

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

The Board of County Commissioners of Brevard County, Florida, met in regular session on May 13, 2014 at 9:00 AM 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	
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	

INVOCATION

The invocation was given by Pastor Dan Barton, Bowe Gardens Baptist Church, Melbourne.

PLEDGE OF ALLEGIANCE

Commissioner Andy Anderson led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved the April 3, 2014, Zoning Meeting Minutes and the April 15, 2014, Regular Meeting Minutes.

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

ITEM I.B., RESOLUTION, RE: RECOGNIZING ERIC CITTA ON HIS RETIREMENT AFTER 30 YEARS OF PUBLIC SERVICE

Commissioner Fisher read aloud, and the Board adopted, Resolution No. 14-069, recognizing Eric Citta on his retirement from Brevard County after more than 30 years of public service.

Eric Citta stated he has been on a great ride and he has come to this point in his life because of the great people who are out working in the field; and he expressed his thanks to the Board for recognizing him.

John Denninghoff, Public Works Director, stated he has known Mr. Citta since he starting working for Brevard County; he knew then that Mr. Citta was somebody who was always going to get things done right the first time; and to protect the safety of the taxpayers and the public. He stated Mr. Citta has a way of making a miserable task an enjoyable task; he is going to miss Mr. Citta; and wishes him well during his retirement years.

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

ITEM I.C., RESOLUTION, RE: RECOGNIZING MAY 5-13, 2014, AS NATIONAL TOURISM WEEK

Commissioner Nelson read aloud, and the Board adopted No. 14-070, recognizing May 5 - 13, 2014, as National Tourism Week in Brevard County; and welcomed all tourists to come and enjoy the amenities available in Brevard County.

Bob Baugher, Tourist Development Council Chair, expressed his thanks to the Board for the recognition; he expressed his thanks to Commissioner Infantini for wearing red and showing her support of tourism this week; he stated the economic impact of tourism in the State is tremendous; and it is great associating with everyone involved in the Tourist Development Council (TDC).

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

ITEM I.D., RESOLUTION, RE: PROCLAIMING MAY 18-24, 2014, AS EMERGENCY MEDICAL SERVICES WEEK

Chairman Bolin Lewis passed the gavel to Vice Chairman Fisher.

Chairman Bolin Lewis read aloud, and the Board adopted, Resolution No. 14-071, proclaiming May 18 - 24, 2014, as Emergency Medical Services (EMS) Week.

A personnel Member of the Brevard County Emergency Medical Services expressed his thanks to the Board for the recognition.

Vice Chairman Fisher passed the gavel back to Chairman Bolin Lewis.

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

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ITEM I.A., RESOLUTION, RE: PROCLAIMING MAY 17, 2014, AS SPACE COAST MILITARY APPRECIATION DAY

Commissioner Fisher read aloud, and the Board adopted, Resolution No. 14-068, proclaiming May 17, 2014, as Space Coast Military Appreciation Day, to become an annual event in North Brevard County.

J.B. Kump, Space Coast Military Appreciation Day Committee Chairman, stated on May 17, 2014, the first annual Space Coast Military Appreciation Day event will be held at Searstown Mall in Titusville; the purpose is to say thank you to military members and their families on the Space Coast and to Military retirees, veterans, and their family members; photos, metals, newspaper clippings will be posted on the walls of Searstown Mall; there will be a scanning of pictures that will be posted at www.spacecoastmilitaryappreciation.com; and he expressed his thanks to the Board for the proclamation.

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

ITEM I.E., RESOLUTION, RE: PROCLAIMING MAY 2014 AS ASIAN/PACIFIC AMERICAN HERITAGE MONTH

Chairman Bolin Lewis read aloud, and the Board adopted, Resolution No. 14-072, proclaiming May 2014 as Asian/Pacific American Heritage Month, and recognized the Leyte Dance Theatre as cultural ambassadors to Brevard County.

Romie Dela Paz expressed his thanks to the Board for the recognition of the Resolution.

A representative from the Asian/Pacific American Heritage group stated on behalf of the Asian/Pacific American Festival Committee she expresses her thanks to Chairman Bolin Lewis for sponsoring this year's Resolution; she provided the Board with a flyer for this year's Asian/Pacific American Heritage event that will be held on May 24 at Wickham Park Pavilion in Melbourne hosted by Florida's Space Coast Filipino American Charitable and Education Foundation.

Staff Sergeant Sarah Owen, Patrick Air Force Base 45th Space Wing Asian and American Pacific Islander Heritage Committee Chairperson, stated on May 30 a luau will be held at the Beach House from 6:00 P.M. to 8:00 P.M.; and tickets are on sale at www.gopatrckfl.com.

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

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ITEM I.F., RESOLUTION, RE: PROCLAIMING MAY 2014 AS NATIONAL OLDER AMERICANS MONTH

Commissioner Anderson read aloud, and the Board adopted, Resolution No. 14-073, proclaiming May 2014 as National Older Americans Month.

Dr. Mark Brimer, Commission on Ageing and Department of Elder Affairs, expressed his appreciation to the Board for its support of the Brevard County Commission on Ageing, and for the differences being made in fall prevention.

Dr. John Potomski, Geriatrician, expressed his thanks to the Board for the support of the Commission on Ageing; he stated falls are one of the leading causes of death and disability in the elderly; and he expressed his appreciation to Dr. Brimer, as well for all of his hard work on behalf of the elders.

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

ITEM I.G., RESOLUTION, RE: RECOGNIZING AND COMMENDING DENNIS NETERER FOR 35 YEARS OF LOYAL AND DEDICATED SERVICE TO BREVARD COUNTY

County Manager Stockton Whitten read aloud, and the Board adopted, Resolution No. 14-074, recognizing Dennis Neterer for 35 years of loyal and dedicated service to Brevard County, and wished him many years of good health and prosperity in retirement.

Dennis Neterer stated he has been on a magnificent journey; he expressed his thanks to his wife and mom for being his compass in helping him go in the right direction; and he stated without their support he would not be present today. He stated there has been a lot of changes in 35 years; he expressed his thanks to the Board for the opportunity to serve Brevard County for the last 35 years; he expressed his thanks to the citizens of Brevard County for the privilege of being able to provide them with his services; and he stated the Fire Rescue Department is the best in the world.

Mr. Whitten read aloud a retirement plaque presented to Dennis A. Neterer in grateful appreciation and recognition of his 35 years of service to the Brevard County Board of County Commissioners and the citizens of Brevard County, Florida.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM I.H., RESOLUTION, RE: RECOGNIZING MAY 11-17, 2014, AS NATIONAL POLICE WEEK AND RECOGNIZING MAY 15, 2014, AS PEACE OFFICERS MEMORIAL DAY

Commissioner Anderson read aloud, and the Board adopted, Resolution No. 14-075, recognizing May 11 - 17, 2014, as National Police Week and May 15, 2014, as Peace Officer's

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Memorial Day in the County of Brevard, and encouraged all citizens to recognize the service and sacrifice made by law enforcement personnel; and the Board further commended the families of Shield, Inc. for its work in providing assistance to those who are in need of support and assistance.

John Pasko, Families of the Shield, stated it is a great honor to be present before the Board today; it is as tremendous privilege to be amongst so many loyal and dedicated people in Brevard County; the Families of the Shield Team was created to work together for public awareness recognizing the services and sacrifices made by law enforcement personnel; and he expressed his thanks to the Board for the honor given today.

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

ITEM I.I., RESOLUTION, RE: RECOGNIZING BREVARD COUNTY PUBLIC WORKS

Commissioner Anderson provided a time lapse video of the exceptional work done on Palm Bay Road Culvert Replacement Project; and he read aloud, and the Board adopted, Resolution No. 14-076, recognizing Brevard County Public Works for the completion of the Palm Bay Road Culvert Replacement Project.

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

ITEM I.J., RESOLUTION, RE: CELEBRATING COLONEL JOHN DARBY HOWARD'S 90TH BIRTHDAY

Commissioner Nelson read aloud, and the Board adopted, Resolution No. 14-077, celebrating Colonel John Darby Howard's 90th Birthday, and wished him many more years.

Colonel John Howard stated his 31 years of serviced included three wars and some peace; the world would be a better place if there were not as many wars; there are a lot of people trying to unstablize different countries and communities; he thinks the only way to keep peace is by having the strongest military that will keep that peace; and he expressed his thanks to the Board for his recognition.

Commissioner Nelson advised of a fundraising event at the Brevard Veteran's Center hosted by Congressman Bill Posey for the next phase of the Brevard Veteran Center on Friday, May 15 at 6:00 P.M.; and on May 31 at 9:00 A.M. is the ceremony for Memorial Day.

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

ITEM II.A.1., CONTRACT MODIFICATION WITH ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND MOSQUITO CONTROL DISTRICT, RE: ANNUAL REHABILITATION OF COASTAL WETLANDS PROJECT AND FUTURE WORK ORDERS

The Board authorized staff to execute a work order between the Mosquito Control District and St. Johns River Water management District to improve and reconnect impoundments as part of the Annual Rehabilitation of Coastal Wetlands Project; authorized staff to execute future work orders where the project exceeds \$100,000, but the County's match is less than \$100,000; and approved associated Budget Change Requests.

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

ITEM II.A.2., AGREEMENT WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, RE: BREVARD SOUTH LAKE (CARPENTER ROAD) WATER QUALITY RETROFIT OF CARPENTER ROAD POND DENITRIFICATION BIOREACTOR

The Board approved the Brevard South Lake (Carpenter Road) Water Quality Retrofit: Carpenter Road Pond Denitrification Bioreactor Project with the Florida Department of Environmental Protection (FDEP) for cost share funding; approved Leon County as legal venue; approved County Manager, or his designee, to execute implementing contracts, amendments, and sub-grant cooperative agreements as needed to execute the project, subject to the County Attorney and Risk Management approval; and approved any associated Budget Change Requests.

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

ITEM II.A.3., AMENDED AGREEMENT WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, RE: MICCO/LITTLE HOLLYWOOD EXFILTRATION AND SECOND GENERATION BAFFLE BOX OF REVIEW DRIVE DENITRIFICATION WALL BIOREACTOR

The Board approved Micco/Little Hollywood Exfiltration and Second Generation Baffle Box: Riverview Drive Denitrification Wall Bioreactor Project with the Florida Department of Environmental Protection (FDEP) for cost-share funding; approved legal venue as Leon County; authorized County Manager, or his designee, to execute implementing contracts, amendments,

and sub-grant cooperative agreements as needed to execute the project, subject to County Attorney and Risk Management approval; and approved associated Budget Change Requests.

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

ITEM II.A.4., GRANT AGREEMENT BETWEEN FLORIDA DEPARTMENT OF ENVIRONMENT PROTECTION, RE: COST-SHARE FUNDING FOR FLEMING GRANT ROAD WET DETENTION POND

The Board approved grant agreement with the Florida Department of Environmental Protection (FDEP) for cost-share funding to increase nitrogen removal efficiency of the Fleming Grant Road Wet Detention Pond; approved legal venue as Leon County; authorized County Manager, or his designee, to execute implementing contracts, amendments, and sub-grant cooperative agreements as needed to execute the project, subject to County Attorney and Risk Management approval; and approved associated Budget Change Requests.

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

ITEM II.A.5., REQUEST FOR PROPOSALS, RE: USE AGREEMENT FOR MARITIME EDUCATION CENTER AT GRIFFIS LANDING

The Board authorized advertisement for and acceptance of proposals from qualified organizations to occupy and operate the Griffis landing Maritime Center; appointed a Selection Committee comprised with Natural Resources Management Director, or his designee, Assistant County Manager Mel Scott, or his designee, and Jack Masson, Parks and Recreation Director, or his designee; authorized Natural Resources Management Director to negotiate with up to the two best qualified organizations; authorized the Chairman to execute subsequent agreements; and approved the County Manager to execute amendments as will be outlined in the agreement, contingent on County Attorney and Risk Management approval.

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

ITEM II.A.6., BINDING DEVELOPMENT PLAN, RE: CARMINE FERRARO, TRUSTEE

The Board executed Binding Development Plan Agreement with Carmine Ferraro, Trustee, for property located on the southeast corner of Fay Boulevard and Adams Place.

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

ITEM II.A.7., LAND DEVELOPMENT WAIVER APPLICATION, RE: SIGNAGE FOR ARRIVAS VILLAGE - THE VIERA COMPANY

The Board approved a waiver to Section 62-2889(b) to allow subdivision signs to exceed the four-foot height restriction and to be located in the public right-of-way.

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

ITEM II.A.8., RESOLUTION AND LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, RE: NORTH BANANA RIVER DRIVE AT MARTIN BOULEVARD

The Board adopted Resolution No. 14-078, and executed Local Agency Program (LAP) Supplemental Agreement with FDOT, providing additional funding in the amount of \$224,896, towards the construction of North Banana River Drive at Martin Boulevard Intersection Improvement Project.

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

ITEM II.A.9., LANDSCAPING AND IMPROVEMENT AGREEMENT WITH THE VIERA COMPANY, RE: SIGNAGE, HARDSCAPE, AND LANDSCAPE IMPROVMENTS AND MAINTENANCE AT ARRIVA VILLAGE AND RODINA DRIVE

The Board executed Landscape Agreement with The Viera Company for signage, hardscape, and landscape improvements and maintenance at Arrivas Village and Rodina Drive.

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

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ITEM II.C.2., ACKNOWLEDGEMENT, RE: RECEIPT OF ANNUAL AUDITED FINANCIAL STATEMENTS FOR THE TOWN OF PALM SHORES FY ENDED SEPTEMBER 30, 2013

The Board acknowledged receipt of the audit of the annual financial statements for the Town of Palm Shores FY ended September 30, 2013.

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

ITEM II.C.3., AUTHORIZATION, RE: MUNICIPAL REVIEW OF LOCAL OPTION GAS TAX (LOGT) PERCENTAGES ALLOCATIONS

The Board directed the Clerk to the Board to mail a copy of the Local Option Gas Tax (LOGT) percentage allocations to each municipality for review; and authorized final review of the allocations at the July 8, 2014, Board meeting.

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

ITEM II.C.4., CONTRACT FOR SALE AND PURCHASE WITH EDWARD L. CALLAHAN/SETSUKO CALLAHAN - HUSBAND AND WIFE, RE: SALE OF SURPLUS REAL PROPERTY BY PRIVATE SALE TO ADJACENT PROPERTY OWNER

The Board executed the Contract for Sale and Purchase of private sale of surplus parcel of property, pursuant to Florida Statute 125.35(2), in the amount of \$1,220.

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

ITEM II.D.1., COMMITTEE APPOINTMENT, RE: PUBLIC SCHOOL FACILITY PLANNING AND CONCURRENCY INTERLOCAL AGREEMENT

The Board appointed Robin Sobrino, Planning and Development Director, as the County's representative to the Capital Outlay Committee (COC), and Stuart Buchanan, Planner III, as alternate.

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

ITEM II.D.2., INTERLOCAL AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION AND MUNICIPALITIES, RE: CREATION OF THE TRANSPORTATION PLANNING ORGANIZATION

The Board executed the Space Coast Transportation Planning Organization (TPO) Interlocal Agreement, FDOT, Canaveral Port Authority, and the municipalities indicating the Board will continue to participate in the TPO transportation planning process.

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

ITEM II.D.4., APPROVAL, RE: BILLFOLDER

The Board approved the Billfolder, as submitted.

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

ITEM III.A., REQUEST TO WITHDRAW PUBLIC HEARING, RE: PROPOSED ORDINANCE AMENDING FLOOR ELEVATION AND LOT GRADING/DRAINAGE REQUIREMENTS

Chairman Bolin Lewis called for a public hearing to consider withdrawing a proposed ordinance amending Section 62-2891 (Subdivision Design Standards) and Section 22-46 (Building and Building Regulations/Floor Elevations).

Mel Scott, Assistant County Manager, stated this Item needs to be withdrawn from the public hearing process; and the proposed changes will be brought back to the Board at a later date.

There being no comments or objections, the Board withdrew request for public hearing of proposed ordinance amending floor elevation and lot grading/drainage requirements.

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

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ITEM III.B., CODE REVISIONS, RE: CHAPTER 62, ARTICLE VIII - SITE PLANS, SECTION 62-3206(d)(28)

Chairman Bolin Lewis called for a public hearing to consider Code Revisions for Chapter 62, Article VIII - Site Plans, Section 62-3206(d)(28).

There being no comments or objections, the Board adopted Ordinance No. 14-16, amending Chapter 62, "Land Development Regulations", Code of Ordinances of Brevard County, Florida; repealing Sections 62-3206(d)(28) restaurants, cocktail lounges, and other eating and drinking establishments of Article VIII, entitled "Site Plans" Code of Ordinances of Brevard County Florida, and amending Article VIII, site plans to establish new site plan criteria in new Sections 62-3206(d)(28); providing for revised parking provisions; providing an effective date; providing for inclusion in the Code of Ordinances of Brevard County, Florida; and providing for area encompassed.

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

ITEM III.C., LANDSCAPE BUFFER WAIVER HEARING WITH CRAFTMASTER AUTOBODY GROUP, INC., RE: SECTION 62-4346(f) OF LANDSCAPING, LAND CLEARING, AND TREE PROTECTION CODE - PARCEL ID: 24-36-35-00-0000.00, 135 PALMETTO AVENUE, MERRITT ISLAND

Chairman Bolin Lewis called for a public hearing to consider a Type A Landscape Buffer Waiver.

There being no comments or objections, the Board approved the request for Type A Landscape Buffer Waiver as requested by Craftmaster Autobody Group, Inc., for Section 62-4346(f) of the Landscaping, Land Clearing, and Tree Protection Code for Parcel ID: 24-36-35-00-00006.0-0000.00, 135 Palmetto Avenue, Merritt Island; and delegated the final approval of the Alternative Landscape Enhancement Plan (ALEP) mitigation to the Natural Resources Management Director.

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

ITEM III.D., PUBLIC HEARING, RE: TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 (TEFRA) FOR REFUNDING BONDS FOR BREVARD COUNTY HEALTH FACILITIES AUTHORITY

Chairman Bolin Lewis called for a public hearing to consider proposed refinancing of Brevard County Health Facilities Authority Bonds.

There being no comments or objections, the Board adopted Resolution No. 14-079, for Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA).

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

ITEM III.E., RESOLUTION, RE: THIRD QUARTER SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2013-2014

Chairman Bolin Lewis called for a public hearing to consider a Resolution for the Third Quarter Supplemental Budget for Fiscal Year 2013-2014.

Commissioner Infantini advised there are some Budget Change Requests (BCR) that she has objections to which increases the annual budget; she spoke with Kalina Person, Tourism Development Marketing/Finance, who agreed that items could be moved into reserves; and she would rather move those funds into reserves than increasing expenses this year. She advised BCR's have a Log Number at the bottom of the page; and she is voting nay on BCR Nos. 20140378, 20140380, 20140383, and 20140384.

Commissioner Fisher inquired if those are for balance forward of project money that has not been spent or earmarked for something. Stockton Whitten, County Manager, responded those are balance forward dollars; those can be put in reserves; and when they are needed, another BCR can be submitted. Commissioner Fisher advised he is not interest in putting them into reserves; and he inquired why they cannot stay where they are because they are designed for future things approved by the Board. Mr. Whitten explained all of the projects are approved; it is a timing issue and a matter of Ms. Person not needing to make expenditures during the month of June, because there is no Board meeting in the month of June; and if there is a need to move those out of reserves, he will move those, and have the Board ratify those in July.

Commissioner Infantini stated there is \$500,000 for operating expenses of a facility that has not yet been built; there is \$1.7 million set aside for building the facility; and she inquired if they have gone back out for bid on it.

Mr. Whitten advised they will be going back out to bid; those were probably not operating expenses associated with the operations of the facility, but the contractual services are operating expenditures; and Ms. Person probably meant that those are operating expenditures associated with any payment associated to contractors. He went on to say it is a timing issue; if they have to come back and put them in operating expenditures before the Board gets back off of its break; it will be done; and those will have to ratified in July.

Commissioner Nelson stated his preference is to approve as submitted; if there is a need to come back with a specific request to move it out after there has been opportunity to talk to Ms. Person; it puts staff in a position of making a change and wondering if the Board is going to approve it; and he thinks that is not appropriate.

Commissioner Infantini stated she looked at the budget; there are sufficient funds in the operating budget to keep operating these programs; she thinks it is unnecessary to increase an operating expense budget when the funds are not needed; and she is not against the whole packet, but because she is not able to vote on the items she is against individually, she is voting nay on the entire package.

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Commissioner Nelson advised one correction has already been made; if there is an opportunity to change it and bring it back to the Board, it can approve that; but at this point in time, this is just a standard process.

Commissioner Infantini stated the operating expenses being referred to be not a correction, they classified contracted services; and if a \$2 million building is being built, there is not \$500,000 in outside contractor engineering fees; that number is excessive; and she did discuss it with Ms. Person, and it was an operating expense.

There being no further comments or objections, the Board adopted Resolution No. 14-080, approving the third quarter supplemental budget for Fiscal Year 2013-2014; and approved the budget changes and such actions as necessary to implement the adopted changes.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Robin Fisher, Vice Chairman/Commissioner District 1
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
NAYS:	Trudie Infantini

ITEM IV.A., APPROVAL, RE: DISPOSITION OF COUNTRY ACRES FACILITY

Commissioner Nelson expressed his thanks to Ian Golden, Housing and Human Services Director, and to staff for their Country Acres efforts working with Devereux Florida (Devereux).

Stockton Whitten, County Manager, expressed his thanks to Devereux staff their efforts as well.

The Board approved proposal from Devereux Florida (Devereux) to continue serving children at the Country Acres facility located at 1850 South Deleon Avenue, Titusville; and approved the Negotiating Committee consisting of Housing and Human Services Director Ian Golden, Assistant County Manager Venetta Valdengo, and Central Services Director Teresa Camarata, to finalize a long-term lease.

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

ITEM IV.B., PERMISSION TO EXECUTE GUARANTEED ENERGY, WATER, AND WASTEWATER PERFORMANCE SAVINGS CONTRACT WITH BGA, INC., RE: CONSTRUCTION PHASE, ENERGY PERFORMANCE CONTRACT, AUTHORIZE COUNTY MANAGER OR DESIGNEE TO ADMINISTER THE PROJECT WITHIN THE PROJECT SCOPE, AUTHORIZE STAFF TO PURSUE AND EXECUTE THE BEST AVAILABLE FINANCING OPTION, AND ALL NECESSARY BUDGET ACTIONS

Commissioner Infantini stated the County went out to bid for a contractor to do an energy survey and come up with a huge list of projects that money could be saved on, if the County replaced some things; when she went through the spreadsheet, she asked to be provided with a detailed spreadsheet; but many of the projects had a payback period meaning the County would get its money back from energy savings in greater than 20 years. She stated she did an analysis of

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how much longer than 20 years; some of the payback periods were 35 years, 57 years, 72 years, and 1,592 years; the County is not going to get its money back from this investment; it is not part of an energy savings concept; she believes that the air conditioning units needs replacing; but they should not be placed in an energy conservation package. She advised many of these belong as Capital Improvement Projects, which should be part of the annual budgeting that sets money aside for those, and not to be used as a tool to fix things when not budgeted for; \$15 million is being proposed to borrow to make improvements that are not necessarily needed today; and she proposed to table the Item until all Commissioners have the chance to go over the spreadsheet, look at the payback analysis, and see which part of this project he or she wants to do. She went on to say this company now does not have to go through the bidding process; the local vendors are not going to get an opportunity to bid on these million dollar projects; and she is opposed to this Item.

Commissioner Fisher stated he is not sure how much homework Commissioner Infantini has done; and he inquired if she has met with staff or the contractor. Commissioner Infantini responded affirmatively.

Commissioner Fisher stated he had a hard time with this Item; he met with staff four or five times in the past month about this Item; he is concerned that if \$15 million in debt is going to be assumed, he would like to ensure that the electric and water bills are going to total \$1.1 million in savings to pay that debt; and he inquired what the guarantee is that that is going to happen, because he feels that the Board should be responsible to pay that \$1.1 million in debt service. He added, he attended several meetings with staff to finally got there; and it was not an easy process for him to get there, but he got there because there are some things in the agreement that were tightened up a little for what the guarantees are going to be; and that the savings are going to be there to exercise the line of credit put up. He added, the way contingency reads may want to be discussed before voting.

Stockton Whitten, County Manager, advised ConEdison Solutions to explain what this project is; and then Shannon Wilson, Deputy County Attorney, will address any of the legal issues. He stated the savings that extend beyond the 15 or 20 years amortization of the debt are not the savings that are being used to retire the debt; various projects may be seen that extend, in terms of savings beyond the debt retirement; and those dollars are not being utilized to retire the debt. He went on to say the first order of business is get an explanation of what this project is and what the concept is of the bigger projects; and the return on investment that being utilizing are those big dollars that allow to pay the debt without increasing the budget, and to do the significant projects that are needed right now as opposed to delaying them further.

Jeff Wycoff, BGA, Inc./ConEdison Solutions Representative, stated the project is designed to find energy savings, but it actually goes beyond that it is part of State Legislation, Florida Statute 489.1145, which enables State agencies, County government, school systems, and any government entity that might be constrained in their capital budgets; and anyone in that position may find that their electric and water bills are far in excess of what they should be, because they have not been able to afford upgrade technology, to get to a lower cost of energy. He stated the money spent on extra energy spending is sitting there like a bank, to extract those savings, and guarantee them to the County for use of that money to pay for projects, and not just the lighting and the water projects; but more that may be able to get done with that. He added, the State encourages the Statutes and the initiatives that the State has come up with to support that Statute through the Office of the Comptroller and Department of Management Services; he encourages State agencies to pursue this path because it is a good way to free up money that has all ready been budgeted and is being spent, to get these things done, and take some burden off the future Capital Improvement budget. He advised the 1,059 years payback on that Item is certainly allowed under the legislation, because it is the entire program that is being amortized with the total savings of the project; there is no budget impact to the County; it is

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budget neutral, the money is all ready spent, and now it is amortizing a note, plus once the note is amortized all of those savings accrued to the benefit of the County forever; and the savings are guaranteed in an intangible way, which requires ConEdison to go out and do pre and post kilowatt measurements of the electric units that are replacing both lights and air conditioning. He went on to say they have to also measure pre and post measurements of the installation of water conservation technologies; all of those are witnessed by the County; if those are misestimated and the calculations are wrong, they have to calculate a payment to the County for the term of the agreement; and a check would be written; and is a guarantee backed up by the corporate guarantee of ConEdison.

Commissioner Fisher inquired if \$15.7 million is borrowed to make energy savings ConEdison is guaranteeing at a four percent rate, over 20-years financing, that there will be enough savings to pay \$1.1 million a year in annual debt; and he inquired if there is no savings, ConEdison will write a check for the difference. Mr. Wyckoff responded affirmatively; he stated the way the savings are verified are incremental and detailed calculations; this is an engineering project, not insurance projects, and is about doing 4,000-plus fixture; and all the facilities will have this type of scrutiny, and that scrutiny produces these savings. He went on to say the other part of this is the legislation requires the total savings to cover the costs of the project, including its development, the audit, the cost of the equipment, the labor, as well as the financing costs; the four percent interest that was calculated in the pro forma is hopefully a worst case scenario; and the contract is contingent on the County's finding acceptable financing, which still has that effort to be done.

Ms. Wilson advised after a meeting with Commissioner Fisher yesterday, the Statute is referenced within the contract; Mr. Wyckoff is right, that in order for Board to engage in this kind of contract, the Statue requires that it cover the costs including the financing costs; the savings that are accrued from these projects cover the both the design, the installation, and the financing costs; the Statute that sets forth that is 489.145(3)(d), and that is going to be taken out, and put in the contract, not just reference that, so that it will be very clear; the Board has heard the representations; and there is a separate guarantee that is an attachment to the contract that also sets that forth. She went on to say she does not have a clean copy with that paragraph in there; and she asked the Board to approve the Chair to execute the Contract, subject to the final review of that inclusion of the provision.

Commissioner Infantini inquired if bonds will be issued to cover this \$15 million. Mr. Whitten responded the action is going to be contingent upon the most favorable financing vehicle found; and this will not be a bond, but may be commercial paper or a bank loan.

Commissioner Infantini stated if there is no borrowing of \$15 million to make all of these improvements, but made only those improvements with energy savings attached to them, the debt would be able to be paid off, in a significantly less amount of time because the debt is not being retired for improvements that are otherwise not going to give a return on investment; she is concerned about the bidding process; she feels that the County is not necessarily going to receive the lowest cost, if it did not go to an outside contractor because they are not required to follow County bidding Policies, and practices which allow everybody to come in and compete for these million dollar contracts; and that is no deal to her.

Commissioner Fisher stated his understanding of the bidding process is ConEdison will go out and bid that with local contractors to get the best possible price, because if that price is driven up, it is not in their best interest because they would have more of a guarantee.

Mr. Wyckoff stated to be completely transparent about this, they had already bid this project out a couple of times; it was bid out to qualified local contractors, and most of the contractors being used will be from Brevard County; there will be a lot of local labors used as well by the few out

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of town firms used to do some of the lighting retrofit; and those have committed to the hiring local goal. He advised ConEdison wanted to find the very best price for all this work; they are responsible for the outcome and taking all the risk; there are no change orders allowed on this project; they will not be coming back to the Board and asking for more money; and what is being executed is firmly and squarely described in the contract.

Commissioner Fisher inquired if the contingency part is going to be changed in the contract. Ms. Wilson responded affirmatively.

Commissioner Nelson advised the State of Florida created this process to be able to take care of infrastructure; over the last seven and one-half years that he has been on the Board, the Board has deferred a great deal of maintenance in infrastructure; the State is giving incentives to create savings, to upgrade facilities, and to take care of infrastructure needs; and this is done in a way that is guaranteed to the local government. He added, he sees that as a positive; he stated he remembers the pictures shown of the jail and the issues associated with the walls falling apart; those are things needing taken care of, which would of had to be done in some other fashion otherwise; and he feels this is basically the Board prioritizing its spending. He went on to say there is a certain Commissioner who loves to criticize Board spending; this is the Board prioritizing spending by saying it is going to take these savings, put them into infrastructure, and there will be better facilities having been upgraded for cost savings. He stated he does not see the downside; the State certainly does not see a downside to this; they created the program that allows this; and he thinks it is a win for everyone.

Commissioner Infantini inquired if she may have a copy of the list of contractors already selected; and she stated if there was ability to prioritize property properly, there would be no need for the State Legislature to create a Statute to help the County with it. Mr. Wycoff responded affirmatively.

Commissioner Fisher stated what got him comfortable over the last several meetings is the contingency reference; it is important for the Board to understand that part of that contract, because before it spelled out that any contingency savings ConEdison would retain; but that has been changed to the County getting any contingency savings back, which is a sizable advantage for the County.

The Board authorized the Chairman to execute the negotiated Contract, as provided per the County Attorney upon inserting appropriate statutory language regarding the guarantee of the savings in F.S. 489.145(3)(d), and clarifying that any remainder of funds in the contingency fund would remain the property of the County for the design, procurement, and construction phases with BGA, Inc./ConEdison Solutions for the guaranteed energy savings performance contracting project; authorized staff to pursue and execute the best available financing option and other necessary budget actions; and authorized the County Manager or his designee to administer the Project within the contract scope.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Robin Fisher, Vice Chairman/Commissioner District 1
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
NAYS:	Trudie Infantini

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ITEM V.A.1., ADDENDUM NO. 1 TO TASK ORDER NO. 12 WITH WADE TRIM, INC., RE: BAREFOOT BAY WATER TREATMENT PLANT (WTP) IMPROVEMENTS

The Board executed Addendum No. 1 to Task Order No. 12 for design, permitting, bidding, and construction assistance for improvements to the Barefoot Bay Water Supply, treatment plant, and distribution system projects identified in the Task Order.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM V.A.2., TASK ORDER NO. 10-20 WITH NEEL-SCHAFFER, RE: CONSTRUCTION PLANS, BIDDING ASSISTANCE, AND CONSTRUCTION QUALITY ASSURANCE (CQA) SERVICES DURING CONSTRUCTION OF CENTRAL DISPOSAL FACILITY (CDF) SLURRY WALL LANDFILL SEQUENTIAL CLOSURE PHASE V

The Board executed Task Order No. 10-20 with Neel-Schaffer, in the amount of \$424,818, for preparing construction bid documents and technical specification for Phase V of the sequential closure of the Central Disposal Facility (CDF) Slurry Wall Landfill, as well as providing assistance during bidding and contractor selection, construction oversight, and Construction Quality Assurance (CQA), and testing services during construction.

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

The Board recessed at 10:42 a.m. and reconvened at 10:50 a.m.

ITEM V.F.2., BOARD DISCUSSION, RE: UPDATING CHAPTER 118, VEHICLES FOR HIRE

Commissioner Anderson stated two months ago he had people from the vehicles for hire industry approach him with some concerns regarding the Ordinance; he feels uncomfortable about a taxi company in Orlando being able to come to Brevard County and doing whatever it wants; others have to pay to go into Melbourne and Orlando; and it seems to be unfair to him.

Robin Sobrino, Planning and Development Director, stated the taxi cab Ordinance is in the Code of Ordinances, Chapter 118, Vehicles for Hire, that there is limited requirements for the taxi cab driver, including getting a decal from the Space Coast Area Transit Services Department (SCAT) for a vehicle inspection, and provide limited insurance coverage; when comparing Brevard County's Ordinance to Orlando's ordinance, they go deeply into regulating the vehicles, the drivers, the owners must have an established place of business, they have to carry a certain amount of insurance consistent with Florida Statue, and they do background checks; and the industry came to Commissioner Anderson's office to speak to him about the inequity, that Brevard County does not have enforcement for those vehicles that are on the roads right now operating as cabs, but are not following the regulations of the State or the local regulations. She advised a level playing field has been asked for since they are expending

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money to carry insurance, that there be more stringent regulations, and ensuring that everybody out on the road is providing for a safe and appropriate ride for their ridership.

Commissioner Anderson added, an unwitting passenger can get into a vehicle and get hurt, and there is no recourse for that passenger; realtors in the real estate business have to carry commercial insurance on their own vehicles to be able to show houses, but somebody can operate a small car business out of an apartment with Geico Insurance, get in an accident, and that passenger is not going to be covered; and that passenger can sue the individual running the small car business, but probably has not many assets. He went on to say that he thinks it is unfair to passengers and the legitimate companies have to pay hundreds of thousands a year to maintain that kind of insurance and to protect passengers; any one can open a taxi company; and that could lead to some bad consequences.

Bob Baugher, Tourist Development Council (TDC) Chair, advised the TDC favors a fair and equitable taxi ordinance; he wants tourism to be represented at any workshops held; the rates for a taxi should be the same no matter which company is called for a taxi; as tourism becomes a bigger playing field for Brevard County a Countywide ordinance is necessary, because in the Port Canaveral area there is District 2, City of Cape Canaveral, and City of Cocoa Beach; and having one regulation for everybody is needed.

Erick Michael, Yellow Cab Representative, stated there is a group of taxi and limousine providers that have met multiple times with Commissioner Anderson and David Isnardi, trying to figure out what everyone agrees upon, and helping with the safety and the protection of passengers. He went on to say there are multiple things wanted to be done with reorganizing Chapter 118, Vehicles For Hire; there has been done work in the past with the City of Melbourne by reorganizing its Chapters and getting them more up to what is industry-wide standards; and the group is present with him tonight to make sure the public is protected. He added, vehicles are running through all five Districts of Brevard County; there are 40-plus cities that have little sections in and out of the County; it is found every year that the fly-by-night companies or gypsy cabs come in, do not have insurance, do not get inspected, they do not have any sort of regulations on drivers, and is not safe for the public; it makes it hard to compete; and he urged the Board to have a unified Code that everyone understands and is able to work with.

Wendy Kleefisch, Brevard Executive Limousine, expressed her thanks to the Board for listening and to revamp Chapter 118, Vehicles For Hire; she stated the group's biggest concern is public safety; Brevard County is growing; Port Canaveral is the second largest Port in the United States; and the group present today is asking for some enforcement, because there is illegal operators running in and out of all five Districts. She advised having the Code stay in Melbourne as a Historically Underutilized Business (HUB) and getting a County permit on all vehicles; as a limousine owner and operator of 20 years, she is not forced to do that; she complies with Orange County to operate in Orlando; the permit cost is \$500 per vehicle; and the cost in Melbourne is \$20. She stated there are funds to be made; she is willing to help the Board if need be; and Brevard Executive Limousine is proud to be members of National Limousine Association and Florida Limousine Association.

Commissioner Fisher inquired if Commissioner Anderson is making a recommendation for staff and the group to meet in his office to work on an ordinance and to come back to the Board. Commissioner Anderson responded in the Agenda package, there is a draft ordinance for the Board to review; he does not know the format if it is a workshop or each Commissioner work with staff for legislative intent.

Commissioner Fisher advised he is very comfortable with Commissioner Anderson working with staff.

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Chairman Bolin Lewis agreed with Commissioner Fisher; and she inquired if Commissioner Anderson will continue with his effort and bring it back to the Board. Commissioner Anderson responded he will meet with the industry and bring back some kind of legislative intent after the June break.

Fred McMillian stated he is a retired Veteran of Brevard County and he does not drive; he has been a victim of the gypsy cab situation a few times; it costs him \$150 to take a cab from his house in Cocoa to the Orlando International Airport; and another time it cost him \$150 to go from Cocoa to the Amtrak Station in Winter Park. He inquired if the group present today is in conglomeration with the Mears Company who has complete control over anything coming in and going out of Orange County. He advised he has many concerns; he agreed that there needs to be regulations; as an individual who uses SCAT in Brevard County, taxi's are his only alternate solution to the public transportation system in Brevard County; and he vehemently wants to see some improvement.

Commissioner Nelson stated in addition to the industry, he heard Mr. Baugher say that he would like to see the tourism side also is involved; and he asked Commissioner Anderson to include Mr. Baugher. Commissioner Anderson replied Mr. Baugher attended one meeting; he stated his office will coordinate with Mr. Baugher; and one more meeting is going to be scheduled before it will be coming back to the Board for legislative intent.

Commissioner Infantini stated she is concerned because she heard something mentioned about having fares being the same across-the-board; she is not in a position to regulate what people charge; she understands having a maximum charge, but having minimum charges is what the free market is about; she is in favor of making sure everybody has insurance and the proper amount of insurance; and not allowing people to work from their homes is a concern for her. She added, she is in favor of drafting an ordinance.

Commissioner Anderson advised a maximum charge could be put in place, but his concern is public safety; he does not know how working from home works; he does know an individual's license of the State has to be publicly displayed; he will work with staff; he encouraged the Board to schedule a meeting with the industry people to vet concerns; and he is hopeful that when it comes back to the Board for legislative intent, there is no hashing-out again.

The Board reached consensus to authorize Commissioner Anderson to work with staff, individuals in the vehicles for hire industry, and the Tourism Development Office Director, and to bring back to the Board legislative intent for its consideration regarding amendments to Chapter 118 - Vehicles for Hire.

ITEM V.B.1., RESOLUTION OF FARE INCREASE AND FARE STRUCTURE, RE: SPACE COAST AREA TRANSIT SERVICES

Fred McMillian stated he is pleased the Board is doing something about the fares in Brevard County; he understands twenty-five cents is being thought of doing; but he feels that fifty cents is more appropriate for this. He added, as a transportation user of Space Coast Area Transit (SCAT), whatever the fare is, the public will pay it; he is in favor of increasing the fare structure; and he has been working closely with Jim Liesenfelt, SCAT Director, assessing passenger ridership, what happens on the buses, the bicycles, and everything. He advised ridership has increased tremendously on Route 1; the door-to-door SCAT service is also unlimited service that needs to be improved; more buses are needed; to get needing funding will not come through fare increase or any other major funding unless soliciting takes place with some other agency to help Brevard County; and Mr. Liesenfelt is the most effective person in the Space Coast area of transit. He advised he understands the system and he knows what is going on;

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there needs to be more improvements in SCAT because people cannot get anywhere on a Sunday; and it is hard to do anything on a Saturday if a bus is being relied upon.

Antonio Clemmons stated he using SCAT in the Palm Bay/Melbourne areas; he use to live in the Port St. John area and he has experienced a hard time getting back and forth on Route 1, because it runs every hour; in the area he lives in there is Bus No. 25 and No. 27, that runs frequently, but there is no bus system available during the weekend. He advised a one hour lunch break is taken from 12:00 p.m. to 1:00 p.m.; there should be more drivers to come aboard to cover the breaks for services to continue; and instead of increasing the rates, increase the drivers, or the hours the buses run because the buses stop running at 5:00 p.m. on Saturday. He added, Bus No. 21 runs on Sunday, but runs in an awkward area; instead of increasing the amount being charged to riders, he suggested increasing the hours, and hiring more drivers; and the economic system in Florida has a low job rate.

The Board adopted Resolution No. 14-081, Space Coast Area Transit Fare Structure, which includes a \$.25 increase to the fixed route base fare and an increase in other fares to correspond to the increase in the base fare, with an effective date of July 1, 2014.

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

ITEM V.F.1., CITIZEN REQUEST BY SUNRISE ADDITION, RE: INSTALLATION OF A “NO PARKING ON ANY SUNRISE SUBDIVISION STREETS BETWEEN MIDNIGHT AND 7:00 A.M.” - SIGN ON HOMEWOOD AVENUE

Stephen Gresley, President of Sunrise Homeowners Association (HOA), stated in 2013 the HOA submitted a request to have a no parking sign posted in its community to bring it into conformity with all the other communities along Pinehurst Avenue and Hidden Springs Road; the Commissioners had some information at the October 8th meeting, that was not entirely correct; and now it has been deferred to the new HOA to take up the issue again. He went on to say a lot of time has been spent researching; he had spoken with some of the Commissioners; he went to Fire Station Nos. 47 and 80 who are charged with the responsibility of protecting the area; the discussions led to the Fire Stations agreeing that it is a public safety issue; and if the Sunrise Addition streets has cars on them in the Suntree Subdivision and the Springs of Suntree Subdivision, the fire engines cannot get through. He added, the request being made is because it is in the HOA's covenant; there was an article in *The Florida Times-Union* by Lyn Dowling of *Florida TODAY* of an interview with the Brevard County Sheriff Office having a message for the residents of Viera and the surrounding communities to pay attention to the community association rules, especially the ones that regulate where parking on streets is legal between midnight and 7:00 A.M.; if a car is parked on a street that may impede access to cars parked directly across the street from each other, it may lead to them being ticketed; and to not park on or over the sidewalk, or in front of a driveway may lead to being ticketed. He stated there are people in Public Works and some residents who remember when there was a sign when the developer was developing the community; no one knows when that sign disappeared; people living there are still receiving tickets; and he asked the Board for its reconsideration of the installation of a no parking sign on any streets between midnight and 7:00 A.M.

Commissioner Anderson inquired if the covenant of the HOA has ability to place a fine or a lien on a homeowner. Mr. Gresley responded affirmatively; and advised the process is defined that

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if a person is violated twice and there is no response to the violation, it goes to arbitration; the arbitration committee can then levy a fine; but he cannot find volunteers for 3:00 A.M. to go out and do what the Sheriff does.

Chairman Bolin Lewis inquired if the other areas surrounding this development are currently in force. John Denninghoff, Public Works Director, responded affirmatively; and stated there is a great number of subdivisions in that vicinity that do have the signs that had previously been approved by the Board.

Chairman Bolin Lewis explained the HOA is asking the Board to put up signs; one of the previous factors before was that it needed to be a health and safety issue for the Board to consider it; and with the information received from the Fire Department stating that it is a health and safety issue.

Mr. Gresley added, one of the fireman told him that the only recourse in the middle of the night if they encounter this type of situation is to push one of the cars out of the way with one of their big engines; he stated streets and standard widths of cars has been measured; the engines are known to be eight feet and six inches wide; the Sunrise Addition streets are the standard 22 feet wide; and a fire truck cannot pass two vehicles.

Chairman Bolin Lewis stated it is not within the Board's jurisdiction to decide for the 131 residents of the Sunrise Addition, the feeling of the community; and when the new HOA board came before the Board after reevaluating it it was decided that the HOA would talk with the residents again.

Mr. Gresley pointed out in January the HOA board brought it up when the new board was installed; it was discussed with the community; it is in the HOA meeting minutes of February and March; and a letter was received from a Commissioner last Friday.

Chairman Bolin Lewis inquired if the letter received was from Commissioner Infantini. Mr. Gresley responded affirmatively. He stated about 75 percent of the residents agreed; the issue is they are a deed restricted community; there is a process if one does not agree with something that is in the covenant, the resident can submit a request for a change, and it would be voted upon by the community; but and as it stands right now, there is no choice, nor does the Board, to cherry-pick any Ordinance in the County's Ordinances. He went on to say by Florida Statute 720, they are required to enforce the HOA regulations and restrictions; he is asking that the HOA be afforded the curtsey of falling-into-line with all the communities of along Pinehurst Boulevard in Suntree, and in the Springs of Suntree Subdivision; there are eight or nine signs that are clearly displayed; but the Sheriff will not come into their community, because they are not a member of the Master Homeowners Association of either Suntree or the Springs of Suntree Subdivision.

Chairman Bolin Lewis inquired if the Board of Directors for the HOA is elected bodies of the HOA members to represent them just like the Commissioners represent the citizens of Brevard County. Mr. Gresley responded affirmatively. Chairman Bolin Lewis inquired if Mr. Gresley feels confident of the HOA desire. Mr. Gresley responded it is a decision of the Board of Directors to come before the Board today; and stated he represents that board, as the President.

Chairman Bolin Lewis passed the gavel to Vice Chairman Fisher.

Commissioner Infantini stated she noticed this Item on the Agenda again; it has all ready been voted down to place enforcement of the no parking between midnight and 7:00 A.M. in restricted community; previously she had asked for a petition signed by at least 50 percent of the

residents, asking to have this type of enforcement for the will-of-the-people; her staff sent letters to the homeowners in the area saying installation of no parking signs and enforcement is going to be discussed; and asked for emails or calls back to let her know if they were for or against. She advised that she received 29 phone calls since Friday afternoon, with 21 being against the enforcement, and eight being for the enforcement; she received two emails being for the enforcement; but the people against the enforcement were very against the enforcement. She read aloud the enforcement in the bylaws of the HOA, "Is automobiles are not prohibited from parking there between midnight and 7:00 A.M., only passenger vans are prohibited, lot owners shall not park any vehicle from midnight to 7:00 A.M., in the roadway per County regulation"; she stated that is under passenger vans not automobiles; but they do have an ordinance that says no parking on the grass anywhere. She advised she has a few issues with this; she does not want the Sheriff's Department to understand the rules of every single HOA and selectively pick-and-choose which ones they are going to go in, and be the parking monitor for; she thinks it is not the job of the Sheriff's Department; and it is against the law already to obstruct emergency vehicles from passing on any road. She added, the remaining received emails were very clear that they were not in favor of this and that the HOA President was walking around soliciting opinions after receiving her letter; the emails from the residents stated that Mr. Gresley said, regardless of how the Board voted that they were going to start towing cars; and to not bother calling her to just tell him how they wanted to vote; but she thinks it is not the Board's responsibility and jurisdiction to start enforcing HOA rules.

The Board denied citizen request by Steve Gresley, President of Sunrise Homeowners Association (HOA), for a "No Parking on Any Sunrise Subdivision Streets Between Midnight and 7:00 a.m." sign on Homewood Avenue at the only entrance to Sunrise Subdivision, off of North Pinehurst Avenue.

RESULT:	DEFEATED [2 TO 3]
MOVER:	Mary Bolin Lewis, Chairman/Commissioner District 4
SECONDER:	Robin Fisher, Vice Chairman/Commissioner District 1
AYES:	Robin Fisher, Mary Bolin Lewis
NAYS:	Chuck Nelson, Trudie Infantini, Andy Anderson

Vice Chairman Fisher passed the gavel back to Chairman Bolin Lewis.

ITEM VI., PUBLIC COMMENTS

Steven Breuer stated he and his partner Michael Johnson are looking to start a business in the City of Cocoa Beach called Quadricycle; it is 14 people riding a bicycle around, getting a tour of the area, and aimed toward tourists; and they provided the Board with a picture. He stated since there is no ordinance yet for vehicles for hire in Brevard County; there is an ordinance in place in Sanford; an ordinance needs to be created from the City of Cocoa Beach; and they want to apply for a business license. He concluded by saying they have a drafted ordinance already; they are trying to do this near Ron Jon's in Commissioner Nelson's District; and they would like to go the next step to make an ordinance.

Commissioner Fisher mentioned seeing this concept before in Savannah.

Commissioner Nelson stated typically City of Cocoa Beach would deal with this matter as opposed to the County; the County has a couple small areas between the City of Cape Canaveral and the City of Cocoa Beach of about 13 blocks; he thinks it would be for City of Cocoa Beach to do the ordinance; and he inquired if the City of Cocoa Beach has proceeded

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with anything. Mr. Breuer explained what they found was that it kicks back to coming before the Board first to put the ordinance into effect, and then they can go to any city in the County and apply for a business license; and go through that ordinance. Commissioner Nelson advised the difference is if the County were to proceed with it it would only be good for the unincorporated area of those 13 blocks; if this kind of investment is going to be made, they need to get the blessings from the two cities first; and that would be helpful for the Board to know what they are willing to do with this.

Charles Tovey stated he found the plans of a paid County contractor for the Orlando International Jet Blue terminal and the Kennedy Space Center cooling system of the launch pads; and he does not know what to do with them. He stated the County has citation notices being mailed out; they will get a copy, a video, and it will be posted online; the public exchange program could be handled better; golf carts are not licensed; he spends \$120 to provide copied information of these type of things to Congress for its input; and he sends the information to Governor Rick Scott since he has shown little interest. He added, he surveyed Turkey Creek and Eau Gallie; he has simple solutions that are environmentally friendly; he feels that he has done more than enough for the Indian River Lagoon; the environment cannot be replaced; and Brevard County needs to be number one in everything.

ITEM VII.F.1., ROBIN FISHER, DISTRICT 1, RE: REPORT

Commissioner Fisher stated he does not know why the issue of Item VII.D.1., Resolution, Re: All Aboard Florida is coming back to the Board today; and he expressed his position of the Item being the Transportation Planning Organization (TPO) board was clear about it waiting on an environmental study and other stuff before having a resolution passed.

Commissioner Infantini inquired why Commissioner Fisher is able to address an Item that the Board has not yet discussed. Chairman Bolin Lewis responded he is able to talk about it under his Report.

Commissioner Fisher stated he met with Scott Knox, County Attorney, to asked if he would consider talking with the attorney's in Indian River County for what their position is on some of the maintenance issues, because the way it appears, they are asking the Board to deal with a lot of the maintenance for a long time; and he thinks the expensive part of this is going to be maintaining it and building it.

Commissioner Fisher's absence was noted at 11:35 A.M.

ITEM VII.A.1., STOCKTON WHITTEN, COUNTY MANAGER, RE: REPORT

Stockton Whitten, County Manager, stated Mel Scott, Assistant County Manager, will provide the Board with a request regarding the Mid Reach Beach Renourishment Project.

Mr. Scott stated he received an email last night from Debbie Flack, President of the Florida Shore and Beach Preservation Association; through the lobbying efforts that occurred this past session, Brevard County did incredibly well in securing monies for the Mid Reach Beach Renourishment Project; it was put into a Bill, which is good in the sense that Brevard County has a lot of partners in this certain situation; there are 25 project sponsors for beach renourishment throughout the State; and the Mid Reach Project is part of that. He added, Ms. Flack is requesting that Brevard County join the other 24 beneficiaries of this outlay and send a letter of support to the Governor as he is now in the midst of his two week veto opportunity with

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Bills such as this; and she has sent a model letter that she hopes receives the support of all 25 project sponsors, including Brevard County.

The Board authorized the Chairman to sign a Letter of Support to Governor Rick Scott regarding appropriation funds for Florida's Beaches.

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

ITEM VII.D.1., RESOLUTION, RE: ALL ABOARD FLORIDA

Judy McCluney stated she is speaking in support of Commissioner Infantini's resolution; she believes that the current perceived process with All Aboard Florida is simply not in the public interest; they are a private company; they are both asking for direct public support in the amount of loans, and yet indirect support from taxpayers and citizens for maintaining crossings and upgrades; and there are major questions relating to safety and liability. She went on to say they are saying they are short trains passing on the track; some of the senior citizens will not even see them coming; and the danger is considerable. She noted there was a plan a few years ago to have passenger trains restored along the way, and there may be a Florida Department of Transportation (FDOT) Plan for Amtrak or whatever; but if these tracks are to be used partly for that purpose are dedicated for a high speed, private trains that will not stop in Brevard County, they will not allow a passenger train to be on that track as it will interfere with freight; and if this scheme is approved, it will probably cancel any further passenger trains coming to the County. She urged the Board to support the resolution, and follow it with an even stronger resolution saying it is not in Brevard County's interest.

Susan Olson, representing Micco Homeowners Association, stated the Board would have already received a resolution from the Homeowners Association opposing the proposed All Aboard Florida scheme. She went on to say their President, Shelly Woods, cannot be present today. She stated the Board should have also received a resolution from Barefoot Bay opposing the proposed All Aboard Florida plan. She stated they are unified in the Micco area regarding the proposition of All Aboard Florida; new engines have been ordered by the Florida East Coast Railway (FEC), which will allow freight to be moved on the trains up to three miles long and double stacked; residents and businesses along the FEC track will be held hostage by nearly 20 freight trains running every day; and now add 16 passenger trains going northbound and southbound every day. She pointed out All Aboard Florida was advertised as a private enterprise using private funds; and she provided the Board with the time line of how All Aboard Florida got to this point. She noted Commissioner Infantini signed the Micco Homeowners Association resolution at their meeting; each Commissioner should have a copy of that on hand; she left the meeting advising them she was asking for the Board's support; and the All Aboard Florida Project would obligate Florida residents to spend additional County tax dollars to secure and maintain railroad crossings, upgrade fire and hazmat services due to high freight traffic, accept liability for safety upgrades, to revisit interlocal agreements for police, fire, and EMS services to determine how best to deliver fast and efficient emergency services, and there would be no stops in Brevard County. She advised the Board the Micco Homeowners Association would like the County Commissioners to oppose the project.

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Walter Roslan stated over the years he read quite a lot about the railroad; he stressed to the Board to beware of the maintenance and liability; the railroad industry has a long history of passing cost and liability on to the taxpayers; the industry has a long history of taxpayers paying for the industry's ventures and negligence; and Chapter 3 of the Book *Free Lunch* written by David Johnston, documents how the taxpayers were stuck with a \$50 million bill in 1991 derailment of CSX/Amtrak passenger train where the railroad was found grossly negligent. He went on to say the David Johnston stated, "At the end of the day the litigation that went all the way to the United States Supreme Court for CSX, there was no consequence. CSX paid nothing for its recklessness. What CSX in effect was to stick the taxpayer with the bill?"

Nick Schaus stated he has been trying to understand and analyze All Aboard Florida; he gone along almost all of the right-of-way from West Palm Beach through to the St. Johns River; he visited some of the communities during this process; and he met wonderful people, a number of them in Canaveral Groves. He talked about residents who he spoke with and how it would affect them to have the train go through their communities. He requested the Board stop All Aboard Florida.

Phyllis Frey stated she is glad to hear that information is shared between counties; and it is great that notes are being compared. She stated the effects on real estate in Martin County shows that 1,300 properties are located within 200 feet of the tracks; homes within 400 feet of the tracks can lose as much as 20 percent in value; and the declines impact lower income homeowners the most. She went on to say Canaveral Groves and Brackenwood will be really affected, but there will be more. She stated in St. Lucie County there are 1,536 parcels located within 400 feet of the tracks, with a total assessed value of \$388 million; a 20 percent decline in the property values total the loss of over \$77 million; and \$310 million would be lost in real estate values just for those properties located within 400 feet of the tracks in four counties. She noted Florida East Coast Railroad has applied for a \$5 billion loan with projected costs of \$2.5 billion; with no proven history of success, the very serious level of debt will be forced upon the taxpayers. She stated 21 cities and homeowners associations have all signed resolutions; she hopes the Board will join them; and the list is growing.

Susan Mehiel stated she knows the Board is wondering why so many people from other counties are coming before it; this is a massive project that costs millions of dollars of the taxpayers as well as the companies; and there are many pieces of information floating around out there, and people are totally unclear. She went on to say of the two tracks, one is not designated for speed rail and the other for freight; there is a third tracking process going on in the program, so there will be places for one train to pull over and other train to pass; one town down south is going to have the third track right through their town; and there will be three crossings for the three tracks. She asked the Board to write a resolution and look at the needs and safety requirements that are going to save lives in its County. She advised the Board All Aboard Florida has a website that says 60 seconds to clear a crossing, three million cars off the road, and zero tax dollars used; the numbers are not right; along with the fact they throw out 50 million guests visitors a year, she does not know where they get this number; and they have not shared any of their numbers except for these. She pointed out people know it is not zero tax dollars, it is major tax dollars; someone at the TPO meeting explained the other day the Emergency Medical Services (EMS) people are going to have to have more training and more equipment; and that is going to cost more tax dollars. She stated no passenger trains in this country make a dime; there are many questions to be asked; and she suggested the Board pass a resolution to stop this before it kills someone.

Barbara Knick stated she has been studying the All Aboard Florida issue for at least a month; she has yet to see a benefit for Brevard County; All Aboard Florida Executive Vice President Jose Gonzalez has stated they have to get All Aboard Florida up and running quickly, and after a few years, if they have rider ship projections, they will take a look at them; and in a few years

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the local towns will be split in two. She inquired will anyone want to come here; stated everyone should pray there are no derailments or collisions on the tracks; if some day the other cities get stops it will be because that town paid for the land for the station, parking, built the stop, staffed and maintained the stop, and this along with all of the other taxes going into maintaining crossings; and the list goes on and on. She stated it is amazing the talks about this have been going on for two years and no one she talked to knew anything about it. She inquired why everything is learned after it is already figured out.

Monique Miller stated she is present to speak in support of Commissioner Infantini's resolution; this is an extremely important issue; and the most important factor is the gross lack of clarity. She noted the only thing that is clear to her out of this entire thing is that this is not a private project; this is something that has a price tag that cannot be defined, that has an impact to a County that cannot be defined, and that impacts not just the costs to the County but the revenues to the County; and she cannot see a possible reason why this would be a good reason to go forward. She asked the Board for its support on the resolution and each Commissioner to resolve to stop this as well.

Tuck Farrell stated he was involved in the old high speed rail plans; that was a different animal; they were going to have elevated tracks and they would be in outlying areas west of town; and it was not going to be dividing the cities and interrupting traffic. He noted this is going to be a great interruption in the business and commerce and will divide the downtown; it is a great concern to a lot of business people; the train people need to be responsible the crossings, upgrades, and quiet zones; and there will be such a noise pollution impact that they need to be responsible for all these things. He went on to say they are now going for this big federal loan, and they should be responsible for that; the Board needs to make it clear that they need to sign on the line; and he means all of the companies involved in this. He stated he does not want the County to be taken advantage of. He stated if it does not come, it would be better.

Fred McMillian stated he is in favor of everything he heard this morning. He stated All Aboard Florida is not what they presented themselves to be; a regional transportation authority needs to be formed from Martin County to Volusia County; Amtrak is on board in wanting to put a train through Brevard County; and that is what really needs to be looked at. He pointed out Port Canaveral is the second biggest port in the United States, and the airport is about to become in competition to Orlando International Airport (OIA); and he inquired what is really going on. He noted he does not trust All Aboard Florida. He advised the Board the County needs transportation going up and down the coast; there is no transportation for the tourist to take advantage of when they get off of the cruise ships; and he inquired what Brevard County is doing to promote the future of transportation.

Motion by Commissioner Infantini, seconded by Commissioner Anderson, to adopt the Resolution regarding All Aboard Florida.

Scott Knox, County Attorney, stated he has been looking into this quite a bit since the Board gave him direction to take a look at the issue; staff is not ready to do a report yet; currently staff's budget is \$330,000 a year to take care of the portion of the track that is affected by All Aboard Florida, the existing track, not the one that will be coming in; their expenditures range from \$220,000 to \$450,000 a year in maintenance under the contract currently for that structured track; and if the Board assumes a second track is coming in, and All Aboard Florida and the FEC is going to try to make the County pay for the maintenance, the budget would at least double. He stated the County may be spending up to \$900,000 to \$1,000,000 a year maintaining the track for FEC; the problem is the existing railroad crossings date back to the 70's, 80's, and early 90's; the Board is looking at a potential cost of \$1,000,000 a year or more to maintain FEC road crossings forever; and the money the County uses to pay for that comes

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out of gas tax and ad valorem taxes. He stated there is significant concerns about what can be done about this; the Board needs to know its legal posture before it goes too far; the FEC is going to try to make the County pay for the whole bill, including the installation if it decides to oppose them on it; and he thinks the Board should let staff do their work and finish up. He noted he thinks Commissioner Infantini's resolution is probably in order from the point of view of expressing dissatisfaction with the arrangement, but he thinks the Board should know what it is facing before moving on it.

Commissioner Nelson stated he thinks there is a point in time when a resolution is going to be appropriate; he is concerned because at the Transportation Planning Organization (TPO) meeting those issues were discussed; he would like it to be more specific, the Board has not received the environmental assessment yet or the final report from the County Attorney; and he would like for it to be specific to Brevard County as opposed to a fairly generic statement. He stated he would like to do what was said at the TPO, which is to get the report back from the County Attorney to look at those issues of maintenance, and to make it a specific resolution for Brevard County as opposed to one that gives a broad-based commentary on the proposal.

Chairman Bolin Lewis concurred with Commissioner Nelson; she stated she believes strongly at this point in time there is no benefit for Brevard County with this project going through it; she would like to have a united front going forward to voice this officially; and she would like to have the reports done to move forward in the best manner possible for Brevard County.

Ms. Mehiel stated the Environmental Impact Study (EIS) will have extended the comment period from 30 to 75 days; the EIS is expected to be out in June; one of the best means of stopping the train is to stop the EIS because that stops the government funding for this project; and the County will only have 75 days to respond to a very lengthy and involved document that is being put together by two national consulting firms for All Aboard Florida. She added, some counties are looking at hiring expert consultants to respond to the EIS; other counties have decided to hire legal counsel specializing in responses to EIS; and time is of the essence because they do not want it to be a situation of building and then finding out what it is all about.

Commissioner Infantini stated her resolution is not predicated on the outcome of the EIS; the resolution is based on the premise that this is not in the best interest of Brevard County; the Board does not need to wait for the EIS or any other legal research out there; and it is based on what is best for the Brevard County and its residents.

Commissioner Nelson stated Commissioner Infantini does not own-the-high-ground on what is best for Brevard County, all of the Commissioners are concerned about what is best for the County; and he or she may have differences on how it is approached. He went on to say he is not waiting for the EIS as much as he is waiting for the County Attorney to let the Board know what the ramifications are; it is doing due diligence; there are things in Commissioner Infantini's resolution, that if proven to be wrong could be an embarrassment for the Board as a group; he does not want Brevard County to take on any of the costs associated with this project; but at this point in time, the Board has heard varying degrees of what they are going to do. He added, things needed to be nailed down; it comes down to the Board not having a say in the long run of things and that the railroad has the ability to do whatever they want to do, and if the Board has fowled its ability to get to concessions; he asked the Board to allow Attorney Knox to give his report; and he will not be supporting this today.

Commissioner Infantini stated attorneys from the other counties have already reviewed this document; and she respects the differing opinion.

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Chairman Bolin Lewis stated the way it stands right now, it feels like it is a 2:2 vote; and she inquired if it is a stalemate does it restrict it from coming before the Board again. Attorney Knox responded no; and he stated it can come back again because it only fails for today's vote.

Chairman Bolin Lewis called for a vote on the motion. Motion failed.

The Board did not adopt resolution regarding All Aboard Florida, which mirrored the same concerns as Indian River County, urging all potential donor agencies to require All Aboard Florida to pay for all costs of All Aboard Florida, and that any government assistance shall be provided at no less than market rates.

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

ITEM VII.E., ANDY ANDERSON, DISTRICT 5, RE: REPORT

Commissioner Anderson inquired what the topic is for the workshop on July 17th. Stockton Whitten, County Manager, replied it is probably going to be a budget workshop.

Commissioner Anderson advised he has a personal matter to take care that is out of the State on that date; and he inquired if anyone is opposed to rescheduling the workshop to July 10, 2014, at 1:00 p.m. after the Transportation Planning Organization (TPO) meeting.

The Board reached consensus to reschedule the July 17, 2014, Workshop to July 10, 2014, at 1:00 p.m. following the Space Coast Transportation Planning Organization (TPO) meeting.

ITEM VII.G., MARY BOLIN LEWIS, DISTRICT 4, RE: REPORT

Chairman Bolin Lewis stated it was a wonderful week to be able to do the Project Magellan, which is now Northrup Grumman; and she expressed her appreciation to everyone involved.

Upon consensus of the Board, the meeting adjourned at 12:20 P.M.

ATTEST:

SCOTT ELLIS, CLERK

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