

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

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on November 7, 2013 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

Vice Chairman Bolin Lewis called the meeting to order; and advised the audience that Chairman Anderson will be present momentarily.

Attendee Name	Title	Status	Arrived
Robin Fisher	Commissioner District 1	Present	
Chuck Nelson	Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Mary Bolin Lewis	Vice Chairman/Commissioner District 4	Present	
Andy Anderson	Chairman/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 Pastor Chris Hitte, Discover Life Church, Melbourne.

PLEDGE OF ALLEGIANCE

Commissioner Nelson led the assembly in the Pledge of Allegiance.

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ITEM I.A., RESOLUTION, RE: DECLARING THE MONTH OF NOVEMBER AS PANCREATIC CANCER AWARENESS MONTH IN BREVARD COUNTY

Commissioner Infantini read aloud, and the Board adopted, Resolution No. 13-217, declaring the Month of November as Pancreatic Cancer Awareness Month in Brevard County, and expressed its concern for all whose lives are touched by pancreatic cancer.

Chairman Anderson's presence is noted at 5:05 p.m.

Vice Chairman Bolin Lewis passed the gavel to Chairman Anderson.

The Board adopted Resolution No. 13-217, declaring the Month of November as Pancreatic Cancer Awareness Month in Brevard County, and expressed its concern for all whose lives are touched by pancreatic cancer.

Karen Sharkey, Pancreatic Cancer Action Network, accepted the Resolution; she expressed her thanks to the Board; and she shared statistics of pancreatic cancer with the Board.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM I.B., RESOLUTION, RE: PROCLAIMING NOVEMBER 11 - 15, 2013, AS PERIOPERATIVE NURSE WEEK

Commissioner Infantini read aloud, and the Board adopted, Resolution No. 13-218, proclaiming the Week of November 11-15, 2013, as Perioperative Nurse Week.

A Crane Creek Surgery Center representative accepted the Resolution; and she expressed her thanks to the Board for its recognition.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.A., MEL SCOTT, ASSISTANT COUNTY MANAGER

Mel Scott, Assistant County Manager, stated he is seeking Board support to move Nana's House and Brevard Animal Services and Enforcement (BASE) discussions from the November 19th meeting to the December 3rd meeting.

The Board reached consensus to move the Nana's House and BASE discussions from November 19, 2013, to the December 3, 2013, Board meeting.

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ITEM II.D., CHUCK NELSON, DISTRICT 2, COMMISSIONER

Commissioner Nelson inquired if he could move up Item V.C., Ordinance, Re: Adoption of Small Scale Comprehensive Plan Amendment 13S.12, for discussion, and to resolve the issue because there are numerous folks present.

Chairman Anderson advised the Item will be moved to be heard after Public Comments.

ITEM V.C., PUBLIC HEARING, RE: ORDINANCE ADOPTION OF SMALL SCALE COMPREHENSIVE PLAN AMENDMENT 13S.12

Chairman Anderson called for a public hearing to consider ordinance for adoption of Small Scale Comprehensive Plan Amendment 13S.13.

Commissioner Nelson stated there has been a series of emails from the community and two hearings have been held; he has observed from that the community is wanting to know what is being done on the property; there is some ability to do some things already under Neighborhood Commercial (NC); and he is asking for Community Commercial (CC). He suggested the applicant withdraw his request; and he inquired if the Board is willing to waive the fees for in the future, so when it comes back with a use for the property, the community will have the ability to know what is going to be done on the property.

Michael Gaich replied yes, he is willing to withdraw his request; and stated it gives him time to speak to the Property Appraisers Office about a zoning change from Agricultural Use to BU-1, or to some other zoning, that he will be able to keep his Agricultural exemption that he has on the property.

Commissioner Nelson advised the community by withdrawing the request it goes back to square one; there is no approval; and any processes going through will have to go through the full process in the future.

There being no further comments or objections, the Board accepted the withdrawal by the applicant of the request for a Small Scale Comprehensive Plan Amendment; and approved waving the Small Scale Comprehensive Plan Amendment fees, which the applicant has already paid, in the future when the applicant comes back with a use for the property.

Michael Hirkala stated he does not understand what has happened. Commissioner Nelson explained Mr. Gaich has withdrawn his application; and stated if he wants to come back in the future, he has to have a plan in hand for the community's response. Mr. Hirkala stated this type of rezoning is a spot zone, which is taking a heavier zone and spotting it into a lesser zone, for no purpose other than growing the income of the person. Commissioner Nelson pointed out right now it is still zoned Agriculture, and that process would still have to go come back and go through the zoning process.

Chairman Anderson announced, for the record, he has speaker cards from Steve Smith, Bill Perdue, Jane Perdue, Kim Smith, Mary Hillberg, and Bill Hillberg; and he expressed his thanks for them coming tonight.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

PUBLIC HEARING, RE: PLANNING AND ZONING RECOMMENDATIONS OF OCTOBER 7, 2013

Chairman Anderson called for a public hearing to consider Planning and Zoning recommendations of October 7, 2013.

ITEM V.B.1., (13PZ-00072) MARIAH L. HUTCHESON - REQUESTS A CHANGE OF CLASSIFICATION FROM GU TO RR-1 ON 1.14 ACRES, LOCATED ON THE SOUTH SIDE OF LLOYD ST., 0.38 MILE WEST OF MEADOW GREEN RD. (4771 LLOYD ST., MIMS)

There being no comments or objections, the Board approved request changing Mariah L. Hutcheson classification from GU to RR-1 on 1.14 acres, located on the south side of Lloyd Street, 0.38 mile west of Meadow Green Road.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM V.B.2., (13PZ-00069) CITY OF ORLANDO AND ORLANDO UTILITIES COMMISSION - (ERIN DIEHL/AT&T MOBILITY) REQUESTS A CUP (CONDITIONAL USE PERMIT) FOR A TOWER & ANTENNA IN A GU ZONING CLASSIFICATION ON 0.129 ACRE, LOCATED ON THE WEST SIDE OF I-95, APPROX. 217 FT. NORHT OF RANCH ROAD. (NO ASSIGNED ADDRESS. IN THE N. COCOA AREA)

Commissioner Nelson indicated prior to the start of the meeting, he had Ex Parte discussions with Richard Edwards, CityScape Consultant, Cindy Fox, Planning, Zoning, and Enforcement Manager, Robin Sobrino, Planning and Development Director, Christine Lepore, Assistant County Attorney, and Liz Alward about the impact of the tower consultant efforts that are underway on three applications, and about some of the Board's previous efforts and directions to go for potential towers.

Erin Diehl, AT&T Mobility and Orlando Utilities Commission representative, stated they are proposing a 125 foot monopole structure that is needed to meet AT&T's coverage needs in Cocoa; and that all the requirements have been met for submittal.

There being no further comments or objections, the Board approved request of a Conditional Use Permit (CUP) for a tower and antenna in a GU zoning classification on 0.129 acre, located on the west side of I-95, approximately 217 feet north of Ranch Road.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
SECONDER:	Trudie Infantini, Commissioner District 3
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM V.B.3., (13PZ-00070) ROBERT L. (SR.) & CLAUDIA T. DONALDSON, TRUSTEES - (SHERYL DENAN/VERIZON WIRELESS) REQUEST A CUP (CONDITIONAL USE PERMIT) FOR A TOWER & ANTENNA IN AN AU ZONING CLASSIFICATION ON 0.229 ACRE, LOCATED 900 FT. NORTH OF GRISSOM PKWY., AND APPROX. 2,060 FT. WEST OF THE WESTERN TERMINUS OF CAMP RD., (1020 CAMP RD., COCOA)

Robert Pritt, Attorney with Roetzel and Andress Law Firm, stated he is present on behalf of Verizon Wireless, LLC; he would like to reserve a couple of minutes at the end for rebuttal; he has Sheryl Denan and Peter Nason present with him today who has been accepted as experts in the past; and the application number 13PZ-00070, is a request for a Conditional Use Permit (CUP) to locate and construct a communications facility for a 199-foot lattice tower with antenna and accessory equipment, and compound; the property is owned by Robert L. (SR.) and Claudia T. Donaldson, Trustees, located at 1020 Camp Road, Cocoa. He advised the facility will be about 900 feet north of Grissom Parkway, and approximately 2,060 feet west of the western terminus of Camp Road; he reviewed the staff report and has appeared before the Planning and Zoning Board; the Planning and Zoning Board did not make any changes or recommendations; and he is asking for a lattice tower.

Commissioner Nelson inquired if the tower could have collocations on it. Richard Edwards, CityScape Consultants, responded yes; advised this facility is offset from the road a substantial distance; it is a monopole type of design; and it is less than one mile of an existing County owned tower located at the Brevard County Jail. Commissioner Nelson inquired if it will support collocation capability and reduce potential tower needs in that area, so there will not be multiple towers based on the height. Mr. Edwards responded with the way the Ordinance is written, they have complied with all of the rules and regulations; and it will support collocation needs.

Mr. Pritt advised a lattice tower is being asked for; and the recommendation from CityScape was for a monopole.

Commissioner Infantini advised her motion is for lattice type.

Commissioner Nelson inquired if lattice type supports collocation. Mr. Pritt responded yes; and he stated that is why they are proposing for the lattice type and not a monopole to support collocation, which are national and State preferences.

There being no further comments or objections, the Board approved Robert L. (Sr.) and Claudia T. Donaldson, Trustees, request for a Conditional Use Permit for a tower and antenna in an AU zoning classification on 0.229 acre, located 900 feet north of Grisson Parkway, and approximately 2,060 feet west of the western terminus of Camp Road.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM V.B.4., (13PZ-00068) - FRATERNAL ORDER OF EAGLES AERIE #4257, INC. (CHARLES BERNARDO/CLEARVIEW TOWER COMPANY, LLC) - REQUESTS A CUP (CONDITIONAL USE PERMIT) FOR A TOWER & ANTENNA IN A BU-1 ZONING CLASSIFICATION ON 0.08 ACRE, LOCATED 350 FT. EAST OF N. COURTENAY PKWY., LYING 350 FT. SOUTH OF MUSTANG WAY. (PART OF 1050 N. COURTENAY PKWY., MERRITT ISLAND)

Commissioner Bolin Lewis disclosed she met with Kim Rezanka.

Commissioner Infantini disclosed she spoke with Ms. Rezanka via telephone.

Chairman Anderson advised he was supposed to talk with Ms. Rezanka on the telephone, but they kept missing each other.

Commissioner Nelson disclosed he has spoken with Denise Walter, Jere Gillan, and Ms. Rezanka.

Kim Rezanka, Dean Mead Law Firm, stated she is representing Clearview Tower Company, LLC; this is the second application that has come before the Board; the difference this time is it is a flagpole that will be self-contained with four, 10-foot canisters already claimed; and it is believed that AT&T will need the fifth to be a full tower at 150 feet, as a flagpole. She advised the Board has heard her argument before, but she is willing to provide it again if needed; the Board has been provided with a copy of the previously given PowerPoint presentation; she has three engineers Dan Babilla with T-Mobile/Metro PCS, Pete Nason with Verizon, and Jim Graff with AT&T present with her; the propagation maps had previously been provided to the Board; and the applicant Charles Bernardo with Clearview Tower Company, LLC is present as well.

Beth LeSieur stated she lives in Catalina Isles subdivision located near the proposed tower; she was present at the last proposal to the Board and she submitted a petition with approximately 160 signatures of people residing in Catalina Isles; that petition still stands because she had heard it mentioned that it was no longer applicable due to being in favor of a flagpole; but the situation is that was contingent upon the flagpole being at the school for it to possibly get some revenue. She went on to say when at the last meeting she was asked whether a flagpole would be acceptable at the proposed location but she rejected the question because it had been stipulated that a flagpole was not possible at that location; now a flagpole is possible which makes her wonder which testimony experts is valid, and which is convenient; and it is making her question expert testimony given thus far on behalf of the applicant. She stated when numbers are put together, in terms of how many people would be using the benefit of this tower, and had numbers showing cell phone power in that area; and inquired if it was done when school was in session at Merritt Island High School because during school hours there are about 3,000 people there, and cell phones are not supposed to be used during school hours; and she is wondering if all of those thousands of residents that have this need is true residential customers in that area, or is that something done during school hours that pulled in all those extra thousands of cell phones. She questions the submitted data, how it was submitted, and whether it is objective or convenient data. She added, the residents understand that cell towers

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are necessary; however, it was mentioned at the last meeting that this was going to be tabled until the County was able to do a study, and came up with a cohesive understanding of how they were going to approach cell phone tower applications in the future; and her understanding is that that is not ready for review and thinks not much had changed since the last application, in terms of waiting to approve more cell towers until that generalized study is available; and she apologized to the Board if she is wrong. She stated after reading the Planning and Zoning Board committee minutes, it was mentioned 38 percent of people use cell phones now instead of land lines, and they need to reach emergency services; but many of that 38 percent of people have cable television or wireless Internet, and therefore, can use Wi-Fi for making phone calls and do not need tower assistance; and there are portable units available for in-home use to boost cell phone reception. She advised she has found some inconsistency in the application; and she thinks that a 150-foot structure of any kind, in an area that is trying to be residential and homelike, is unfortunate.

Greg LeSieur stated he would like to resubmit the petition previously submitted based on Ms. LeSieur's comments; the flagpole is more aesthetically pleasing than the original application; it is still a 150 foot structure located right at the entrance of homes in the Catalina Isles area; and he thinks it detracts from people wanting to buy a home in Catalina Isles. He provided the Board with a copy of the previously submitted petition; and stated he would like for the Board to consider the residents' feelings on this matter.

Jere Gillan inquired why this is before the Board today; he stated the Board tabled approval of cell towers this until the study was completed; the main thing is it is a change to a flagpole; but the problem for him is where it is going to be located. He inquired what the 150 foot tower will look like behind the Eagles building on Courtenay Parkway; he suggested it be placed at Merritt Island High School so it looks like it belongs there; and there are other locations that could be used instead of where it is being proposed to be located. He stated the new tower located on S.R. 520 is not completely filled with carriers; he does not know why another tower is needed; the poles for the stadium at Merritt Island High School can have towers put on them and then they can be raised up above the top of the trees; and towers could be placed on top of power poles on Courtenay Parkway. He inquired if alternative technologies have been looked at.

Commissioner Bolin Lewis advised the Merritt Island Redevelopment Agency approved the tower.

Ms. Rezanka provided the Board with a petition of 227 signatures of people being in favor of the tower; and the entire files of 12PZ-00057 and 12PZ-00086 be incorporated by reference into this application. She advised at the last hearing Mr. Gillan said, he would accept a flagpole and that he could tell people to turn at the flagpole to get into his neighborhood; this is a new location that is further off of Courtenay Parkway, which is a major arterial road, that is covered with commercial zoning, and there is no other place on Merritt Island between S.R. 520 and S.R. 528 where the tower could go; and it has to go along Courtenay Parkway in a commercial zone. She added, there is no moratorium on towers; the master plan is not ready; there has been engineers who testified on record that this height is need on the propagation map; and she closed with there is zero economic incentive to build more than is needed, taller is better, and there is a need to approved at 150 feet.

Commissioner Bolin Lewis advised she is pleased with it being a flagpole located at the Fraternal Order of Eagles Aerie #4257, Inc.

Commissioner Infantini advised it was referenced that 38 percent of the population now use cell phones instead of land lines; she knows of individuals who tried using the mini-tower booster provided through Wi-Fi, but it does not work for everyone; and she prefers the tower be located closer to residents to helping with the use of cell phone calls in the event of an emergency. She

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understood the comment made about the tower having available slots on it and why build another tower; it is unfortunate, and the same question could be asked to developers about why they build houses when there are some vacant; it is a good point and she understands the argument, but she also sees the alternative argument and cannot tell people where to locate their business; and for that reason, she is in favor of this. She added, she is happy that it will be a flagpole.

Commissioner Nelson stated the law gives ability to require collocations; it is not market-driven, its driven by the Statute; the Board's Agenda Item from April 16, 2013, for the finding of fact for the original denial; and if all of the testimony's are going to be brought in from the previous Board meeting it needs to be in there. He stated the only thing that has changed is the tower has moved closer to residential and it is now a flagpole; there is no question for the need of service, the question is still what is the need; and he asked Mr. Edwards to return to the podium to answer a couple of questions. He inquired what Mr. Edwards recommendation was for the tower being at 150 feet. Mr. Edwards responded his recommendation was for 105 feet; stated after talking with one of the carries on the proposed tower having a basis of the coverage requirements for the different carries in the area; he initially testified that in support of this application and in support of the Circuit City tower, would be supplemental to that, and to add many of the carriers on the Circuit City tower will also be on this new tower; and in his opinion there will be a need for another tower towards the north and to the east of this site, down the road; and because of that, he thinks the height of 105-feet is substantial. Commissioner Nelson stated at the last meeting other locations were discussed, but Ms. Rezanka has said there is no other location; but it is known that there are locations. He inquired if the Pineview Park location was looked into. Mr. Edwards responded no; and he stated for the record the Merritt Island High School location has been supported since the beginning. Commissioner Nelson stated he thinks the school location is great; he thinks the right discussion has not taken place from a communities perspective; and for a group that is closing schools and has a shortage of funds to turn down the revenue associated with it, when they have the room and is perfect for the School Board; and he thinks there has not been a good enough discussions with the Brevard County School Board. He stated this project generated the County doing a study trying to place a cell tower in an urban setting; he likes it being in the middle of nowhere, adjacent to school property because that location makes sense; but this case is literally placing a tower next to an apartment complex and being the focal point when coming up Courtenay Parkway will be seeing a 150 foot flagpole will look so out of place. He advised other zoning categories had been talked about; towers are not allowed at churches; there are many churches on Tropical Trail that have major holdings and could have a flagpole, and could use the revenue; and could be an option to look at after the consultant finishes its process. He asked the Board to table the Item; the clock is ticking, but there are 30 days left and one tabling to have opportunity to talk to the School Board; and look at the Pineview Park location for being two viable candidates of tower location. He advised that he loves the Eagles and they are a part of the community too, but the Board needs to be able to put the tower in a place that serves the community; it is his community; and he thinks it would be helpful and appropriate for the Board to allow 30 days to try to see if it can resolve the issue.

Commissioner Fisher inquired if tower is 105 feet would it affect the number of carriers that can be placed on it. Mr. Edwards responded no; stated 105 feet allows for five collocations on the tower; and it is well above treetops which is the controlling issue for interference or signal refractions. He advised it is fine to approve at 105 feet; and according to how the Ordinance reads, 105 feet meets the Board's objection. He went on to say this is the third phase of tower network developments; shorter towers are being dropped in to fill in; this is a drop in for most of the carrier, but not for MetroPCS because their links to the north are along S.R. 520 and down South Courtenay Parkway; and MetroPCS is not planned to be on the proposed Circuit City tower. He added, Verizon and AT&T are both proposed to be on the Circuit City tower because they are increasing their service capacity carriage in the area, rather than a coverage design;

and is a coverage design for MetroPCS, but at 105 feet MetroPCS the 1,900 MHz will reach the handoff between the north tower and this particular tower, and to the south. He stated more height has better penetration; it is coming down to aesthetics in the area; and is the reason for coming up with 105 feet.

Commissioner Fisher advised he is not opposed to tabling if it is the Board's desire for 30 days; he stated he does have concerns with approving towers at different heights and limiting it to 105 feet; and then down-the-road other carriers want to be in the cell tower market place, but 75 feet does not work for them and defeated collocations.

Ms. Rezanka stated Dan Babilla with T-Mobile/MetroPCS is not willing to collocate at 105 feet; Mr. Nason with Verizon had only told Mr. Edwards he would go with 90 feet because that is what Mr. Edwards had said he would get; and they are both present to testify that if the Board should need testimonial. She asked the Board to not table the Item today and to approve it at 150 feet.

There being no further comments or objections, the Board approved request as recommended of a Conditional Use Permit (CUP) for a Tower and Antenna in a BU-1 zoning classification on 0.08 acre, located 350 feet east of North Courtenay Parkway, lying 350 feet south of Mustang Way (part of 1050 North Courtenay Parkway, Merritt Island).

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

ITEM V.B.6., (13PZ-00090) NEW PRIVATE RESTAURANT PROPERTIES - (ROBERT GRASSMAN) - REQUEST A CUP FOR ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH A RESTAURANT IN A BU-1 ZONING CLASSIFICATION ON 1.62 ACRES, LOCATED ON THE NORTHEAST CORNER OF N. COURTENAY PKWY AND PALMETTO AVE. (60 PALMETTO AVE., MERRITT ISLAND)

Cynthia Fox, Planning, Zoning, and Enforcement Manager, stated this is the existing Carrabba's Italian Grill restaurant on Merritt Island; they remodeled their patio area and added some seats; and they are required to expand its Conditional Use Permit (CUP).

The being no further comments, the Board approved the recommended request of a CUP for Alcoholic Beverages for On-Premises Consumption in conjunction with a Restaurant in a BU-1 zoning classification on 1.62 acres, located on the northeast corner of North Courtenay Parkway and Palmetto Avenue (60 Palametto Avenue, Merritt Island).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

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ITEM V.D., PUBLIC HEARING, RE: ORDINANCE CREATING THE AU(L) ZONING CLASSIFICATION (FIRST READING)

Cynthia Fox, Planning, Zoning, and Enforcement Manager, stated this is to add sub classification to the AU zoning classification, specifically for the pursuit of non-commercial agriculture uses; and will be returning for approval on November 19th.

There being no further comments, the Board moved consideration of an ordinance creating an AU(L) Zoning Classification, to the second public hearing to be conducted at the November 19, 2013, Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM VII.A., APPROVAL OF CHANGE ORDER NO. 5 WITH D.J. HAYCOOK CONSTRUCTION, RE: BREVARD ZOO LINEAR TRAIL

Commissioner Infantini stated she would like to discuss this Item; she is not in opposition to the Brevard Zoo Linear Trail; the funding is out of the Parks and Recreation Referendum to obtain covers for the play ground areas; she recently visited two play ground areas in Districts 3 and 5; and she asked her staff to bring up a prop for the Board to view it.

Commissioner Bolin Lewis inquired if this is in the Zoo Trail. Commissioner Infantini responded no.

Chairman Anderson inquired Commissioner Infantini is stating she is okay with the Zoo's Linear Trail, but she wants the Board to look at something. Commissioner Infantini responded she is debating.

Commissioner Bolin Lewis stated this has nothing to do with the Item; and when the Board is finished it can take care of Commissioner Infantini's opposition.

Motion by Commissioner Bolin Lewis, to approve Change Order No. 5 with D.J. Haycock Construction for the Brevard Zoo Linear Trail.

Commissioner Infantini stated Commission Bolin Lewis cannot move the Item because she has the floor right now.

Commissioner Bolin Lewis advised Commissioner Infantini to say on topic. Commissioner Infantini stated she is staying on topic. Commissioner Bolin Lewis stated Commissioner Infantini is talking about covering some children's thing.

Chairman Anderson inquired if Commissioner Infantini has an issue with the Change Order. Commissioner Infantini responded yes; she reiterated she has the floor; and she stated she visited the South Beach Community Park Community Center and Rodes Park.

Commissioner Bolin Lewis remarked she is still failing to understand how this is in reference to the Zoo Linear Park.

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Commissioner Infantini advised she has the floor; she asked Chairman Anderson to maintain order of the meeting; she reiterated she has the floor right now unless there is a new set of rules; and remarked Point of Order.

Commissioner Fisher seconded the motion.

Chairman Anderson called for a vote on the motion.

Chairman Anderson advised the meeting is adjourned.

Commissioner Infantini advised Chairman Anderson actually had no way to do that; and she is going to be filing ethics charges on him.

Chairman Anderson replied there is no charge for this.

Commissioner Infantini stressed there is; and stated the Chairman is not allowed to do that.

Chairman Anderson suggested that she file charges.

The Board approved Change Order No. 5 with D.J. Haycock Construction for Brevard Zoo Linear Trail in the amount of \$615,211; and authorized the Chairman to sign said Change Order.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
NAYS:	Trudie Infantini

By consensus of the Board, the meeting adjourned at 6:00 p.m.

ATTEST:

ANDY ANDERSON, CHAIRMAN
BOARD OF COUNTY COMMISSINERS
BREVARD COUNTY, FLORIDA

SCOTT ELLIS, CLERK