

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

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on August 1, 2013 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

ZONING STATEMENT

The Board of County Commissioners acts as a Quasi Judicial body when it hears requests for rezonings and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness testimony showing that the request meets the Zoning Code and the Comprehensive Plan criteria. Opponents must also testify as to facts, or provide expert testimony; whether they like, or dislike, a request is not competent evidence. The Board must then decide whether the evidence demonstrates consistency and compatibility with the Comprehensive Plan and the existing rules in the Zoning Ordinance, property adjacent to the property to be rezoned, and the actual development of the surrounding area. The Board cannot consider speculation, non-expert opinion testimony, or poll the audience by asking those in favor or opposed to stand up or raise their hands. If a Commissioner has had communications regarding a rezoning or Conditional Use Permit request before the Board, the Commissioner must disclose the subject of the communication and the identity of the person, group, or entity, with whom the communication took place before the Board takes action on the request. Likewise, if a Commissioner has made a site visit, inspections, or investigation, the Commissioner must disclose that fact before the Board takes action on the request. Each applicant is allowed a total of 15 minutes to present their request unless the time is extended by a majority vote of the Board. The applicant may reserve any portion of the 15 minutes of rebuttal. Other speakers are allowed five minutes to speak. Speakers may not pass their time to someone else in order to give that person more time to speak.

INVOCATION

The invocation was given by Dr. Michael Carey of Trinity Presbyterian Church, Satellite Beach.

PLEDGE OF ALLEGIANCE

Commissioner Infantini led the assembly in the Pledge of Allegiance.

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

Commissioner Nelson stated he would like to get a clarification when the Board had the workshop talking about utilities and the increase, towards the end got a little chaotic. He understood what the Board was going to be doing was to have a propriety based number come

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back to it for final approval before any notices went out; and he would like to see if that was the understanding of the Board, as opposed to going for the full \$130 million dollar program.

Commissioner Infantini stated she did not leave with the understanding that the Board was going with the full \$130 million program, nor did she go with any understanding that it was going to be billing customers \$150 per unit for Solid Waste. She advised she did not leave with any of those understandings.

Commissioner Nelson stated he would like to focus on the utilities issue and would like to make sure that the Board has, back before it, the ability to make sure the Board understands what those numbers are before any notices are authorized to go out; and he would like to make that a motion.

Chairman Anderson inquired if prior to the resolution the Board should make a rate adjustment, because Commissioner Nelson would like to discuss the rate.

Commissioner Nelson stated that way the Board would know what it is getting for the money. He stressed the citizens will know the improvements that are to be made, what the anticipated costs are, and what the impact to the rate structure is so that all have consensus, or at least an understanding of what it is going to look like.

The Board directed Robert Adolphe, Utility Services Director, to bring back to the Board priority based numbers relating to the utilities increase for final approval before the notices are mailed out to the citizens.

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

ITEM II.E., TRUDIE INFANTINI, DISTRICT 3 COMMISSIONER

Commissioner Infantini stated along the same line of the utilities issue, she does not understand how the Board was able to have notices going out prior to approving a resolution on the Solid Waste rate structure. She explained when she looked up what took place in 2007, when it was proposed to increase the rate from the existing rate to \$161, and go with automated carts; it came before the Board in December of 2007, the notice was approved; and it went out to the residents, there was a huge amount of input, there was four hours of discussion in that subsequent meeting, and then the vote was rescinded. She inquired when the Board approved a resolution for the rate change in Solid Waste. She stated she understood the timing is such that it needed to be completed by the August 20, 2013, Board meeting, but is curious as to why a resolution was not brought to the Board in anticipation, so that it could meet those deadlines and constraints within.

Euripides Rodriguez, Solid Waste Management Director, reported he could not remember what happened in 2008 without double checking, so he will take Commissioner Infantini's word for it; there was some discussion on whether or not to go with carts or no carts from the beginning; and staff had to take that off the table before the notices were sent out. He added, what happened in this instance is in January, there was a presentation to the Board; in the presentation there were estimates of what Solid Waste Department was going to bill under the different scenarios; and back then staff was talking about vendors, there was Waste Pro, Waste

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Management, and WCI. He stated the numbers were totally different, and not hearing any discussion from the Board at that time, he proceeded to prepare the notice; and it went through the regular editing process, and it went out to the public.

Commissioner Infantini questioned why the process was circumvented to get approval, because in December of 2007 there were three things proposed, to determine a contract that the Board desires, as well as approving the resolution for the notice that was to be offered and gone out in public notice, and advertise for the meeting. She noted, the inconsistency between last time, and that offered the public a great deal of opportunity for input, and this time, there was not the same type of input. She advised she did not find out about it until her husband showed it to her; she does not believe that is the way the Board is supposed to do business. She stated if it means this year there is no rate increase, that the Board waits until next year to do things properly by having a resolution presented to it, and the Board makes the decision to issue a notice; and it did not seem to flow right. She inquired if there was a certain procedure for notifying the public of rate changes, or if the Board wants to squander its responsibilities to the voters that elected it and turn over the responsibility to staff.

Mr. Rodriguez stated in the past it has been done different ways. He advised to his knowledge, there is no set process, procedure, or policy on how to go about the process. He added there is a past history on how it has and has not been done; and when looking back, it has been done both ways.

Commissioner Infantini inquired if Mr. Rodriguez could show when the last time it was done this way, because she has looked and has not found it. Mr. Rodriguez responded yes, if she could give him a little time for research, because he will have to go back to 1993 when he started in Solid Waste.

Chairman Anderson inquired if anything has been approved yet, as this was just a notice for public hearing for a rate increase. Mr. Rodriguez stated yes, and as long as the Board does not take the proposal and go up, but it can also go down.

Chairman Anderson stated there is a misunderstanding out there that it has already been approved and that is completely false; and he wants that understood. He added he has been communicating that from his office for residents to show up on August 20, 2013, if there was an issue.

Commissioner Infantini stated there was also the understanding that the notice came from the Board; and she has had this discussion with Morris Richardson, Assistant County Attorney, who when she questioned why the County would do this, he responded that she is the County, and she thought she should probably be sought out and asked for her opinion; and then she can disagree.

Chairman Anderson stated that is what this does; it gives the Board a public hearing to discuss it.

Morris Richardson, Assistant County Attorney stated that is what he told her, that the County has not done it yet; The Board is the County, it has not done it; and it does not have to do it. He added what the notice does is set the maximum rate increase, so there is no obligation of the Board to impose any increase, the only thing the Board cannot do is go above what staff included in the notice.

Commissioner Nelson stated after the Board went through the process of selecting Waste Management and having to negotiate the contract, he had shared with staff his desire to have this discussion. He understood there were options and one big difference between the 2007

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discussion and this one was in 2007 it was five years as opposed to seven; the Board was aware of what the maximum could be for the rate increase; and the decision at that point was to do a five year rate. He understood and recognized that this time around, the Board was to see a slight increase because there was no rate available to the Board for the current point in time; the Board had to go to bid; and it did and it has received a good contract. He advised the problem is there has been no discussion about how to implement that; that was his concern; he shared that with staff; and he holds the County Manager's Office responsible for not heeding that discussion. He believed there was fair warning; he is very disappointed; it has been confusing to the public; it has raised issues that have been addressed; and now the Board is having to re-address. He added it was not a process that led to any kind of consistent application; the Board has got to get better; and part of his concern with the utility structure, because experience is the ability to recognize a mistake when its about to make it again. He noted the Board made a mistake; it should have had the opportunity to have a discussion and it did not. He stated he desired the discussion, and in effect was denied; if he seems upset, he is, because this did not have to happen; the Board could have had a much better, more productive discussion, so in the end the Board knew what was going out; and could all respond according to whatever the thought were. He pointed out at least the public would have been able to talk about it before; the good news is, it can still be fixed; and the bad news is, the Board will continue to get emails up until the day of the meeting.

ITEM VI.A., CITIZEN REQUEST, RE: KIM REZANKA ON BEHALF OF CKAR, LLC - LIFT HOLD ON ISSUANCE OF BUSINESS TAX RECEIPTS FOR ADULT GAME ARCADES

Kim Rezanka, Dean Mead, stated she represents CKAR, LLC, that has submitted an application for a Business Tax Receipt for Cyber City Cafe. She advised that she learned that internet cafes were back; as the newspaper articles indicate, there are about 40 adult arcades that have re-opened in Florida since the law banning gaming establishments went into effect on April 10th. She noted, when Governor Scott signed the bill on April 10th, there were 220 adult arcades in Florida, compared with more than a thousand store-front internet cafes the law targeted. She added adult arcades have been around since 1984, peaking at about 350, and reportedly operating legally under the so-called Chuck E Cheese's law which allows players to win prizes in games of skill. She went on to say the next article speaks of a cyber cafe that re-opened in Jacksonville, named Pete's Retreat Cyber Cafe; and Attorney General Pam Bondi recited it is up to Jacksonville and the Sheriff's Office as to whether or not Pete's Retreat is breaking the law; the owner indicated there was new equipment and that games have been retrofitted; lawyers have looked at the new computer games and stated they are legal; and that is the status as of now. She explained when she was before the Board previously, she had indicated there was a challenge in Broward County; they were awaiting the result; the judge got shipped to Federal Court; and the judge in Federal Court denied the Temporary Injunction and told them to set it for hearing. She noted there has been no ruling on the law; there are still lawsuits being filed; but they are opening with the retrofitted games. She stressed she has spoke to her client, he intends to open if he can obtain a Business Tax Receipt, with retrofitted games; apparently the manufacturers are working with lawyers to make sure the games are legal; so if he gets his Business Tax Receipt, he will open and follow the law. She mentioned in July that this is a regulatory issue; the Board issued a hold, waiting for law to be established; the law has been established, but the Board does not interpret the law; and it is up to the Sheriff and State Attorney's Office. She pointed out there is a hold on the application which was submitted in March, and it has just sat there; so she would like for the Board to do something as there are 425 Business Tax Receipts out there, some with arcades, some with computer businesses, and there is not a clear definition of what those 425 Business Tax Receipts are; but they have already issued this category that her client is asking for issuance under. She advised she would like to cite to the definitions described in Section 102-26, about what a local Business Tax Receipt is; it means the method by which the local governing authority grants the privilege of

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engaging in or managing in any business, business location, profession or occupation within this jurisdiction; these are determined to be regulatory; and she asked the Board to direct staff to lift the hold and review the Business Tax Receipt. She stated if the Board directed staff to deny the application, she would ask for a written explanation of that denial if that happens. She added there has been this hold, the law has been issued, it is up to the Sheriff to determine that whatever is being done is legal, and requested the Board lift the hold.

Chairman Anderson inquired if the Board recalled preparing to have experts come and do a review of local ordinances; and stated then the Allied Veterans thing exploded and that was cancelled. He asked Morris Richardson, Assistant County Attorney's opinion of Ms. Rezanka's question that the Board should issue the license; and stated the Board still needs to go through the process that it started and never got to anyway to make sure these things are not just these fly by night places. Mr. Richardson responded no, not with regard to Ms. Rezanka's request, he believes that process goes by the wayside as well now that the State has stepped in and definitively regulating the issues; and he believes she is correct that the State determines what is illegal. He indicated what is interesting is that Ms. Rezanka mentioned something for the first time tonight with regard to this application, and frankly he does not believe the Board needs to worry about the hold. He believed the hold no longer applies; Ms. Rezanka has represented that her client has the intention to retrofit the games, that they do not fall under the Statute of what is illegal; and what they need is a Business Tax Receipt for an arcade amusement center. He stated if they do not call themselves an adult arcade, they get the correct Business Tax Receipt, they are an amusement device or facility; there is another one for a coin operated machines facility, another for entertainment facility; and there are several categories they could fall under, whether or not they are prohibited, the hold only applies to internet cafes and adult arcades as defined by the Statute. He noted, what Ms. Rezanka is saying is their operation is not going to fall into those categories; what was represented previously is they were going to do business as usual because they thought the State law was invalid and being challenged; if that were the case, the hold would apply; but as the County Attorney's Office has said all along, if they retrofit their business model to comply with the law, it is fine. He added if sometime they prevail and want to change their business model, they can always come in and update the Business Tax Receipt; they have to be renewed annually anyway, and can submit an application for one if the law changes. He reiterated if their operation is going to be something other than an adult arcade the hold would not apply to begin with.

Chairman Anderson inquired if they would apply under the same criteria for the other licenses similar to Chuck E Cheese's or Dave and Busters. Mr. Richardson stated something like that, yes; an amusement device or facility, something of that nature; and there are a number of different Business Tax Receipt categories that catch these businesses.

Ms. Rezanka stated she appreciates that, but she looked at the classifications and they have amusement devices not coin operated, and coin operated machines as classifications; and her understanding is these new machines are kind of coin operated; and inquired what the other category was that Mr. Richardson mentioned. Mr. Richardson responded there is an entertainment facility or a number of other ones, and that her client knows their business model, and he does not, so he will not be able to tell her what they need. He advised the applicant and she needs to decide which one to apply for, decide what the business model is and verify that they are in compliance with the law. He reiterated this is very different from what was characterized in April and May, which was they were going to do business as usual because they thought the State law was illegal; and she wanted to go forward and have the Board have them sign a waiver that Brevard County is not endorsing or representing they had a legal operation. He verified this is very different in saying they are going to comply with the law as it currently stands, in which case, go forward and apply for the application, and the hold does not apply.

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Commissioner Nelson inquired if there was any real action needed by the Board; and if Ms. Rezanka would identify the appropriate category and apply. He mentioned it is ironic that she provided the Board with some newspaper articles; and it is interesting where a gentleman says if this is gambling, then dog tracks and poker rooms are gambling too. He advised those are both regulated by the State of Florida and that was the issue; but he believes that is where the confusion comes in.

Ms. Rezanka concurred there is quite a bit of confusion; and this was something the applicant supplied, and were told by someone to put adult arcade on this when they applied; but they are trying to comply so they will do a new Business Tax Receipt.

The Board took no action on citizen request of Kim Rezanka on behalf of CKAR, LLC to lift the hold on issuance of Business Tax Receipts for Adult Game Arcades.

ITEM IV., PUBLIC COMMENTS

Richard Charbouneau stated it is no secret that he has concerns about the helicopter purchase, County Manager replacement, and the Waste Management contract. He noted in a year or so, if God is willing, he will be doing one of the Board jobs; and someone will be second guessing him, and he will be in the hot seat. He remarked the Board does things that are questionable, but it also does a lot of good things too; and for the good things that are done, he expressed his thanks. He noted the Board probably does not hear 'thank you' very often, and get 100 emails every day telling them they are no good; that does not mean he is not still going to keep questioning the Board though.

PUBLIC HEARING, RE: TABLED ITEMS, PLANNING AND ZONING RECOMMENDATIONS OF JULY 8, 2013, AND ADMINISTRATIVE REZONING RECOMMENDATIONS

Chairman Anderson called for a public hearing to consider Tabled Items, Planning and Zoning Recommendations of July 8, 2013, and Administrative Rezoning Recommendations.

ITEM V.B.1., (13PZ-00017) - ARTHUR B. WATTS - REQUESTS A CHANGE FROM GU TO ARR ON 1.04 ACRES. LOCATED ON THE NORTHEAST CORNER OF SOGGY BOTTOM AVE. & SATELLITE BLVD. (1371 SATELLITE BLVD., COCOA)

Cynthia Fox, Planning and Zoning Manager, stated this is a zoning change from GU to ARR; the applicant desires to place a mobile home on the property; ARR is an existing zoning classification established in this area; it abuts this lot to the east; and there is another ARR zoning one lot to the north.

There being no comments or objections, the Board approved the request to change from GU to ARR on 1.04 acres. Located on the northeast corner of Soggy Bottom Avenue and Satellite Boulevard.

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 V.B.2., (13PZ-00021) - MICHAEL L. AND ANGELA D. CARLILE - REQUEST A CHANGE FROM RU-1-9 TO AU (AGRICULTURAL RESIDENTIAL) ON .50-ACRE. LOCATED ON THE NORTH SIDE OF LAGRANGE RD., APPROX 260 FT. E OF OLD DIXIE HWY. (2450 LAGRANGE RD., TITUSVILLE)

Cynthia Fox, Planning and Zoning Manager, stated this is a request to change from RU-1-9 to AU, this is an existing home on a five-acre lot; the applicants property holdings is actually more property and encompasses this lot; and are seeking AU zoning to make the zoning consistent with the rest of their holdings.

There being no comments or objections, the Board approved the change from RU-1-9 to AU on .50 acre. Located on the north side of LaGrange Road, approximately 260 feet east of Old Dixie Highway.

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.3., (13PZ-00029) - WILLOW LAKES RV PARK, INC. - (LOYS WARD) - REQUESTS A SMALL SCALE PLAN AMENDMENT (13S.05) TO CHANGE THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL 2 TO RESIDENTIAL 6, AND A CHANGE FROM TR-2 TO RVP ON 4.97 ACRES MORE OR LESS. LOCATED ON THE NORTH SIDE OF PARRISH RD., APPROX. 840 FT. E OF U.S. 1. (2650 & 2690 PARRISH RD., TITUSVILLE)

Cynthia Fox, Planning and Zoning Manager, stated this item has been automatically tabled, so it needs no motion. She informed the audience and the Board that the applicant has set a public meeting with the neighborhood on August 21, 2013, at 5:00 pm, at the Willow Lakes location.

ITEM V.B.4., (13PS-00033) - SIMTEC, INC. - (VALERIE J. HUBBARD) - REQUESTS A SMALL SCALE PLAN AMENDMENT (13S.06) TO CHANGE THE FUTURE LAND USE DESIGNATION FROM NEIGHBORHOOD COMMERCIAL TO COMMUNITY COMMERCIAL, AND A CHANGE FROM RU-2-10 TO BU-1 ON 1.44 ACRES MORE OR LESS. LOCATED ON THE WEST SIDE OF U.S. HWY 1, APPROX 890 FT. SOUTH OF CANAVERAL GROVES BLVD., IN THE COCOA AREA.

Cynthia Fox, Planning and Zoning Manager, stated this is a request that includes a small scale plan amendment; and staff is taking it from an unused, undeveloped, multi-family site, to BU-1 for general retail commercial. She added the applicant is going to construct about a 9,000 square foot retail store there.

There being no comments or objections, the Board adopted Ordinance No. 13-27, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, Entitled "The 1988 Comprehensive Plan", setting forth the fifth Small Scale Plan Amendment of 2013, 13S.06, to the Future Land Use Map of the Comprehensive Plan; Amending Section 62-501 entitled contents of the plan; specifically amending Section 62-501, Part XVI(E), Entitled the Future Land Use Map Appendix; and Provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date; and approved Small Scale Plan Amendment (13S.06) to change the Future Land Use designation from Neighborhood Commercial to Community Commercial, and a change from RU-2-10 to BU-1 on 1.44 acres more or less. Located on the west side of U.S. Highway 1, approximately 890 feet south of Canaveral Groves Boulevard in the Cocoa area.

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

ITEM V.B.5., (13PZ-00028) - AQUARINA COMMUNITY SERVICES ASSOCIATION - (ED MUENDEL) - REQUESTS A CONDITIONAL USE PERMIT FOR ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH A RESTAURANT IN A PUD ZONING CLASSIFICATION ON 3 ACRES. LOCATED ON THE NORTHWEST CORNER OF HWY A1A AND AQUARINA BLVD. (7500 HWY A1A, MELBOURNE BEACH)

Cynthia Fox, Planning and Zoning Manager, stated this is a request to change the Conditional Use Permit (CUP) for the on-premises consumption of alcohol for the existing clubhouse and grill, they are simply adding a patio to that outside with 24 seats; and they need to have the CUP expanded.

There being no comments or objections, the Board approved the request for the Conditional Use Permit for Alcoholic Beverages for On-Premises Consumption in Conjunction with a Restaurant in a PUD zoning classification on 3 acres. Located on the northwest corner of Highway A1A and Aquarina Boulevard.

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

ITEM V.B.6., (13PZ-00032) - JOSEPH TINTERA - REQUESTS AN AMENDMENT TO AN EXISTING BINDING DEVELOPMENT PLAN (BDP) TO ADD GOLF CART SALES AND REPAIR IN A BU-1 ZONING CLASSIFICATION ON 3.03 ACRES. LOCATED ON THE WEST SIDE OF U.S. HWY 1, APPROX 710 FT. SOUTH OF MICCO RD. (8200 U.S. HWY 1., MICCO)

Cynthia Fox, Planning and Zoning Manager, stated this is a request to amend an existing Binding Development Plan in the BU-1 zoning classification. She advised when this was originally approved, the Binding Development Plan (BDP) was applied to the property, it was very restrictive of the BU-1 uses, so staff asked the applicant to come in and amend the BDP to additionally allow the golf cart sales and repair in this zoning classification on this property.

There being no comments or objections, the Board approved the amendment to an existing Binding Development Plan (BDP) to add Golf Cart Sales and Repair in a BU-1 zoning classification on 3.03 acres. Located on the west side of U.S. Highway 1, approximately 710 feet south of Micco Road.

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

ITEM V.B.7., (13PZ-00034) - STATE OF FLORIDA, IITF - (JUSTIN STOVALL) - REQUESTS A CONDITIONAL USE PERMIT FOR ALCOHOLIC BEVERAGES (BEER & WINE ONLY) FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH A RESTAURANT, IN A GML(P) ZONING CLASSIFICATION ON 6.19 ACRES. LOCATED ON THE EAST SIDE OF HWY A1A AT FOOT OF BRIDGE ACROSS SEBASTIAN INLET, IN THE MELBOURNE BEACH AREA.

Cynthia Fox, Planning and Zoning Manager, stated this request is also for a Conditional Use Permit for beer and wine only for the on-premises consumption in conjunction with the existing concession stand and deck area at the Sebastian Inlet State Park.

There being no comments or objections, the Board approved the request for a Conditional Use Permit for Alcoholic Beverages (Beer and Wine only) for On-Premises Consumption in conjunction with a restaurant, in a GML(P) zoning classification on 6.19 acres. Located on the east side of Highway A1A at foot bridge across Sebastian Inlet, in the Melbourne Beach area.

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 V.B.8., (13PZ-00008) - LEAH MARINA HOLDINGS, LLC - (THIERRY BRUNSCHWIG) - REQUESTS A CUP FOR MITIGATING A NON-CONFORMING USE PURSUANT TO SECTION 62-1190 IN AN RU-1-11 (SINGLE-FAMILY RESIDENTIAL) ZONING CLASSIFICATION, ON 8.88 ACRES, +/- LOCATED ON THE WEST SIDE OF S. BANANA RIVER DR., APPROX. 0.2 MILE SOUTH OF MILI AVE. (PART OF 1357 S. BANANA RIVER DR., MERRITT ISLAND)

Cynthia Fox, Planning and Zoning Manager, asked the Board to table this item to the September 12, 2013, Zoning meeting; the conditions are still being worked out by the applicant and representatives of the neighborhood; and the Planning and Zoning Board has not made a recommendation on this item yet.

The Board tabled the request for a Conditional Use Permit (CUP) for mitigating a Non-Conforming Use pursuant to Section 62-1190 in an RU-1-11 zoning classification, on 8.88 acres more or less. Located on the west side of south Banana River Drive, approximately 0.2 mile south of Mili Avenue.

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

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ITEM V.C.1., (13PZ-00035) - SECTION 13, TOWNSHIP 24, RANGE 36, SUB. RC, BLOCK E, LOTS 42-45, OWNED BY PETER S. & JEANEE R. JAMES; GEORGE E. & JENNIFER P. HAUER; FREDERICK W. JR. & DOROTHY B. NEVERS; AND TIMOTHY W. & DEANNE M. WIDRICK - .97 ACRES LOCATED IN THE ISLAND CROSSING SUBDIVISION, PHASE 4A. CURRENT ZONING: RU-1-7 (SINGLE FAMILY RESIDENTIAL) AND RU-1-13 (SINGLE FAMILY RESIDENTIAL) PROPOSED ZONING: ALL RU-1-13 (SINGLE FAMILY RESIDENTIAL)

Cynthia Fox, Planning and Zoning Manager, clarified that this section of the agenda; and she stated from time to time staff does Administrative Rezoning when the existing zoning classifications are inconsistent with the Future Land Use and the Comprehensive Plan. She added this is a first group of several that the Board will see; staff has been tweaking it; staff has withdrawn Items V.C.4., V.C.5, V.C.6., and V.C.8.; those will not be seen again; but the rest are simply making developed lots that have homes on them consistent with the rest of the neighborhood, and rezoning the existing 1967's era Elementary Schools giving them the consistent zoning; and there is one that is a small down-zoning on multi-family. She advised all of the property owners have been notified; these are recommendations that came out of the East Merritt Island Small Area Studies that were done a few years ago; and if the Board would like, they can be done individually or separately.

Commissioner Nelson stated he would like to move them as a group; and they are consistent with the study that was approved by the Board previously, and right sizing to the existing uses.

There being no comments or objections, the Board approved changing from RU-1-7 and RU-1-13 to all RU-1-13 on .97 acres. Located in the Island Crossing Subdivision, Phase 4A.

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

ITEM V.C.2., (13PZ-00036) - SECTION 19, TOWNSHIP 24, RANGE 37, PARCEL 504 OWNED BY SCHOOL BOARD OF BREVARD COUNTY - 18.5 ACRES LOCATED ON THE WEST SIDE OF N. BANANA RIVER DRIVE, 120 FT. NORTH OF BERMUDA AVE. CURRENT ZONING: GU (GENERAL USE) PROPOSED ZONING: GML(I) (GOVERNMENT MANAGED LANDS - INSTITUTIONAL)

The Board approved changing from GU to GML(I) on 18.5 acres. Located on the west side of north Banana River Drive, 120 feet north of Bermuda Avenue.

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

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ITEM V.C.3., (13PZ-00037) - SECTION 18, TOWNSHIP 24, RANGE 37, PARCEL 267 OWNED BY SCHOOL BOARD OF BREVARD COUNTY - 16.03 ACRES LOCATED ON THE NORTH SIDE OF MARTIN BOULEVARD, BETWEEN PALM LAKE DRIVE AND QUEEN ANN STREET. CURRENT ZONING: GU (GENERAL USE) PROPOSED ZONING: GML(I) (GOVERNMENT MANAGED LANDS - INSTITUTIONAL)

The Board approved changing from GU to GML(I) on 16.03 acres. Located on the north side of of Martin Boulevard, between Palm Lake Drive and Queen Ann Street.

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

ITEM V.C.7., (13PZ-00041) - SECTION 31, TOWNSHIP 24, RANGE 37, PART OF PARCEL 262 OWNED BY EAST FLORIDA MOTOR SALES, INC. - 1.28 ACRES LOCATED 950 FT. SOUTH OF HWY 50, ON WEST SIDE OF NEWFOUND HARBOR DRIVE. CURRENT ZONING: RU-2-15 (MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL) PROPOSED ZONING: RU-2-4 (LOW DENSITY MULTI-FAMILY RESIDENTIAL)

The Board approved a change from RU-2-15 to RU-2-4 on 1.28 acres. Located 950 feet south of Highway 520, on west side of Newfound Harbor Drive.

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

ITEM V.C.9., (13PZ-00043) - SECTION 18, TOWNSHIP 24, RANGE 37, SUBDIVISION 30, BLOCK D, LOTS 1-5 OWNED BY STANLEY E. & MARCELLA P. ELLIOT; HUGH H. & DEBORAH J. GRIFFITH; DAVID S. II & KATY M. METCALF; STEVEN W. & LORI A. MOORE; AND BRIAN & JENNIFER NOONAN - 1.3 ACRES LOCATED IN THE ISLAND CROSSING SUBDIVISION PHASE 3. CURRENT ZONING: RU-1-7 (SINGLE FAMILY RESIDENTIAL) AND RU-1-13 (SINGLE-FAMILY RESIDENTIAL) PROPOSED ZONING: ALL RU-1-13 (SINGLE FAMILY RESIDENTIAL)

The Board approved a change from RU-1-7 to all RU-1-13 on 1.02 acres. Located in the Island Crossing Subdivision, Phase 3.

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

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ITEM V.C.10., (13PZ-00044) - SECTION 18, TOWNSHIP 24, RANGE 37, SUBDIVISION RC/30, BLOCK E, LOTS 51-54 OWNED BY RAYMOND G. & ANGELA M. GORAL; ANTHONY P. SACCO, TRUSTEE AND JUDITH C. SACCO, TRUSTEE; JAMES HOWARD COLLINS AND ELAINE COLE COLLINS, TRUSTEE; AND NICHOLAS ELLIS AND KATHLEEN MEDLEY - 1.02 ACRES LOCATED IN THE ISLAND CROSSING SUBDIVISION PHASE 3. CURRENT ZONING: RU-1-7 (SINGLE FAMILY RESIDENTIAL) AND RU-1-13 (SINGLE FAMILY RESIDENTIAL) PROPOSED ZONING: ALL RU-1-13 (SINGLE FAMILY RESIDENT)

The Board approved a change from RU-1-7 and RU-1-13 to all RU-1-13 on 1.02 acres. Located in the Island Crossing Subdivision Phase 3.

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

ITEM V.D., ORDINANCE RE: AMENDING SECTION 62-2117, PARKING OF BOX TRUCKS ON RESIDENTIAL LOTS (FIRST HEARING)

Chairman Anderson called for a public hearing to consider an ordinance amending Chapter 62, "Land Development Regulations", Code of Ordinances of Brevard County, Florida; amending Article VI, Division 6, Subdivision I, Section 62-2117, specifically amending Sections 62-2117(c)(5) and 2117(c)(8) to provide for the parking of certain commercial vehicles on residential properties; providing for conflicting provisions; providing for severability; providing for area encompassed; providing an effective date; and providing for inclusion in the Brevard County Code of Ordinances.

Cynthia Fox, Planning and Zoning Manager, stated this is the first reading of the ordinance amending Section 62-2117, Parking of Box Trucks on Residential Lots. She added if the Board would remember, back in April, a gentleman came to the Board and made a public appearance and pointed out an equity with the existing Code regarding parking, locating, and storing commercial vehicles on residential properties. She advised there are pictures in the package where he is comparing the existing step-vans, similar to the UPS vehicles that are allowed to be parked in neighborhoods to his box truck; and staff took the recommendation of the Board to bring that back as an ordinance. She noted, this is the first reading of the ordinance that would permit box trucks to be allowed to park in residential lots under this certain criteria.

Commissioner Nelson stated he is not going to agree with this one, because he believes the Board has already made one mistake in allowing 24-foot trucks to park in neighborhoods as it is; and now this is saying that there can be a different type of 24-foot truck because the other was approved. He mentioned if there was one on each side of someone's driveway, they would not be able to see down the street; and to him, that does not make any sense. He pointed out cities do not allow this type of vehicle, not pick-up trucks or panel vans, but box trucks and step vans. He noted this is a very specific type of truck and he will not be able to get there on this; if he had this parked across the street from him, it would be objectionable; and he does not think it is appropriate.

Commissioner Bolin Lewis inquired if the maximum was 24 feet; and also inquired if trucks that are larger could legally be in there if this ordinance is not approved.

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Ms. Fox inquired if she was referring to step vans or box trucks. Commissioner Bolin Lewis responded step vans. Ms. Fox advised step vans are currently allowed in the Code, regardless of their length. Commissioner Bolin Lewis stated if the Board does nothing, then it is in the same situation, but worse.

Commissioner Nelson stated the problem is that Commissioner Bolin Lewis is correct, that it does not prohibit the vans from getting bigger, but it allows a whole new class of them. He explained what would happen is that it would be expanded well beyond what is currently allowed; and it appears he is not going to get any support for this. He mentioned all of the Commissioners that have cities, like Palm Bay, Melbourne, Titusville, all of those cities do not permit this; and he does not understand why the Board would allow this in an urbanized area. He indicated his suggestion has been to allow these on a half acre lot and up; and he believes that is fair and consistent with some other things the Board has done. He noted this just does not fit in neighborhoods; and he asked the Board to imagine a UPS truck parked in front of the house; and that just does not make sense to him. He stated he is not going to support this; inquired if the second hearing can be on October 3, 2013, which would allow him time to get public comment, as the Board just received this on Friday; and stated he has not had an opportunity to be able to talk to the homeowners associations.

Commissioner Fisher inquired if a 24-foot or 30-foot recreational vehicles (RV) could be parked in a persons driveway. Ms. Fox responded there are parameters in this section that allow the paring of an RV, not only in the driveway, but also the side yard and backyard. Commissioner Fisher stated one of the problems is the Board has vehicles out there that are bigger than 24 feet that are already allowed to be there; he does not believe Commissioner Nelson would want that either; but the Board is probably not going to go down the road stopping RVs in driveways. He added he does not believe the Board should not, but in the cities a lot of RVs that are bigger than 24 feet are allowed in cities.

Commissioner Nelson stated he believes as a society people have collected more toys and it is one thing to have what is a personal vehicle in the neighborhood and believes most people have grown to accept that; whether it is a boat, or RVs, but the difference is when commercial vehicles are involved, that is different entirely; until 2006 there were more stringent rules on where to park an RV or a boat; and the Board at that time had a bad night, and suddenly opened up the flood gates on where to park things. He pointed out it was re-addressed and it did tighten up; but he knew it would never get back to where it was in 2006; but at least there were some conditions like no parking on the property line; and that was actually going on. He added neighbors were actually having a hard time growing grass because a motor home was parked on the property line; and they moved them off of the property lines.

There being no further comments, the Board continued public hearing to consider ordinance amending Section 62-2117, parking of box trucks on residential lots, to the October 3, 2013 Board meeting.

Discussion, Re: Waste Management

Commissioner Fisher stated with the trash issue, he believes the Board can have a serious discussion about how people have or have not been notified; but he does not want the community thinking it was not a good decision on the Board's behalf. He believed it is getting lost because at the end of the day, it is still the best service; stated there are cities that would love to have that service; the pick-up is four times a week, and really six times a week when counting recycling; and that rate has been ready to go to \$151 with a CPI increase; and he can go either way. He reiterated it was a very good deal; there are a lot of cities that would love to

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have that deal; it is still the best service that any other municipality has in this community; and he would hate to see the deal to get lost in the fact that this Board negotiated a great contract.

Commissioner Bolin Lewis stated she would like this put to this to rest, because the Board did the right thing; and she believes that the benefits from this contract have been overlooked. She explained that she has lived in both situations; in Satellite Beach, she had the carts, it was the best recycling; and she is now in a community that does not have that service. She indicated it is night and day; she has gone from one recycle bucket full every week, to almost none now because it is so different on how it is handled, and the convenience of Waste Management. She asked that George Gillecko come before the Board because she has a couple questions to ask.

Chairman Anderson stated he would like to get the rest of the agenda completed. He added he would talk to Mr. Gillecko at a later date. Commissioner Fisher inquired if Chairman Anderson would take the deal. Chairman Anderson stated he would take the deal a thousand times. Commissioner Fisher stated so would people in Orange County, Osceola County, Volusia County, and Polk County.

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

ITEM V.E., ORDINANCE, RE: AMENDING SECTION 62-1953(7) OF THE GML ZONING CLASSIFICATION TO SUPPORT THE REMOVAL OF TOWERS AND ANTENNAE HEIGHT LIMITATIONS WHEN USED FOR PUBLIC SERVICE OR PUBLIC SAFETY PURPOSES

Chairman Anderson called for a public hearing to consider an ordinance Amending Chapter 62, "Land Development Regulations", Code of Ordinances of Brevard County, Florida; amending Article VI, Division 4, specifically amending Section 62-1572(7) Government Managed Lands, GML, the allow tower heights to exceed 35 feet when used for public safety purposes; providing for conflicting provisions; providing for severability; providing for area encompassed; providing an effective date; and providing for inclusion in the Code of Ordinances of Brevard County, Florida.

Cynthia Fox, Planning and Zoning Manager, stated this is a request to amend the height restriction in GML for towers that provide for public service or public safety purposes. She advised there is a need right now in Emergency Management in two specific sites; one is Fire Station 21, which staff has noticed all of the neighbors in the area regarding the tower have proposed the replacement; and also the Barefoot Bay existing tower.

The Board adopted Ordinance No. 13-28, amending Section 62-1953(7) of the Government Managed Lands, GML Zoning Classification which will create an exemption for county owned or operated towers used for public service or for public safety purposes.

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

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ITEM VII.A.1., PRELIMINARY PLAT AND FINAL ENGINEERING APPROVAL, RE: STADIUM VILLAS - 13SP00176

The Board granted preliminary plat and final engineering approval for Stadium Villas 13SP-00176, subject to minor engineering changes, as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

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.A.2., PERMISSION TO REJECT ALL BIDS AND REBID FOR 14 DAYS, RE: BID #B-3-13-45 - PINE ISLAND CONSERVATION AREA STORMWATER IMPROVEMENTS, PHASE 2

The Board authorized Purchasing Services to reject all bids submitted for the Pine Island Conservation Area Stormwater Improvements, Phase 2 Project; granted permission for staff to re-solicit bids under revised specifications for a reduced duration of 14 days; and authorized the Chairman to execute the resulting contract.

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

ITEM VII.E.1., ACCEPTANCE OF AWARD, RE: FY 2013-2014 FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ASSISTANCE TO FIREFIGHTERS GRANT (AFG), STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT (SAFER), AIMED AT HIRING UNEMPLOYED MILITARY VETERANS

Chief Larry Collins, Fire Rescue Department, stated he would like the Board's assistance in approving a Federal (FEMA) grant that Fire Rescue has been awarded, to hire 33 firefighters. He explained part of his process is that he would like to target veterans who are returning from the conflicts overseas; and the State provides preference points in where he is going to target and recruit; and there are Federal laws in terms of hiring, so there will be an opportunity to go after these positions. He advised the idea behind this, and it is clearly in the grant itself, is that the unemployment rate for vets returning from overseas is extremely high; the Federal Government is trying to work with locals to be able to give those veterans training; and if at all possible, absorb them into the organization so that they have gainful employment going forward. He expressed he will have to maintain these positions for two years; their full wages and benefits are paid for by the Federal Government; and if vacancies become available, he can offer them positions and go on Fire Rescue payroll, filling positions that we already have budgeted. He noted at the end of the two years, the vets are either absorbed into the organization or let go; it does not increase the authorized strength for the Fire Department as a result; but his goal is to try to employ as many of those individuals as he can over the next two years into the organization. He reported on average there are 24-30 vacancies annually in the Fire Department; they are budgeted for another class next year; he will be hiring a class anyway; and ideally, he would be able to hire these individuals. He went on to say if at the end

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of the two years he does not hire them, they have accomplished training these individuals in a laudable profession where they are both Emergency Medical Technicians (EMT) and professional firefighters, and giving them experience. He reiterated the goal would be to absorb them into other fire departments that need individuals that are trained and experienced; he believes it is a win-win situation; he is going to supplement; and it is not designed to supplant what is in place today. He added, he will staff some of the outlying areas, the more rural areas, where the response times are greater, to help meet the two in and two out required under the State mandate; and training and those things, and national standards for that period of time. He informed the Board that Fire Rescue was now accredited as a State training facility; that means he can bring people in the door day one now and train them to standard, and have them certified at the State level; and that is what was intended for this. He added there are grant dollars that are available that can be re-purposed; and FEMA has already agreed to allow him to use those dollars to spend on EMT training for the recruits.

Chairman Anderson stated that is a great program, and as a veteran, he appreciates what Chief Collins is doing; this may alleviate mandatory shifts, about tenth or fifteenth shift, because of vacation or call outs; and he inquired if this will help alleviate that. Chief Collins responded yes, it can, because what will happen is he will hire from the class; he has a recruit class going through with 30 individuals in it; there are actually 45 vacancies; but there are 15 that are unfilled because he cannot run a class of 45 people and train them. He advised if these individuals were approved and come on, he can offer positions to the top 15, or however many are open; and that will help reduce that mandatory overtime that is going on. He noted part of the issue is they are having a turnover faster than they can replace people; and once they can get these folks on the street, hopefully they are not in that bind to have to mandatory people into work in the positions and overtime.

Chairman Anderson added he appreciates it, and believes it will do a lot for diversity, too; because a lot of the returning combat veterans are women, so it is a big deal.

Chief Collins stated there are some things they like with the vets; they are a rich and diverse pool; they are disciplined, which is important in the organization, because of the emergency nature of what they do; and they understand how to work as a team, and everything they do is team based.

Commissioner Bolin Lewis stated having this geared to the veterans is a very noble cause; and inquired whether or not the Board can afford to do this. She noted some of the expense to this she is not seeing, and she would like to make sure that the Board goes over this very carefully, because she has been down this road before.

Chief Collins stated he believes Commissioner Bolin Lewis probably dealt with the Cops Grant; and this is not the same. Commissioner Bolin Lewis stated yes, and would like everyone to understand that; and the Board will go through it, so make sure this is very clear.

Chief Collins inquired if he could address the difference right now for Commissioner Bolin Lewis. Commissioner Bolin Lewis stated to let her ask her questions first. Chief Collins explained he thought that was the question.

Commissioner Bolin Lewis stated there are currently candidates who go through a training program; and she inquired if Chief Collins was going to train them further for 12 weeks to be new hires for Brevard County. She further inquired if they are in an in-house training, does that mean Brevard County is now competing with the Fire College or any other place that trains vets to be firemen; and if Brevard County does this and trains public people, will the vets be hired instead of the public. She advised currently, Brevard County pulls out three firefighters off the truck, to be able to go in and train and teach; she inquired if staff is going to be doing a year-

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long training, how many people are going to be pulled away from their duties to handle this training; and is that going to cause a back fill of overtime to cover their other duties. She noted she is not seeing anything in the grant that tells her the price the Board will have to pay in overtime for this; and questioned if these new hires are not going to be able to be union members, which would cause union and non-union members in the Fire Department.

Chief Collins responded that the class is not a year long class; at this time, when staff hires individuals, just because he or she went through BCC or the Florida State Fire College or the like, does not mean that Brevard County hires that individual. He informed the Board there is a selection and testing process, then staff brings that individual in the door and does the orientation; and what he is proposing is that Fire Rescue will be able to do the EMT and fire training. He advised the students will be preparing for their State examination and their State standards at the same time they are orientating with Fire Rescue.

Commissioner Bolin Lewis inquired if the students will receive any credit hours for the program. Chief Collins responded no, that is not a requirement in the State; and there is no need for credit hours to be a firefighter. He discussed how the the applicants must go through an accredited training facility; and as to Union, he is unsure if they can be Union. He advised he does not know that they cannot; and the Union knows that as well, they are calling the International Association of Fire Fighters (IAFF), and the IAFF is a big supporter of this program. He remarked he would be very surprised if that became an issue with the Fire Fighters Union, because they are the ones that helped create this grant and push it for them to do this along with the International Association of Fire Chiefs (IAFC). He stated it is not a year long class; by State law, when a class is done, there is a ratio to maintain; and every time that is done, individuals have to be brought in, and assigned to that class. He advised the class is budgeted for next year for between 24 and 30 participants, and the dollars there are to pay for the backfill of those positions and provide the staff to do this.

Commissioner Bolin Lewis inquired what the overtime expenses are at this point, and if they are already budgeted. Chief Collins replied he believed there is \$25,000 towards putting a class through, because those positions need to be backfilled; and this is already in the budget for next year. He indicated whether or not he employs vets, he is still going through that same process; because it is the process he has to go through to hire.

Commissioner Bolin Lewis stated in the grant it says that after all of the steps to hire are complete, he is not allowed to layoff those new hires for two years. Chief Collins stated during that two-year period, he may not lay those individuals off; and if they are absorbed into the organization, then he will have to backfill those positions. Commissioner Bolin Lewis explained her concern is if there is a downturn, the Board cannot afford it those new hires; and inquired how he plans to sustain them. Chief Collins replied his understanding is, when he called FEMA to get a clarification on this, he was told he has to maintain those positions.

Commissioner Bolin Lewis inquired if he will let go of a fire fighter who might have five years seniority to keep one of those people from the grant funds as required. Chief Collins responded ideally, what he has to do is hire those individuals first and foremost into the vacant positions there are; under the labor agreement, it is last hired, first fired, or laid off in a rift; and it would be grant individuals that he would be required to let go. Commissioner Bolin Lewis stated that is not the way she is reading the grant. Chairman Anderson inquired if FEMA cannot make the Board retain them, and the Board would have to pay back that portion of the grant. Chief Collins responded yes; and if he had to lay off, it would be those individuals first because they were the last hired. Commissioner Bolin Lewis stated there are a lot of ifs, she just wants the Board to understand the ins and outs of this grant, because she is not going to be here when this comes around at the end of two years.

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Chairman Anderson replied that is fine, if the Board can employ a combat vet, it is doing a good job. Chief Collins stated they are paid under two separate funds; there is a draw down on dollars that are allocated, it is not intermingled with the budget; and he has to account for that. Chairman Anderson stated if something were to go down, the Board can let the lifeguards go first and that will cover about \$3.6 million.

Commissioner Fisher inquired if this grant covers 100 percent of everything associated with hiring vets. Chief Collins responded no, it covers 100 percent of salary and benefits; the equipment and the training is his responsibility; and that is where the dollars are already budgeted for an upcoming class. He advised they are re-purposing Federal dollars to cover some of that training, especially the EMT training, which includes the salaries for the instructors.

Commissioner Fisher inquired what the additional cost for equipment and gear are. Chief Collins replied he believes it is about \$3,000 to \$3,500 for every recruit; and that is a ballpark. Commissioner Fisher inquired if the grant is accepted is it a check that is written out to Fire Rescue, or does Fire Rescue get reimbursed. Chief Collins responded he has to report to FEMA; and he takes a draw down on those wages and salaries every-so-often; and reiterated the gear and equipment is already in his budget.

Commissioner Fisher remarked he understood about the salary and benefits; and inquired if FEMA writes him a check today, and he then he draws down the funds. Chief Collins responded the funds are electronically put into an account; and he has certain reporting requirements that he has to show FEMA.

Commissioner Bolin Lewis inquired if it is money that he is getting reimbursed. Chief Collins replied in essence he will have to do that to meet payroll, because there are certain time periods he can do a draw.

Chairman Anderson stated they are positions he would be filling anyway. Chief Collins concurred they are positions that would be filled anyway.

Commissioner Fisher inquired if the Fire Assessment does not get extended, would he be able to retain those positions; and when is the Fire Assessment voted on. Chief Collins responded it is two years out. Commissioner Fisher advised he believed the Board voted on it next year. Chief Collins reported the Board may vote on it next year, but it will not take effect until so many months beyond that; he would have to bring it to the Board to act on it; and then there is a period of time before it actually kicks in, where notices are sent out for public knowledge and things like that.

Commissioner Fisher inquired in worst case scenario if the Fire Assessment is not approved, what he plans to do with those positions, because he will not have the money in the budget for them. Chief Collins responded if there were vacant positions, he would terminate them; if any grant dollars are left for the new hires, he may just have to pay back the grant dollars for the individuals and let them go; and he is fairly comfortable he can absorb them into standard vacancies moving forward before the assessment actually comes to fruition.

Commissioner Fisher stated he wants the Board to understand if it moves into this, that it understands it completely; and inquired if the grant was time sensitive. Chief Collins replied it is time sensitive; he only has 90 days, to the first part of October; and has to have those individuals on board, and in training.

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Chairman Anderson stated there is \$800,000 towards those fees from ALS to the cities, and then if the Board would like to look at year-round lifeguards, that is also an option. He expressed he is not convinced that Fire Assessments have to go out for public notice; and Chief Collins could cut what he needed to cut and not pay the ALS. He added the Board pays \$863,000 for first responders to the cities.

Commissioner Fisher pointed out if the Board takes that money, it would have to change the rules on first responders. Commissioner Bolin Lewis inquired if the Board plans on taking first responder money away and giving it to hiring firefighters. Chairman Anderson confirmed he is already sold on cancelling the first responder fees; has spoken with the Chief in Palm Bay; and he understands, and knew the Fire Assessment was going to go away.

Commissioner Fisher pointed out he is not sure Chief Collins has answered his question; he understands that Chairman Anderson has found some money; but he is trying to understand if Chief Collins has to keep those 33 fire fighters hired with the grant. Chief Collins replied yes, he has to keep the 33 hired with the grant; and reiterated that those salaries and benefits will be paid for by the Federal Government guaranteed for two years. He advised years three through five, if they cannot be absorbed into the organization, he can let them go.

Chairman Anderson advised if he does not absorb them into the organization, and there are grant dollars left at the end of two years, he can let them go and pay the grant dollars back. Chief Collins stated what he has done is provided those individuals gainful employment for a period of time, along with experience and training to be a professional to move onto other areas; Palm Beach County is hiring 300 firefighters right now; and that is chipping away at Fire Rescue. He confirmed these individuals will have plenty of opportunity should they not get absorbed by the organization.

Commissioner Fisher stated he is just trying to get an understanding of what is going on. Chairman Anderson stated when the Fire Assessment comes up, those grant hires will be in year three, so if they got laid off, the Board would not have to reimburse that. Chief Collins stated the money would be gone at the end of year two.

Commissioner Infantini stated she believes the Board is getting a little caught up in Veteran's Preference; and veterans already receive a preference. She added she would like to see the veterans employed; but there is nothing preventing those veterans from applying for the 15 positions that are currently open within the County; and to fund 33 positions when only 15 are needed is uncalled for. She advised she is not about creating government jobs just to create employment, as there are many other positions open, other than firefighter positions that veterans can apply for and she hopes they do. She added the veterans are going to receive a preference, but the Board should not start spending money as if it is free money just because it is coming from the Federal Government. Chief Collins mentioned if the Board does not bring that money here, it is going to Detroit, or to Omaha. Commissioner Infantini remarked to let it go to Detroit, because the grant, when she researched it, is actually for municipalities that have no money, and perhaps Detroit, qualifies. She added Detroit does not have any money, and have filed for bankruptcy; unfortunately, if the Board would start watching where it spends, and not creating jobs that are not needed, it will not be the next Detroit. Chairman Anderson stated those 15 jobs are what are currently available; and the estimates are up to 50 vacancies in the Fire Department in the next five years. Chief Collins advised in the next five years, there will be

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over 67 vacancies. Commissioner Infantini stated Chief Collins said himself 67 vacancies over five years. Chairman Anderson stated he is friends with a lot of people that are applying from outside and believes there will be a big exodus down south. Commissioner Infantini replied that will be nice. Chairman Anderson stated he believes the Board will be fine. Commissioner Infantini added that will be great, but hopes the Board does not create jobs because it is free money.

Chairman Anderson advised he did not get elected by the residents of Detroit, Syria, Egypt, or Iraq; and he will take a little bit once in a while. Commissioner Infantini stated she will not just because it is there, that is the wrong way.

Commissioner Fisher inquired if Chief Collins could come up with some numbers and scenarios just in case the Fire Assessment does not get approved, to make sure the board is not locking itself in and not being able to fund it. Chief Collins stated he is really under the gun to hire on this, and that is why he asked that it be brought to the Zoning meeting. Chairman Anderson advised the Board can go for approval; and if he understands correctly for the grant, the Board can deny it later on if it decides it is not the way to go, as long as no money is used.

Commissioner Fisher inquired if Chief Collins can still move forward without a final approval. Chief Collins replied no, he has to have the final approval to contact FEMA to be able to accept the grant, and have individuals in the training program by is October 1. Chairman Anderson reiterated the Board is not obligated if it does not spend any money. Chief Collins agreed with Chairman Anderson.

Commissioner Fisher stated the grant can be accepted subject to the Board understanding exactly how he is hiring, and his projection of how he will maintain this workforce. Chief Collins advised as long as he does not draw the money, he believes he will be okay; but he does have to inform FEMA whether or not he is going to accept it and set it up. Commissioner Fisher stated the Board can agree to accept the grant but do not authorize any expenditure of the dollars until staff comes back with the information. Chief Collins inquired what specific information the Board desires. Commissioner Fisher explained he would like a projection that if these people are hired what the scenario is if the Fire Assessment does not get approved; and how the Board will maintain them in the future. He added it is possible, he is not saying that this is going to happen, but there is going to be a shortage of funds in a year or two that the Board will have to deal with; and the Board needs to understand what that is. He pointed out it could mean closing a smaller Fire Department. He added if the funds are not available, there are going to be some tough decisions; and he would like to understand how that will affect the current personnel versus these new vets that will have two years experience. He went on to say he is supportive of the vets, but needs to understand because the Board just received this a couple days ago; and he would like to be up to speed on it.

Chairman Anderson added he would like to see the inclusion of the revocation of the First Responders in that analysis; and if the Board is going to talk about raising fire fees, he would also like to look at alternatives that may be out there for the Board to pull funds from.

Commissioner Fisher inquired if the First Responders are a requirement through an Ordinance or Agreement, and if it would need to be changed. Chairman Anderson replied yes, the Board would have to change things around. Commissioner Fisher inquired how the First Responders got out there. Chief Collins replied it was agreed to many years ago

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before he came when there was a Public Safety Department; and his understanding of the history is that the Board tried to create an all ALS system throughout the County. Commissioner Fisher inquired if it was voter approved. Chief Collins responded no, he believes it was a Policy decision that was made and the Board helped train the surrounding communities to be First Responders.

Chairman Anderson stated if he remembers correctly, the Board has no idea how to verify what the department spent on First Responders; they could have been spending it on vacation time, overtime, or equipment. He added the Board wanted receipts, but they did not want to give receipts.

Commissioner Bolin Lewis noted in the grant it states, 'if awarded this grant, the Department (Fire Department), would increase engine staffing on seven engines from one Lieutenant and two firefighters, to one Lieutenant and three firefighters, for a total of 21 firefighters'; and what she is stating here is that Chief Collins is going to be in a sense putting what she refers to as the fourth person on the truck, and if it cannot maintain the monies to continue this, then it is looking at a public outcry when the Board tries to remove that extra person. She advised she has been down that path; once there is a higher standard, it is very hard to remove it; and she would like that to be known to the Board.

Commissioner Nelson questioned if the candidates that went through the training will be the equivalent of who Chief Collins would have hired for the organization anyway. He further inquired if there are just fire fighters in the organization, or if they were made into fire medics. Chief Collins responded he will have fire fighter EMT's; and if they are retained, they will be sent to paramedic school. Commissioner Nelson inquired how many fire fighter EMT's there are currently; and if there are any just fire fighters. Chief Collins replied 87. Commissioner Nelson inquired if there was a fire fighter category, because there was one at one time. Chief Collins stated that is a category, and there were some folks who did not make that conversion when they had the opportunity to be a fire medic. He noted it went back several years; there are fire fighter paramedics; and sometimes he hires fire fighter EMT's, and they have a period of time to get the training to be paramedics.

Commissioner Nelson advised he believed he can bring the staff on and do what he says he is going to do, but he would still like to see the numbers; and he has the same concern about the fourth man on the truck and how he is going to deal with that, because at the end of two years, that is a service level the Board will not be able to continue. Chief Collins stated he has never, and does not at this point in time, sell this on the basis that he will have four people staffing on the engines moving forward; and what he saw was an opportunity to do a good thing, supplement staffing for a period of time, and to give these returning vets an opportunity at a career and a profession. He added it will help them, but he also understands the positions are only here for two years, and that is where he is; and he did not do this to end up with four people staffing across the board, because if he would have done that, he would have asked for everything in the cities and other places. Commissioner Nelson stated the Board will have to deal with the issue of the salaries, because it is starting to see the Board losing staff because it cannot keep competitive salaries.

Commissioner Infantini inquired with this fourth person on the truck, will Chief Collins be able to send less vehicles to each event; and she has had a huge backlash of an overabundance of fire rescue vehicles at each event. Chief Collins advised there are national guidelines for risks that the Department matches these responses to, along with the

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number of personnel that go to an accident or alarm; and they try to follow that standard. He added they are trying to work on sending a First Responder on every EMS call; and they are working with new software and trying to get an emergency medical dispatch priority system up. He noted every call does not need a fire engine on it for EMS; and they are comfortable with the response times that they have to fires and how it matches the risks that they are likely to encounter there. Commissioner Infantini inquired if there are housing facilities to add another person per shift. Chief Collins replied yes, he believes he can slide one more person in there at a time; and staff is looking at places like over the canal, because there is an engine up there that is by itself and if that bridge is up, that station is stranded there. He stressed if one more person is added to the truck, they can take the tender with them when they go, and when they get there they can go into operation, because now they meet the two in and two out. He reported they can make an interior fire attack to hopefully hold that fire to the room it is in; whereas now when they arrive, the best they can do is squirt some water in the room, or perhaps spread it throughout the house; he has the same issue in some of the northern and southern areas; and are trying to supplement that and do what he believes was a very patriotic thing.

Commissioner Fisher inquired if there were any additional vehicles, or equipment that he would need to purchase. Chief Collins responded no, if he has to add any additional equipment, it would come out of the back-up fleet. Commissioner Fisher further inquired if he would need to acquire any buildings or anything like that. Chief Collins replied no.

Commissioner Nelson stated having them sit there just does not make sense to him. Chief Collins confirmed that is why those standards are developed across the country, so they have some way to weigh, based upon the information given, what is likely to be needed arrival to the scene; and many times, admittedly, they do not, because the scene cannot be viewed through the telephone line. Commissioner Nelson stated on his way to the meeting today, two ambulances were making runs without the corresponding engines; and they do try to triage it and send the appropriate equipment, but it is tough, because of the unknown. Chief Collins added there is liability attached to it too, and they have to be really careful.

Commissioner Nelson stated the difficulty is if a senior citizen is calling because her husband is having a heart attack, dispatch is not going to get great information from her as to what is going on; and to get the benefit of the doubt he would like for it to be for the people who are paying the cost.

Chief Collins stated there is, and in light of some of the changes coming in health care and reimbursement, in the accountable care organization, and those things, staff is looking at different options to meet those evolving demands; and he will likely come back to the Board at some future point when that is a little more clear as to what the demands are going to be. He advised they are not going to get the money that they get now in billing and those kinds of things once the accountable care organizations come into play. Commissioner Nelson suggested he brief each one of the Commissioners before it gets put on the agenda. Chief Collins agreed to brief the Commissioners when it comes time.

The Board accepted the award of \$3,688,410.00 from FEMA for the Assistance to Firefighters Grant (AFG), for Staffing for Adequate Fire and Emergency Response (SAFER) Grant aimed at hiring and training thirty-three Iraq and Afghanistan war veterans as firefighters for Brevard County Fire Rescue (BCFR) with the Stipulation of no expenditure of the grant dollars until Chief Collins comes back to the Board with a report addressing future

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projections if the veterans are hired; scenario if the fire assessment does not get approved; and how to maintain the veterans in the future; how it will effect current personnel versus the new veterans with two years experience; what the funding alternatives are should first responders conclude; and the increase of staffing on seven fire engines.

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

DISCUSSION, RE: WASTE MANAGEMENT (CONTINUED)

Commissioner Bolin Lewis stated there have been a lot of questions going back and forth about the Waste Management service; and inquired if George Gilecko, Waste Management, could explain briefly what the benefits are to the County. Mr. Gilecko responded he believes the huge benefit in this program is cart recycling, it is plain and simple, he does not know what the numbers are here in Brevard County to transport and bury trash at the landfill, but with his experience, the Board is looking at roughly \$22 a ton. He added with recycling there is no cost to process; the processing is paid for by the sale of materials. He advised the County shares in the benefit of the profits; with cart recycling versus bin recycling, when recycling carts are deployed, and the recycling is done with the carts, the volume increases 50 percent plus; the reason is because 14 gallon bins are bulky, not covered, and difficult for seniors to get to the curb; and Waste Management has found that seniors use the 35 or 64 gallon carts much easier. He went on to say that Waste Management's success stories in Brevard County are amazing; this is one of the most comprehensive recycling programs in the State, with all the items an individual can recycle curbside, plus electronics, fluorescents, light bulbs, light goods, that is a huge number; and prior to cart recycling, they were probably averaging about 2,500 tons a month. He added when Melbourne, Indialantic, and beach side communities converted to carts they are now at 4,500 tons a month; and the projections for the future with the County moving to carts is 6,500 tons a month. He mentioned for every acre of landfill space that is saved, the Board will save about \$350,000 in development costs; so it makes sense to that the County be focused on going to zero waste, because that is the most economical way to go.

Commissioner Infantini stated in the contract it was agreed that Waste Management would have up and running a materials recycling facility by March 21, 2014; she has not seen where that will go yet; and inquired where it is proposed to go and when it will be operational. Mr. Gilecko responded it is no secret that Waste Management pulled out of the S.R. 520 site, that site was targeted to be up and running by the fourth quarter of this year; there are other sites they are looking at; and they feel confident that they will make this happen. Commissioner Infantini inquired if Waste Management will be able to meet the March 21, 2014 deadline. Mr. Gilecko responded there is a possibility. Commissioner Infantini stated Waste Management did not want to have the property rezoned, if it were already zoned properly, then it would not have come before the Board and would have been done. Mr. Gilecko stated on January 8, 2013, when Waste Management did the presentation, they stated those dates were based on approval of the zoning for the S.R. 520 site; that was not approved; and they are working on another option.

Commissioner Bolin Lewis inquired if the date was strictly because Waste Management yielded and honored the request of the citizens around the S.R. 520 site to not put the landfill there. Mr. Gilecko stated that is correct. Commissioner Bolin Lewis stated by doing the right thing, there

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may be a delay in the timeline of a landfill site. Mr. Gilecko stated yes, there is a possibility, and they will probably know by the end of August. Commissioner Bolin Lewis questioned if Mr. Gilecko could clear up the confusion as far as carts, sizes, and availability goes. Mr. Gilecko responded they have made the determination in conjunction with County staff, to go with a default cart size of 64 gallon; that will be delivered to all residential single-family homes; and they have made a decision to identify the retirement communities and the default cart for those communities, will be 35 gallon carts. He revealed a stipulation where anyone who wants to change out to the smaller or larger sized carts may do so; and there is a two month window where they can request that.

Upon consensus of the Board the meeting was adjourned at 6:28 PM.

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

SCOTT ELLIS, CLERK