

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 April 2, 2015 at 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	Chairman/Commissioner District 1	Present	
Jim Barfield	Vice Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Absent	

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 Chaplin Patti Febro, Brevard Federated Republican Women.

PLEDGE OF ALLEGIANCE

Commissioner Fisher led the assembly in the Pledge of Allegiance.

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ITEM II.A., APPROVAL OF PURCHASE, RE: REPLACEMENT 2,500 GALLON WATER TANKER

The Board approved the purchase of one (1) replacement Tanker from Pierce through Ten-8 Fire Equipment, Inc., who is an approved vendor selected through a competitive bidding process (Florida Sheriffs Bid No. 15-11-0116 Specification #15 - 2500 Gallon Mobile Water Supply Apparatus) completed by the Florida Fire Chiefs Association, Florida Sheriffs Association, and Florida Association of Counties.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

PUBLIC HEARINGS

Chairman Fisher called for a public hearing to consider Planning and Zoning Board recommendations of March 9, 2015 and Port St. John recommendations of March 11, 2015.

ITEM III.B.1., (14PZ-00122) - GLEN E. AND DAWN M. SPACE - (KRUPAL PATEL) - REQUESTS A CUP (CONDITIONAL USE PERMIT) FOR ALCOHOLIC BEVERAGES (BEER & WINE ONLY) FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH A RESTAURANT, IN A BU-1-A (RESTRICTED NEIGHBORHOOD RETAIL COMMERCIAL ZONING CLASSIFICATION, ON 0.8 ACRES, LOCATED ON THE NORTHWEST CORNER OF FAY BLVD., AND ARABELLA LANE

Cynthia Fox, Planning and Zoning Manager, stated this is a request for CUP (Conditional Use Permit) for alcoholic beverages, beer and wine, for on-premises consumption in conjunction with a restaurant.

There being no comments or objections, the Board approved request of Glen E. and Dawn M. Space for a CUP (Conditional Use Permit) for alcoholic beverages, beer and wine only, for on-premises consumption in conjunction with a restaurant, in a BU-1-A (Restricted Neighborhood Retail Commercial) zoning classification, on 0.8 acres, located on the northwest corner of Fay Boulevard, and Arabella Lane.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

ITEM III.B.2., (15PZ-00004) - PRN INVESTMENTS - (THIDA CHAMPAGNE) - REQUESTS A CUP (CONDITIONAL USE PERMIT) FOR ALCOHOLIC BEVERAGES (BEER & WINE ONLY) FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH A RESTAURANT IN A BU-2 RETAIL, WAREHOUSING, AND WHOLESALE COMMERCIAL) ZONING CLASSIFICATION, ON 0.06 ACRE, LOCATED ON THE NORTH SIDE OF E. MERRITT ISLAND CAUSEWAY, APPROXIMATELY 0.18 MILE EAST OF PLUMOSE STREET

Cynthia Fox, Planning and Zoning Manager, stated this is a request for Conditional Use Permit (CUP) for alcoholic beverages, beer and wine only, for the on-premises consumption in conjunction with a restaurant.

There being no comments or objections, the Board approved PRN Investments request for a Conditional Use Permit (CUP) for alcoholic beverages, beer and wine only, for on-premises consumption in conjunction with a restaurant in a BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classification, on 0.06 acre, located on the north side of E. Merritt Island Causeway, approximately 0.18 mile east of Plumose Street.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Trudie Infantini, Commissioner District 3
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

ITEM III.B.3., (14PZ-00110) - SHIRLEY P. & CLARENCE E. WATKINS, AND GEORGE E. (JR.) & MELODY M. MORSE - (STEPHEN CERQUA) - REQUESTS A CHANGE OF CLASSIFICATION FROM GU (GENERAL USE) TO RE-1-11 (SINGLE-FAMILY RESIDENTIAL WITH A BDP (BINDING DEVELOPMENT PLAN) LIMITED TO 14 STREET, APPROXIMATELY 0.12 MILE EAST OF THE BANANA RIVER

Cynthia Fox, Planning and Zoning Manager, stated this is a request to change the classification to GU (General Use) to RE-1-11 (Single-Family Residential) and the applicant has submitted voluntarily a Binding Development Plan (BDP) limiting the total development to 14 single-family homes.

Steven Cevqua stated he is seeking approval of the Item.

Commissioner Barfield stated the roads are going to take an impact by the construction; and asked staff if it could do something to make sure there are some funds in place to repair any damaged road.

Mel Scott, Assistant County Manager, stated if it were the pleasure of the Board he will have some funds there for the repair of the road at such time as the construction activities had degraded the road to the point it would need to be re-milled and resurfaced; it runs about 600 feet in linear length; and it is estimated staff could re-mill and resurface the road for about \$20,000. He added that is a dollar amount he is giving to the Board, if it were the pleasure of the Board, to have this road fixed and repaired at such time as the construction activities had degraded that road, and that is a cost estimate that is realistic.

Commissioner Barfield stated staff could put the \$20,000 in escrow, and then if any damage is done it can be used for that, if not it returned.

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There being no further comments or objections, the Board approved Shirley P. And Clarence E. Watkins, and George E. (Jr.) and Melody M. Morse request a change of classification from GU (General Use) to RU-1-11 (Single-Family Residential) with a BDP (Binding Development Plan) limited to 14 single-family residential homes, on 15.2 acres, located at the terminus of Yount Drive and Carmen Street, approximately 0.12 mile east of the Banana River, with the stipulation that the applicant put \$20,000 in escrow account to fix or repair the road if necessary.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

ITEM III.C.1., (15PZ-00012) SECTION 35, TOWNSHIP 24, RANGE 36, SUB. #30, LOTS C AND C.01, AND TAX PARCEL 269 ON 2.74 ACRES, OWNED BY BREVARD COUNTY AND STATE OF FLORIDA - 2.74 ACRES, LOCATED ON THE NORHTWEST CORNER OF S.R. 520 AND MYRTICE AVENUE

Cynthia Fox, Planning and Zoning Manager, stated is a follow up rezoning to GML (Government Managed Lands - High Intensity), staff took this property to public facilities future land use designation and this just the follow up rezoning.

There be no comments or objections, the Board approved Section 35, Township 24, Range 36, Sub.#30, Lots C and C.01, and Tax Parcel 269 on 2.74 acres, owned by Brevard County and State of Florida on 2.74 acres, located on the norhtwest corner of S.R. 520 and Myrtice Avenue.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

ITEM V.A., APPROVAL, RE: AMENDMENT TO OPTION AND SALES AGREEMENT WITH TM-ECON MITIGATION BANK

The Board executed the Amendment to Option and Sales Agreement with TM-Econ Mitigation Bank to extend the Option Period to October 23, 2105.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

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ITEM VI., PUBLIC COMMENTS

Susan Young stated she is before the Board to voice concerns regarding her properties; she is not here to bring up the past regarding Cocoa Expo, and she is here to address the present and future conditions that will affect her residential properties. She went on to say she does understand Jeff Understall's dream and goal for his son to play in the stadium; it was her understanding that before a Certificate of Occupancy (CO) could be issued and before they could ball on the fields and certain conditions had to be met; and she would like to address what will affect her privacy, and has not been addressed as of today. She added there is no eight foot pvc fence surrounding her property, and the 28-foot landscape buffer there are no scrubs and no trees on the north side; there is only a partial berm around the perimeter properties; and they have not installed the drainage pipe and grates on the frontage of the property to connect the stormwater pipe that was just installed to replace the ditch. She expressed that she is worried the Board is waiving Cocoa Expo's requirements and that it will waive her rights as a residential property owner abutting a commercial property. She noted this will affect her quality of life and her renters. She asked the Board to please reassure her the above mentioned conditions will be met with no exceptions; this has been a long battle and they are coming close to the end; and please protect her as a private property owner.

Commissioner Fisher asked staff to take notes and he is sure before the final CEO (Certificate of Occupancy) the things will be addressed.

ITEM VII.F., REPORT, RE: JIM BARFIELD, DISTRICT 2 COMMISSIONER, VICE CHAIRMAN

Commissioner Barfield reminded everyone about the Homeless Stand Down on April 25th at the National Guard Armory in Cocoa. He stated he went to Kennedy Space Center in which the Bob Cabana, Center Director, gave a update on what is going on at NASA, what is happening at space program, and what everyone can look forward to in the future, it was very informative; and he will also be at the Space Symposium in Colorado.

ITEM VII.G., REPORT, RE: ROBIN FISHER, DISTRICT 1 COMMISSIONER, CHAIRMAN

Commissioner Fisher wished everyone a Happy Easter.

Upon consensus of the Board, the meeting adjourned at 5:18 p.m.

ATTEST:

ROBIN FISHER, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

SCOTT ELLIS, CLERK