appointed boards. Even advisory boards, such as the Tourist Development Council, are subject to the Sunshine Law if they have been delegated decision-making authority.

What is a Meeting: Extremely broad application: briefings, informal discussion, workshops, etc. The entire decision-making process is subject to the Sunshine Law, including discussions, deliberations, and formal action by the board. Any gathering of two or more TDC members to discuss any matter which may foreseeably come before the TDC must be: (1) open to the public; (2) publicly noticed; and, (3) have the minutes kept.

Public Meetings: Notice of the time, place, and items for discussion (if agenda is available) must be given. Minutes must be taken that accurately reflect the actions taken during the meeting. All members must vote unless there is a conflict of interest.

Voting: TDC members are subject to the State's conflict of interest laws that prevent public officials from voting on items when (for example) they, their business associate(s), or a family member receive a special private gain. The smaller the class of persons who stand to benefit from the measure, the more likely a problem will arise. An appearance of a conflict under the Code of Ethics can also create an issue when it comes time to voting.

Public Participation: Public comment must be provided during TDC meetings. The requirement is established by both the Florida Legislature and in Chapter 2 of the Brevard County Code. Meetings should be held in locations which will avoid a chilling effect on public participation.

Avoiding Consequences: There are both civil and potentially criminal penalties for violating the Sunshine Law. Don't use third-parties to attempt to circumvent the Sunshine Law. If you have any questions or concerns, please request an opinion from the County Attorney's Office or, if necessary, an advisory opinion from the Commission on Ethics can be obtained.

Conclusion: The TDC is subject to the Sunshine Law. This means members should not discuss items that will or could foreseeably come before the TDC outside of a meeting that is open to the public; has been noticed; and has the minutes recorded. The specific facts and circumstances of each case will dictate whether a TDC member can vote on certain issues when a conflict (or appearance of a conflict) exists.

CONFLICT OF INTEREST DISCLOSURE FORM:

Capital Facilities Committee was asked to complete the 2020 Tourist Development Council Potential Conflict Disclosure Form. Forms were distributed to Capital Facilities Committee Members.

Approval of Agenda (Action Item):

Board Member's request to disclose any conflict of interests with agenda items and/or any business relationships between board.

ACTION: Winsten moved to approve the March 5, 2020 Tourist Development Council agenda. Whitehead seconded the motion and the motion was unanimously approved.

Approval of Capital Facilities Committee Minutes of December 12, 2020 (Action Item)

ACTION: Whitehead moved to approve the Capital Facilities Committee minutes of December 12, 2020. Patel seconded the motion and the motion was unanimously approved.

Election of Capital Facilities Committee Vice Chair – GILES MALONE

ACTION: Malone moved to approve the election of a Capital Facilities Committee Vice Chair be moved to the next meeting. Mayor Rose seconded the motion and the motion was unanimously approved.

Capital Facilities 10 Year Budget Projection – Peter Cranis

Cranis reviewed the Capital Facilities 10 Year Budget. The detailed plan was included in the packet.

Capital Facilities Grant Guidelines and Scoring – Brian Blanchard

Blanchard and Webster reviewed the Capital Facilities Grant Guidelines and Scoring Procedures. Projects must meet an average minimum score of 75 to be eligible for funding.

Webster asked that the Capital Facilities Committee review and score each grant application and return the score sheet to the TDO no later than March 27, 2020.

Cranis said if you have questions on the application send those to Webster. Webster will contact the applicant to get the question answered. She will share the information she receives with everyone.

Cranis said to keep in mind when reviewing the applications that there is nothing in the guidelines that says you have to award exactly what the applicant is requesting. The Committee can discuss and decide the amount to be awarded to each eligible applicant.

Public Comment – Giles Malone

Jack Radarman said he is a long-time resident of Merritt Island and a retired school teacher. I am here to talk about the proposed bandshell. The Veteran's Memorial Center is easily accessible. Arts and Cultural is the cream of society. The bandshell would promote art, cultural and music. Radarman said he is Vice Chair of the Brevard County Historical Commission. Radarman said he ran it by the Brevard County Historical Commission and they are in support of the project. Radarman said the Brevard Symphony and Community Band of Brevard are also in support of the project. This could also allow for other events.

Larry Lallo said he is looking forward to the Capital Facilities reviewing the Veteran's Memorial Center Bandshell project application. The Merritt Island Redevelopment Agency is committing a \$750,000 match for this project.

Meeting adjourned at 3:00 p.m.

**CAPITAL FACILITIES COMMITTEE MINUTES
APRIL 2, 2020
CONFERENCE CALL**

The TDC Capital Facilities Committee met on April 2, 2020 via conference call. Members present were: Chair Giles Malone, Keith Winsten, Jeff Whitehead, Andy Ziegler. Absent members were: Tom Hermansen, Joe Shanks, Samir Patel, Eric Braga. Staff present were: Peter Cranis, Brian Blanchard, Deborah Webster, Jeff Baron, Erinn Stranko, Candace Narmore.

Malone stated due to not having a quorum for today's meeting the approval of the minutes and election of a Vice Chair will be put on hold until the next meeting. Malone explained the Tourist Development Council has asked that we put things on hold for thirty days until they can get a better handle on where COVID-19 is going. Two Capital Facilities Grant applications were received; from the Veteran's Memorial Center and the Police Hall of Fame. A few Capital Facilities Committee members still need to complete their scores.

Ziegler said the Police Hall of Fame is asking for a large amount of funding. Ziegler asked for clarification on the amount of funding the Police Hall of Fame is asking for.

Cranis said the Police Hall of Fame is asking for \$5.5 million in funding. Based on what is happening with COVID-19, that tourist development tax is going to be down significantly.

Ziegler said being new to the Capital Facilities Committee he would need more information before he can make a decision. Ziegler also said he thought the County Commission decided to allocate anything over \$16.6 million to road projects.

Malone explained that when you go into score the application many of answers to your questions will be answered. Malone stated we are currently waiting on several score sheets. Once those score sheets have been completed TDO Staff will compile the scores and send the results to the Capital Facilities Committee prior to the next meeting. Malone asked for Webster to reach out to those members who have not submitted scores. The results of the scores will be reviewed at the next Capital Facilities Committee scheduled on May 7, 2020 at 2:00 p.m.

Meeting adjourned at 2:30 p.m.

5.7.2020
 Capital Facilities Grant Program
 FY 2019/2020

	<u>#1</u>	<u>#2</u>	<u>#3</u>	<u>#4</u>	<u>#5</u>	<u>#6</u>	<u>#7</u>	<u>#8</u>	<u>#9</u>	<u>TOTAL</u> <u>SCORE</u>	<u>Average</u>	<u>High/</u> <u>low</u>	<u>TDC funding</u> <u>requests</u>	<u>Total Project</u> <u>Cost</u>	<u>Match</u>
American Police Hall of Fame	57	55	63	57	43	25	36	71	59	466	51.77	52.86	\$5,500,000	\$12,664,000	0
Veteran's Memorial Center	78	68	49	67	43	54	75	82	70	586	65.11	65.86	\$1,573,239	\$2,323,239	\$750,000