

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

12:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on April 15, 2014 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

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

INVOCATION

The invocation was given by Elder Clayton Gilliams, Shiloh Christian Center, Melbourne.

PLEDGE OF ALLEGIANCE

Commissioner Chuck Nelson led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved the March 4, 2014, Regular Meeting Minutes, March 6, 2014, Zoning Meeting Minutes, and March 13, 2014, Special Meeting Minutes.

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

ITEM I.A., RESOLUTION, RE: RECOGNIZING APRIL 13-19, 2014, AS NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK

Commissioner Infantini read aloud, and the Board adopted Resolution No. 14-052, recognizing the week of April 13, 2014 - April 19, 2014, as National Public Safety Telecommunications Week; and commends all Telecommunicators for their dedication to duty, professionalism, and commitment of saving lives, property, and the prevention of crime in Brevard County.

April 15, 2014

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

ITEM I.B., RESOLUTION, RE: RECOGNIZING APRIL 24, 2014, AS GFWC VIERA WOMEN'S CLUB 10TH ANNIVERSARY

County Manager Howard Tipton read aloud, and the Board adopted Resolution No. 14-053, recognizing April 24, 2014, as GFWC Viera Women's club 10th Anniversary; and thanked the members for their commitment to living the volunteer spirit in Brevard County and beyond.

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

ITEM I.C., RESOLUTION, RE: RECOGNIZING APRIL 20, 2014, AS THE GREATER PALM BAY CHAMBER OF COMMERCE DAY

Commissioner Anderson read aloud, and the Board adopted Resolution No. 14-054, recognizing April 20, 2014, as the Greater Palm Bay Chamber of Commerce Day.

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

ITEM I.D., BOARD UPDATE, RE: FEDERAL LOBBYIST EDDY PAULEY

Ed Pauley expressed his appreciation to the Commission for having him; he has gotten to know each one of the Commissioners personally over the last several years and it is a privilege working for them; he can look back over the last several years and the economy in Brevard appears to be turning around and doing quite well; and that is in spite of the layoffs with the shuttle program. He talked about a congressional overview of what has happened so far this year, what he sees happening throughout the rest of the year in Congress; it is midterm elections, and after the two week break for Easter there will be 58 working days Congress has before the elections in November, and that is not a lot of time to get the substance of legislation done, but there are a few must pass pieces of legislation and they do effect everyone. He added, the Omnibus Appropriation Bill passed in January; looking forward, it has the Defense Authorization Bill and the Defense Appropriation Bill which both will effect one here in Brevard; the Water Resources Development Act (WRDA) and several different entities that WRDA that will effect moving forward in Brevard County this year; the Bill is currently in conference between the House and the Senate; and he expects something to be ready for the press and signature in the next 30 to 60 days. He stated the big ticket items for Brevard County is always NASA and its funding, and also the Department of Defense (DOD); the President's budget

April 15, 2014

request came out this past year at \$17.5 billion; that marked a one percent budget decrease from NASA's 2014 budget, however most NASA officials view this as a continuity driven budget; and it is something they can get all of their major programs underway continued to be funded and everything moved forward in a good matter. He added, a couple of the specific programs that is in the President's budget request that effects Brevard County, if approved by congress, NASA would have \$1.1 billion next year to fund at least two companies to develop commercial space vehicles to fly astronauts to and from the Space Station; the commercial crew program is receiving \$696 million and that proposed funding increase would add as much as \$400 million to the program for fiscal year 2015; and the new budget also includes \$3.1 billion for NASA to operate the space station and provides \$2.8 billion to continued the development of the space launch system heavy life rocket for future human missions to the moon and beyond. He stated with DOD it is looking at a time with defense cuts, he thinks programs are in place at Patrick Air Force Base, at NO2, the different military installations will be fine moving forward to the next two to three years; there is talk of Defense Base Closure and Realignment Commission (BRAC) happening again, but he does not think one will see a BRAC process for the next two to three years; he stays in touch not just with the Federal delegation but with the Chief's of Staffs, and members throughout Florida, Republicans, and Democrats; and in fact, they have held meetings in December and met with all the Chiefs of Staff and talked about the importance of NASA and DOD, not just for Brevard County but the impact statewide. He noted, it has been well received and he thinks they will continue doing those types of processes moving forward. He stated one of the big economic engines is the beaches in Brevard; last year it was able to secure close to \$15 million to re-sand the beaches, beach re-nourishment for both the north and south reaches of the beaches in Brevard County; that project is well underway in the north, and he is not sure about the status in the south; and he had some good meetings on capitol hill back in February, and everything was well received. He added, the mid-reach is where there is still work to do this year; there is a general re-evaluation review to do on the mid-reach; that is currently at core headquarters and he hopes to get it broken loss from headquarters in the next week to ten days; the next step will be for planning and engineering design; and he thinks it will be able to core, will be able to find in their budget some funding for that, although there is nothing written he is certainly working towards that. He continued to say the next step would be actual construction, and that is where he will be working with the Federal Delegation and working with administration to try and see if he cannot get the construction funds placed in the fiscal 2016 Presidents budget request. He stated Brevard County has a crack staff here; he works with some people in different departments and they are so dedicated to their jobs. He added, he knows a project that is near and dear to Commissioner Anderson, the Ellis Road interchange; he has had several meetings with Commissioner Anderson and he thinks he has turned the corner on that; he has approval of the planning and engineering design which is expected in August; and after that, the design can proceed beyond 60 percent and update the interchange forecast, required by the Federal Highway Administration is not underway. He noted, he feels good about that project moving forward, and he thinks it has cleared some of the hurdles that were put in the way last fall. He talked about the Indian River Lagoon economic mover for the County; he has set in on some meetings in Indian River County and Vero Beach; he has met with all the Commissioners on this issue; this is something that could really attach with earmarks, but in lieu of earmarks, there is other ways to approach this; one is the Water Resources Development Act, that is currently in conference; there is a provision in the house portion of the bill that would allow for 10 percent of the total annual expenditures for the Army Corp of Engineers to go towards operation and maintenance for recreational boating and commercial fishing waterways; and he thinks that certainly fits the criteria loosely written now for the Indian River Lagoon, and if that is passed, 10 percent is quite a bit of money. He noted he will has to work that with the Corp moving forward; and he thinks that does give the opportunity to work some on the Lagoon moving forward over the next couple of years. He stated the Emergency Operation Center is not just something for he or she, is not just something for the County, it is something that gets activated every time it has launch in Brevard County; it is something NASA has to have in their hip pocket and so does the Department of Defense; an

April 15, 2014

earmark would be a easy solution for the Emergency Operation Center, but there is some funding in homeland security that just came out in the last couple of weeks that Brevard can apply for some grants there; and also moving forward, he thinks because of the nature of this project, it effects several different federal agencies, not just the County, he thinks this is a good prospect for having it asserted in the present budget request for 2016. He talked about grants, right now a grant program that is underway is the Tiger Grant Program; the deadline for the application is April 28th; he would encourage the Board to put any and all proposal's it can out there; he reiterated there is the homeland security grant; there is another source of funding that he thinks the Board should look at through the Department of Commerce, the Economic Development Administration (EDA); it is a grant program in years past if one had a good idea, they would submit the idea in writing and if they liked it, they would ask to expand on the proposal; and as long as they had the funding, they would fund the projects. He added, it is more of a structured process where it has deadlines for application and there is certain criteria; the program now has as much funding as its ever had in any years past and he can speak from prior experience that apron runways have been funded with EDA, projects at ports have been funded with EDA funding, buildings have been funded with EDA funding; and perhaps to look at some different funding sources. He stated between the County and the Port, he thinks he knows everyone at the Army Corp of Engineers; the Port is growing; there is going to have additional cruise ships; through the Water Resources Development Act they will be moving forward with the deepening and widening of the channel at Port Canaveral that will enable the bigger ships to come through; and there is the expansion of the Barge Canal and cargo coming from the Barge Canal to rail head in Titusville. He continued to say he is working on a proposal with NASA to use the current rail system that is in place; NASA only needs it a few times a year; it is a maintenance issue; Port Canaveral can maintain the rail and it would enable the County to really move a lot more cargo that it currently does; and he thinks the partnership is working very well between NASA and Port Canaveral. He thanked the Commission and County Manager for giving him the tools to be successful.

The Board acknowledged the update of Eddy Pauley on the happenings in Washington D.C.

ITEM I.E., RESOLUTION, RE: RECOGNIZING SERGEANT FIRST CLASS (SFC) MELVIN MORRIS, MEDAL OF HONOR RECIPIENT

Commissioner Fisher read aloud, and the Board adopted Resolution No. 14-055, recognizing SFC Melvin Morris, Medal of Honor recipient, for his sacrifice, his heroic actions, and his continued American patriotism.

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

ITEM I.F., RESOLUTION, RE: RECOGNIZING EDWIN "MIKE" CUNNINGHAM FOR HIS 20 YEARS OF SERVICE ON THE SOUTH MAINLAND LIBRARY ADVISORY BOARD

Commissioner Nelson read aloud, and the Board adopted Resolution No. 14-056, recognizing Edwin "Mike" Cunningham for his 20 years of service on the South Mainland Library Advisory Board.

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

ITEM I.G., RESOLUTION, RE: RECOGNIZING FRANCES "FANNIE" SALERNO FOR HER SERVICE ON THE SOUTH MAINLAND LIBRARY ADVISORY BOARD

Commissioner Nelson read aloud, and the Board adopted Resolution No. 14-057, recognizing Frances "Fannie" Salerno for her many years of dedication and service to the citizens of Brevard County, and to the Brevard County Libraries.

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

ITEM II.A.1.A., REVISION TO POLICY, RE: BCC-85, GOPHER TORTOISE AND ENDANGERED SPECIES RELOCATION

The Board approved the revised Policy BCC-85, Gopher Tortoise and endangered Species Relocation, allowing private sector interest or individuals the ability to relocated listed species to County managed or owned lands.

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

ITEM II.A.1., FINAL PLAT APPROVAL, RE: MHW COMMERCIAL TWO SUBDIVISION 13SP-00117-MHW LAKE ANDREW, LLC

The Board granted Final Plat approval for MHW Commercial Two Subdivision; authorized the Chairman to execute the final plat, subject to minor changes, if necessary, receipt of all documents required for recording, and developer responsible for obtaining all other necessary jurisdictional permits.

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

April 15, 2014

ITEM II.A.2., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: CODE REVISIONS TO CHAPTER 62, ARTICLE VIII - SITE PLANS, SECTION 62-3206(d)(28) RESTAURANT PARKING

The Board approved legislative intent and permission to advertise for Code revisions to Chapter 62, Article VIII - Site Plans, Section 62-3206 (d)(28) Restaurant Parking.

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

ITEM II.A.3., PERMISSION TO AMEND PREVIOUSLY AWARDED CONTRACT #2383, RE: UPGRADE ACELA PERMITTING & DEVELOPMENT SOFTWARE SYSTEM

The Board executed the Agreement to Amend Existing Contract to adopt a new Statement of Work for the optimization of the County's Accela software systems.

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

ITEM II.A.4., CHANGE ORDER, FINAL PAYMENT AGREEMENT, AND MUTUAL GENERAL RELEASE, RE: BAREFOOT BAY AWRP EAST RING STEEL PLANT REPLACEMENT

The Board approved Change Order, Final Payment Agreement, and Mutual General Release of Barefoot Bay AWRP East Ring Steel Plant; and approved all associated budget changes.

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

ITEM II.B.1., REAPPOINTMENTS, RE: AFFORDABLE HOUSING COUNCIL

The Board reappointed Susan Baiocco, John Saxton, Corey Lancaster, Charles Fisher, Kimberly Turner, Don Cappillette, Loretta Goggin, and Ronnie Brewer to the Affordable Housing Council, with terms ending December 31, 2016.

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

April 15, 2014

ITEM II.B.2., APPLICATION FOR DESIGNATION OF PUBLIC LANDS OR WATERWAYS AS PART OF THE FLORIDA GREENWAYS AND TRAILS SYSTEM, RE: EAST CENTRAL REGIONAL RAIL TRAIL

The Board authorized Jack Masson, Parks and Recreation Director, to execute the Application for Designation of Public Lands or Waterways as part of the Florida Greenways and Trails System for the East Central Regional Rail Trail in North Brevard; and authorized Mr. Masson to execute the appropriate agreement or other required documents upon approval by the County Attorney and Risk Management.

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

ITEM II.B.3., PERMISSION TO ENTER INTO AGREEMENT WITH SCHOOL BOARD OF BREVARD COUNTY, RE: SUMMER FOOD SERVICE PROGRAM

The Board approved Agreement with the School Board of Brevard County to provide summer food service at select summer camp sites, in accordance with the Sponsor Agreement between the Board of County Commissioners and the Florida Department of Agriculture and Consumer Services Division of Food, Nutrition, and Wellness; and authorized Chairman Bolin Lewis to execute the Agreement.

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

ITEM II.C.2., ACKNOWLEDGEMENT, RE: RECEIPT OF FY 2012-2013 ANNUAL REPORT FOR THE CITY TITUSVILLE COMMUNITY REDEVELOPMENT AGENCIES

The Board acknowledged receipt of the FY 2012-2013 Annual Report for the City of Titusville Downtown Community Redevelopment Agency and the City of Titusville U.S.1 Corridor Community Redevelopment Agency.

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

April 15, 2014

ITEM II.C.3., ACKNOWLEDGEMENT, RE: RECEIPT OF FY 2012-2013 ANNUAL REPORT FOR THE DOWNTOWN COCOA BEACH COMMUNITY REDEVELOPMENT AGENCY

The Board acknowledged receipt of the FY 2012-2013 Annual Report for the Downtown Cocoa Beach Community Redevelopment Agency.

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

ITEM II.C.4., ACKNOWLEDGEMENT, RE: RECEIPT OF THE CITY OF COCOA COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013, AND THE COMBINING FINANCIAL STATEMENTS FOR COMMUNITY REDEVELOPMENT AGENCIES

The Board acknowledged receipt of the City of Cocoa Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended September 30, 2013, and the Combining Financial Statement for Community Redevelopment Agencies.

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

ITEM II.D.1., AUTHORIZATION OF PUBLIC HEARING, RE: CONSIDERATION OF ORDINANCES RESCINDING SELECT COMPANY ECONOMIC DEVELOPMENT TAX EXEMPTION ABATEMENTS

The Board authorized conducting a public hearing to consider an ordinance rescinding tax abatements of select companies that no longer qualify.

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

ITEM II.D.2., ACKNOWLEDGEMENT, RE: BREVARD COUNTY COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED SEPTEMBER 30, 2013

The Board acknowledged the Brevard County Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended September 30, 2013.

April 15, 2014

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

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

The Board acknowledged appointment of **Brad Logsdon** to the Historical Commissioner, with term ending December 31, 2014.

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

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

The Board approved the Billfolder, as submitted.

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

ITEM IV.A., STAFF DIRECTION, RE: BINDING DEVELOPMENT PLAN FROM FLORIDA RIVER RAT/JAY SCHENCK

Robin Sobrino, Planning and Development Director, stated in February the Board heard a rezoning application for the subject property to agricultural; at the time, the Board spoke with the applicant's representative in an attempt to get an idea of what uses might be embraced under the AU zoning classification; and at that time, the applicants representative stated they wanted to retain their nursery operation and bee keeping. She added, a Binding Development Plan (BDP) was discussed and offered up as being a limitation on the property; the applicant's representative has submitted a draft Binding Development Plan (BDP), as the Board knows they do come back at a later date as a Consent item, rather than it stipulating the limitation to plant nursery and bee keeping; and instead the BDP says that there will be no commercial hog farming or commercial dog kennels on the property. She continued to say this is departure from what was represented at the public hearing; and staff is bringing it back to the Board to get some direction whether it felt that what was discussed at the public hearing that the proposed BDP properly embraces the discussion at the meeting and if not, then there would be the understanding that either a BDP that does discuss the limitation needs to be proffered by the applicant, or the Board would need to request that staff reopen the public hearing so that the neighborhood gets proper notice of any change and outcome potentially.

Jay Schenck stated he has owned property just to the east of the subject property since 1977; the property in question was rezoned by a developer in 2005 hoping to put 14 homes behind his

April 15, 2014

house and beside the neighbors; and there was a large objection from the community at that time, but they went ahead BDP was issued. He added, the developers finally realized they could not develop the property or make the money they hoped, so due to economics they sold the property, and he was able to purchase the property from them; and the surrounding properties are zoned BU-1, BU-2, and the rest of the three-quarters surrounding the property is agricultural use. He stated he was hoping to change it back to the original zoning that was prior to 2005; he was up in Georgia when the meeting was in February when Commissioner Nelson asked if he would be willing to accept only two uses on the property; and in discussing it with staff and family members, he has been blessed knowing how to take care of bees and being able to grow palm trees on vacant land; and he does wish to explain to the Commission there are other things the property may be able to be used for. He continued to say buying the property and putting it in his children's name, twenty years from now they may want to do the uses; in talking with Commissioner Nelson, he asked to list the things he would want to do. He stated he believes the Commission is coming back with the BDP where he can only do those two things on the property, whereas three-quarters of the surrounding property is zoned business or agricultural use without any restrictions; and he does not wish to come before the Board every year or pay the money to keep asking permission what he can and cannot do on his property.

Commissioner Nelson stated this property is only seven acres; his concern is that the Board is charged with determining compatibility of the adjacent zoning; and it was not mentioned that there is two residential zoning categories adjacent to the property; he thinks capability of this nature is important; and he asked how does Mr. Schenck intend to use the property, and he was told for bee keeping and growing palms. He continued to say if the Board had been told that it was going to be for all the uses in the AU zone, he would have wanted to have more discussion; for instance, one could put a chicken farm there and have a coop 15-feet from a residential property; and if staff is going to have to re-advertise, he would think Mr. Schenck would do the BDP as originally submitted; and if he identifies another use that is when he would come back in to the Board. He added, it is an unusual piece of property and he does not think one can discount the fact it was made into residential, and the neighbors were expecting residential adjacent to them, not all the potential uses that can be in agricultural.

Commissioner Anderson asked if prior to 2005 it was agricultural; with Ms. Sobrino responding yes. He stated then there was a hearing to move it to residential. Ms. Sobrino stated a single family subdivision AU-2, yes. Commissioner Anderson asked if she recalls a lot of opposition to the rezoning. Ms. Sobrino stated she recalls that this is an area that has attempted to preserve a large lot residential use, and there was some concern on part of the neighborhood that AU-2 zoning might have been a smaller lot size then what they were looking for in their neighborhood.

Commissioner Fisher stated his concern is if one lives in this residential neighborhood and someone wanted to put a big metal building behind your house, AU zoning would allow someone to do that, and that would not be fair to the residents; and maybe Mr. Schenck would like to come back with some things he would not do, and know he would never do; and that might eliminate some of the concerns of the neighbors. He added, Mr. Schenck might want to consider coming back before the Board with things he would not do and know he would never do and would not be supportive of it, and that might eliminate some of the concerns of the neighbors.

Mr. Schenck stated staff had asked him what he would like to do with the property; he has listed about 12 things; to him that is the agricultural use; and he does not mind a BDP on the property saying that there would be no hog farming, and various things like that. He added, he realizes the County has rules and regulations; and stated he is blessed to be in that area and he would like to preserve it, and that is why he acquired the property. He inquired if the County is willing to accept the BDP saying that there will be no hog farming, or no chicken processing; stated the

April 15, 2014

objections that a homeowner would have he would be willing to accept that; as he looks at the agreement now with the current zoning he could raise trees and raise bees; he would not have to go through this process; and his intent is to move it back to the original zoning that is has been from day one until 2005. He stated he would be willing, if the County wishes him to put a buffer up, and as the County knows good fences make good neighbors; and he would not think it reasonable to a BDP that says he can only do two things on 10 acres of property.

Commissioner Nelson stated his recommendation would be to have the Board do the BDP, which get Mr. Schenck in the AU use, and as he identifies what the future uses are come back and see the Board to see if they are compatible.

Commissioner Anderson commented that Mr. Schenck said he had 12 to 15 uses he may want to do on the property, which he is okay with that; in order to do that and be fair, the Board would have to do another public hearing; and he asked if Mr. Schenck is okay if the Board went that direction. Mr. Schenck responded yes, sir. Commissioner Anderson stated he would prefer to let him submit another BDP with the uses he has identified, re-advertise, and see where the chips fall. .

The Board moved to reopen the public hearing, to be continued at a later date, following re-advertisement and re-noticing at the applicant's expense; and the motion effectively stayed the 120-day period and re-set it once the hearing has concluded.

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

ITEM IV.B., APPROVAL, RE: BUDGET CHANGE REQUESTS

Commissioner Infantini stated this request to transfer \$3 million out of restricted Reserves and put it over to Operating Expenses; she is uncomfortable with making that transfer right now; the Board is having a workshop regarding insurance requirements and the funding for claims, because the Board is self-insured; and reiterated she is uncomfortable making that transfer today. She went on to say the Workshop on May 27, 2014, it will be discussed at that time. She stated it is her recommendation that the transfer is postponed until after the Workshop.

The Board approved the Budget Change Requests, as submitted.

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

PUBLIC COMMENTS

Barbara Knick stated she would like to bring up an issue that concerns her greatly, and that is the trains that are going to be coming through Brevard County; the private cooperation, Florida East Coast Industries, part of a Fortress Management Group, has applied for a \$1.5 billion loan in taxpayer money to install additional tracks from Miami to Orlando in order to run high speed rail trains through counties at 100 miles per hour for a total of 32 times a day. She went on to say the taxpayers of the respective counties will be required to pay for all the upgrades to 350 plus crossings estimated at \$600,000 average per crossing; and the cost to the taxpayer include, but are not limited to, laying new tracks, building concrete abutments, additional gates, continuous fencing, and combined construction and maintenance cost which exponentially add debt to every city and county taxpayer along the Space Coast. She stated the Florida and Federal Departments of Transportation and the US Coast Guard will use tax dollars to pay for the reconstruction of bridges where they applied, and many other rail and road projects cause by All Aboard Florida's interruption of commercial traffic along the highway; and not one passenger rail serve in the United States is solvent; the tri-rail that runs commuter service from Miami to Palm Beach reported an operations deficit of \$85 million in 2013, and continues to operate at a loss. She added, Amtrak Silver Star operating between Miami, Fort Lauderdale, Palm Beach, and Orlando reported a loss of \$100 million for 2013; this is the future of All Aboard Florida, which intends to operate 32 trains per day through residential streets throughout the area, effecting the transit of tens of thousands of vehicles per day; and when this loss of investments plan fails the burden on cost will fall on the taxpayers. She went on to say the high speed passenger trains, 32 per day, in an increase in two mile long freight trains, for a total of 50 trains per day will cause major traffic tie ups effecting the transit of thousands of vehicles a day; and residents on the east side of the tracks will be cut off from hospitals, medical emergency vehicles, and first responders. She added, 50 horn blasts per day and night will cause declining property values, loss of business revenue, and the overall destruction of Brevard County natural environment; population redistribution will negatively impact the quality of life in Brevard, while an increase in ad valorem taxes will be required to pay off the debt; and in the end, Florida East Coast Industries will be left with modernized double tracks to expand their freight in competition with CSX Transportation and prime commercial real estate holding in the four cities where their developing complexes, which is Miami, Fort Lauderdale, Palm Beach, and Orlando. She continued to say Governor Scott has earmarked \$215 million for the All Aboard Florida terminal at the Orlando Airport, and the State Senate passed a preliminary budget with \$10 million for crossing upgrades; now all of Florida will be paying for East Coast Industries capital improvements with no sealing on projected cost in sight; and the quality of life along the Space Coast will not survive this intrusion of development. She questioned how much will automobile drivers be inconvenienced with crossing gates closing every half hour; how much will businesses be impacted but potential customers by avoiding the railroad inconvenience; how much will real estate be impacted by the addition of the noisy trains; and if it is a private enterprise, why are taxpayers being asked to spend millions of dollars for quite zones, which are automated whistles at the crossings so the train does not have to blow the whistle. She went on to question what will private enterprise want taxpayers to fund next; stated a second track parallel to the existing single track to make possible the 32 trains moving daily in opposite directions; perhaps a third parallel track so the passenger trains can move at high speed without being encumbered by the existing slower speed; and the planned government loan leaves taxpayers at risk for failure. She stated she is concerned, this is something that is being fought in Indian River County aggressively; nobody in Brevard County is aware of it or mentioned it; and this is going to disrupt the life in Brevard County tremendously.

Scott Knox, County Attorney, stated he is aware of this; he has been approached by the Counsel for the Florida East Coast Railway who is asked him to bring an amendment to the Crossing License Agreement they it has for every crossing that it has in Brevard County that will be affected by this; and basically what they are asking the Board to do is to finance the cost of

April 15, 2014

their crossing improvements. He added, he needs to come back to the Board with a report on this; he has to go through each one of the licensing agreements; each one has different provisions in it and some of them do not require one to make the additional track expenditures; and some of the licenses reviewed seem to indicate that Florida East Coast should be responsible and not the County. He continued to say there are some things that need to be ironed out before the Board moves forward with that kind of overwhelming cost if the County is going to absorb it; and he thinks the Board should get a full report on it before it makes any kind of decisions.

Commissioner Fisher stated there has been some discussions at Transportation Planning Organization (TPO) and there are some concerns, one is it is not even stopping in Brevard County; a gentlemen politely let him know that they are allowing the citizens to cross their tracks, and that is a luxury that they have given the citizens that could be at jeopardy. Attorney Knox stated he is certainly happy to talk to them about that in terms of what luxuries.

Commissioner Anderson stated he feels the Brevard residents were getting the short end of the stick on this; and South Florida and Orlando will benefit from the transit and tourism, not to mention the cost that Brevard is going to have to incur just on the logistics of rearranging the emergency services.

Commissioner Nelson stated at a meeting the Florida East Coast Railway indicated that they were going to be paying for the cost of the upgrades; there was no request for public funding at that time, so something has changed; and he would like to get a report on where this is going.

Mel Scott, Assistant County Manager, stated he is glad Commissioner Nelson has brought up the point of initial discussions that he has had in the County Manager's office as well regarding their investment to install the upgrades, and has had some conversation regarding using the materials that would give Brevard the longest life so it would not be in the pickle that would be in the future inevitably to make those maintenance investment down the road; when Brevard gets the bill from them, unbeknown to Brevard, they control when they make their maintenance investments, and then Brevard just pays. He added, he would also share with the Board that staff would be interested in their investment in Information Technology Systems (ITS) adjustments that would be required because Brevard has quite an investment in the ITS that would be impacted by the additional intervals of track closure; he stated there will be a public moment with railroad representatives in front of the Board as they need some strips of property that Brevard County owns along SR 528, and they are in negotiations with staff right now to prepare those slivers of property that Brevard owns that they need to purchase.

Charles Tovey stated that Brevard County has a baby bald eagle, which took its first flight yesterday; and he talked about helping Brevard with the Indian River Lagoon.

ITEM VII.A., REPORT, RE: HOWARD TIPTON, COUNTY MANAGER

Howard Tipton, County Manager, stated he had the chance to do the ribbon cutting at the Solid Waste Disposal facility in Cocoa, and it is really nice. He stated he appreciated the Commissioners coming out, and the he knows it will get a lot of great use for years to come.

ITEM VII.B., REPORT, RE: SCOTT KNOX, COUNTY ATTORNEY

Scott Knox, County Attorney, stated he want to make it clear that when they talked about the Florida East Coast Railway (FEC) he is not talking about the actual improvements to widen the tracks, he is talking about the maintenance cost that go along with it afterwards; and what the

April 15, 2014

FEC wants Brevard County to do is to take over the maintenance responsibility once they have installed the tracks, because the Brevard County licenses agreement is required to do that. He pointed out the problem with that is that Brevard County has had to replace some of the intersections on the current tracks and it is very expensive to do that, and the cost is going to be enormous to the County.

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

Commissioner Nelson stated he attended the ribbon cutting of the zoo trail; it was a long time in coming, in it was a difficult trail and that there was a lot of issue's that had to be resolved, but the final product is just fabulous; and it is the beginning of a trail that is going to go all the way down to Pineda Causeway. He extended congratulations to Commissioner Bolin Lewis and Parks and Recreation for their work and finally getting it to completion.

ITEM VII.D., REPORT, RE: TRUDIE INFANTINI, DISTRICT 3 COMMISSIONER

Commissioner Infantini stated she attended the grand opening of the Grant Valkaria town hall; they built it with some donated land; they saved up rather than borrowing and causing debt to the community; and it is amazing. She added, she put through a last minute item on the Board Reports; this is effectively asking for the termination of Howard Tipton, County Manager, in view of the fact that he has accepted the position with another County that is very close to Brevard County, and she believes it is a conflict of interest. She asked Mr. Tipton if he thinks it is correct for him to stay on in view of the fact that he has accepted a position with a neighboring County. Mr. Tipton responded that would be a great conversation to pick up the phone and just call and talk about, rather than putting it out there like this. Commissioner Infantini stated it would be nice to know rather than finding out about in the newspaper that he was looking for another job; she actually thought he was staying until October; and the telephone is kind of a two way street. Mr. Tipton stated he talked about it last summer, in fact when Stockton Whitten, Deputy County Manager contract was approved, it provided for an earlier start date if he decides to leave earlier; he advised he is weeks away from leaving Brevard County and he encourages the Board to go ahead and act on this action, because that would trigger a six months' severance, and he thinks that is nuts; and inquired why would Commissioner Infantini ask the community to pay six months of salary when he is talking about being weeks away from making a transition. He continued to say he has disagreed with a lot of things Commissioner Infantini has shared over the years that he has had the privilege of serving and sitting next to Commissioner Infantini for several of those years, but this one is maybe the tops. Commissioner Infantini stated she has a alternative; she would like to ask the County Attorney, if in fact does that not represent cause of action when somebody accepts employment at another job can anybody within the County just say they have accepted employment and need to stay on until they decide to leave. Scott Knox, County Attorney, stated Mr. Tipton is not just any employee, he is under a contract with the Board of County Commissioners and has certain provisions in the contract that allow him to do certain things, one is to take a job with another County at the time of his choosing; he has chosen to do that and has set his time for when he wants to leave; and it is more like a couple of weeks, not a couple of months. Commissioner Infantini recommended that Mr. Tipton be put on paid administrative leave indefinitely, effective immediately, and allow for the immediate transfer of Mr. Whitten to be the County Manager, rather than having somebody who is going to be representing a competing county for economic development retain all rights, privileges, and responsibilities that go along with it; and she does believe it is a conflict of interest.

April 15, 2014

Commissioner Nelson stated Brevard County is not in competition with St. Lucie County; and he thanked Mr. Tipton for a serving Brevard County in the most difficult times the County has ever seen.

Commissioner Anderson stated he is okay with Mr. Tipton staying until April 30th if that is his desire.

Commissioner Bolin Lewis stated she thinks this is an insult to Mr. Tipton.

Commissioner Infantini stated she thinks it is in the best interest of the County; she never approved having two leaders in charge of the County; Mr. Whitten could have done the job five years ago; he is prepared to do the job now and she thinks it is a duplication of responsibility; and she reiterated she thinks it would be in best interest of the County.

Commissioner Fisher stated Mr. Tipton came to the Board and said he was concerned about secession planning, which was a very honorable and respectful in his way to think about the County leadership is going to look like in the future; Mr. Whitten was about to take an offer in Alachua County and Mr. Tipton knew what his long term plans were, and was honest with the Board about his plan, and share his goals in the future; and he respectfully made sure that it was planned properly. Commissioner Fisher thanked Mr. Tipton for the service he has done for Brevard County.

Mr. Tipton stated he is certainly capable of finishing out the last couple of weeks, and will continue to honor the employees, the Commission, and the citizens with the opportunity to do some good stuff even with just a couple of days left; he is fully confident that Mr. Whitten and the team will make this transition seamlessly and will continue to rock and roll throughout the years; and the community is in good shape with the economy is strong, he thinks the future for Brevard is bright, and he is very happy for the community.

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

Commissioner Anderson stated he is holding an event on April 26, 2014, at 8 a.m. to 10 a.m., it is going to be 'Bark on the Beach'; it is a family dog walk and an adoption event; and he has a sponsored pet supermarket that is helping out, along with Animal Services. He added, the event is at Canova Beach Park; and there will be opportunities to adopt animals take are in rescues and shelters at the event. He added, there was a story in the paper on the oyster program and Brevard is doing very well re-populating oysters and clams in the Lagoon; and he extended great thanks to Natural Resources and the Zoo for their help in getting this done.

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

Commissioner Bolin Lewis stated to have a blessed and happy Easter to all.

April 15, 2014

Upon consensus of the Board, the meeting adjourned at 10:47 a.m.

ATTEST:

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

SCOTT ELLIS, CLERK