

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 April 2, 2013 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

Call to Order

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

INVOCATION

The invocation was given by Reverend Glenyce Grindstaff, Crossroads United Church of Melbourne.

PLEDGE OF ALLEGIANCE

Commissioner Trudie Infantini led the assembly in the Pledge of Allegiance.

ITEM I.A., RESOLUTION, RE: PROCLAIMING MAY 5-11, 2013, AS CORRECTIONS OFFICERS APPRECIATION WEEK

Commissioner Fisher read aloud, and the Board adopted, Resolution No. 13-042, proclaiming the week of May 5-11, 2013, as Corrections Officers Appreciation Week, and encouraged all citizens to recognize the demanding and unselfish commitments made by Brevard's Corrections Deputies.

Sheriff Wayne Ivey gave his thanks to the Board for the Resolution; and stated Corrections Officers have one of the most challenging jobs anyone could ever face. He added, the Deputies go into areas where they know there are criminals and people who have done harm to others, and put their life on the line every day to protect the County and the Country. He went on to say he believes the Resolution speaks for itself in talking about the importance of recognizing these individuals; and he appreciates the support of the Board and the community. He thanked the Board on behalf of the 1,200 people who work at the Brevard County Sheriff's Office.

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

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ITEM I.B., RESOLUTION, RE: PROCLAIMING APRIL 2013 AS NATIONAL MINORITY HEALTH MONTH

Commissioner Fisher read aloud, and the Board adopted, Resolution No. 13-043, proclaiming the month of April 2013 as National Minority Health Month.

Sallie Williamson gave her thanks for her inclusion in the proclamation; added, this is a vast change in the world as a whole when it comes to health; and stated as minorities, the numbers are way behind, especially when it comes to diabetes and heart disease. She added she would like to see this improve and the number to be correct; and she appreciates the Board's effort in recognizing this effort to improve and make better health for everyone, but in particular the minorities.

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

ITEM I.D., RESOLUTION, RE: RECOGNIZING NATIONAL TELECOMMUNICATORS WEEK

Commissioner Bolin Lewis read aloud, and the Board adopted, Resolution No. 13-044, recognizing the week of April 14-20, 2013, as National Telecommunicators Week, and commended all Telecommunicators for their dedication to duty, professionalism, and commitment to saving lives, property, and the prevention of crime in Brevard County.

Kimberly Prosser, Emergency Management Office Director, stated Telecommunicators are not only the citizens' lifeline, they are the lifeline for the public safety, law enforcement, and Fire Rescue, and the recognition is greatly appreciated.

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

ITEM I.E., RESOLUTION, RE: PROCLAIMING APRIL 2013 AS CHILD ABUSE PREVENTION MONTH IN BREVARD COUNTY

Commissioner Infantini mentioned the passing of Dr. Jack Sidoran, as he was a big advocate in supporting child abuse prevention; and stated he will be greatly missed.

Commissioner Infantini read aloud, and the Board adopted, Resolution No. 13-045, proclaiming the month of April 2013 as Child Abuse Prevention Month in Brevard County; and urged all residents to engage in activities whose purpose is to strengthen families and communities to provide the optimal environmental for healthy child development.

Tracey Little stated the Child Abuse Prevention Task Force is made up of several agencies in the community; some of them are here today, the CEO of Brevard Family Partnership, Dr. Patricia Nellius, and Executive Director of Brevard Cares, Valerie Holmes; and it is about

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everybody participating and doing what they can do. He added what they would like to do during April is bring awareness to how people can help prevent child abuse and neglect; there are a number of activities done throughout the month, which are on the website www.captivebrevard.org, and it will start off this Saturday with Family Fun Day at Squid Lips, from 5:00-8:00 p.m., where Commissioner Infantini will also read the proclamation for them; and stated he appreciates the continued support they have received from the Board.

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

ITEM II.A., HOWARD TIPTON, COUNTY MANAGER

Howard Tipton, County Manager, stated he attended the memorial service for Dr. Jack Sidoran; it was a great celebration, a non-traditional service, but a great celebration of a great guy; and he will be missed. He noted Mr. Sidoran was diagnosed with Amyotrophic Lateral Sclerosis (ALS) in December, and gone already is just far too soon and far too quick.

ITEM II.A.1., DISCUSSION, RE: SAN SEBASTIAN UTILITY UPDATE

Howard Tipton, County Manager, advised on March 20th, Flynn Services gave notice to the County that the San Sebastian Utility was going under; on March 28th, the Circuit Court appointed the County's Utility Services Department as the receiver of Flynn Services, also known as San Sebastian Water; the Court ordered that Brevard County be appointed receiver as of April 3rd, and receive the keys and take over operations tomorrow; and noted the Board has received a memo from Bob Adolphe, Utility Services Director, outlining the other components of the Court's order, and also his initial transition plan moving forward over the next 30 - 60 days. He stated it is staff's intent to bring back to the Board recommendations and options after it has concluded its assessment.

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

Commissioner Nelson stated this weekend there were a couple of articles related to Brevard County in particular, and where it is going as a County; the jobless rate is down, it is still higher than the State average, but it is falling. He added Hank Fishkind stated in his article that the construction section is starting to make improvements and come back; and that is good to hear. He noted he thought it was interesting when Hank said that it is because of the steps taken to be business friendly; and his answer was that Florida has always been business friendly. He added that continues today and the greatest change has been the change in the economy and the nation in general. He stated there was an article in the *New York Times* related to Brevard County; and the Board may remember last week or the week before, there was a group here from throughout the Nation to see what was going on in the Space Coast, and why it has been successful, Commissioner Fisher was quoted in the article; and the article was really about a gentleman who got laid off when the last shuttle landed, and has now landed a job with Harris, but the article goes on to say that his hiring was late assigned after two years after Brevard County was left staggering after the one-two punch of the downturn, and the demise of the shuttle program; the Space Coast, while still struggling, has defied the bleak predictions. He added it is encouraging that this community has pulled together in a variety of ways, whether it

be the municipalities partnering with the Board on Economic Development, or the efforts of the Board itself on Economic Development; it is starting to pay dividends and is getting noticed nationally; and he would like to congratulate the cities and community for pulling together. He added Brevard County still has a long way to go; and the newspaper did quote Commissioner Fisher's Art Center, and would not have known that about Commissioner Fisher, but Titusville is coming together, as well as the Searstown Mall redevelopments; and added it is nice to have good things recognized at a national level.

ITEM II.G., ANDY ANDERSON, DISTRICT 5 COMMISSIONER, CHAIRMAN

Chairman Anderson stated the Board always talks about the big hearts and contributions of this community, the non-profits; and stated he and Commissioner Fisher attended the Golden Eagle banquet for the Boy Scouts of America, which supports the local Boy Scouts. He went on to say that for a parent of a scout who wants to go to summer camp, it would not be \$200.00 without the subsidies from these fundraiser's, it would be more like \$2,000.00; so it allows the experience of scouting to be affordable to all families; and noted they raised \$175,000, with the help of Harris Corporation and *Florida TODAY*.

He added on Friday, he went to a dinner with some site selectors, and had a wrap up the following day, and they were impressed with the Space Coast; it was such a delight to talk to these guys; and for him, as a teenager, he lived in Ohio when the steel mills went out, and thought the Board was awfully optimistic, he was a little bit nervous; because that area in the northeast never recovered, and this community is unbelievable and has bounced back. He noted the Nationals' attendance was 85,000 this year; and commended the community for its support of Major League Baseball.

He advised he sent out an email to let the Commissioners know if they would like to remove something from the agenda they need to let Sally Lewis, in the County Manager's Office, know by Friday, if possible.

ITEM III.A.1., ACCEPTANCE, RE: EASEMENT ACQUISITION FOR MID REACH/BREVARD COUNTY SHORE PROTECTION PROJECT

The Board approved delegation of authority to the County Attorney, or his designee, to accept the donation of easements that are required for the Mid Reach portion of the Brevard County Shore Protection Project.

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

ITEM III.A.2., ACCEPTANCE OF GRANT FUNDS FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S CLEAN VESSEL ACT (CVA) GRANT PROGRAM, RE: CONSTRUCTION OF WATERFRONT IMPROVEMENTS AT GRIFFIS LANDING

The Board accepted a grant from the Florida Department of Environmental Protection's CVA Grant Program; authorized the use of existing approved funds as match; approved the related

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budget change requests; and authorized the County Manager to execute subsequent grant contract and project extension, if required.

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

ITEM III.A.3., HAZARD MITIGATION GRANT CONTRACT MODIFICATION WITH FLORIDA DIVISION OF EMERGENCY MANAGEMENT, RE: PLUCKEBAUM AND RANGE ROADS DRAINAGE IMPROVEMENTS

The Board executed Modification No. 1 to the Hazard Mitigation Grant Contract Number 11HM-3E-06-15-01-018 with the State of Florida, Division of Emergency Management (DEM), increasing the grant cost-share for Pluckebaum and Range Roads Drainage Improvements (Federal Emergency Management Agency (FEMA) Project No. 1785-036-R) and extending the period of performance time frame; and approved the necessary budget change requests.

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

ITEM III.A.4., RESOLUTION RELEASING CONTRACT AND SURETY PERFORMANCE BOND, RE: HARNETT DRIVE - THE VIERA COMPANY

The Board adopted Resolution No. 13-046, releasing the Contract and Surety Performance Bond with The Viera Company dated January 8, 2013, for Harnett Drive.

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

ITEM III.A.5., CONTRACT FOR SALE AND PURCHASE WITH MERRITT ISLAND HOLDINGS, LLC, RE: ACQUISITION OF RIGHT-OF-WAY FOR THE BARNES BOULEVARD WIDENING PROJECT

The Board executed Contract for Sale and Purchase with Merritt Island Holdings, LLC in the amount of \$36,000.00 (inclusive of all attorney and expert fees), plus closing costs and waiving the Phase I Environmental Assessment and survey requirements, for acquisition of right-of-way for the Barnes Boulevard Widening Project.

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

ITEM III.A.6., LOCAL AGENCY PROGRAM (LAP) AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION, RESOLUTION, AND PERMISSION TO ADVERTISE AND APPOINT SELECTION AND NEGOTIATION COMMITTEES, RE: DESIGNING FOUR LANES ALONG ELLIS ROAD

The Board adopted Resolution No. 13-047, authorizing Local Agency participation; executed the LAP Agreement with FDOT for the designing of four lanes along Ellis Road; granted permission to advertise for consultant selection; appointed Selection and Negotiation Committees consisting of John Denninghoff, Public Works Director, Assistant County Manager Mel Scott, and Engineering Program Manager Richard Szyrka, or their designees; authorized the Chairman to execute all needed agreements; and approved all budget change requests.

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

ITEM III.A.7., COMPENSATION AGREEMENT FOR COUNTRY OAKS, LLC, FOR SIGNAGE, RE: LAKE DRIVE DRAINAGE IMPROVEMENT PROJECT

The Board executed the Compensation Agreement for signage for Country Oaks, LLC in connection with the Lake Drive Drainage Improvement Project in the amount of \$6,773.00.

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

ITEM III.B.1., APPROVAL, RE: AMENDMENT TO SMALL AND LARGE SCALE ACQUISITION, NEW CONSTRUCTION, AND REHABILITATION POLICY

The Board executed Amendment to the Housing and Human Services Department's Small and Large Scale Acquisition, New Construction and Rehabilitation Policy.

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

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ITEM III.B.2., APPOINTMENT, RE: LOCAL HEALTH COUNCIL OF EAST CENTRAL FLORIDA

The Board unanimously appointed Susan Standley to serve on the Local Health Council of East Central Florida, replacing Lisa Slattery. Said term expires December 31, 2015.

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

ITEM III.B.3., CONTRACTOR DISPUTE WITH MCCORKLE CONSTRUCTION, RE: RODES PARK PHASE II

The Board executed a Final Payment Agreement, Release, and Changer Order to close out the contract between the County and McCorkle Construction ("McCorkle") for Max K. Rodes Park Phase II construction services ("the Project").

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

ITEM III.C.1., APPROVAL, RE: BUDGET CHANGE REQUESTS

The Board approved the Budget Change Requests, as submitted.

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

ITEM III.D.1., APPROVAL, RE: CANCELLATION OF APRIL 25, 2013, WORKSHOP

The Board approved the cancellation of the April 25, 2013, Workshop.

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

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ITEM III.D.2., CONFIRMATION OF ASSISTANT COUNTY MANAGER, RE: VENETTA VALDENGO

The Board confirmed the appointment of Venetta Valdengo as Assistant County Manager, providing oversight for the group consisting of Housing and Human Services, Transit Services, Library Services, Parks and Recreation, and Animal Services Departments, as well as Valkaria Airport.

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

ITEM III.D.3., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

No appointments/reappointments at this time.

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

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

The Board approved the Billfolder, as submitted.

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

ITEM V.A., PUBLIC HEARING, RE: RESOLUTION VACATING PUBLIC INGRESS/EGRESS AND UTILITY EASEMENT IN SECTION 24, TOWNSHIP 21S, RANGE 34E - PRIMO DIFELICE/CCE, INC.

Chairman Anderson called for the public hearing to consider a resolution vacating public ingress/egress and utility easement in Section 24, Township 21S, Range 34E, as petitioned by Primo DiFelice/CCE, Inc.

Mel Scott, Assistant County Manager, stated the item is to vacate and abandon unused rights-of-way, there is a developer that purchased the property and would like to re-design the site; and noted there are no objections.

There being no further comments, the Board adopted Resolution No. 13-048, vacating public ingress/egress and utility easement in Section 24, Township 21S, Range 34E - Primo DiFelice/CCE, Inc.

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

ITEM V.B., PUBLIC HEARING, RE: DEVELOPERS AGREEMENT WITH BENCHMARK 35 ASSOCIATES, LP, FOR THE HOLLYWOOD BOULEVARD WIDENING PROJECT

Chairman Anderson called for the public hearing to consider a Traffic Concurrency and Traffic Impact Fee Credit Agreement with Benchmark 35 Associates, LP, and the City of West Melbourne.

John Denninghoff, Public Works Director, stated this is the same item that was heard at the last Board meeting; there have been no changes to it; and it was approved by the City of West Melbourne.

There being no further comments, the Board executed the Traffic Concurrency and Traffic Impact Fee Credit Agreement with Benchmark 35 Associates, Limited Partnership and the City of West Melbourne; and authorized the Budget Office to execute any budget change requests necessary to implement the project.

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

ITEM VI.A., DISCUSSION, RE: CLOSURE OF SOUTH LAKE AND GARDENDALE ELEMENTARY SCHOOLS, AND CLEARLAKE MIDDLE SCHOOL

Commissioner Infantini stated she brought back the item where the Board voted to join in a lawsuit against the Brevard County School Board; subsequent to that vote, she had a meeting with Dr. Brian Bengelli; and he was kind enough give her the Interlocal Agreement that was signed between the County and the School Board.

Commissioner Nelson asked for a point of clarification, because this is an item the Board took a vote on; and to actually have the discussion on this item as a follow-up, there has to be a motion to reconsider; and stated that should be the first item to talk about, before talking about the actual item.

Chairman Anderson stated he thought Commissioner Infantini was going to get to the point.

Commissioner Bolin Lewis stated it is not up for discussion, it is a statement; and inquired if the Board also has to reconsider whether or not the reconsideration of the motion is accurate, because one of the qualifications to do so is that no action on this motion has been started or partially started.

Chairman Anderson stated under Roberts Rules of Order, Commissioner Infantini would have to request a motion to reconsider for discussion. Commissioner Infantini motioned to reconsider,

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because the duty of the School Board is to maximize utilization of capacity. Commissioner Bolin Lewis stated Commissioner Infantini was adding narrative to the motion and not following Roberts Rules of Order correctly. Commissioner Infantini stated Commissioner Bolin Lewis is not following Roberts Rule of Order by interrupting and not letting the citizens know that the south already faced 4,500 students over redistricting. Commissioner Bolin Lewis responded the topic is not up for discussion; the discussion is whether or not there should be a reconsideration of a motion. Commissioner Infantini stated now 2,000 students are being relocated; and stated she thought that was relevant information. Commissioner Bolin Lewis stated Commissioner Infantini is continuing to give narrative to an item that is not up for discussion.

Chairman Anderson called for a second to the motion to reconsider the closure of South Lake and Gardendale Elementary Schools, and Clearlake Middle School. Motion died for lack of a second.

ITEM VI.B., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE AN ORDINANCE AMENDING SECTION 62-6117, RE: PARKING AND STORAGE REQUIREMENTS FOR COMMERCIAL VEHICLES

Commissioner Nelson stated right now, a 29-foot truck can be parked in front of a house. Mr. Moquin, who appeared previously before the Board, wanted to be able to park a different sized truck; and he is suggesting the Board do something it has done previously, which is limit it to half-acre lot sizes, and he would like to start the process to have it come back to the Board for a decision. Commissioner Fisher stated he wants to make sure the Board is being fair. Commissioner Nelson stated today's item will set up the structure for that discussion.

Commissioner Bolin Lewis stated she would like for the consideration to be by the length of the truck and not the size of the lot, because there are more trades people who are on smaller lots in neighborhoods. Commissioner Nelson stated his suggestion for the lot size is specific to a type of truck, such as a box truck versus a van. Commissioner Bolin Lewis stated by giving it a name, it has caused this problem of a box truck versus a step van, but if it were regulated by length it would not matter what they are called. Commissioner Nelson stated it is about a specific type of vehicle, as opposed to what Commissioner Bolin Lewis just described.

Commissioner Infantini stated her office has not received a single complaint about the length of any truck being parked somewhere; she would hate to regulate different types of assets that people can own; and stated to create a rule on something there is no problem with, is over-regulation and not being friendly. Commissioner Nelson stated Commissioner Infantini represents mostly incorporated areas; it is only the County that allows those vehicles to be parked on residential property; and those Commissioners who do represent a larger unincorporated area do not get those protections. He further stated it is just an opportunity to have a discussion and to see if the community wants to support it.

Chairman Anderson stated limiting it to half-acre lots will hurt the Brandywine area and other unincorporated areas in West Melbourne because there are a lot of blue collar folks there who are plumbers and carpenters, and they do not have giant vehicles, but they do have some vehicles. He stated if it is going to be prohibited, then it needs to be fair and prohibited to utility people who are on-call, and to government vehicles; and stated he agrees with Commissioner Bolin Lewis that the Board can discuss the length of the vehicles, but he cannot support telling someone they have to have a storage unit for their vehicles.

Commissioner Nelson stated there is a misunderstanding, because this is not about pickup trucks and vans, it is about a very specific type of vehicle as opposed to what Chairman Anderson just described. Chairman Anderson stated Commissioner Nelson is talking about an

F-250 with a box on the back, which may be 25 feet in length versus a panel van, which is 18 feet.

Commissioner Infantini stated she represents all of Brevard County, but she is only elected by a small portion of the County that is unincorporated. She noted she receives phone calls from people from throughout the entire County. She stated she is not looking to put another layer of additional regulations on individuals; she has not had anybody from District 2 call her to say there are complaints; and inquired how many complaints there have been with Code Enforcement in the last four years about oversized vehicles. Ms. Sobrino replied she will research that and get back to the Board.

Commissioner Fisher stated he likes the intent to have the discussion, and he would like the legislative intent to open up the dialogue. Commissioner Nelson inquired as currently written, what would the legislative intent do and how would it be modified to accomplish what Commissioner Fisher wants to do. Robin Sobrino, Planning and Development Director, replied the legislative intent, as the Board has proposed it, would restrict box trucks and other commercial vehicles, not passenger vans and pickup trucks, to properties that are a minimum of one half-acre in size in residential areas.

Commissioner Fisher inquired if there could be a way to restructure the language to say the Board is going to have legislative intent to talk about step vans, box vans, or lengths of vehicles in driveways. Ms. Sobrino responded yes, that could be an alternative to have that discussion and staff could come back with some recommendations as to what it thinks are appropriate lengths. She noted the traditional setbacks in single-family residential areas are 20 or 25 feet, so if the Board is thinking about having it parked in a driveway, it might want to be looking at 20 or 25 feet as its restriction on length. Commissioner Fisher stated maybe part of the length discussion is that a step van cannot be on the sidewalks.

The Board granted legislative intent and permission to advertise an ordinance amending Section 62-2117 of the County Code as it relates to a restriction on parking of commercial vehicles on residential property; and further directed staff to bring forward recommendations for discussion on appropriate lengths of commercial vehicles parked in residential areas.

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

ITEM VII.A.1., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE AMENDMENTS TO CHAPTER 62, ARTICLE XIII, DIVISION 4, RE: LAND ALTERATION

Ernie Brown, Natural Resources Management Director, stated before the Board is legislative intent to modify the existing Ordinance relating to land alteration; and the Land Alteration Ordinance has been in place for a long time, and there are always opportunities to improve on the existing regulations as staff sees areas that need to be improved. He advised in this particular case, staff is working with a local borrow pit operator; and it came to staff's attention that there was not a lot of clarity as it relates to public projects, and an inequity as it relates to public projects relative to the existing exemptions. He stated, as an example, stormwater management ponds in a site plan or subdivision criteria are not required to get a land alteration permit; land alteration permits are primarily designed for commercial borrow pits or mining

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operations; and the existing Ordinance had exempted stormwater facilities that were constructed as part of an improved site plan and subdivision. He stated staff believes it was the Board's intent historically to not require land alteration permits for stormwater projects and public projects, such as what is done to mitigate flooding in the County, or to mitigate water quality problems in the County, or to address maintenance of drainage ditches. He stated the law as it is literally written, any time Public Works performs extensive drainage, or improvements, or maintenance on County ditches that would require permits, or any time the County builds a capital improvement project to improve someplace like Lamplighter Village, it would require a land alteration permit. He advised it has come to staff's attention that that exemption was not clearly articulated in the Code, and to provide equity for that, staff is requesting the Board's consideration to allow for County projects, or maintenance of County projects, that have been approved by the County Manager, or designee, or determined to be in the best public interest, which is through the CIP process, to be exempt from requiring a land alteration permit.

Brian Hamilton stated he represents Spacewalk Groves, Inc., and McGruder Smith Farms, both of which have land alteration projects permitted under Division 4, Borrow Pit Operations. He stated the intent of the Ordinance was not to exempt projects from the rule, it was intended to exempt people applying through Land Development who are seeking site plan approval; it was to afford them the courtesy of not having double permit criteria; and stated it is an exemption for a piece of paper. He stated his complaint is that in the last five years, seven contractors have moved 1.3 million cubic yards in a 20-mile range of his operations, unregulated; the County actually gives hundreds of thousands of dollars of material to those contractors, bypassing the County's surplus policy; and stated the Facilities Department has given away hundreds of thousands of dollars of good material with the sole purpose of allowing the contractor to be able to monopolize the market and sell the material as fast as possible and get their project done. He advised last July, his attorney wrote Assistant County Manager Christine Lepore a letter expressing his concerns; and stated what he wants to know is why Brevard County is using erroneously misinterpreting Section 62-4422 as a blanket exemption for the rule, when it really exempts people from going through Land Development and site plan review and doubling up on a permit.

Mr. Brown stated Mr. Hamilton's concern has brought to light some of staff's concerns and he wants to provide clarification to the Board as it relates to exempting public projects from requiring a land alteration permit; and stated all of the projects, whether they are site planned subdivisions or County projects that are not part of land alteration permit, but are associated with stormwater, do have to comply with the stormwater criteria; the stormwater criteria addresses side slopes and safety issues; and stated it is true that the land alteration permit requires littoral shelves in the reclamation process. He stated some of the major concerns Mr. Hamilton has brought to light is what is done with the dirt for site plan and subdivisions; normally, a development will try to make their fill calculations work so that it is a balanced site; and if there is excess dirt, there is some additional criteria they need to look at, such as getting it off the site. He advised staff is starting the process of looking at land alteration, private lakes, and the stormwater criteria, to make sure there is consistency amongst those three to close any gaps that may exist.

Chairman Anderson clarified that the item is for legislative intent to advertise, and the Board is not making a final decision today. Commissioner Infantini inquired who receives the proceeds from the sale of the fill dirt. Mr. Brown replied what frequently happens for a public project is that staff first tries to go to other public projects that have a need for fill; it is built into some contracts that as a competitive bid process, when a contractor bids on a particular project, they can take ownership of that fill and then sell it as they see fit; and noted that is through a competitive bid process.

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Chairman Anderson noted in his and Commissioner Infantini's districts, there are some projects where fill is received by Melbourne-Tillman, free, and if they could not do that they would have to raise their fees.

The Board granted legislative intent and permission to advertise amendments to Chapter 62, Article XIII, Division 4, Land Alteration, to address performance requirements for County projects with Board approval.

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

ITEM VII.B.1., CITIZEN REQUEST BY MICHAEL ZITZ, RE: REVISIONS OF SCHEDULES AND SERVICE AREAS BY SPACE COAST AREA TRANSIT (SCAT) ON BUS ROUTES 23 AND 22 IN THE CITY OF PALM BAY

Michael Zitz stated Space Coast Area Transit (SCAT) changed the back-and-forth route on Route 23, to a circle route; it was done in conjunction with Route 22 to provide service to Palm Bay Hospital, which is a good thing, but by doing the route that way, they are hurting a lot of West Palm Bay; and now people have to ride all the way around to get back to their houses. He stated he understands that it is a money problem because there is no extra money for extra buses; stated he asked Transit Director Jim Liesenfelt if there were any other way to provide the service to the hospital, and was told it was a policy decision and money was the whole problem; and inquired if there was a way to dig a little deeper into it and get more input from the populous. He stated going back to a circle route on Route 23, which also affects Route 22, is cutting service to certain people, especially seniors and the disabled; by keeping Route 22 and keeping it in a closed loop from BCC to the hospital and back, is causing a lot more people to crowd onto Route 23, including a lot of wheelchairs; and stated he wishes the County could find a better option that would help everybody. He noted the number of people who would be helped by going to the hospital would far outweigh the people who would be hurt by the change.

Jim Liesenfelt, Transit Services Director, stated when a service area is being added and there are no extra buses or bus hours, they have to be taken from somewhere; staff took Route 23, which was a line route, and made it a loop route that covers part of Route 22, and then extended time to Palm Bay Hospital; the hospital has been asking for service, as well as MIMA and Brevard Health Alliance; and stated it is a trade off between service area and ridership. He noted there are two routes that operate line-to-line and the rest is loop. He stated SCAT pulled out of Palm Bay West; the ridership on the buses is exceeding the time capacity to operate; and SCAT has 28 boardings per hour, which puts it busier than cities such as Orlando. He advised there were nine public workshops with about 250 to 270 people in attendance; and stated they were well advertised.

Chairman Anderson stated life safety is the most important thing by getting people to doctor appointments and the hospital; and inquired if staff has had conversations with the City of Palm Bay; and noted the Board has partnered with other municipalities who have been willing to help out. Mr. Liesenfelt replied the Board would be better off using city funds to expand the service, and there is some interest from Palm Bay to help provide more service. Chairman Anderson stated he would encourage Mr. Zitz to talk to the Palm Bay City Council.

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The Board considered the citizen request by Michael Zitz for revisions of schedules and service areas by SCAT on Bus Routes 23 and 22 in the City of Palm Bay, but took no action.

ITEM VII.C.1., APPROVAL, RE: BUDGET AND FINANCIAL POLICY, BCC-21

Stockton Whitten, Deputy County Manager, stated there are three changes staff is asking for with regards to Policy BCC-21; the first is a change requested by the Finance Department, and it is in regards to the CAFR (Comprehensive Annual Financial Report) and presentation levels; the second change is deleting the phrase, "And projected changes and fund balances as part of the quarterly report requirement", as staff corrects the fund balances after the CAFR and the annual financial reports are completed, and so it makes sense to delete that phrase; and the last change establishes the approval level for the Deputy County Manager between the County Manager's \$100,000 approval level and the Assistant County Manager's \$50,000 approval level.

Commissioner Infantini inquired what page in the quarterly report is Section 3.b.2, where the projected changes are put in the fund balances. Mr. Whitten replied the point of the change is that staff has not been doing that, as it is traditionally done at the mid-year supplemental, so the Board will see the adjustments to fund balances on April 16th.

The Board approved revisions to BCC-21, Budget and Financial Policy, which provides guidance to staff on managing County finances and developing and amending the County's Annual Operating and Capital Improvement budget.

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

ITEM VII.C.2., ACKNOWLEDGEMENT, RE: RECEIPT OF 2011-2012 ANNUAL REPORT FOR PERIOD OF AUGUST 21, 2012, THROUGH SEPTEMBER 30, 2012, FOR CAPE CANAVERAL COMMUNITY REDEVELOPMENT AGENCY

The Board acknowledged receipt of FY 2011-2012 Annual Report for period of August 21, 2012, to September 30, 2012, for Cape Canaveral Community Redevelopment Agency.

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

ITEM VII.C.3., APPROVAL, RE: REQUEST FOR PROPOSAL FOR HOSTED EMAIL SERVICES

Jon Sellers, Information Technology Department Director, stated he is before the Board to ask to go out for a Request for Proposal (RFP) for Hosted Email Services; and as the Board is aware, systems were down for about 10 days, and he would like to commend staff for doing a great job of keeping staff up and running as well as they could. He went on to say that this is a

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great opportunity to go out and understand what the costs are associated with improving the level of service with the County's email system.

Chairman Anderson inquired if it is basically moving from the hard system to the cloud. Mr Sellers responded, yes.

Commissioner Infantini inquired how it would impact public records requests if it is a hosted system; and stated there were a public records request for emails going forward, turnaround time can be around a month; and further inquired what the turnaround time and the cost to the citizens will be if they were to do a public records request.

Mr. Sellers responded it depends on the kind of system that is chosen; one of the options he would like to bring back is an option that would include things like E-Discovery, that would allow the County Attorney's Office the ability to produce those records a lot quicker. He went on to say that the companies that provide those systems are fairly expensive, so he would bring back three options; a second option would be a level of service staff provides internally in Information Technology (I.T.) presently; and the third level would be upgrading the current systems and hosting it internally.

Commissioner Infantini stated when she met with staff a couple weeks ago, they said what just happened was an upgrade, and making a redundant system so the situation that just took place a few weeks ago would not happen again.

Mr. Sellers stated that is partially correct, the solution there would reduce the amount of time it would take to recover if that problem arose again; instead of being down for ten days, it would only be down for one day.

Commissioner Infantini stated she does not understand why the Board is going to go out for a RFP for more cost, when the system was just upgraded; she added that County staff's email system was down for about a week to ten days; she commended staff for doing a great job getting the email back up and working, a redundant system would reduce the amount of time; and if the money was just spent, so that the same problem would not arise, and added it seems a waste of money to go through with this. She went on to say the public is going to be most hurt by it; if they want a public records request, she believes it would start becoming cost prohibitive; that is her biggest fear; and she does not care what system staff goes with, but she would like to know the costs for doing those requests.

Chairman Anderson stated he completely disagrees with Commissioner Infantini; every major corporation in the world has went to the cloud. He added even being down for 24 hours costs not taxpayers money, but businesses money when their permits and site plans are being held up. He went on to say if the Board took the amount of money that was lost by the private sector, in those seven to ten days, he believes the Board would be astonished. He noted with the cloud it is instantaneous; one day is too long to wait when waiting for permits; and every day that is spent waiting is money they are losing.

Mr. Sellers stated the issue with the redundant systems is that staff runs about 160 servers in I.T. presently, email server, just one; that redundant system is there for all of those servers, not just for the email. He added he is not going to come back on this option stating how much money he is going to spend and which company he is choosing; he is coming back to the Board with options to vote on; and one of those options will be to continue hosting it in house, it will most likely be the least expensive option, but would be the one with the highest risk.

The Board directed Jon Sellers, Information Technology Director, to develop and release a Request for Proposal for Hosted Email Services; and approved a selection and negotiation

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committee consisting of the Information Technology Director; a Senior Systems Administrator, appointed by the Information Technology Director; the County Attorney, or designee; and two department directors appointed by the County Manager.

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

ITEM VII.E.1., APPROVAL, RE: BLUE RIBBON ADVISORY BOARD FOR TRANSPORTATION INFRASTRUCTURE

The Board recessed at 10:25 a.m. and reconvened at 10:33 a.m.

Stockton Whitten, Deputy County Manager, advised at the March 14th Transportation Workshop, the Board directed staff to come back with a composition of the Blue Ribbon Advisory Board, which will make recommendations to the Board on transportation funding. He stated staff has a possible membership composition of 15 categories, and will solicit nominations from the business community for the categories and bring those nominations back to the Board for approval.

Commissioner Bolin Lewis stated she likes the selections, but she would like to add a DRI (Development of Regional Impact) representative as the 16th member, as was discussed at the Transportation Workshop. Commissioner Fisher stated he would like to see a regular citizen added to the list. Commissioner Bolin Lewis inquired what was the thought process was behind having a representative from the Bar Association on the list. Commissioner Fisher stated he would like to see a staff lawyer on the advisory board that understands County policies. Commissioner Nelson stated as an ex-officio, there can be a staff attorney, but not as a voting member. Mr. Whitten explained it was not a thought process, but staff was just trying to reach across the business community as broadly as possible. Howard Tipton, County Manager, pointed out that a lot of attorney's and law firms are part of the development process and could add some input.

Commissioner Bolin Lewis stated with a DRI representative and a citizen member, the membership is now at 17. Commissioner Nelson stated he noticed there is no one on the list from the Melbourne Board of Realtors. Chairman Anderson stated he was concerned about that, also.

Tim Harber, President, Harber Realty, stated he is a commercial broker and developer, and ex-president of Space Coast Realtors. He stated he supports the Blue Ribbon Advisory Board and would like to volunteer to be on the board, as he does not consider himself as just representing Space Coast Realtors. He noted the Board may want to include someone like Henry Minneboo, who does not have a dog in the fight, but has been there and done that and could give some good guidance in the group.

Chairman Anderson stated Mr. Harber brought up an interesting aspect when they spoke yesterday, which is that there is a difference between a realtor who does existing homes and a realtor who is going after new construction, and the new construction goes back to impact fees. He stated he wants the Board to be aware of that during the selection process. Mr. Harber stated there is a huge difference between a realtor who sells a house once in a while versus

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somebody that understands the business, and if the Board includes a Melbourne, or residential realtor, they need to be somebody involved in new construction, or at least knows what the costs might or might not do to affect them.

Commissioner Bolin Lewis inquired if all of the associations could make their own selections, so the Board would not be choosing who is on the advisory board, it would be the associations determining who would represent them. Mr. Harber stated if the Board tells the Space Coast Realtors to appoint someone, they will take care of it without an issue.

Commissioner Nelson stated he read an email Mr. Harber sent and he is concerned because he called the advisory board a 'transportation impact fee group', but it is certainly not that. He stated the group is going to look at all of the transportation needs and all the different funding options, but his concern is that in looking at the list, they are probably predisposed to dislike impact fees. He further stated he will be looking for someone who is open to whatever it takes to come up with a plan in conjunction with the community. Mr. Harber stated he is against impact fees at this point in time; down-the-road he would be happy to support it because he realizes it is a need, and the County needs good roads and everything to be taken care of.

Commissioner Fisher stated when the Board extended the impact fee moratorium, the understanding was that the group knows there are long-term capital needs and road issues that need to be addressed and cannot be ignored, and so the group needs to be open minded to some solution to the problem.

Commissioner Bolin Lewis inquired if there was anyone on the list who understands Merritt Island has a major problem with roads, there is no new development, and there are no new homes. Commissioner Nelson stated he is going to be looking at people who have a broad enough perspective to understand that it is not just capacity. Commissioner Bolin Lewis inquired if Commissioner Nelson would consider MIRA (Merritt Island Redevelopment Agency) an agency that would be involved. Commissioner Nelson stated MIRA is probably the one group that would have the most interest in that particular issue, and if the Board wants to add a MIRA representative, it would be great.

Chairman Anderson stated he looks at it as economic development; infrastructure impacts economic development and enhances manufacturing; residential does not exist without those jobs coming in; and the jobs do not come in unless companies feel there are adequate logistics to transfer their goods and services.

Commissioner Fisher inquired if the Space Coast Realtors are going to present a name to the Board for it to accept. Mr. Tipton replied the concept was that staff would invite each of the different groups and ask them to appoint a person, and if they cannot make a decision and appoint two members, then the Board would have to choose, but the idea is that the advisory board would be presented with one motion.

Commissioner Nelson stated he would presume staff is going to be involved in much of the group because it is a public infrastructure discussion, so he would think that the Public Works Department is going to be involved in providing information as well, so that will bridge the gap between new infrastructure and the maintenance of existing infrastructure. He stated it would be his desire that staff are ex-officio members of the group.

Commissioner Infantini recommended that for the residential builder, the Home Builders Contractor's Association should recommend a builder, and for the commercial builder, the Association of Builders and Contractor's should recommend someone from their group. She noted if done that way, it takes the Board's politics out of it. Chairman Anderson noted he has talked to Mr. Tipton about making sure it is balanced geographically throughout the County as

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much as possible. Commissioner Fisher stated he knows people are going to be selfish about representing their interests, but he is worried about them representing the County's long-term interest.

Mr. Whitten summarized that the list is now 19 members, with the Board adding a DRI representative, a regular citizen, a Melbourne area realtor, and a MIRA representative today.

The Board approved the Blue Ribbon Advisory Board for Transportation Infrastructure membership composition as follows: 1.) Residential Builder; 2.) Commercial Builder; 3.) Space Coast Association of Realtors, Executive Board Member; 4.) Cocoa Beach Regional Chamber of Commerce, Executive Board Member; 5.) Melbourne Chamber of Commerce, Executive Board Member; 6.) Titusville Chamber of Commerce, Executive Board Member; 7.) Palm Bay Chamber of Commerce, Executive Board Member; 8.) Tourist Development Council, Executive Board Member; 9.) Brevard County Bar Association, Executive Board Member; 10.) Economic Development Commission, Executive Board Member; 11.) Banking Industry Professional; 12.) Hospital Chief Executive Officer or staff designee; 13.) College Professor, Finance/Business/Economics; 14.) Owner of Large Business (100+ employees; and 15.), Environmental Industry Professional. **The Board further added the following: 16.) DRI (Development of Regional Impact) Representative; 17.) Regular Citizen Member; 18.) Melbourne Area Realtor; and 19.) MIRA (Merritt Island Redevelopment Area) Representative.**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM VII.F.1., CITIZEN REQUEST BY JEREMY NORCROSS, RE: SECTION 6.3, HOURS OF SALE

Jeremy Norcross stated he would like to bring to the Board's attention one of its Codes that has been on the books since 1979, dealing with the hours of sale for alcoholic beverages; most of the cities in the County have updated their Codes; the City of Melbourne can sell alcohol at 7:00 a.m. every day of the week; and his concern is that it should be done fairly throughout the County. He stated he has owned Florida Wine and Spirits on the corner of Viera Boulevard and Murrell Road for a little over a year; when the store first opened eight years ago, the Sheriff's Office permitted them to start selling at 7:00 a.m. seven days per week, but the previous owner chose to start selling at 9:00 a.m. seven days a week; and the store has been doing that for eight years. He stated in February he was given a copy of the Code from Lieutenant Cook from the Sheriff's Office and was told that he cannot open until 1:00 p.m. on Sundays; that directive has cut his business in half; it is a loss of \$100,000 per year for a small business that is trying to make a living in Brevard County; and he would like to ask the Board to look at the Code fairly and consider making a change. He noted if the Board does not want to change the Code, then it should enforce it on everybody, because there are a number of restaurants serving liquor before 1:00 p.m. on Sunday; the Code says 'any commercial establishment serving, dispensing, or selling liquor' has to follow the hours; and it does not matter if it is a membership club, such as the Eau Gallie Yacht Club, or a restaurant like Grills or Mimi's, or Chili's or Longhorns. He stated there are a number of establishments that are not being made to follow the rule; and noted the issue was brought to light because of a new business that came to town and does not want to have to compete with the small local businesses.

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Commissioner Fisher pointed out that the Eau Gallie Yacht Club is in the City of Indian Harbour Beach and has to follow its rules; and stated he understands what Mr. Norcross is saying, but he wants to be clear about the municipalities. Mr. Norcross stated he understands that, and in many municipalities businesses are allowed to serve at 7:00 a.m. seven days per week, but as it stands in unincorporated Brevard County liquor is not to be served before 1:00 p.m. on Sundays. He stated he can name at least half a dozen restaurants that he can get a Bloody Mary at on a Sunday morning. He noted when he brought that to the attention of Lieutenant Cook, he told him to contact his Commissioners. He stated he appreciates that he was not ticketed, but he thinks the Code needs to be considered; and if nothing is changed, he is sure there will be a lot of complaints on restaurants and there will be a big enough demand that things will have to be addressed.

Commissioner Bolin Lewis inquired if it is hard liquor that cannot be sold on Sunday until 1:00 p.m. Mr. Norcross confirmed that it cannot be served over the bar, and it cannot be sold to-go, on or off premises. Commissioner Bolin Lewis inquired if beer and wine can be served or sold on Sundays before 1:00 p.m. Mr. Norcross advised beer and wine can be sold before 1:00 p.m. Commissioner Bolin Lewis stated Mr. Norcross can open his store any time on Sunday and sell beer and wine, but it is the hard liquor he cannot sell until 1:00 p.m. Mr. Norcross stated the problem is that the businesses are laid out, none of them open before 1:00 p.m. Commissioner Bolin Lewis clarified that the Code does not restrict him from opening on Sunday morning, but he can sell beer and wine. Mr. Norcross stated that is correct, he cannot sell liquor before 1:00 p.m., which is his main business. Commissioner Bolin Lewis inquired if Mr. Norcross is concerned about people being served liquor before 1:00 p.m. on a Sunday at restaurants. Mr. Norcross stated he is not trying to throw any other businesses under the bus, but he feels like if someone were to send the Sheriff's Office to dozens of restaurants that are in the unincorporated County and made them follow the law, eventually the Board would face a bigger portion of people that would feel the same way he does. Commissioner Bolin Lewis stated Mr. Norcross is referring to Total Wine & Spirits, but they cannot sell liquor before 1:00 p.m. on Sunday either. Mr. Norcross stated he is not talking about them, he is talking about Chili's, Longhorns, Mimi's, etc.

Commissioner Bolin Lewis stated she agrees that it is the restaurants that are violating this policy. Mr. Norcross noted he also has a full bar in his business, and the Code affects him in that regard as well. He noted a good portion of his business comes from football season, and other certain sporting seasons.

Commissioner Nelson stated he would like to see an expanded staff report on exactly what each municipality is doing; and he thinks it is worth having a discussion because the Board knows what is going on and it needs to look at it and address those questions and see if the Board wants to make a change.

Chairman Anderson stated he also thinks it is worth having a conversation; and noted he agrees with what Mr. Norcross said about football season.

The Board directed staff to prepare a report on Hours of Sale for alcoholic beverages, detailing what rules the other municipalities in Brevard County follow, and to provide the report to the Board as soon as possible.

Commissioner Bolin Lewis stated she would also like to add to the motion what the process would be for the Board if it decides it wants to approve hard liquor sales before 1:00 p.m. on

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Sundays. Commissioner Nelson stated he would amend his motion to add Commissioner Bolin Lewis's suggestion.

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

ADJOURNMENT

Upon consensus of the Board, the meeting adjourned at 11:00 a.m.

ATTEST:

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

SCOTT ELLIS, CLERK