

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

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on September 16, 2014 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Robin Fisher	Vice Chairman/Commissioner District 1	Present	
Chuck Nelson	Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Mary Bolin Lewis	Chairman/Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

**INVOCATION**

Donnie Legg, Chaplin for the Brevard Manatees, provided the invocation.

**PLEDGE OF ALLEGIANCE**

Commissioner Robin Fisher led the assembly in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The Board approved the July 8, 2014 Regular Meeting Minutes.

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

**ITEM I.A., RESOLUTION, RE: RECOGNIZING SEPTEMBER 23, 2014, AS NATIONAL PUBLIC LANDS DAY**

Commissioner Nelson read aloud, and the Board adopted, Resolution No. 14-146, recognizing September 23, 2014, as National Public Lands Day.

Jack Masson, Parks and Recreation Director, expressed his appreciation to the Board and the Environmentally Endangered Lands (EEL) staff.

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

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**ITEM I.B., RESOLUTION, RE: CONGRATULATING GLEN SILER AS THE RECIPIENT OF THE DR. A. P. BLACK AWARD**

Commissioner Infantini read aloud, and the Board adopted, Resolution No. 14-147, congratulating Glen Siler as the recipient of the Dr. A. P. Black Award, and his continued dedication of the water and wastewater treatment industry and to the environmental quality of life for the citizens of Brevard County.

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

**ITEM I.C., RESOLUTION, RE: PROCLAIMING SEPTEMBER 2014 AS CHILDHOOD CANCER AWARENESS MONTH**

The Board adopted Resolution No. 14-148, proclaiming September 2014 as Childhood Cancer Awareness Month.

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

**ITEM I.D., RESOLUTION, RE: PROCLAIMING OCTOBER 3, 2014, AS MANUFACTURING DAY IN BREVARD**

Chairman Bolin Lewis read aloud, and the Board adopted, Resolution No. 14-149, proclaiming October 3, 2014, as Manufacturing Day in Brevard; and recognized *Made in Brevard* as a partnership of the EDC and the four area chambers of commerce, and the many dedicated local manufacturers.

A representative from the Economic Development Commission of Florida's Space Coast expressed his appreciation to the Board for the Resolution.

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

**ITEM I.E., RESOLUTION, RE: RECOGNIZING SEPTEMBER 2, 2014, AS POW-MIA RECOGNITION DAY**

Commissioner Anderson read aloud, and the Board adopted, Resolution No. 14-150, recognizing September 20, 2014, as POW-MIA Recognition Day.

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A representative from the American Legion Auxiliary expressed her appreciation for the Resolution.

Billie Pierce, POW/MIA Chairman, expressed her appreciation to the Board for encouraging the government of the United States to make a full accounting of those family members who have not made it home; not only to the 83,000 who have not made it home, add to that accounting the wives, daughters, sons, and family members who have not been able to have full closure; and inquired if people could imagine not knowing what happened to a family member. She stated she wanted to invite all Brevard County citizens and the Board to attend the POW Program.

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

**ITEM I.F., RESOLUTION, RE: RECOGNIZING SEPTEMBER 2014 AS HISPANIC HERITAGE MONTH IN BREVARD COUNTY**

Assistant County Manager Vanetta Valdango advised the Board she wanted to introduce the Diversity Team; this Team was created in January of this year; and they launched the first Brevard County Black History Month in February and it was an outstanding turnout. She stated they are organizing the first Hispanic Heritage Month. She introduced to the Board the Members of the Diversity Team, Euri Rodriguez, Solid Waste Director; Yvette Torres, County Manager's Office; Don Walker, SCGTV Director; Jeff Davis, Parks and Recreation; Alvin Hall, Library Services; Andrea Veninwaiva, Library Services; C. J. Harriet, Housing and Human Services; Connie Lee, Budget Office; and Hector Lopez, Parks and Recreation

Commissioner Anderson read aloud, and the Board adopted, Resolution No. 14-151, recognizing September 15 through October 15, 2014, as Hispanic Heritage Month in Brevard County.

Javier Molinares, Hispanic Heritage Commission Chairman, accepted the Resolution, and expressed his appreciation to the Board.

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

**ITEM I.G., RESOLUTION, RE: CONGRATULATING RON VOLL ON HIS RETIREMENT**

Commissioner Nelson stated one of most bitter sweet things we have to do are the resolutions relating to retirement; Ron Voll, Utility Services, is leaving the County to retire after 31 years; and he is taking the day off today and using his annual leave in preparation for retirement.

The Board adopted Resolution No. 14-152, congratulating Ron Voll on his retirement.

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

**ITEM I.H., RESOLUTION, RE: RECOGNIZING AMERICAN LEGION AUXILIARY UNIT 163 AND PROJECT SUDS**

The Board was provided a PowerPoint presentation relating to Project Suds.

Commissioner Anderson read aloud, and the Board adopted, Resolution No. 14-153, recognizing American Legion Auxiliary Unit 163 and Project Suds.

Representatives from the American Legion Auxiliary Unit 163 accepted the Resolution, and expressed their appreciation to the Board.

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

**ITEM II.A.1., PRELIMINARY PLAT/FINAL ENGINEERING APPROVAL, RE: MHW SHOPS THREE**

The Board granted preliminary plat and engineering approval for MHW Shops Three, subject to minor engineering changes, as applicable, compliance with the approved site plan also known as MHW Retail Phase III, and developer responsible for obtaining all other necessary jurisdictional permits.

**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., RESOLUTION AND LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT NUMBER 2 WITH FLORIDA DEPARTMENT OF TRANSPORTATION, RE: ST. JOHNS HERITAGE PARKWAY AT ELLIS ROAD**

The Board adopted Resolution No. 14-154, and executed Local Agency Program (LAP) Supplemental Agreement with the Florida Department of Transportation (FDOT) for the design of four lanes along Ellis Road.

**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., INTERSECTION IMPROVEMENT INTERLOCAL AGREEMENT SUPPLEMENTAL AMENDMENT NUMBER 1 WITH CITY OF MELBOURNE, RE: WICKHAM ROAD AND POST ROAD INTERSECTION IMPROVEMENTS**

The Board executed the Intersection Improvement Interlocal Agreement Supplemental Amendment Number 1 with the City of Melbourne for Wickham Road and Post Road intersection improvements.

**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., SIGNALIZATION INTERLOCAL AGREEMENT SUPPLEMENTAL AMENDMENT NUMBER 1 WITH THE CITY OF MELBOURNE, RE: WICKHAM ROAD AND PEBBLE CREEK/PRESERVE INTERSECTION**

The Board executed the Signalization Interlocal Agreement Supplemental Amendment Number 1 with the City of Melbourne for the Wickham Road and Pebble Creek/Preserve Intersection.

**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., TASK ORDER NO. 2 WITH CDM SMITH FOR MECHANICAL INTEGRITY TESTING OF SYKES CREEK INJECTION WELL SYSTEM**

The Board executed Task Order No. 2 with CDM Smith for necessary engineering services associated with the FDEP permit required Mechanical Integrity Test (MIT) at the Sykes Creek Regional Wastewater Reclamation Facility.

**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.B.1., STATE AID TO LIBRARIES GRANT AGREEMENT APPLICATION TO THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY SERVICES, RE: STATE AID FOR LIBRARIES FY 2014/2015**

The Board approved the State Aid to Libraries Grant Agreement application, to the Florida Department of State, Division of Library Services, for State Aid for Libraries FY 2014/2015; authorized the Chairman to sign any follow-up documents upon Risk Management and County Attorney approval; and authorized any budget change requests.

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

**ITEM II.B.2., AGREEMENT WITH THE FRIENDS OF ULUMAY, INC., RE: FIVE-YEAR RENEWAL**

The Board approved the Agreement with the Friends of Ulumay, Inc., to continue providing direct assistance to the Environmentally Endangered Lands Program and the Parks and Recreation Department with the management of the Ulumay Wildlife Sanctuary and adjacent conservation lands for an additional five years or until terminated pursuant to the provisions of the Agreement.

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

**ITEM II.B.3., ASSIGNMENT AND ASSUMPTION OF SUBLEASE AGREEMENT FROM THE BREVARD MUSEUM, INC. TO THE FLORIDA HISTORICAL SOCIETY, RE: SUBLEASE AGREEMENT FOR THE BREVARD MUSEUM, INC.**

The Board approved the Assignment and Assumption of Sublease Agreement from The Brevard Museum, Inc. to The Florida Historical Society for the Sublease Agreement for The Brevard Museum, upon approval by the Assistant County Attorney and Risk Manager.

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

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**ITEM II.B.4., FLORIDA MEDICAID WAIVER SERVICES AGREEMENT WITH STATE OF FLORIDA, AGENCY FOR PERSONS WITH DISABILITIES, RE: MED-WAIVER COMMUNITY BASED SERVICES TRANSPORTATION PROGRAM**

The Board approved the Medicaid Waiver Services Agreement with the State of Florida, Agency for Persons with Disabilities, for the Home and Community-Based Waiver/Family and Support Living Waiver Program.

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

**ITEM II.B.5., RESOLUTIONS AND SUPPLEMENTAL JOINT PARTICIPATION AGREEMENTS WITH FLORIDA DEPARTMENT OF TRANSPORTATION, RE: TRANSIT CORRIDOR GRANTS FOR STATE ROAD 520 AND STATE ROAD A1A FIXED ROUTE BUS SERVICES**

The Board adopted Resolution Nos. 14-155 and 14-156; approved Supplemental Joint Participation Agreements with the Florida Department of Transportation, in the amount of \$371,000 each for Transit Corridor Grants for State Road 520 and State Road A1A Fix Route Bus Service; authorized the4 Chairman to execute any follow-up documents upon Risk Management and County Attorney approval; and authorized any budget change requests.

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

**ITEM II.C.1., APPROVAL, RE: BUDGET CHANGE REQUESTS**

The Board approved the Budget Change Requests, as submitted.

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

**ITEM II.C.2., APPROVAL, RE: PERMISSION TO ISSUE ANNUAL SUPPLY BIDS, PROPOSALS AND REQUEST FOR QUALIFICATIONS, AND NEGOTIATE COMPETITIVE (FY 2014/2015)**

The Board granted Purchasing Services approval to perform the following actions regarding the attached list of commodities and services for fiscal year 2014-2015, as follows: approved soliciting for competitive bids, quotes, and/or negotiate competitive agreements and award to lowest, responsive and most qualified supplier; approved soliciting for competitive proposals

and requests for qualifications, establishing selection/negotiation committees as approved by the County Manager, or designee, and awarding contracts and/or open purchase orders with the best-ranked proposer; approved exercising renewal options upon evaluation of supplier performance, and recommendation from user department/offices, which establishes the continuance of the contract is favorable prior to extension of the agreement; and authorized the Chairman to execute contracts and contract renewals over \$100,000 in annual value.

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

**ITEM II.C.3., APPROVAL, RE: PERMISSION TO ISSUE OPEN PURCHASE ORDERS TO APPROVED VENDORS OF RECORD (FY 2014/2015)**

The Board approved the use of State Contract, cooperative contracts, and other agency contracts as vendors of record on the attached list; approved the use of the attached vendors determined to be the sole source for the products or services indicated; approved the issuance of blanket purchase orders; authorized the Chairman to execute contracts to those vendors, exceeding \$100,000; and approved competitive action in the event of unforeseen changes to the approved vendors and/or the cooperative purchasing programs.

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

**ITEM II.C.4., APPROVAL, RE: BOARD POLICY BCC-29, TRAVEL**

The Board approved Board Policy BCC-29 - Travel.

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

**ITEM II.C.6., BOARD CONSIDERATION, RE: REQUEST FOR CONSENT AND JOINDER TO TRIPLE NET LEASE FOR PROPERTY OWNED BY CITY OF MELBOURNE AND AUTHORIZED TO EXECUTE CORRECTIVE DEED/RELEASE OF REVERTER RIGHT**

The Board executed Consent and Joinder to Triple Net Lease with City of Melbourne; and authorized the Chairman to execute a corrective deed and release and termination of right of reverter and restrictive covenant, subject to the County Attorney's Office review and approval.



**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., RESOLUTION, RE: APROVING THE ISSUANCE BY BREVARD COUNTY EDUCATIONAL FACILITIES AUTHORITY OF ITS TAX EXEMPT FINANCING SIEMENS PROJECT (FLORIDA INSTITUTE OF TECHNOLOGY) IN A PRINCIPAL AMOUNT NOT TO EXCEED \$14,000,000 ON BEHALF OF THE FLORIDA INSTITUTE OF TECHNOLOGY**

The Board adopted Resolution No. 14-157, allowing Brevard County Educational Facilities Authority the authority to finance \$14,000,000 with Siemens Public, Inc. on behalf of Florida Institute of Technology, Inc. To finance and refinance capital projects located in Brevard County for purposes of Section 147(f) of the Internal Revenue Code.

**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., APPROVAL, RE: LIABILITY AND WORKERS' COMPENSATION INSURANCE PROGRAM FOR FISCAL YEAR 2014-2015**

The Board approved placement of the County's General Liability/Professional Liability/Airport and Aviation Liability/ Automobile Liability, and Workers' Compensation insurance coverage at a cost not to exceed \$1,299,051; and authorized the Insurance Director to bind coverage effective October 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 II.D.3., APPOINTMENT, RE: BREVARD WORKFORCE DEVELOPMENT BOARD**

The Board appointed **Paula Just** to the Brevard Workforce Development Board, with term expiring June 30, 2017.

**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.5., BILLFOLDER**

The Board approved the Billfolder, as submitted.

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

**ITEM II.C.5., BOARD CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR WENDY SHEAFFER AND DANIEL DENNIS**

Wendy Sheaffer stated she realizes this is a tremendous reduction; this was a thing fell onto her that she was not expecting; she inherited the property back from her ex-husband when he passed away; and she had no idea what the property looked like. She pointed out she had not been on the property in 20 years. She went on to say he died March 5th and by July she had the whole yard cleaned up; the property is in compliance; and she had to pay money out of her own pocket to get the property at that point.

The Board approved the Special Magistrate's recommendation to reduce the accrued fine for the violation at 448 Thomas Drive, Melbourne, Florida 32935, Case No. 11CE-01040 (06-0825), from \$17,014 to \$3,000; and directed staff to prepare and execute a release and satisfaction of lien upon receipt of payment.

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

**ITEM III.A., RESOLUTION, RE: PETITION TO VACATE 7.5 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT - FABIEN CIRCLE - SIX MILE CREEK PHASE II - DANIELLE ODOM**

Chairman Bolin Lewis called for a public hearing to consider a resolution vacating a 7.5 foot public utility and drainage easement on Fabien Circle, Six Mile Creek, Phase II, as petitioned by Danielle Odom.

Chairman Bolin Lewis passed the gavel to Vice Chairman Fisher.

There being no comments or objections, the Board adopted Resolution No. 14-158, vacating a 7.5 foot public utility and drainage easement on Fabien Circle in Six Mile Creek, Phase II.

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Bolin Lewis, Chairman/Commissioner District 4
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.. ORDINANCE, RE: AMENDING BREVARD COUNTY CODE OF ORDINANCES, CHAPTER 14, ARTICLE II, ANIMAL CONTROL**

Chairman Bolin Lewis called for a public hearing to consider an ordinance amending Brevard County Code of Ordinances, Chapter 14, Article II, Animal Control.

Debbie Rich stated she is here to speak on behalf of Lynn Miraglia who sent an email to County Attorney Scott Knox late last night, just making a note that the changes to the Ordinance is based on the old Ordinance for animal services not the current Ordinance they had been working from. She advised the Board she wanted to put that on the record.

There being no further comments, the Board adopted Ordinance No. 14-27, amending Brevard County Code of Ordinances, Chapter 14, Article II, Animal Control; providing for transition of animal control and animal services responsibilities from Brevard County Animal Services and Enforcement (BASE) to an appointed animal control authority; providing for amending definitions; providing for and amending prohibited acts; providing for an amending enforcement and penalties; providing for severability and applicability; providing for inclusion in the Code of Ordinances and providing for filing and an effective date.

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

**ITEM III.C. PUBLIC HEARING, RE: ADOPTION OF PUBLIC SCHOOL INTERLOCAL AGREEMENT**

Chairman Bolin Lewis called for a public hearing to consider approval of a revised Public School interlocal agreement.

Robin Sobrino, Planning and Development Director, stated this is the request for the modified interlocal agreement with the School Board; Brevard County is one of the few municipalities and jurisdictions locally that still have not adopted it; staff is bringing it forward for public hearing; and the primary change is it does reflect the new standards for intergovernmental coordination, particularly in the case of school closures in response to the lawsuit County filed a couple of years ago.

There being no further comments, the Board executed Public School Interlocal Agreement with School Board of Brevard County and the Cities or Towns of Cape Canaveral, Cocoa, Cocoa Beach, Grant-Valkaria, Indialantic, Indian Harbour Beach, Malabar, Melbourne, Melbourne Beach, Palm Bay, Rockledge, Satellite Beach, Titusville, and West Melbourne, for facility planning and school concurrency.

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

**ITEM III.D. PUBLIC HEARING, RE: APPROVAL OF FUTURE LAND USE MAP CORRECTION**

Chairman Bolin Lewis called for a public hearing to consider a Future Land Use Map correction of the Urileon's LLC 0.44 acre property.

Robin Sobrino, Planning and Development Director, stated staff is asking the Board to approve a modification to the Future Land Use Map (FLUM); when they converted the FLUM from the USGS Quad Maps to the GIS Maps, they inadvertently depicted this property instead of being Mixed Use, they changed it to a conversation to Residential 4; it does have BU-1 Zoning long standing; and they are requesting the Board approve this correction to the FLUM.

Commissioner Infantini inquired if this is the intersection off of I-95. Ms. Sobrino responded no; and she stated this is U.S. 1 and Canaveral Groves Boulevard.

There being no further comments, the Board conducted a public hearing and approved a Future Land Use correction of the Urileon's LLC 0.44 acre property, located on the north side of Canaveral Groves Boulevard, west of U. S. 1.

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

**ITEM III.E., PUBLIC HEARING, RE: TRANSMITTAL OF COMPREHENSIVE PLAN PACKAGE 2014-2 PLAN AMENDMENTS**

Chairman Bolin Lewis called for a public hearing to consider the transmittal of the 2014-2 Comprehensive Plan Amendment Package.

Robin Sobrino, Planning and Development Director, stated this is the second of the twice a year Comprehensive Plan Amendment Package; this is transmittal; there is one application, it is a private application submitted by Mr. Wise; and it relates to changing the Future Land Use from Planned Industrial to Residential.

Jake Wise submitted copies of letters to the Board. He stated this is a 45-acre parcel that he is requesting the land use change to Single-Family Residential; they are proposing a Planned Unit Development (PUD) zoning on it; it has the same zoning to both the west and the south; they met with the adjacent property owners associations and property owners; and what he provided the Board are three letters of support. He stated with the PUD zoning would be a great asset as it has wetlands on the property and an eagle's nest, and a third will be preservation; and they are still able to put together a successful project that is completely compatible with the adjacent neighbors.

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There being no further comments, the Board conducted a public hearing and approved transmittal of the 2014-2 Comprehensive Plan Amendment, as follows: Plan Amendment 2014-2.1 - a proposal initiated by Eagle Properties of Viera, LLC, to amend Part XI, the Future Land use Element, to change the Future Land Use Map Series designation from Planned Industrial Park to Residential 2 for approximately 45.04 acres located on the south side of Viera Boulevard and west of Silicon Avenue.

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

**ITEM III.F. ORDINANCE, RE: AMENDMENTS TO CHAPTER 62, ARTICLE X, DIVISION 4 (WETLANDS PROTECTION), CODIFYING ORDINANCE NOS. 12-33, 13-03, AND 14-18, COMPREHENSIVE PLAN AMENDMENTS (GLOSSARY AND CONSERVATION ELEMENT)**

Chairman Bolin Lewis called for a public hearing to consider an ordinance amending Chapter 62, Article X, Division 4 (Wetlands Protection), Codifying Ordinance Nos. 12-33, 13-03, and 14-18, Comprehensive Plan Amendments (Glossary and Conservation Element).

Ernie Brown, Natural Resources Management Director, stated the Board has before it today the final step in about a five-year process dealing with the wetland modifications; the Board started the process in 2009 with the Working Group; it went through several very detailed Comprehensive Plan conversations, negotiations with the State in association with environmental interests and development interests; and at this point in time staff has brought forth the Ordinances that will implement the Comprehensive Plan. He went on to say on August 11, 2014, the review period or challenge period for the Comprehensive Plan expired; at that point staff was able to bring to the Board the implementing Ordinances; and this has been unanimously supported by the DCAC as well as the LBA.

There being no further comments, the Board adopted Ordinance No. 14-28, amending Chapter 62, Article X, Division 4, Code of Ordinances of Brevard County, Florida, relating to wetlands protection, specifically amending Sections 62-3691 definitions; 62-3693 general provisions; 62-3694 permitted uses; 62-3697 penalties; additional remedies; and 62-3699 administration; providing for the interpretation of conflicting provisions; providing for severability; providing for area encompassed; and providing for inclusion in the Code and an effective date.

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

**ITEM III.G., ORDINANCE AND AMENDMENTS TO INTERLOCAL AGREEMENT WITH MERRITT ISLAND REDEVELOPMENT AGENCY (MIRA), RE: LAKES AT VETERANS MEMORIAL PARK REDEVELOPMENT STORMWATER TIE-IN AND CREDIT PROGRAM**

Chairman Bolin Lewis called for a public hearing to consider amendments to interlocal agreement with MIRA and approval of an ordinance establishing and implementing the Lakes at Veterans Memorial Park Redevelopment Stormwater Tie-In and Credit Program.

There being no comments, the Board adopted Ordinance No. 14-29, amending Chapter 62, Division 6, Article 10, Code of Ordinances of Brevard County, Florida, to create a new subsection, 62-3757 to allow payment of an optional pro rata capital contribution payment stormwater allowing tie-in to certain County stormwater treatment facilities within the Merritt Island Redevelopment area in lieu of construction of onsite stormwater control; providing for alternatives to payment of a capital contribution payment; providing for resolution of conflicting provisions providing for severability; providing for area encompassed; and providing for an effective date; and executed Interlocal Agreement with Merritt Island Redevelopment Agency (MIRA), establishing and implementing the Lakes at Veterans Memorial Park Redevelopment Stormwater Tie-In and Credit Program.

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

**ITEM III.H., ORDINANCE, RE: MODIFYING SECTION 62-1953 TOWERS AND ANTENNAS; A NEW ORDINANCE REGULATING COMMUNICATION FACILITIES AND ENACTING A WIRELESS TELECOMMUNICATION MASTER PLAN (FIRST READING)**

Chairman Bolin Lewis called for a public hearing to consider an ordinance modifying Section 62-1953 Towers and Antennas, a new ordinance regulating communication facilities and enacting a wireless telecommunication master plan.

Mel Scott, Assistant County Manager, stated this is the first of two public hearings; staff has done a lot of work on a very forward thinking planning tool, which would be the Tower Master Plan; and by way of introducing this to the public, the Board has in front of it a Master Plan which would allow for a fast tracking of the future tower construction infrastructure that they know will be needed in this community moving forward to sustain the many electronic devices people depend on. He went on to say an untended event has occurred that has been brought to staff's attention that they think they are going to be able to remedy; in the dozens of recommendations the consultant brought to them, there are a couple of things that impact the amateur radio operator industry; these people provide a public service to everyone; and he wants to highlight a couple of changes the Board will see between this reading, the final, and last reading of the ordinance. He stated they know they are going to have to ensure that future amateur towers are put in proper places on the property, adhering to the accessory structure setbacks; staff wants to streamline this administered verification of future tower locations; they believe they can do this online; and they believe it can be done for free. He stated staff wants the Code to recognize there will be a verification process for future ham operator towers just to ensure they are putting it in the right place that staff will construction online free of charge; they would also ensure the ordinance exempts these towers from local inspection simply because this is duplicative of inspection that they receive through the Federal Communications Commission (FCC); and they would like to remove any verbiage that speaks to a prohibition on commercial antennas being located on these ham operator towers, because that defeats the purpose of the amateur tower. He pointed out putting a commercial tower on an amateur radio tower actually serves to knock that tower out, and it would render the tower contrary to FCC regulations. He noted lastly, staff would like to continue to research with the folks in the audience who they had a meeting with this morning that any duplication can be eliminated regarding inspections that the FCC requires of commercial towers that act as repeater towers

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for public use and for the benefit of some signals that amateur radio operators benefit from. He advised the Board staff would like to bring those changes back to it between the first and second hearing.

Commissioner Nelson stated that was an unintended consequence, the Board never ever really talked about the amateur towers as part of the process; the inspection process is making sure the Code is being followed so a tower is not put in the wrong location based on the Code as it exists today.

Commissioner Infantini stated she does not see this as being one of those very pressing items and she would rather than moving it forward as is, she would like to see it be corrected; instead of waiting to the second hearing to do all of the corrections, she would rather have all of the corrections made before it is approved by the Board at the first hearing, so if there are any adjustments at that point, then they can be made then; and she is not comfortable in just voting on something that a whole bunch of changes are being made.

Motion by Commissioner Infantini, seconded by Commissioner Anderson, to have the changes made in the ordinance for consideration before the Board approves it at the first hearing.

Commissioner Anderson inquired if it has to be re-advertised the dates, and what the associated costs are. Mr. Scott replied affirmatively; and he stated it would be approximately \$2,000 to re-advertise the first hearing. He went on to say the Board has the opportunity to not approve the ordinance if the changes are not to its liking or that of the interest group at the final public hearing. Commissioner Anderson inquired if the first public hearing can be continued. County Attorney Scott Knox responded affirmatively. Commissioner Anderson inquired if Commissioner Infantini would amend her motion to continue the first hearing, and then the re-advertising does not have to be done. Commissioner Infantini amended her motion to continue the first hearing until the document has been revised. Attorney Knox stated there needs to be a time certain.

Mr. Scott stated staff can have the night hearing, which was going to be the second be the first hearing, and that would satisfy the requirement that one of the public hearings be during the day and one at night, which would be the October 2nd Zoning meeting.

Commissioner Fisher stated they need timing for a market standpoint when the cell towers can be rolled out; he does not feel the ham towers are very important; but the cell towers are important to keep the process moving. He noted he is in favor of correcting the things the ham tower people have a concern with; and he also wants to keep the cell tower side of it moving forward because it is a future resource for the County.

Chairman Bolin Lewis inquired if there are cell tower applications waiting on this ordinance. Mr. Scott stated they have had several conversations with the carrier interests that are waiting for this to become law so they can move those negotiations forward.

Chairman Bolin Lewis called for a vote on the motion. The Board approved continuing the first hearing to the October 2, 2014, Board meeting until the document has been revised.

There being no further comments, the Board continued the public hearing to consider an ordinance modifying Section 62-1953 towers and Antennas, a new ordinance regulating communication facilities and enacting a wireless telecommunications master plan, to the second and final reading at the October 2, 2014, Board meeting.

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

Chairman Bolin Lewis inquired if the speakers still want to speak on the subject.

Bill Young, President of BEARS, stated they are volunteers so everything they do they pay out of pocket; between the Emergency Operations Center, the County officials, and everyone they have met with so far has been cooperative and supportive; and they have issues that are differences of Code and requirements of how to solve the issue. He expressed his appreciation for the help they have already received; and he stated he hopes the issues can be resolved.

Hank Phillips, Titusville Amateur Radio Club, stated he has a prepared statement. "In 2003 a large number of 2,800 hams in the County appealed to the Brevard County Board of Commissioners for an exemption from the current at that time regulations concerning amateur radio towers; and that exemption was approved. That exemption will be deleted from this current regulation in the way it was stated as an exemption. We would like that exemption as it stands now, which excludes amateur radio operators from this regulation to be reinstated. This would clear actually several problems. Ms. Infiniti's recommendation to carry things forward to be taken care of. Mr. Fisher's requirement to move things quickly could be taken care of; and all of our requirements not to be subject to this regulation, which is predominately designed to regulate the commercial services industry, would be taken care of. Thank you, very much."

Eric Smitt, Platinum Coast Amateur Radio Society, stated they spoke in 2003, and they did have an exemption at that point; that exemption is very important for the amateur radio operators today and future amateur radio operators. He went on to say one of their concerns is the reason for this particular regulation was the cell towers; and it did not discuss anything about decreasing the number of amateur towers. He pointed out there has not been any evidence that the amateur towers will increase at the same rate. He stated after discussions with Mr. Scott this morning, they realized the amateur's will not lose the exemption, which is great. He noted they work closely with Emergency Services; they have been excellent in the past hurricanes; they have been excellent in the fires that occurred in 1997; and they work extremely close with the National Weather Service as their eyes on the ground. He spoke about how expensive it would be for the amateur's to pay for inspections on a five-year basis, and to have them certified by professional engineers, and how it would impact their ability to provide the emergency services already being provided for the County.

Commissioner Fisher inquired if the exemption was restated back in does it solve most of the issues. Mr. Scott responded affirmatively. Commissioner Fisher inquired what happens if the Board just puts the exemption back in the ordinance. Mr. Scott replied he wants to provide the option to the Board to retool this between the two readings and have those in place before the second reading; and the Board voted to come back with two public hearings on October 2, 2014, and October 21, 2014. Commissioner Fisher stated if the Board gave staff direction to put the exemption back in the ordinance as it was, it could continue to move forward. Mr. Scott advised that is an option.

Commissioner Nelson stated the intent was to put the exemption back in, and the only change would be a free process to make sure the ham people did not put a tower in a place where it is not currently allowed anyway. Mr. Scott stated that is correct. Commissioner Nelson inquired if not changing the conditions were the intent of staff. Mr. Scott noted on the amateur side, staff is



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going to defer all inspections the FCC would require and not place another layer of local inspection in the ordinance that will be coming back.

Commissioner Fisher stated if the exemption is in place that solves 99.9 percent of the individual's issues.

Commissioner Infantini stated she would like to stop the chatting; the Board already voted to have it moved up to the October 2, 2014, meeting so all of the verbiage could be correct; and she worries about little nuances she may not pay attention to. She would like the motion to stand.

Commissioner Nelson stated he is trying to get this moved on as the gentleman would like it as opposed to delaying it. He stated if the Board goes with the exemption, the inspection process is really an administrative process not a Code process; the Board has the ability to put the exemption back in today, which is what Commissioner Fisher was asking for; staff can work out the details of the administrative process; and the original motion could be modified to get back where the exemption is in place and staff to deal with the issue of the process.

Commissioner Anderson stated if it can be fixed today and just put the exemption back in the ordinance so these guys will not have to waste gas getting back here; and he will reconsider his vote on that and make a motion to pass the ordinance with amateur radios exempted as they currently are.

Commissioner Fisher stated to hear the rest of the cards and come back to it.

Stockton Whitten, County Manager, inquired of staff if the Board reinstates the exemption today, is there a change in the process for the amateur radio folks. He stated if there is no change in the process, instituting the exemption gets the Board to that second hearing, but Mr. Scott needs to answer that question.

Mr. Scott stated it would return to the exemption; if it is the pleasure of the Board, staff would not require an administrative process and just exempt them from inspections.

Commissioner Infantini stated she would like to leave it exactly as is.

Commissioner Anderson stated if a person puts a tower in the wrong place it would be a Code Enforcement issue. Mr. Scott stated that is correct; and it has worked that way for years.

Commissioner Fisher stated he would like to get another motion to institute the exemption as it was from day one, so it basically be correct in the second reading; and if someone wants to bring it to staff and checks to see if they can put a tower a particular place, without some formal process, would be good. Mr. Scott advised the Board staff will always be available to provide that information to them.

There being no further comments heard, the Board continued the public hearing to consider an ordinance modifying Section 62-1953 Towers and Antennas, a new ordinance regulating communication facilities and enacting a wireless telecommunications master plan, to the final reading at the October 2, 2014, Board meeting.

Robert Farrington stated he is a ham radio operator and also a broadcaster; he has seven radio stations on the air right now in Brevard County; and he has two more to build. He went on to say all of his radio stations are non-commercial, non-profit; all of the towers are non-commercial and non-profit; this study that was done for the telecommunications future lumped all remaining

towers in Brevard County together; and this is a very unfortunate thing to do because they have different types of towers other than ham radio and commercial towers. He pointed out the non-commercial and broadcasters in the County serve a number of people; to be subject to the same requirements that the commercial stations are subject to or for the telecommunications to be subject to would be a hardship; and there is no money coming in with a public service type tower. He suggested grandfathering in the towers that are public service. He stated the radio stations should be considered the same as the ham radio operators.

Commissioner Nelson what the Board is trying to accomplish is that section which also contains the exemptions and non-commercial tower section; it is looking at putting that back in where it is right back where it was before the process began; and it will only be dealing with the cell phone.

Commissioner Anderson stated the motion included reconsideration of the first motion.

David Slawson expressed his appreciation to the Board for hearing them. He mentioned a couple of unfortunate things that happens with this; there are a lot of other organizations and operations that get hurt by this; marine band is one of them; people have marine antennas to communicate with their vessels; and it involves other organizations like that. He stated the Assistant County Manager is going to meet with them to look at a few of these issues.

Stan Harrell stated he is speaking on the Indian River Amateur Radio Club, stated sometimes they have to do it from the house if they cannot get to the central radio station. He provided the Board what the amateur radio operators actually do.

Commissioner Nelson stated having served in the Emergency Operations Center, the Board understands how important it is to communicate with the ham operators; the intent of the ordinance is going back to the way it was; and staff understands that.

Commissioner Infantini stated she appreciated them taking the time to write emails to make sure something was not missed that the Board was not aware of; the Amateur radio operators helped them during the 2004 or 2005 hurricanes because they lost all power; and at 2:00 a.m. she was sitting there listening to her radio.

Chairman Bolin Lewis stated they were together in the EOC.

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

**ITEM IV.A., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: AMENDMENT TO CHAPTER 106 TRAFFIC AND VEHICLES, ARTICLE III - GOLF CARTS**

Mel Scott, Assistant County Manager, stated the Board has before it the ordinance that would govern golf carts in the Viera DRI; State Statute has allowed for local governments to identify certain roadway segments where golf cart use is permitted; and it is staff's intention, following Board direction, to allow that occur. He stated they had good conversation with The Viera Company; and they are here for any questions or comments. He went on to say staff's recommendation is to select Option 2 and bring this back as substantially presented to the Board by The Viera Company at a previous meeting with some additions to allow for mid-block crossings, and to make the ordinance abundantly clear that golf carts yield to pedestrians.

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Jay Decatur, General Counsel for The Viera Company, stated since the last time the Board addressed this issue, staff has been hard at work and taking suggestions from The Viera Company, and reworking the ordinance to address the uncertainty and confusion taking place in Viera regarding the lawful use of golf carts; The Viera Company expressed its appreciation to the Board and staff for the hard work and willingness to consider input from The Viera Company; they believe staff has produced a revised ordinance that brings clarity that is being requested by the owners and non-owners of golf carts; and the only comment he has on the draft as it exists is that he asked that staff reconsider the description of the Viera DRI so there is clarity that it would apply to the entire DRI, and not inadvertently exclude portions of the DRI from the revised golf cart ordinance. He stated with that change, they urge the Board to move this revised ordinance to the Local Planning Agency (LPI) for further consideration.

Chairman Bolin Lewis passed the gavel to Vice Chairman Fisher.

Chairman Bolin Lewis stated she is concerned with Paragraph J; she would like that to be tweaked a bit regarding the mid-block crossovers; and the clarity that the carts will always yield to pedestrians.

Commissioner Fisher inquired how this affects other unincorporated areas of Brevard County. Mr. Scott replied it sets it up that the Board can over time as communities evolve and are designed to accommodate golf cart use, they could add those local streets to the list; and an example is Walk About perhaps.

The Board approved legislative intent and granted permission to advertise a Code amendment to the Land Development Regulations addressing Golf Carts in the Viera Development of Regional Impact boundaries, with staff to research Code Amendment options to bring it back to the Board as substantially presented by The Viera Company, with some additions to allow for mid-block crossings, and to make the ordinance clear that golf carts yield to pedestrians.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Bolin Lewis, Chairman/Commissioner District 4
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM IV.B., BOARD CONSIDERATION, RE: CONTINUATION OF FEDERAL EAST COAST RAILWAY (FECR)/ALL ABOARD FLORIDA REPORT AND FECR/AAR REQUEST TO EXECUTE LETTER AGREEMENT ADDING AAF AS A THIRD PARTY BENEFICIARY**

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

Scott Knox, County Attorney, stated staff has not received information from FECR yet, so they are asking to put this off again until October 21, 2014; he thinks the deadline they had to act on the agreement that was submitted to them was October 30, 2014; that would be the last time it could be considered; and he presumes something will be come up with before then.

Commissioner Infantini stated the Board has been postponing this for a couple of months; she does not know if continuing to postpone is necessarily a good idea; she would rather it not be put off until October 21st, because that is the last possible meeting the Board has for FECR to finally give it something; and since they have had an inability to comply so far, she would rather move it up to the October 2nd meeting so there is at least one more meeting after that in which they can get the information to the Board.

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The Board approved postponing consideration of FECR/AAF request to execute letter until the October 2, 2014, Board meeting.

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

**ITEM V.A.1., AGREEMENT WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, RE: 2015 WATER PROJECT - US 1 DREDGING (INDIAN RIVER ISLES)**

The Board authorized the Chairman to execute a grant agreement substantially in the form of the Draft of State of Florida Grant Agreement, and any necessary amendments between Brevard County and the State of Florida, with the County Attorney and Risk Management approval, to accept State funds for this Project; waived legal venue in Brevard County as the current Agreement indicates legal venue in Leon County; authorized the County Manager, or his designee, to execute task orders, contracts, agreements, and change orders, as required in the excess of \$100,000 to accomplish the work approved under this State Contract; authorized staff to enter into cost-sharing agreements with the residents to maximize the Project scope and return on investment; and authorized any necessary budget change requests.

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

**ITEM V.A.2., AGREEMENT WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, RE: INDIAN RIVER LAGOON OYSTER RESTORATION PROJECT**

The Board authorized the Chairman to execute a grant agreement scope substantially in the form of the Draft of State of Florida Grant Agreement, and any subsequent amendments, as necessary, between Brevard County and the State of Florida, with County Attorney and Risk Management approval, to accept State funds for this Project; waived legal venue in Brevard County, as the current agreement indicates legal venue in Leon County; authorized the County Manager, or his designee, to execute task orders, contracts, agreements, and change orders, as required to implement the work approved under this State Contract, including commitments in excess of \$100,000; and authorized any budget change requests.

Commissioner Anderson inquired when the Board will get an update regarding the Oyster Program; and are they still collecting data.

Ernie Brown, Natural Resources Management Director, replied they are still collecting data; they just trained an additional 100 gardeners; and that makes 700 gardeners trained. He pointed out the Project is moving very well; a lot of data is coming in; and staff can provide the Board a more concrete report.

Commissioner Anderson stated he would like it sometime before the first of the year.

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

**ITEM V.A.3., AGREEMENT WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, RE: SOURCE REDUCTION AND LEGACY LOAD REMEDIATION OF MUCK IN THE INDIAN RIVER LAGOON**

The Board authorized the Chairman to execute a grant agreement scope substantially in the form of the Draft of State of Florida Grant Agreement, and any subsequent amendments, as necessary, between Brevard County and the State of Florida, with County Attorney and Risk Management approval, to accept State funds for this Project; waived legal venue in Brevard County, as the current agreement indicates legal venue in Leon County; authorized the County Manager, or his designee, to execute task orders, contracts, agreements, and change orders, as required to implement the work approved under this State Contract, including commitments in excess of \$100,000; and authorized any budget change requests.

**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 V.A.4., RESOLUTION, CONTRACT FOR SALE AND PURCHASE DONATION AGREEMENT, AND DRAINAGE AND UTILITY EASEMENT WITH MARIE PACE, RE: SALE OF COUNTY PROPERTY**

Sherry Ashline, daughter of Marie Pace, expressed her appreciation to the Board for its consideration of the request, especially Commissioner Nelson, Dick Martens, and all of the different departments that have worked with them, which have been so helpful.

Commissioner Nelson stated Ms. Ashline and her mother were more than just citizens, they were good.

The Board adopted Resolution No. 14-159; executed Contract for Sale and Purchase and Donation Agreement with Marie Pace; and accepted Drainage and Utility Easement from Marie Pace, for property located in Section 30, Township 24 South, Range 37 East.

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

**ITEM V.E.3., CITIZEN REQUEST BY RUSSELL HOLLAND, RE:” REVISE AND AMEND COUNTY ORDINANCE NO. 06-31**

Russell Holland stated he wants to ask the Board to revise Ordinance No. 06-31; the request is to revise and amend the Ordinance to allow sexual offenders or sexual predators to enter and remain inside the 1,000-foot buffer zone of a legitimate business, including, but not limited to, grocery shopping, general shopping, use of laundry establishments, access to public transit, banking, fuel purchase, and other legitimate purchases; the Ordinance was enacted in 2006; and it prohibits any sexual offenders from remaining within 1,000 feet of a daycare center, park, playground, public or private. He went on to say this Ordinance now enforced prevents sex offenders from shopping, banking, et cetera in any location within 1,000 feet of the above mentioned; this Ordinance has resulted in sex offenders being unable to enter grocery stores, pharmacies, banks, and other businesses to conduct legitimate business; and it also prevents using public transit systems from using the access points within 1,000 feet list of the locations. He noted it is not believed the intent of the Board in originally enacting the Ordinance to prevent sex offenders from shopping or conducting activities that are necessary to live basic life; and he requests the Board amend the Ordinance. He stated he is a sex offender; he wants sex offenders like himself to be able to go within 1,000 feet to conduct a legitimate business, to be able to grocery shopping, banking, and whatever; right now as it stands, he has to travel out of the City of Rockledge to go grocery shopping; and it is hard for him to go to the bank.

Ron Mullins stated he retired from the federal government approximately 20 years ago; about five years ago at the church he attends, he was contacted about bringing one of these gentlemen who is a sex offender into his home; it was a difficult decision to make; and he finally decided he would try it and see. He went on to say the gentleman stayed in his home about two years; he is now a strong Christian, is married, and has a great family now; there are three more men staying in his home who are going through that similar type situation; and he is sure they have lost so much as it is unbelievable what they have dealt with. He stated the current Ordinance is a little bit too restrictive; these men should be able to go out where they need to, to get their personal things; and he requested a fair shake for these people.

The Board acknowledged citizen request by Russell Holland asking the Board to revise and amend County Ordinance No. 06-31, but took no action.

**ITEM VI. PUBLIC COMMENTS**

Charles Tovey stated he worked hard all his life to buy a piece of property and have a right to live like other people; that has been deprived because of the Economic Development Council and whoever else is responsible; and it is continuing to happen. He went on to say there are needles still there; the fuel tank is still there; and the County is concerned about his property. He stated it is the government's opinion that his possessions are junk. He stated the County has destroyed Palm Shores; it was a staple to the Indian River Lagoon's health; and it is all important to the balance of the world. He stated the retention ponds have cat tails in them; the County is spraying it with a chemical; the tops are dead but the bottom has three or four feet of muck on it; and it occupies the water's filtration. He pointed out most the runoff goes into the Lagoon.

Commissioner Nelson expressed his appreciation to Mr. Tovey for the seeds he distributed to the Board; they donated theirs to Saturn Elementary School; and they have an Elementary School Gardening Program.

Mr. Tovey stated he has more seeds available, and he will give them to the Board as soon as possible.

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Scott Ellis stated he is present to talk about the premature release of Brevard County Animal Services and Enforcement (BASE) personnel prior to the Sheriff's takeover; and he does not understand why people have been released from the Shelters prior to October 1st, leaving the Shelters shorthanded.

Commissioner Infantini asked staff to address Mr. Ellis' concerns.

Venetta Valdengo, Assistant County Manager, advised to the best of her knowledge, there were three people released to Parks and Recreation, and those positions became available in July; and it was too much to ask Parks and Recreation to wait three months for those three positions. She went on to say there has been additional staff hired by Parks and Recreation, and they are holding the staff allowing them to work at BASE until the end of this month.

Mr. Ellis stated the people were not released until the end of August.

Ms. Valdengo pointed out the positions were advertised in June and July; and there were three people who were moved.

Mr. Ellis stated they were moved at the end of August, and one more month would not have been make or break. Ms. Valdengo advised they waited close to 45 days before they took them; and it was only three positions. Mr. Ellis noted there have been more than three positions.

Stockton Whitten, County Manager, stated for staff it has been the balancing of allowing those people to go on to other jobs and at the same time making sure that the departments they are going to fulfill their needs; they have made a strong commitment to having departments taking an extra look at the layoff candidates there; and they have done a good job in trying to get people placed, and at the same time ensuring the incoming departments needs are met. He went on to say the Sheriff's Office has brought on additional staff to assist; it is not the perfect situation; but they have tried to manage as best as they can.

Commissioner Infantini stated she appreciates the fact staff is helping to locate those individuals' positions, but at the same time, she thinks it was to the detriment to Animal Services; and while trying to meet the needs of Parks and Recreation, they have hundreds of employees, and Animal Services has maybe 17. She pointed out when you take three people out of 17 people that is an enormous percentage. She stated she hopes those employees will be returned back to BASE until October 1st when the transition takes place.

Mr. Whitten stated it is two weeks before the Sheriff takes over, but staff will look at it again; Parks and Recreation has waited; and again they will take a look at the extent they can simply wait two weeks.

Mr. Ellis stated there needs to be people there to train the new people who are just now arriving.

The Board recessed at 10:56 a.m. and reconvened at 11:04 a.m.

**ITEM V.D.1., RESOLUTION AND GRANT AGREEMENT WITH ECONOMIC DEVELOPMENT OF FLORIDA'S SPACE COAST INC., RE: FORMALLY APPOINTING/RATIFYING COUNTY MANAGER AND DESIGNEES AS SECTION 288.075, FLORIDA STATUTES, 'COUNTY ECONOMIC DEVELOPMENT AGENCY'**

Mark Mikolajczyk, EDC of Florida's Space Coast, Inc. President, stated he has some priority remarks; as the Board discusses this agreement today between the Economic Development Commission (EDC), he thought this would be a good opportunity to provide a recap of the

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activities and successes of this past year as a result of the EDC's hard work and dedication to improving the community; creating a strong, vibrant economic phase for the citizen of Brevard County is their goal; and he would like to recognize the Board members that are present with him today. He asked the EDC Board Members to please stand. He went on to say in October 2013, the EDC announced Embraer's new assembly plant, which would be built at the Melbourne International Airport; this Project will create 600 new jobs with a capital investment of over \$76 million; the EDC, with the help of their partners and the Board, worked to bring Embraer here more than six years ago; in total, the company has located three significant Projects in Brevard County; and just last Monday on September 8th, Embraer SA unveiled its \$24 million facility to the community. He pointed out their total job commitment through 2019 is 1,000 new jobs. He noted Sun Nuclear Corporation announces plans to more than double its size of its Melbourne facility and hire 100 new employees over the next three years; this expansion Project has a capital investment of \$4.47 million. He added, Barn Light Electric Company is based in Titusville and is more than doubling its manufacturing and warehouse operations, this expansion would generate \$2 million capital investment and 30 new jobs over three years; North American Surveillance Systems announced it will locate in Titusville and create 20 jobs over the next three years; and this Project has a capital investment of \$1.6 million. He went on to say International Municipal Sign Association (IMSA) announced a Space Coast location; IMSA is a small business which would create 12 new jobs with a \$200,000 capital investment; Northrop Grumman Corporation, who selected Brevard County for a significant expansion, will add 1,800 jobs at a full program capacity; the company will invest approximately \$500 million in new capital at the Melbourne International Airport; and this project represents one of the largest investments in the community, which factoring in the number of jobs, average wage, and total capital investment. He pointed out in Melbourne, MCM Assembly will expand by converting their existing office space into a state of the art electronics manufacturing facility; this business retention project will keep hundreds of jobs in the community, and a \$17 million investment will be brought into the local economy; Anuva Manufacturing, also in Melbourne, announced its plans to move out of their current facility into a larger manufacturing facility; and this move would create 30 new jobs through the end of 2016, with a capital investment of \$1.7 million. He noted these projects, which the dedicated staff of the EDC has worked with directly, represent 2,592 new jobs, 665 retained jobs, over \$603 million in capital investments, and a total economic impact of nearly \$517 million. He went on to add the EDC works on other initiatives to help existing businesses grow in Brevard County; the EDC's GO Contracts Program has seen great success this past year; to date, they have processed 130 applications with 60 percent of users identifying at least one opportunity in which to bid; this is an online government contracting site they surveys the web and finds many different opportunities out there; eight companies reported a total of 25 contract wins, representing over \$6.4 million in contact wins; and GO Contracts is helping local industry take a better informed approach to a new business acquisition. He stated the EDC has also been committed to fostering an environment for entrepreneurialism and innovation; in March, the EDC announced the launch of its website Accelerate Brevard; and this portal stimulates thought, conversations, and interactions by linking entrepreneurs, innovators, academia, and existing businesses with valuable resources. He went on to state this website is part of the EDC's overall plan to drive innovation and small business growth on the Space Coast; as he touched upon earlier in the meeting, this EDC's Made in Brevard Program has seen great recognition with 185 companies currently using the Program and being recognized through billboards, articles, and the EDC's Made in Brevard website; and yet, there is another successful initiative called SNAP, which is a simplified and nimble accelerated permitting program. He noted 11 municipalities are SNAP certified, and they welcome the City of Satellite Beach as a recipient just this past year. He pointed out the EDC has been busy with new and exciting developments; they look forward to continuing their successful effort and adding new elements to extend their reach. He stated on behalf of the Board of Directors of the EDC, they are in full support of the proposed grant agreement; and it allows flexibility and attracting retaining businesses in Brevard County while respecting the concerns of transparency, in compliance with Florida Public



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Records law. He advised the Board of Directors and staff appreciates and respects the relationship between the EDC and the Board of County Commissioners.

Commissioner Infantini stated back in July she started asking to see copies of records from the EDC; in two months, almost three months, she was emailed something by Lynda Weatherman, part of a Cash Disbursements Journal; when Mr. Mikolajczyk referred to transparency, she has seen none; and she has not been able to go into the office and look at any documents, and that is one of the big reasons she is concerned about continuing the contract with the EDC. She inquired what can be done to make it so it is transparent. Mr. Mikolajczyk stated Commissioner Infantini's question was about expenses; and he inquired what the issue was with transparency regarding the expenses. Commissioner Infantini replied she would like to see copies of the invoices; she wanted to see the expense journal; and she wanted to see the invoices so she could see who was being paid and for what services. She noted after two and one-half months, she was actually afforded a cash disbursements journal listing from Quick Books. Mr. Mikolajczyk inquired if that was not sufficient. Commissioner Infantini responded no, she wants to know what people were paid for; she offered to go to the office and look at the documents; and she imagines the EDC has the documents. Mr. Mikolajczyk advised yes, they have quite a few documents; the EDC goes through various audits and they prepare audits for the Board; and that is under the current Contract. Commissioner Infantini inquired how a County Commissioner would ever be able to see any of the supporting documents to support expenses that are paid for to the sub-contractors for travel and entertainment. Mr. Mikolajczyk replied he will check with staff on that. Commissioner Infantini stated the EDC has a Contract with the County; she would think as a County Commissioner she would be able to see where the money is being spent; and she inquired if there is nothing inappropriate why it would not be open in the Sunshine. Mr. Mikolajczyk responded nothing is being hidden; the EDC has open audits and have their process and procedures in place like any good organization would; and they file the tax form and such.

Commissioner Fisher inquired what the County gets from the EDC on an annual basis and what does the auditors actually look for; he stated he assumes it is a typical audit; and he does not think anything they do is financial if it is being audited.

Commissioner Infantini stated there are different types of audits and a financial audit just says that the amount an organization is claiming for travel; it does not say if one person went to dinner or if 50 people went to dinner for \$10,000; and it just says the amount they are claiming they spent on a specific expenditure.

Stockton Whitten, County Manager, stated they receive annually the annual financial audit and the financial report from the EDC; and those are two documents that the Board formally accepts or acknowledges through the Board Agenda.

Chairman Bolin Lewis stated this particular Item has two separate votes; one is for the resolution; and the second one is for the grant agreement.

Motion by Commissioner Fisher, seconded by Commissioner Anderson, to approve the resolution.

Chairman Bolin Lewis stated there is a speaker, Scott Ellis.

Scott Ellis, Clerk of Court, stated before he speaks, he would like to address the last question; and he inquired if the Board is given no detail on how its \$1.4 million was spent. He went on to say there is no detail at all; it has no idea how much is spent, how much is carried forward, and

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what it is spent for; it can get a financial audit, but the Board has no idea where the money is spent; and he inquired what is the difference between a grant agreement and a contract.

Scott Knox, County Attorney, replied in this case the grant is a contract; it is a grant-contract just like the County has with other client contracts with other agencies; the Board is giving the money away; in this case there is a requirement that the EDC actually volunteer and provided an audit at the end of the year; and their only job for the grant is to attract businesses, expand existing businesses, or keep retaining existing businesses.

Mr. Ellis inquired if it is a contract for services. Attorney Knox replied no, it is a contract to give the EDC money to continue to attract businesses, expand businesses, and to retain businesses. Mr. Ellis stated since the EDC is not providing a capital good, the only thing they can provide is services. Attorney Knox noted there is a difference between services and the grant; and services would be by going out to hire an engineering company and having them prepare plans and oversee construction. Mr. Ellis stated services are recruiting businesses to move here. Attorney Knox stated he does not see it that way. Mr. Ellis stated he does not see how Attorney Knox sees it honestly, because he understands what he is trying to do based on 125 between three and four, but four is very clear, it talks about contract for the governing body for economic development activity on behalf of the County of the government entity; and that is clearly what this money is for. Attorney Knox stated he agrees if Mr. Ellis is talking about public records to the extent that they become and acting on behalf of the County for any particular project those are going to be public records. Mr. Ellis inquired if Attorney Knox feels like this falls under Section three or Section four. Attorney Knox replied he does not have those in front of him, so he does not know. Mr. Ellis stated the County is going to have the EDC do economic development for the County. Attorney Knox advised in some circumstances, they will do it for the County, and in some circumstances they will work with the Port, the airport, and other entities besides the County. Mr. Ellis stated they will work with others but the County is paying them. Attorney Knox advised that may be true; it is to provide a service to the County when the project comes to the County. Mr. Ellis stated he thinks there is a semantic issue because Attorney Knox is looking at the County in terms of County government, and he is looking at the County in terms of Brevard County as a whole. Attorney Knox stated he agreed with Mr. Ellis. Mr. Ellis inquired if the EDC will be recruiting people for Volusia or Seminole Counties. Attorney Knox stated no, they are here for Brevard County; it may be Melbourne, it may be Brevard County; and it is County government being talked about so it triggers the public records law. Mr. Ellis inquired why Attorney Knox has this as a grant instead of a contract for services. Attorney Knox noted they do it for a few reasons; number one is the grant renews every year, so it has to come back before the Board before it gets budgeted every year; and in this business, it is supposed to be a 10-year contract like it was done last time. He went on to say the second reason was to make sure it narrowed down the scope of the public records law, because the last contract had a much broader scope in terms of how it was put together; and it was based upon the old, special act that granted the EDC the power and authority to do economic development in the County. Mr. Ellis advised there is a new Statute that would subject them to 119, based on the service contract. Attorney Knox stated that service contract only applies to the same extent that this one does, because the EDC would be working on behalf of the County, which is a trigger to that Statute as well; and that is really the same test for both. Mr. Ellis inquired if Attorney Knox is saying that this grant is the same as the last contract in terms of the public records law. Attorney Knox responded yes, to the extent they are working on a project specifically for County government. Mr. Ellis inquired and in terms of financial information. Attorney Knox responded financial information is going to be available for each project that they work on, on behalf of the County. Mr. Ellis inquired if there will be an accounting of how the County's money is spent. Attorney Knox replied the EDC will provide it to the County. Mr. Ellis inquired if each project comes with listed expenditures. Attorney Knox responded he is sure that there is some way to track what expenditures the EDC have related to a specific project. Mr. Ellis stated there is not; that is why the Board does not receive how its

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money is spent; its funds are commingled with all of the other funds; and the Board has no idea how the money is spent. He went on to say the last time he thinks there was a carry forward of five or six hundred thousand dollars, and the Board has no way to verify if that is carrying forward the County's money or money from the EDC's contributors. Attorney Knox stated that may be.

Chairman Bolin Lewis stated Mr. Ellis' time is up if he would like to make his last statement for the Board.

Mr. Ellis stated the County has a procurement Policy; in its Policy, all requests for goods and services, all purchases, shall be for public purpose; he finds no exemption under this Policy for anything remotely resembling economic development; and it says \$100,000 and above the County will solicit three responsive, qualified sources for purchasing thresholds. He inquired if the County went out for RFP.

Commissioner Infantini stated the County has not gone out for RFP.

Commissioner Anderson stated back to the transparency issue, he thinks there is a misunderstanding; each Chairman of the Board of County Commissioners has the right to appoint themselves or someone else to the Executive Board of the EDC; he has sat there; the four of them have sat there; and those financial data and metrics are provided. He went on to say he can assure the residents of his District, it is transparent when anything is asked for; each Member of the Board has an appointee to the EDC board who can ask these questions, see the metrics, and see the financials; and he inquired if a Commissioner could appoint themselves to the EDC board. Attorney Knox responded affirmatively. Commissioner Anderson stated the County belongs to the Florida Association of Counties; there is no way to tell exactly where the contribution went; and he supports the resolution.

Commissioner Infantini stated she was representing the TPO and she asked specifically where the money was going and asked for documentation, but the TPO did not want people asking questions. She inquired what she is entitled to document-wise as a County Commissioner or as a member of the public from the EDC. Attorney Knox responded his opinion is as long as the EDC is working on a specific project involving the County that she is entitled to see the records relating to that project; that is what the agreement does; the difference with this agreement is the EDC volunteered to provide their audit; and they also have to account how they spend the money. He pointed out the EDC will actually have to provide the Board some kind of a list of expenditures which was not part of the last agreement. Commissioner Infantini inquired if she asked for emails supporting a primary reason why a company located here would she be entitled to those. Attorney Knox responded affirmatively. He stated once there is no confidentiality involved she would be able to see them; but if the company has asked for confidentiality, she cannot see them because the State does not allow her to see them; it would be a criminal violation. He went on to say confidentiality applies to their business plans the intentions in moving here; the State Statute acts on behalf of the private company; it is only for a year, unless it is extended; and after that then a person can see them Commissioner Infantini noted her position is this grant is a request for goods or services and it should go out for bid; she is trying to discourage this Board from moving forward on this; and she does not think legally it can do this.

Mr. Whitten stated the Board's Policy provides for that exception and the Board can make that exception.

Chairman Bolin Lewis called for a vote on the motion.

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The Board adopted Resolution No. 14-160, formally appointing, ratifying, and confirming the County Manager or his designees as the County employees charged with the responsibility for negotiating and facilitating economic development; confirming that the County Manager and his designees are the Economic Development Agency in Brevard County for the purposes of Section 288.075, Florida Statutes.

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

Commissioner Nelson stated all that was done in that motion was to name the County Manager as the Board's person for negotiating economic development; he is vague on why the Commissioner would not support having the County Manager in that role; but he understands the comments regarding the contract.

Mr. Whitten stated on page four, under Requirement C, he would like the Board to add that they will voluntarily furnish the annual audit and an annual financial report.

Commissioner Infantini inquired what is the difference between the audit and financial report. Mr. Whitten replied they are two different documents; an audit is an audit and the financial report is their reporting. Commissioner Infantini stated she is trying to find out what goes in a financial report because she does teach a class and she does not have a report called a financial report. Mr. Whitten stated it is where the EDC gives the Board their annual finances that was spent; each year there is an annual audit and there is annual financial report; the audit is a tracking of accounting expenditures; and the report is a reporting on revenues, expenses, assets, liabilities, and all of those things.

The Board executed a Grant Agreement with Economic Development Commission of Florida's Space Coast, Inc. providing for the distribution of four equal quarterly payments beginning on October 10, 2014, for a total of \$1,400,050, which is authorized by 125.045, Florida Statutes.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>NAYS:</b>	Trudie Infantini

**ITEM V.E.1., RESOLUTION, RE; AD VALOREM TAX EXEMPTION FOR PROJECT TRANSOM**

The Board adopted Resolution No. 14-161, qualifying Project Transom as an eligible business under the County's Tax Abatement Program; and authorized a public hearing to consider adopting an exemption ordinance.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>NAYS:</b>	Trudie Infantini

**ITEM V.E.2., RESOLUTION, RE: QUALIFIED TARGETED INDUSTRY TAX REFUND FOR PROJECT TRANSOM**

The Board adopted Resolution No. 14-162, qualifying Project Transom as a qualified targeted industry business and to provide the local financial support through the Ad Valorem Tax Abatement Program.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>NAYS:</b>	Trudie Infantini

**ITEM V.A.5., BOARD DIRECTION, RE: DEPARTMENT OF THE ARMY CORPS OF ENGINEERS ALLEGED VIOLATIONS OF THE RIVERS AND HARBORS ACT AND THE CLEAR WATER ACT REGARDING A DOCK LOCATED ADJACENT TO BREVARD COUNTY RIGHT-OF-WAY ON MOCKINGBIRD LANE**

John Denninghoff, Public Works Director, stated this Item has been before the Board before on March 19, 2013, as a Citizen Request, regarding a dock and ramp that are existing at the south-end of a County right-of-way known as Mockingbird Lane; the decision made on March 19th was to direct staff to not take any action regarding the situation that was revealed at that time; and there is a bit of a dispute between neighbors there that are not in close proximity to where the dock and the ramp are with some of the neighbors that are in very close proximity, with some in favor and some in opposition to the existence to the dock and the ramp. He stated on July 8th staff received a letter from the Army Corps of Engineers (ACOE) alleging a series of violations to the County regarding the dock and the ramp of The Rivers and Harbors Act and the Clean Water Act; the County responded to that letter requesting the need for additional time, because of the ACOE gave 15-days for a response, and because staff could not get it before the Board in time; and the ACOE then allowed 60-days extension, which will run out on September 24th. He advised he is before the Board today seeking direction of how to proceed to the response to the letter regarding the allegations of violation of law; The Rivers and Harbors Act is considered a criminal violation; he is not sure how that would be implemented against a governmental body; and the other is not a criminal violation with the Clean Water Act, but the issue is associated with manatees and the ramp construction. He went on to say staff had contacted the ACOE and discussed various options to utilize and present to the Board for its consideration; those are outlined on the second page of the Agenda Report; Option 1 is to vacate the right-of-way; Option 2 is to remove the dock and the ramp, eliminating the violation in eyes of the ACOE; Option 3 is to remove only the connection from the shore to the dock and block the ramp so the motorized vessels cannot be launch; Option 4 is to block the ramp, but do not disconnect the dock, and get after-the-fact permit from the ACOE; he added, in all of the Options if something is left there the County would also have to receive State permits, in

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addition to the ACOE permit; and he advised Option 5 is to apply for an after-the-fact permit for the dock and seek a ramp permit to allow both to remain in place. He stated the Board has all received a number of various communications from members of the neighborhood on both sides of the issue; those that live close to the dock and ramp are concerned about the noise and the people that might be there has been an issue in the past; and the other folks living in the neighborhood that have been utilizing the dock and ramp area for recreational purposes for many years are concerned of losing those facilities. He advised Ms. Bentley is present who had communications directly with the ACOE for any Board questions; and there are several speaker cards.

Dr. Tom Seiler stated he has resided at Mockingbird Lane for 15 years; he selected that area because of its rural nature and its access to the river; he is concerned about public safety associated with losing access to the river; he spoke with Fire Marshal Frank Scates who responded to him in a letter about him supporting that if there were a large fire on Mockingbird Lane, they would have to have access to the river to put a turbo draft in pulling 1,200 gallons of water out a minute; and he has a copy of the letter from Fire Marshal Scates and an email, prior to his visit to the site. He stated if the site is vacated the Florida Fish and Wildlife Commission (FWC) would not be able to use dock and ramp for retrieving dead manatees; and the ability to do dredging work on the river would be lost because there would be no place for the people who do the dredging work to park his or her vehicles and equipment at. He advised he uses the dock and ramp area to sit and read; he will not be able to do that anymore because he would be a loiterer; and he thinks the people who have made the complaints do not understand the laws of loitering in State Statutes Chapter 46. He advised about his wife having her friends over for a luncheon; they went to the dock and ramp area to sit and chat; they were accosted by a neighbor located by the dock and ramp area who told them that they had to leave because they were loiterers; that neighbor said he had authority; and he inquired if that neighbor had authority. He advised there were two cases that the Board had ruled on in the past; the Skylark case that was not vacated; and the Oak Trail case that was used for County uses. He concluded by saying "Any government which abridges the rights of the community is the very essence of ternary"; and he stated he supports Option 3.

Commissioner Infantini stated for the record, she believes Dr. Seiler meant that he supports Option 4.

Thomas Barnes provided the Board a handout of photographs; he stated he resides closest to the dock and ramp area; Dr. Seiler's brought up a good point about the fire truck and it can drive through his yard anytime for access to water; some of the things that go on at the dock and ramp area he sees on a daily basis; his concern is not about the people that go to and from the dock, but is about looking at all of the vehicle traffic; they only see each other; and he sees all of them. He stated his biggest concern is how to stop all of the vehicle traffic; the dock is not a problem to him; people walking back and forth to the dock, he does not care about; every Wednesday when he cuts his grass, he cuts the right-of-way, and he has been for two years; and he does not plan on stopping that. He went on to say he and his adjacent neighbor planned on maintaining that property; whatever the Board decides to do today is what is decided; he is only present to tell his side of the story; and he appreciates the Board's time.

Commissioner Fisher inquired if Mr. Barnes lives on the right or left side of the dock and ramp area. Mr. Barnes responded when looking down Mockingbird Lane, he is located on the left side. Commissioner Fisher inquired if he met with other residents and his Commissioner to try and figure out a solution to this problem. Mr. Barnes replied he attended a meeting yesterday with three other residents; they were trying to work something out; but they decided to let the Board make its decision today on what to do about this, so that whatever decision is made it can be no one's fault. Commissioner Fisher reiterated if he had met with Commissioner Infantini; and if a meeting with Commissioner Infantini had been offered to him. Mr. Barnes replied no.

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Commissioner Infantini stated Mr. Barnes' girlfriend had met with her. Mr. Barnes remarked his girlfriend. Commissioner Infantini inquired if his girlfriend had spoken to her for him. Mr. Barnes inquired if Commissioner Infantini is sure that it was a girlfriend. Commissioner Infantini expressed her apologies to Mr. Barnes; and she stated it must have been for a different house.

Commissioner Fisher advised that Mr. Barnes is married.

Commissioner Infantini stated for the record it is not his girlfriend; and she reiterated her apologies.

Bob Audette provided the Board a handout; he stated there is an important letter that is missing in the Board's packet; it is the letter from Mel Scott, Assistant County Manager, in response to the ACOE's first letter; the ACOE actually had a first letter to the County about the dock and ramp telling the County that it had to do something; this is not the first letter; and the letter from Mr. Scott says that the County is not responsible for the dock and he suggested that the maintenance use agreement may still be an option, which both are wrong. He went on to say the ACOE letter seen today is actually a reaction to the County's previous denial of responsibility; he thinks there were some repairs done to the dock on September 5th that were not mentioned; 10 days after his letter and pictures were received showing the dock in near collapse condition, that were sent to the County Manager, Stockton Whitten; and the repairs were allowed to happen because the County let it go on. He advised the repairs were to the exact same failures that were outlined in his letter; today he is asking the Board to consider the dock, in the failed condition he documented to Mr. Whitten on August 25th; and he believes staff has said that when the dock falls into significant disrepair, as to become an attractive nuisance and health hazard that would need to be demolished. He stated two of the Board's previous decisions are very relevant to today's issue; first in the Skylark Drive Item the Board ruled out vacating the right-of-ways that lead to the water; he thinks it is very important for the Board to know today that he and the Beladi's, who actually own the property that Mr. Barnes lives gets this; they do not want the right-of-way vacated to them; and for anyone to say that is inflammatory. He reiterated they do not want the right-of-way vacated; he stated the ingress and egress of the river is respected; and second in the Hanna dock removal of December 11, 2012, one statement made by Scott Knox, County Attorney, seemed to give clear direction in today's matter, such as "Mr. Hannah does not have vested rights because he did not have the proper ownership to begin with and a person cannot get a permit on another person's property and claim vested rights." He went on to say that statement seems to him to absolutely remove any possible argument about grand fathering, use, and existence to be allowed and give clear direction that the dock should be removed immediately. He advised the Board to vote today to remove the dock and close off the ramp; it will not take away any person's right for proper ingress and egress to the river, nor will it create a precedent that can be challenged in the future, as preferential spot-zoning; it will positively end the ACOE's enforcement action; it will also be the lowest cost option; and surely prevent any future staff time to be spent needlessly.

A. L. Perez provided the Board a handout; he stated there are 15 homes in the area; there are over 50 neighbors being effected by the Board's decision; he has maintained the dock and the property up until the last couple of years when the Sheriff was called about him cutting the grass; and he opted to the other gentleman to cut and maintain the property. He went on to say in the past few years it has almost become *Hatfield and McCoy*; there was one Code violation incident; that incident was settled; and the culprit had moved to Las Vegas, Nevada. He advised the dock was there in 1953; the property was donated to the County by Harry and Ruth Arens, with a dock in place; the ramp was initially built by ACOE when they were doing the C-54 Canal; the FWC uses the dock; and when the north fork was dredged, that dock was used for launching boats to get to the dredge, and stored equipment there as well. He stated if the Board would look at the top of picture one it shows the dock; the dock is 125 square feet, five

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foot wide, and 25 foot long; at the bottom of picture two shows the ramp; the ramp is nine foot wide; the boats that launch there are 14 to 17 foot boats; and it is not a ramp like people would think. He concluded by saying last night's meeting with the two adjacent property owners was very healthy; they both stated that they will not accept vacation of the property; they both stated that no matter what the Board does they are still going to get together to put something together to try and live and coexist together. He stated very few people are given the opportunity to make a significant difference in the life of others; and he requested for the Board to choose Option 4, because it will be serving the entire neighborhood.

Richard Grant stated he is the third generation living in the house that his grandfather built in the 1950's; his grandfather and Harry Arens came down from Connecticut; Mr. Arens bought the piece of land that he subdivided as Arens Wild Acres; he has memories from the 1960's of the property and stories, including when the C-54 Canal was being built that waterfront property was used as a storage area by the crews that were doing the build; they put in the ramp, so they could get boats and equipment to and from; and that is where the original grass ramp came from. He went on to say Mr. Spencer lived in the house that Mr. Barnes lives in now; he was one of the originators who built the dock; the rest of the men on Mockingbird Lane helped Mr. Spencer build it and have it maintained ever since, up until a couple of years ago when he became afraid to go down to the ramp and repair it, because the police would be called if someone touched the dock after the last session here one year and one-half years ago. He stated he feel very fortunate to still live on Mockingbird Lane with his wife Diane; they enjoy the house, river, sunsets, and sunrises; Mockingbird Lane has been a friendly and safe street; and all the residents of Mockingbird Lane has used that dock for fishing and for socializing; those that boats have looked at the ramp and those that have small boats has launched there; it is a nice grass ramp for carrying kayaks and canoes; and he believes the ACOE and others are afraid of motorized boats coming in to launch. He went on to say they would love to keep the dock; there was an attempt one and one-half years ago with the Homeowners Association; the Commission at that time did not approve of that attempt; he is hopeful for this Commission to consider that it is time to take responsibility for maintaining the history that has been built there for over 60 years, of every one on the street being able to walk down to the river; and according to the plat plan that road was drawn all the way to the bank, which once was the lagoon, became the C-54 Canal, and is now mostly called the river.

Jim McMillan stated he has a picture to show the Board of where all of this began of Mr. Arens house. He stated he has lived on Mockingbird Lane since 2004; when they purchased the property in 2003, they met a nice group of residents; all of the residents spoke about the end of the street; they had the dock there; and they actually created a small golf course and all kinds of stuff. He went on to say as they grew older and the new residents moved in, they continued to maintain the dock; they residents talked about the panoramic view; and it was intended for the public use, allowing for the public access. He stated for 62 years this little area of the street has been a part of local history. He thinks there is a peacefulness of Mockingbird Lane; several years ago everything changed; a family moved in at the end of the Lane and installed fences from end to end, tall hedges, and built within 25 feet of the street; and from that point on, a series of phone calls happened, because every time someone would go down there, including his brother, someone would ask what they were doing there. He pointed out any person setting foot on this area for the last two years, the police have been called in. He stated he spoke with the Army Corp of Engineers, and they said there was a way to fix this; they said they would support the County going for an after-the-fact permit if the ramp was blocked off; and they said they could almost assure them it could be done. He advised the Board he would like it to choose Option 4.

Michael Schoeller stated he is speaking in favor of maintaining the dock and ramp if possible, Option 4, if a way could be found to permit it, via the Army Corp of Engineers; he is against any type of vacating of this property; he has lived on Mockingbird Lane for the last eight years; and



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access waterfront, particularly in south County, is extremely limited. He stated one of the reasons he bought the house was the nature of the neighborhood, and the access of the water at the end of the street; and he would like to see it remain available for the neighborhood use.

Diane Grant stated their house is approximately 150 feet from the entrance to the grassy area being discussed; the windows on the front of her house all face that way; the windows on the south face that way as well; and it gives her a clear view all the way to the river. She stated she is retired and she is home most of the time, and she is able to see who comes and goes on the street; the only people she sees walking to the river are people who live on Mockingbird Lane and their guests; sometimes they sit on the dock; and some of them like to bring their children and grandchildren to fish. She noted the area is quiet and does not attract people from other neighborhoods; there has never been a problem with strangers hanging around; there was an incident a few years ago, but it was dealt with; and after the person moved away, there have been no problems since. She went on to say at the grassy area there is a fence that comes halfway across the road, which prevents any use from people outside of the area going down there with their vehicle; and the only vehicles that go down there are ones that someone on the street take down there because they have difficulty walking to the water, or anyone who wants to take a boat down there. He pointed out there are only around four people who have a boat on the street that is even small enough to be put in there. She stated the property that belong to the Audette's, which is to the west, has the fence and buses all the way down to the end, and it has a sign that says 'No Trespassing'; to the east, Mr. Barnes property has a sign posted on the tree; and when people see this, they assume it is private property if they are not familiar with the area, and they turn around and leave. She stated they used to have a beautiful view all the way down to the river to the west; when the Audette's moved in a few years ago, they put up a fence and planted a 15-foot high hedge that goes all the way from the start of the grassy area to the water and totally blocks the view of the river; when Mrs. Audette was asked if blocking the view from everyone was a little unfriendly towards the neighbors, her response was, "if my neighbors want the view of the river, let them pay for it like I did." She stated she enjoyed so many beautiful sunsets with her husband, and watching the manatee swim by; the residents of the area are good stewards of the river; and this property is an asset to the community. She requested the Board consider Option 4

Linda Brannan stated she believes the Board has not made up its mind prior to the meeting, and that the Board is interested in hearing what the residents have to say; there is no community dock in Micco; this dock has been in existence for a long time; and there could be a permit for an after-the-fact situation. She stated she hopes vacating the property is not what the County is considering. She stated the residents were not notified of this meeting; the only way they found out is when the men went to repair the dock the police were called; the police said they would not act on what was happening that day because this issue would be resolved in September. She stated a year and one-half ago, the homeowners association tried to commission the residents find a way to keep the dock, repair it, and make it legal; Mr. Audette hired an attorney and got them to go to the Army Corp of Engineers and find a way to say the dock and boat ramp was illegal; and all of a sudden it is something the Audettes' and Barnes' want have it torn down. She asked the Board to take all of the residents' comments into consideration.

Herbert Brannan stated he and his wife for the past 15 years have walked up and down the road to enjoy the sunsets, go fishing, and visit with the neighbors; people have gotten along great until two people moved in, the Audette's and Barnes'; at first they did not have a problem either because they used the dock and boat ramp; and in the last couple of years, all that has changed. He pointed out when the Audette's built their dock, everything started changing; when people walked down to the river the police were called; that is why the dock has not been fixed the way it should be, because the people who help the residents fix the dock were afraid to go down there and having the police called on them. He stated the traffic is from the people who live there. He asked the County to consider Option 4.

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Larry Treat stated they would like the Board's approval to keep what they have that everyone enjoys; and he requested the Board not take the residents' freedoms away.

Pat Treat stated she is strongly opposed to Option 1 to vacate the right-of-way on Mockingbird Lane; the Army Corp of Engineers response, they stated they are not seeking to remove public access to the waterways; but if the County decides to do that, the Army Corp of Engineers will do just that to vacate the land to the adjacent properties. She noted the taxpayers should have the right to enjoy the right-of-way. She opposes Option 2 in removing the boat ramp; it would disturb the oyster beds on the east side of the dock. She stated Option 4 would be the best for the residents.

Dianna Bovender stated they loved the property when they purchased it; there was a sweeping view of the river; and now they have no view of the river due to the hedges and fence blocking the view. She stated it reduced their property value by approximately \$20,000 when the hedge went up; if the property is vacated, the property value will be reduced by approximately \$50,000, which is a hit she cannot afford to take; it not only affects her, it affects every other house on the street; and it is an economic loss of \$1 million. She urged the Board to leave the residents with as much as it can on the property; and Option 4, which allows the dock, closing off the boat launch ramp, will allow them continued access to the river.

Charles Carlson stated they have the very first house that almost connects to the lot being discussed; when he sits by the pool, he can see everyone there; everyone who goes down there turns around in his driveway; and he has no problems with that. He stated it is not loud, it is just the local neighbors, and he would like them to keep it.

Gerry Audlee stated he is sure everyone who has moved onto that street looked forward to the view. He requested the Board consider the continued use of the right-of-way and the ramp; there has been a peaceful existence there for 60 years or so; there has not been a criminal incident since the one year ago; the harassment began a few years ago; and people were told they could not go on the property. He noted the police have never written a citation or arrested anyone. He stated the residents offered to take over the area, maintain it, and get liability insurance, but the Board chose not to take any action at that time. He pointed out Mr. Audette called the police on him for cutting the grass down there; it is pure harassment with an agenda to get the residents out of there; and they are not a bunch of criminals. He stated the residents want to keep what they have. He requested the Board choose Option 4.

Commissioner Infantini stated it seems that everyone is in agreement on both sides if the Board chose Option 4 to block the ramp; she has had conversations with the head individual with the Army Corp of Engineers; he indicated, verbally, that it did not appear it would be a problem to just block off the boat ramp; and the only concern is the boat launch. She went on to say they said the boat launch can be blocked off with some pilings, and obtain an after-the-fact permit for the dock; and that way the County would maintain ownership of the property. She noted the gentleman was originally calling her every couple of days telling her about the crimes being committed on the waterfront property that needed to be vacated to the benefit of two adjacent property owners; the police reports did not support that; and he wanted to build an addition to his home so he occupied the entire piece of his lot.

Motion by Commissioner Infantini, seconded by Commissioner Anderson, to approve Option 4.

Commissioner Nelson stated he was never in favor of vacating it, and he would have preferred if Commissioner Infantini had given the community all five options instead of just three; but he does not think the Board was ever going to vacate it; the County has a Policy against vacating; but the staff correctly indicated that could be an option that the Board could do that. He stated his

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concern is that the dock is in an aquatic preserve; there are streets ends that go into the river throughout the County; he inquired if the County is going to build docks on every one of those and maintain them; and he further inquired if it is Public Works' responsibility to maintain the dock.

Commissioner Infantini stated she would recommend the County to maintain the dock, to apply for an after-the-fact permit with the Army Corp of Engineers, and to block off the boat ramp with pilings; while the neighbors have done an excellent job maintaining the dock, to avoid hard feelings, she recommends the County maintain it in the future; but if the neighbors chose to mow the lawn, that would be greatly appreciated.

Commissioner Nelson stated he does not support continuing the dock; he is fine with continuing the access; he does not want Public Works Department getting involved with taking care of docks; and he would prefer to see continued public access with removal of the dock.

Commissioner Fisher inquired if it would be blocked off at the street or down by the boat ramp itself.

Mr. Denninghoff replied for clarification purposes, what the Army Corp of Engineers was looking for as far as blocking off the ramp is to make it to where a vehicle cannot back down and launch a boat from the trailer; there are a number of non-motorized vessel launches in the County that show that it can be arranged where a person can launch a canoe or kayak successfully by hand; staff will be looking for something like bollards or something of that sort; he has seen it done with railroad cross ties placed across the ramp; and there are a variety of ways to accomplish blocking that. He noted it would be at the river as opposed to at the end where the pavement is.

Commissioner Fisher stated one of his concerns is there is still vehicle traffic there; by blocking it by the road that is eliminated; but the people will still have access to the water.

Mr. Denninghoff stated staff could do both, but the Army Corp of Engineers issue is specifically the ramp access of the larger vessels and vehicles to the water via the ramp.

Commissioner Fisher stated he thinks there are two sides of the room; and he inquired if someone from both sides would come up to the podium.

Richard Grant stated he thinks the questions was problems with blocking vehicle traffic at the end of the paved road; he does not have a problem with that; Mr. Audette has built a gateway in his fence line so he has access to his front yard; and that may be a burden to him. He went on to say Mr. Barnes, who is renting the house next door, really does not have a driveway; he uses his dad's driveway to access his parking area; and he would need some access at the point also. He pointed out blocking at the end of the paved section is not the best alternative for the use of the people on the street; there may be a point halfway down, or maybe a blockage just narrow enough so it discourages usage, but still allowing Mr. Audette to get through.

Commissioner Fisher inquired if Mr. Audette is using the County right-of-way now to access his driveway. Mr. Grant replied no, his driveway is on a paved section of the road, and he can speak for himself, but he has access to his front yard; he thinks it may be a leeching field built along the edge of the driveway so he cannot go from his driveway onto the front yard; and access on the grassy section is still necessary.

Bob Audette stated their gate is a secondary gate that both he and Mr. Barnes' property is fronting the right-of-way; they are in favor of a cable gate that that would have a key access to at the end of the street; perhaps it would suffice for the Army Corp of Engineers demand as

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well; and it would essentially prevent the use of the dock. He went on to say they are willing to give the ramp; they feel environmentally it should be blocked off; and he reiterated he would support a cable gate. He stated they would prefer the option of a gate at the end of the pavement. Commissioner Fisher inquired if Mr. Audette would oppose everyone on the street having a key to the gate. Mr. Audette responded he would because it is going to lead to the same type of use that has been generated in the past; and he believes emergency people and him should have a key to the gate.

Commissioner Fisher stated technically the County can pave the right-of-way, but he doubts if that will happen.

Commissioner Infantini stated the picture of the Audette's property in 2007, it shows a well-beaten path from their property to the boat ramp; they put up a dock; and then they put up a fence. She pointed out it is their right as they are the property owners, and she has no problem with that. She noted the residents are frustrated that prior to Mr. Audette building his own dock, they enjoyed the dock and boat ramp. She cannot grasp what the risk is that does not exist throughout the entire County.

Commissioner Nelson stated he would prefer to block it down by the water so a kayak or canoe can be launched from there; people will still have the ability to enjoy the dock and water; if a problem continues, the Board can address it at that time; and he is okay blocking it, but has a concern with the dock.

Commissioner Fisher stated the boat ramp is not up to standards; it kind of makes sense to eliminate it; it seems most of the neighbors are in support of that; he thinks it would be good to get rid of the boat ramp, to forget the gate because Mr. Audette does not want to share with the neighbors; and the Board could consider using some of District 3 recreations dollars to make sure the dock is shored up. He stated he is concerned of the open liability of the dock as it is not up to standards; and the County is going to continue to let the public use it even though it is not up to standards.

Commissioner Infantini stated she thinks the residents are saying they will volunteer to pay for upgrades needed for the dock.

Commissioner Fisher stated he believes Commissioner Infantini has the ability in her budget to help make that happen; she needs to support the budget when it is passed; and she cannot support just some, she has to support it all even if she does not like it.

Commissioner Anderson stated anyone can donate anything to the County any time they want; if the residents want to do it with the dock, that is fine, or Commissioner Infantini can find the money; for now the ramp needs to be blocked; and they need to make sure the dock is safe because there is a liability.

Commissioner Nelson stated there were at some point boat launching going on there, parties at night, and some of those things; and that has calmed down. He continued to state if it is turned into a park setting, it will encourage people. He wants the Board to keep that in mind

Commissioner Fisher stated he believes the residents are comfortable with Option 4; the Board may want to want to shore up, not add amenities, just cut the boat ramp, stop the boat ramp use, and to shore up the dock; he thinks the County can work in a partnership with the neighbors in making sure of the docks safety; and not to turn it into a park. He stated he would support that, and he does not know if the motion is along those lines.

Commissioner Infantini stated that is what she meant.

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Chairman Bolin Lewis called for a vote on the motion.

The Board approved Option 4, to block the ramp, do not disconnect the dock, and get after-the-fact permit for the dock, regarding the dock located adjacent to Brevard County Right-of-Way, Mockingbird Lane; and directed staff to shore up the dock, not add any amenities, and work with the neighbors as much as possible in making sure the dock is safe.

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

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

Stockton Whitten, County Manager, stated there is an Indian River Lagoon System Management Plan public meeting in the Commission Chambers on September 25, 2014, from 6:00 p.m. until 8:00 p.m.; staff will advertise that meeting; and it can be scrolled on the Government Channel.

**ITEM VII.C., REPORT, RE: CHUCK NELSON, DISTRICT 2 COMMISSIONER**

Commissioner Nelson stated there is an event for POW/MIA at Veteran's Memorial Park on Friday evening at 6:30 p.m. where the POW/MIA's will be honored; and he invited everyone to attend.

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

Commissioner Fisher stated he needs to update the Board regarding the negotiations with the Washington Nationals; the process was started back in August; there was an appraisal done of the current assets; and it came in to about \$33 million in current assets, which is the stadium, parking area, and the training complex. He went on to say put a brochure together and marketed to other teams; there was one other team that looked at it, an Arizona team; but they worked something out in their marketplace. He pointed out over several months he had four visits from the National senior management; one of the things that was mentioned was could the County do something similar to what the Minnesota Twins did in Lee County, that they would consider having a more serious dialogue with the Board; basically they put \$50 million in their facility; and they decided to research that transaction. He stated the County's bond counsel did that deal; when it was broken down it was actually \$36 million into the deal over there preliminary financing on a couple of years of the bonds; and they put \$6 million to the Minnesota Twins. He stated they said to the Nationals if this deal would be pulled off, to talk about how it may look; they said \$50 million would not do it, it would be \$55 million because they want something better; and everyone got together and went through all of the numbers. He noted their bond counsel felt like the County had the ability to borrow quite a bit more than was originally talked about, and they were saying to take the other pennies and use it as collateral. He stated they went silent a few weeks after that; they are interested in West Palm Beach; but if it does not work out for them, they may come back and lower their expectations. He noted the Nationals need to let the Board know by 2016 if they are going to do another deal or not; it does not appear that will happen; and the County needs to know where it stands. He stated he thinks

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the County needs to force the issue; and he would like the Board to be more aggressive. He stated the Board is laughing so he was right the Board did not have the political will to give them \$55 million out of the General Fund.

Commissioner Anderson stated when he first talked to the Washington Nationals, he just wanted them to fulfill their lease agreement, which was through 2017; the County will get that no matter what now; and he does not think the County needs to provide the Nationals with anything special. He pointed out he does not know where else they would go and play. He noted he is perturbed they are shopping around.

Commissioner Fisher stated the question is when it goes before the County Commission in West Palm Beach, will they cut a \$50 million check.

Commissioner Nelson stated Commissioner Fisher took on a task that was probably mission impossible; he felt from the beginning they were looking for bigger and better; he appreciates the efforts Commissioner Fisher put into it; and he feels the direction he spoke about is right.

**ITEM VII.G., REPORTS, RE: MARY BOLIN LEWIS, DISTRICT 4 COMMISSIONER**

Chairman Bolin Lewis updated the Board on the East Florida Corridor Task Force she is a member of; they are at the point they will be having a public workshop; she would like to have notice if there is more than one Commissioner who will be attending that it is noted; it is October 6, 2014, at 9:00 a.m. until 12:00 p.m.; and it will be at the Health Department, Bill Posey Conference Center. She went on to say she will send out notices to the general public in Brevard County; this is going to be the Board's time to put its input in where it would like to have a new road going east west into Brevard County; there are corridor topics as far as the current ones; but the conversation is going towards bringing in a new road and where it will be placed.

Commissioner Bolin Lewis stated Brevard County is the best place to live; she has complete documentation on it; Bill Ellis is returning; and he is looking at a house.

Upon consensus of the Board, the meeting adjourned at 1:11 p.m.

ATTEST:

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

\_\_\_\_\_  
SCOTT ELLIS, CLERK