

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

12:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on May 1, 2014 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Robin Fisher	Vice Chairman/Commissioner District 1	Present	
Chuck Nelson	Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Mary Bolin Lewis	Chairman/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 rezoning 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 Reverend Roberts, St. Luke's Episcopal Church of Merritt Island.

**PLEDGE OF ALLEGIANCE**

Commissioner Bolin Lewis let the assembly in the Pledge of Allegiance.

**RESOLUTION, RE: ALL ABOARD FLORIDA**

Commissioner Infantini stated at the last meeting some individuals came before the Board from Indian River County and helped expose what was taking place with All Aboard Florida, and as such she told them she would place a mirrored resolution on the Agenda today as it had just

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passed in Indian River County to work against the forward movement of All Aboard Florida. She explained it is the train that wants be bringing passenger's from Miami, Broward County, and Palm Beach County, all the way through to Orlando, which in a way does not sound bad except there will not be any stops here in Brevard County.

Commissioner Nelson stated he thought it was the Board's direction that they were going to talk about it at the Transportation Planning Organization (TPO) on Thursday to include the cities; he thinks there was some legitimate questions asked but he did not hear the answers; and his preference would be is that the Board can always do the resolution, there is no urgency, and he would want to have the cities on board at the same time. He added, he would prefer to have a full body and All Aboard Florida be there to respond to some of the questions; and he spoke to Bob Kamm, with TPO and he said that they would be there; and rather than rush into something, which the Board may have to change at a later date, he would like to a least be informed what the answers are.

Commissioner Fisher stated he had concerns about it because if it is not coming through Brevard then why are we going through all this; and the day it goes to the TPO and goes the proper way and letting the TPO know their concerns and making a recommendation to the Board.

Chairman Bolin Lewis concurred that she would like to have the entire geographic county behind something like this before moving forward.

The Board considered a resolution regarding All Aboard Florida, but took no formal action.

<b>RESULT:</b>	<b>DEFEATED [2 TO 3]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Trudie Infantini, Andy Anderson
<b>NAYS:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis

**PUBLIC HEARING, RE: PLANNING AND ZONING BOARD RECOMMENDATIONS OF APRIL 7, 2014.**

Chairman Bolin Lewis called for the public hearing to consider the Planning and Zoning Board's recommendations of April 7, 2014.

**ITEM III.B.1., (14PZ-00017) - WICKHAM PLACE, INC. - (JUAN ROSARIO) - REQUESTS A CUP FOR ALCOHOLIC BEVARAGES (BEER & WINE ONLY) FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH A RESTAURANT IN A BU-2 ZONING CLASSIFICATION ON 0.86 ACRE, LOCATED ON THE EAST SIDE OF N. WICKHAM RD., APPROX. 200 FEET NORTH OF SUNTREE BLVD. (7155 N. WICKHAM RD., MELBOURNE)**

Cynthia Fox, Planning and Zoning Enforcement Manager, stated this is a Conditional Use Permit for beer and wine only, accessory to an existing 40 seat restaurant.

There being no further comments or objections, the Board approved Wickham Place, Inc. Request for a CUP for alcoholic beverages (beer and wine only) for On-Premises Consumption in conjunction with a restaurant in a BU-2 zoning classification on 0.86 acre, located on the east side of N. Wickham Rd., approximately 200 feet north of Suntree Blvd.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Andy Anderson, Commissioner District 5  
**SECONDER:** Chuck Nelson, Commissioner District 2  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.2. (14PZ-00020) – THE VIERA COMPANY – (JAKE WISE, P.E.) - REQUESTS A CUP FOR ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH A RESTAURANT IN A PUD ZONING CLASSIFICATION ON 0.99 ACRES +/-, LOCATED ON THE WEST SIDE OF STADIUM PARKWAY, APPROXIMATELY 590 FT. SOUTH OF VIERA BLVD. (NO ASSIGNED ADDRESS. IN THE VIERA AREA)**

There being no comments or objections, the Board approved the request for a CUP for Alcoholic Beverages for On-Premises Consumption in conjunction with a restaurant in a PUD zoning classification on 0.99 acres +/-.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.3. (14PZ-00023) – AAYUSH CORPORATION – (BUD UNDERILL) - REQUESTS A CUP FOR ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH A RESTAURANT IN A BU-1 ZONING CLASSIFICATION ON 1.54 ACRES, LOCATED ON THE WEST SIDE OF N. WICKHAM RD., APPROX. 1,190 FT. NORTH OF POST RD. (4200 N. WICKHAM RD., MELBOURNE)**

There being no comments or objections, the Board approved the request for a CUP for Alcoholic Beverages for On-Premises Consumption in conjunction with a restaurant in a BU-1 zoning classification on 1.54 acres.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.4., (14PZ-00011) COCOA EXPO SPORTS CENTER LLC.(BSE CONSULTANTS, INC., UPLAND VENTURES, INC., AND SOUTH MILHAUSEN, P.A.) - REQUESTS A CONDITIONAL USE PERMIT FOR COMMERCIAL, ENTERTAINMENT, AND AMUSEMENT ENTERPRISES WITH A WAIVER FOR A SCOREBOARD HEIGHT OF 70 FEET; RETAINING CONDITIONAL USE PERMITS FOR ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION; AND ALSO RETAINING EAST CORNER OF FRIDAY RD., AND S.R. 520**

Commissioner Nelson inquired why the applicant is asking for such a tall structure when the Code states that the tallest point of the structure should be no taller than the tallest point in the

building itself; and that is the height of a seven-story building. Jeff Milhausen responded through all of the issues he has had in the past, it is basically line of sight on the baseball field; most fields have a blackout screen in the center, and anything that is in the line of sight of someone throwing a ball, if it has white or bright colors it can cause a distraction. He added the players would not be able to see the balls that are in play, and with a 40 by 30 is the minimum that the manufacturers in Major League Baseball (MLB) all of them advise to have. He went on to say it was originally at 90 feet, it was hard to see, and could be seen from S.R. 520, so they lowered it to 70 feet to address those concerns; and it cannot be seen from Friday Road or S.R. 520. He added they had a line of sight done by an architect the last time he was in front of the Board and has it with him should any Board member want to see it.

Commissioner Nelson stated he has seen the information provided; he played baseball, had a few fields under his control over the years, and he does not accept the fact that it has to be at that elevation. He advised at some point during a game, that will be in play, no matter where it goes and no matter what height it is at. He stated the fact that he moved it out to left field as far as it would go is good, but the height is still excessive; and the tallest point of the stadium is 38 feet, and this will be 30 feet higher than the building.

Mr. Milhausen stated if they could not have it at that height then they would not be able to have the board. Commissioner Nelson disagreed.

Chairman Bolin Lewis inquired if Mr. Milhausen is aware of the stipulation that the structure only be used during the scheduled events and that it would not be on at any other time. Mr. Milhausen stated he would have no reason for it to be on any other time, it eats up a lot of electricity. Commissioner Fisher inquired if he has purchased the board yet or not. Mr. Milhausen responded no, he has a deposit on it.

There being no further comments or objections, the Board granted the request for a Conditional Use Permit for Commercial, Entertainment, and Amusement Enterprises with a waiver for a scoreboard height of 70 feet; retaining Conditional Use Permits for Alcoholic Beverages for On-Premises Consumption; and also retaining existing Binding Development Plan, in a BU-1 zoning classification on 47.87 acres.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Robin Fisher, Trudie Infantini, Mary Bolin Lewis, Andy Anderson
<b>NAYS:</b>	Chuck Nelson

**ITEM III.B.5. (14PZ-00013) JERALD E. SMITH (SR.) & LAURA SCHULER SMITH – REQUEST A SMALL SCALE PLAN AMENDMENT (14S.01) TO CHANGE THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL 1 TO CC, AND A CHANGE OF CLASSIFICATION FROM TR-1 TOBU-2 ON 0.41 ACRE, LOCATED ON THE EAST SIDE OF EVERNIA ST., APPROX. 230 FT. SOUTH OF MICCO ROAD (8135 EVERNIA ST., MICCO)**

Cynthia Fox, Planning and Zoning Enforcement Manager, stated this is a change from TR-1 to BU-2, with an accompanying Small Scale Plan Amendment from Residential 1 to Community Commercial (CC); and this is for an existing use for a storage yard. The applicant has, or is planning to pull some additional building permits to construct another building on the property, therefore, they need the BU-2 zoning classification.

There being no further comments or objections, the Board approved change from Residential 1 to CC and a change of classification from TR-1 to BU-2 on 0.41 acre ; and adopted Ordinance No. 14-15, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the fifth Small Scale Plan amendment of 2014, 14S.01, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Vice Chairman/Commissioner District 1
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.C. PUBLIC HEARING, RE: AMENDMENT TO CHAPTER 62, ARTICLE X, ENVIRONMENTAL PROTECTION AND CONSERVATION, DIVISION 5 AND 6; AND ARTICLE XI, FLOOD DAMAGE PROTECTION, DIVISIONS 1, 2, AND 3**

The Board adopted Ordinance No. 14-14, amending Chapter 62, "Land Development Regulations", Code of Ordinances of Brevard County; Amending Article X, Division 1, Section 62-3601; Amending Article X, Division 5, Sections 62-3723 and 62-3724; Amending Article X, Division 6, Section 62-3571; Amending Article XI, Division 1, Sections 62-4001 and 62-4005; Amending Article XI, Division 2, Sections 62-4031, 62-4302, 62-4033, and 62-4034; Amending Article XI, Division 3, Sections 62-4061, 62-4062, 62-4063, and 62-4064; to comply with FEMA requirements for continued participation in the National Flood Insurance Program; providing for conflicting provisions; providing for severability; providing for area encompassed; providing for an effective date; and providing for inclusion in the Code of Ordinances of Brevard County, Florida.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM IV.A. APPOINTMENT, RE: BOARD REPRESENTATIVE AND AUDIT SELECTION COMMITTEE FOR EXTERNAL AUDITOR SELECTION**

Stockton Whitten, County Manager, stated the Board Policy requires a Board representative for the Selection Committee for the External Auditor Firm for the annual financial audit; the Board needs to appoint a Commissioner or representative to serve with representatives from the Constitutional Officers on this committee.

Commissioner Nelson stated he will volunteer, he did it last time. Commissioner Fisher stated he could deal with that.

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Commissioner Infantini stated the information states that the Audit Committee will be consisting of a Deputy County Manager; and she welcomed the new County Manager, Stockton Whitten. She inquired if he would like to change that title before the motion is voted on. Mr. Whitten stated that is a mistake that was made from last time. Commissioner Infantini further inquired if there would be another Deputy County Manager. Mr. Whitten stated when this item previously came before the Board, there was a Deputy County Manager; he advised that was the incorrect make-up of the committee; and the request before the Board is for a Board appointee.

The Board appointed Commissioner Chuck Nelson as a member of the Audit Committee and approved the Audit Selection Committee in accordance with Board Policy BCC-94, External Auditor Selection Procedures.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Robin Fisher, Vice Chairman/Commissioner District 1
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

#### **ITEM IV.B. APPROVAL, RE: FIRST RESPONDER AGREEMENTS**

Commissioner Nelson understood this was the last year the Board would be giving funding to the cities for the First Responders; it is time for the Board to move on; and it is unfair to the unincorporated areas because they pay twice. He added if the cities do not want to provide those services then he would suggest that anyone who has an accident, to have it in the County and not in the cities, because the County pays for and provides that service.

Commissioner Fisher inquired why this is in front of the Board. Commissioner Nelson stated the Board funded it this cycle. Commissioner Fisher stated the Board agreed to fund it until the end of September. Commissioner Nelson stated the Board will fund this year, because the Board was looking at the budget last September and the cities had not anticipated the loss of those funds, so the Board extended it until September of this year. He added the cities could have received the money in October of this year, but the contracts normally come in this time of year. Commissioner Fisher inquired if this is passed tonight, there will be no discussion during the budget cycle this year.

Chairman Bolin Lewis stated it will probably be brought up, but the Board has voiced, strongly, that it will not fund it again.

Commissioner Anderson stated he is being consistent with what he has said in the past that since the Board has some budget constraints, and Brevard County residents are subsidizing municipalities, but he is going to continue to vote no, just to be consistent.

Commissioner Nelson stated if the Board takes this vote, it has indicated to the cities that this is the last year; and he believes the vote was 3:2 last time; and he hopes there is consistency, because if not, Palm Bay, Melbourne, and some others will have some deep holes.

The Board executed the First Responder Agreements with the Cities of Cape Canaveral, Cocoa, Cocoa Beach, Melbourne, Palm Bay, Rockledge, Satellite Beach, and Titusville, and the Town of Indialantic for Fiscal Year 2013-2014 to allow allocation of funding as approved with the adoption of the current Fiscal Year Budget.

<b>RESULT:</b>	<b>ADOPTED [3 TO 2]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Mary Bolin Lewis, Chairman/Commissioner District 4
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis
<b>NAYS:</b>	Trudie Infantini, Andy Anderson

**ITEM V.A.1. DISCUSSION, RE: BLUE RIBBON ADVISORY COMMITTEE REPORT AND RECOMMENDATIONS**

Stockton Whitten, County Manager, stated staff had anticipated that the Board would have the presentation of the findings and the Chairman of the committee, Larry Schultz is here to provide the presentation.

Larry Shultz, Chairman, Blue Ribbon Advisory Board, presented the Report and Recommendations of the Blue Ribbon Advisory Committee (BRAC) for Transportation Infrastructure. He stated the mission of the Committee is to review ongoing road maintenance and capacity needs; and they recommended some sustainable short and long term funding solutions to be approved by the Board or to be voted on by the citizens of Brevard County. He added, there was some great input from the business community, development community, and the rest of the community at large; there were 19 members of the BRAC; and over a period of eight months, August 18, 2013 through March 2014, BRAC members, representing a cross-section of Brevard County businesses and professional organizations, reviewed numerous documents related to infrastructure issues including presentations made by County staff, municipal transportation staff and representatives, as well as outside consultants. He continued to say BRAC's principal concern was to provide the Board recommendations for actions by Spring 2014, adhering faithfully to the mission statement set forth; and accordingly, the short and long-term funding solutions to be discussed in this report represent additional revenues to be collected from taxpayers for the purpose of bridging the gap between dollars needed versus dollars available. He stated the there are 12,000 miles of road in the County that are both in the cities and unincorporated Brevard; what he is not talking about are State and Federal highways. He explained funding options which Brevard County has the ability to levy an additional six cents per gallon in gas taxes; the first additional cent could be used for any transportation purpose and would generate \$2 million for use by County government only; an additional Local Option Gas Tax (LOGT) of one to five cents is allowable for operations, maintenance, repair signalization, and construction; and collecting the full five cents could generate \$5.7 million for the County and an additional \$3.8 million for distribution for the municipalities. He noted, all told maxing out the available fuel levies would yield an additional \$7.8 million in revenues targeted for County infrastructure. He went on to explain impact fees are set by local governments to ensure that the cost of providing public services for new developments are paid for by that new development; the committee reviewed an historical evaluation showing that impact fees were previously set at levels that did not fully pay for the infrastructure costs associated with development; and during the recent economic downturn, impact fees were suspended in the County and in most municipalities. He mentioned, only Melbourne and Palm Bay are currently collecting impact fees. He stated an infrastructure sales tax is a new tax levy of up to one cent per dollar on most goods and services purchased within the County; proceeds can be used to finance, plan, and construct infrastructure; similar to gas taxes, the infrastructure sales tax is collected from any buyer, whether residents or visitors; and the average household cost for a half-cent sales tax is estimated at \$67.50 annually, but is of course, based on actual spending for taxable goods and services. He talked about a public service tax is a tax levied on the purchase of alternative forms of energy and fuel including electricity, metered natural gas,

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liquefied petroleum gas eight metered or bottled, manufactured gas eight metered or bottled, and water service; the tax proceeds are considered general fund revenue for the jurisdiction but could be restricted in use for transportation projects; all of Brevard's municipalities and the surrounding counties currently collect public services taxes; and it is only residents of unincorporated Brevard County that do not pay this tax. He added, it is estimated that Brevard County would generate over \$12 million annually using this funding stream; and the County Attorney's interpretation of the charter indicates that this revenue source would require approval by a voter referendum. He stated BRAC has identified these priorities and recommends that the Board take action to address them in order; one, regularly scheduled maintenance of existing infrastructure, cost \$6.2 million annually; two, existing backlog of roadway reconstruction and maintenance, cost \$11.86 million annually; and three, roadway capacity to accommodate growth, cost \$29.57 million annually. He added, the recommendation being maintain current funding of \$14 million annually; the current Public Works budget is derived from multiple sources including General Revenue; levy six cents per gallon of additional gas tax at a revenue of \$7.8 million annually; collect impact fees to support capacity expansion, revenue \$3.4 million annually; and support a one-half cent infrastructure sales tax referendum, revenue \$17.45 million annually. He stated the Committee Report and Recommendations are posted on [www.brevardcounty.us/publicworks](http://www.brevardcounty.us/publicworks).

Commissioner Infantini stated last year a survey was taken by the Transportation Planning Organizations (TPO), and there was an analysis performed to determine the support, or lack thereof, for new taxes; and out of the people surveyed 78 percent said they wanted the Board to fund road improvements out of existing funds. She added, if it was going to impose a tax two-thirds said they would like it to be impact fees; out of sales tax it was split, 49 to 49 percent; property tax increase, 66 percent were against having a property tax increase; and for the gas tax, 82 percent were against having a gas tax. She added, when the County presents information she wanted to make sure, in the interest of full disclosure, one did not just see the one statistic.

Bob Willy stated he was appointed to represent the Home Builders and Contractors Association of Brevard, and he did it gladly; he has spent a lot of time being involved in transportation issues and he thought he knew a lot before this, but learned that he did not; and what he thinks everyone came out from this learning was that the Board created the BRAC committee because it recognized the need. He added, this is a serious effort to address a backlog of transportation needs that has been going on for decade. He acknowledged the subcommittee members; he assured the Board the time the committee spent working on coming up with the report to submit to the major body was done with great deliberation, and a lot of discussion; and he stands behind it. He noted his organization will not support the impact fee recommendation; he felt it was important to bring it forward to the Board with that; and impact fees have severe restrictions that do not really address maintenance, which he thinks every member of the committee recognized was the number one. He pointed out the County has sufficiently not taken care of maintaining what is a core function of government; and he reiterated that is maintaining the roads that are owned by the County.

Jack Schluckebier stated he enjoyed working on the task force; there were a lot of talks, no public came to speak; and there is a perplexing problem. He added there are a lot of funding sources and constraints; the biggest part is the inordinate need; and that is something that the public has no idea about. He advised when the people of this Committee looked at this, they were told that every year the Board is putting off 30 to 40 miles of roads that need attention now; and if it would attend to them now, it could be done for \$80,000 a mile, but by not attending to them, the cost is tripled. He stated those are the numbers the public should be talking about that, it is a tremendous burden and problem. He added he is not here to be redundant, the Chair of the Committee was excellent, as well as the Vice Chair; and there was a lot of time spent and a lot of conclusions made. He noted he wished there were a couple things the Board



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could do; in the report the various organizations were identified that contributed representation to this Blue Ribbon Task Force: it was County-wide; and encompassed a huge amount of interest, not all consistent, some were conflicting. He stated that the public should know the names of the people associated with the Task Force, not just the companies involved, just in case there are questions as to why they did this or that. He added as a part of the recommendations, to consider the gas tax, because it can; but to hold it if it is going to do impact fees.

Bob Baugher stated he was the tourism representative; he participated in the poor poll; there was 100 percent everyone in the meeting not wanting to raise any tax; and some of the taxes were more redundant than the other taxes and there was a fairness issue. He added, the need was so great to do something because road effect economics of the County; one cannot have a vibrant community, one cannot have good property values without good roads; and the County has been in a good recession for six or eight years. He noted he lives on the barrier island; 97 percent of the barrier island is built out where he lives so the impact fees to him are really redundant because he pays high property values. He stated he voted for the impact fees; the need is so great and the equity of the County is the barrier island produce tons of taxes and the road money is going in other areas.

Timothy Harber stated he agrees the roads need to be fixed, but his biggest issue was that he disagrees with the \$43 million wish list that this funding is intended to serve. He added there are roads in the recommendation that, in his opinion, do not take precedence. He noted had this group had the opportunity to vet that list, to see what was really necessary, and what might be necessary, he would be more comfortable with it. He stated he also understood there is a bridge in District 2 that is earmarked for replacement that was just graded an "A", so that is his issue and that is why he voted no.

Mr. Schultz stated this particular problem can be solved with two things, time and money; and as far as he is concerned, it is either pay now, or pay a lot more later.

Chairman Bolin Lewis thanked Mr. Schultz for guiding the Committee through this active process; the Board knew there was a problem; and had two options, one was to put its head in the sand, and the other was to do something about it.

Commissioner Nelson stated it would be helpful to have the discussion first; he did not have a problem talking about the issue, he was not convinced that it was a good time to do this, as everyone is coming out of a bad economy. He understood the discussion needed to happen, but it does need to be planned for what will happen next. He thanked the Committee for their hard work; the Board gave them the issues and had them come up with funding, and no one will be happy with the outcome. He added the Committee did a remarkable job in identifying the possible solutions; and ultimately it comes down to the decision of the Board. He went on to say the devil is in the detail and he is one who has some significant concerns with the list of projects; he has done some analysis on the list; he realizes their mission was not to do that; and feels the Board let them down. He advised when the Board first talked about this Committee, he wanted to come up with to give them for funding purposes; and the Board did not do that. He added his staff did a chart; Brevard is a big, wonderful County, but the needs are different in each part of the County; and the chart they did shows the percentage of capacity needs throughout the County. He advised the two big numbers are Commission Districts 3 and 5; there is no question, there are issues in South County; and for this to be successful, there has to be a balance between the maintenance. He stated he appreciated they went with maintenance, he would like to say that his District has resurfaced 80 miles of roads in the past three years, District 1 is over 100 miles now; and hopefully by the end of summer he will have hit that 100 mile mark. He added that was done by the allocations that the Board gave them, and how they spent them, but it has got to be that balance to be fair; and as of now, there is not

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a list that makes it fair. He went on to say capacity and maintenance need to be balanced; there are some projects in there that are big items and would be a developers responsibility, not County government; and Viera is one of those places. He added they would pay impact fees, but instead, they build the infrastructure and the County does not charge them for that; and as a result, they do the flyovers, roads, widening of Wickham Road and all of those things out of their pocket because of impact fees. He continued to say when the County first waived the impact fees it gave Sam's Club back almost \$800,000 for a building that was finished; the result of that was to do an intersection improvement at Cox Road and SR520 he had to take County dollars in the amount of over \$500,000 to offset that; and he lost probably 30 miles of road that could have been resurfaced because the County did not have the impact fees. He concluded he believes in impact fees but also there are some problems when the impact fees cost more than the fast food facility, there is a problem and it needs to be addressed.

Commissioner Anderson stated he agrees with the maintenance versus the capacity need; some of the capacity need dollars are leveraged to get more Federal and State dollars, and he does not think that the dollars were part of the study, and asked when one sees the figures on how much it needs for capacity it is also matched in from the dollars from Federal and State. He pointed out the St. Johns Heritage Parkway has leveraged a lot of money in the bank to build the road from Federal and State sources.

John Denninghoff, Public Works Director, stated the project list and the estimates that goes with those are unfunded amounts; there is no leveraging amounts with them and no grants of earmarks to help fund those at this point in time; they can be generated but ordinarily one has to have studies done, and sometimes even right-of-way acquired before he or she can get the grants; and so one has to get at least part way into the projects before one can start hoping for the revenue strains to help accomplish the task at hand. He added, there are no funded projects that are on the list, whether it was built or not; all the funds the County currently has they are excluded from any of the list that have been presented today.

Commissioner Fisher expressed his thanks to the committee and all the work they did; he stated some of the people who were on the committee that he know are very conservative, and coming to the Board and asking to raise taxes; and he was shocked by it. He added, the Committee looked at this issue and probably in more detail then the Board has looked at it; and the reason the Committee got formed was because the Board talked about moratorium and impact fees, and at some point in time, it is going to have to address roads. He continued to say he does not want to is know that a group of citizens took eight months of their time to work on something the Board asked them to work on, and then totally ignore their effort; he thinks the impact moratorium fee is already set to sunset in 2031; he thinks if the Board does some workshops between there, he thinks it is a legitimate question rather or not once the list gets tighten up, does it make sense to go to the voters; and maybe in 2016, but not in 2014. He stated if the Board can agree on the list and what the need is that one asked the voters in 2016 if this is something they want to fund, and it is the voters decision at the point in time.

Chairman Bolin Lewis stated she agrees the list and she understands Commissioner Nelson's need to have it well balanced, but to her the fact still remains the County is short; and she does not think it is going to be able to remove it from the list to make it feasible that the Board does not have to look at something. She added, the committee has told the Board they know the County is short; and she is going to be very strong in finding a way to stop the situation of losing ground on the roads.

Lynn Whelphly stated respectfully to the Board to defer any action regarding the impact fees, only until there is more discussion regarding the economic situation in Brevard County.

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Keith Hetrick stated he is a lawyer lobbyist out of Tallahassee and he represents the Space Coast Association of Realtors; one of his concerns is with impact fees, but it seems the white elephant in the room is the local economy; the best concern after reading the Blue Ribbon Report is that there is obviously a great concern for transportation needs in the County; and also the present moratorium can not last forever. He asked because of the apparently fragility of the local economy he respectfully request defer a vote on this until the impact consultants come back, but he would also like the consultant's to come back; and would also like to have a dialog on the sunset in the context of the economy.

Tim Harber stated they really do not want the Board to vote on this tonight; the committee wants to be part of the impact fee.

David Eddins stated he is a small businessman in Brevard County and realizes that some things do have to be done; he is on the roads everyday; he has four trucks on the road, and seven employees; and he wants to speak out about the six percent gas tax. He added, the committee made a comment earlier that if you drive more you pay more; he drives more because he has guys on the road; the appliance repair man, the air conditioner repairman, the plumber that is coming out, any one of the guys that has trucks on the road would be unfairly targeted by six percent increase in fuel. He went on to say he already pays an average of \$150.00 a week per vehicle in fuel cost; and he is already battling the national companies as a small businessman working 60 hours a week trying to make a living; and he does not need to add that to his cost to provide services to the people in Brevard County.

Commissioner Bolin Lewis stated her only concern also in regards to the cost of the maintenance of the vehicles after they have been hitting potholes; it is kind of a balance that the Board has to look at. Mr. Eddins stated he started his day in Merritt Island, went to Melbourne, went to Titusville and then went back out to Rockledge, then back up to Sharpe; and now he is in Viera. He commented he did not hit a bunch of a bunch of potholes; and it is not that bad.

Mitch Ribah, President of the Space Coast Association of Realtors, stated he too would like the Realtors to be involved with the discussion of impact fees.

James Reed stated he wanted to emphasized one thing the committee talked about seriously, they want to work with the Board to find the best solution.

Dan Barber stated he is a 27-year veteran in real estate and currently the director and past president of Space Coast Realtors; the impact fees in some of the data he has read is going to affect affordable housing; it is going to price people out of the market; and \$5000 will take 13,000 people out of the market not to be able to get a home, and he thinks that is much more important than a pothole. He added, the impact fees was the lowest item that provided revenue; and he echo's the realtors in trying to help the County come up with a solution and take a look at the impact fees; and there is more than one way to do something right.

Gary Johnson stated he would like to thank Commissioner Infantini for alerting the public to the topic of interests, taxes, and spending; almost ten years ago it was necessary for him to come before the Board and ask what justified a 100 percent increase in his property taxes; and the answer was the incompetence and irresponsibility of the Commission to establish and manage a reasonable budget to provide essential services and eliminate wasteful, nonessential spending. He added, why is it that the Commission's answer to every problem is more spending and higher taxes; does the Board not understand that the job is to manage the funds available, to provide the essential services needed which means to eliminate unnecessary spending; and why is it that Commissioner Infantini is the only one that is shown the responsibility to do that. He continued to say the Board needs to recognize priorities; which is more important roads or golf courses; why is the County spending who knows what subsidizing who knows how many

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golf courses in the County, not to mention those in the city that he also has to support; and for the benefit for the privileged individuals without question when the road utilized by everybody are lacking the required revenue. He noted this is mismanagement, pure and simple. He stated the County has approved millions of dollars in tax breaks to attract new business to the area, please tell him how charging impact fees on new construction and raising other taxes is consistent with the policy; apparently the Board has no understanding of what it is like to live on a moderate fixed income budget, or if one does they simply do not care; and if taxes go up then essential items must be cut to pay for it. He continued to say he or she manages their spending to match its income, the Board needs to do the same; does the Board realize all the proposed increased combined; and the solution is for the County Commission to do their jobs, and follow the lead of Commissioner Infantini and roll up its sleeves, go to work, cut unnecessary spending and find the funds necessary to provide the essential services without increasing taxes.

John Weiler thanked Commissioner Infantini for sending out the email alerting the taxpayers what is being considered; he stated he listened to the Blue Ribbon Committee and is sure the gentleman did an excellent job of concerning what they were given; after listening to some of the Commissioners afterwards it looks like they were not given all the right information to do the study; and he would like to emphasize is that there is a lot of people in Brevard County that are retired and are on fixed income at the lower level. He added, the own a house and drive a car, all these taxes impact all of them; they are not getting an increase in their income; the citizens are taxed enough already; and the County has enough funds if it learns how to manage the budget. He asked for the Board to look at other possibilities that it might have; it is his understanding that the County has \$50 million in a fund that could be used to settle some of the problems right now; and he would like to remind the Board of the County owns an awful lot of property and vacant buildings; and with does one he or she not consider selling off the properties to privet owners, and then they would be paying taxes on it.

Ron Taylor commended the Commission for having the courage to start the dialog in the process; the people who did the work it is excellent work. He added, the issue is whether the County should maintain the road infrastructure; the issue is not whether it should maintain the road infrastructure; and issue is how our current Commission prioritizes where the tax monies should be spent. He continued to say the County buys expensive helicopters, reject the lowest qualified bidders for waste disposal services, buy expensive trees to line roads, and the list goes on and on; the citizens want good roads; and they are burned out by the burden of the tax load. He stated they are prioritizing too; they want to keep a roof over their heads and food on the table for their families; and that is why they do not want to pay extra taxes for repaving taxes.

Michael Hartman stated over the two months he had the chance to talk to 2,000 voters in District two; most of the people in District 2 that he has meet are seniors or people who are barely scraping by at the jobs their at; they do not have any extra money; and he asked the Board to look inside the current Budget, because the people do not feel they have the additional money to give for the roads.

Deanna Reiter stated Brevard County for some time was listed in track as the number one foreclosure County in the entire United States; now it is slowly beginning to improve; and now is not the time to bring back impact fees. She added, Brevard County's economy needs more time to heal and then everyone can have a dialog on how and when to solve the road problems.

Don Simms stated having been a developer in Brevard County for almost 34 years he has never seen a severe drop in activities in permits like the past six years; many of his friends in the business have closed their doors, gone out of business, or moved to Texas or other states in order to continue operations; building is the greatest broad base job provider and economy booster in the world; and it helps the citizen bring back the goose that laid the golden egg and

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delay implementation of impact fees. He added, let he or she dialog after the realtors, builders, and developers are on firm ground again.

Scott Morgan stated he did not hear anyone say they do not have a problem with maintaining the roads in Brevard County, it is a matter of what the solutions are; the bottom line is this should be something that the Board starts to move towards action; and he has heard a lot of citizens say let them help the Board with solutions and those that are solution orientated can help is how the Board is going to leave a better legacy for the roadway network then it has right now.

Barbara Berry stated there seems to be a consensus on the problem, the solution however is in question; to assume the citizens of Brevard do not understand the problem or are not aware the problems may be a mistake; what the problem is, is the Board is not listening; Commissioner Nelson has been on the Board four to eight years, is this just all of the sudden he realized there is a problem; the Board is tasked with prioritizing what needs to be done; and this may be a legal issue. She added, as the roads have deteriorated the Board has decided to fund projects that people would say are not necessary and not needed; and she thinks the Board needs to own the problem and look at the entire budget, take some money for the tourism development; and one does not need to go to China, Germany, or Las Vegas to sell Brevard County; and take some that money and spend it on the roads.

Kathy Parsons stated the County Commission has a very difficult job; nobody wants to raise anybody taxes; she thinks the committee did a beautiful job; and to her it is shocking they got themselves into this position and over the years these things have gotten out of hand and have not taken care of the problems; and roads and bridges are certainly keeps the cities alive. She added, she understands why the County has kept a moratorium on the impact fees, because it needs business in Brevard County, but it needs impact fees that are reviewed and taken care of by people with a brain.

Ron Whelpley stated he hates paying taxes just as much as anybody; he thinks the Commission should take into consideration that it is facing the largest influx of baby boomer's coming to Florida over the next 10 to 15 years; and if the County is going to increase the revenue and spending it is going to do it with bringing new people to come here; and if the County has property higher taxes, higher income taxes they are going to go down the road. He added, let's look to the next 25 years as it brings in a whole group of new people into Brevard County and grow this so everything grows in accordance.

The Board acknowledged the presentation by the Blue Ribbon Advisory Committee's Report and Recommendations.

**ITEM VII.F., REPORT, RE: ROBIN FISHER, DISTRICT 1 COMMISSIONER, VICE CHAIRMAN**

Commissioner Fisher congratulated and welcomed the new County Manager, Stockton Whitten.

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By consensus of the Board, the meeting adjourned at 7:29 p.m.

ATTEST:

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MARY BOLIN LEWIS, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

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SCOTT ELLIS, CLERK