

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

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on November 19, 2013 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Robin Fisher	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 Dr. Vernon Clay, Pastor, Antioch Christian Fellowship Baptist Church, Titusville.

PLEDGE OF ALLEGIANCE

Commissioner Infantini led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved the October 3, 2013, Zoning Meeting Minutes.

SELECTION OF CHAIRMAN

The Board appointed Commissioner Mary Bolin Lewis as Chairman of the Board of County Commissioners.

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

SELECTION OF VICE CHAIRMAN

*Commissioner Anderson passed the gavel to Chairman Mary Bolin Lewis.

The Board appointed Commissioner Robin Fisher as Vice Chairman of the Board of County Commissioners.

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

ITEM I.A., RESOLUTION, RE: PROCLAIMING NOVEMBER 25, 2013, AS THE START OF 16 DAYS OF ACTIVISM

A representative of the Zonta Club of Melbourne expressed her appreciation for the Resolution; they are having an event that day at the West Melbourne Community Park from 11:30 a.m. to 1:30 p.m.; and she invited the Board to attend.

The Board adopted Resolution No. 13-213, proclaiming November 25, 2013, as the start of 16 Days of Activism; and urged all citizens to support work to end violence against women and to eliminate the detrimental consequences it has on the well-being of the community.

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

ITEM I.B., RESOLUTION, RE: RECOGNIZING THE RETIREMENT OF BREVARD COUNTY SHERIFF'S OFFICE (BCSO) EVIDENCE SUPERVISOR JENNY DUNN

The Board adopted Resolution No. 13-214, recognizing and commending Jenny Dunn, BCSO Evidence Supervisor, for her outstanding achievements and dedicated service to Brevard County; and extended congratulations on her well-earned retirement.

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., REPORTS, RE: HOWARD TIPTON, COUNTY MANAGER

Howard Tipton, County Manager, stated as the Board knows this is the season for Legislative Delegation meetings; the County had its last week; and after the meeting today, they will be going out to the Central Florida Legislative Delegation meeting at Port Canaveral.

ITEM II.E., REPORTS, RE: TRUDIE INFANTINI, DISTRICT 3 COMMISSIONER

Commissioner Infantini stated at the last meeting she brought up that she would like to have the playground areas that were purchased and built with the Referendum funding to be covered; some members voted on using funding from the Referendum to extend a trail at the Brevard Zoo; and while the Zoo may be a wonderful idea, she is a proponent of taking care of what is

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already there and making it so it actually can be used. She went on to say about a month and one-half ago, she took her granddaughter to one of the local playgrounds, and she found it was too hot for her to play on; the playground material, whether it was the swings or the slides, were too hot; a few weeks later, she took her to another playground, and many mother's expressed that a lot of the playground equipment was too hot for the children to play on; and being in Florida, it seems to be one of the things the Board should be looking out for. She noted rather than using the additional funding available from the Referendum to extend a trail at Brevard Zoo, it may be a good idea to place covering over some of the playgrounds in the County so that all of the children can use them during the summer months. She pointed out Brevard County has some of the nicest parks in Florida, yet some of them cannot be used.

Commissioner Infantini stated the Board had been talking about auditing the Economic Development Commission (EDC); she does not know if staff has been able to secure any estimates for performing a performance audit on the EDC; and inquired if that had been done.

Stockton Whitten, Deputy County Manager, stated the Internal Auditors have estimated that would be between \$25,000 and \$35,000 for a performance audit.

Motion by Commissioner Infantini to have a performance audit of the EDC. Motion dies for lack of a second.

Commissioner Anderson stated he works with the EDC and he knows their performance levels; and Brevard County has the best EDC in the United States. He went on to say the case about whether the confidentiality agreements on the subject of public records under the Sunshine Laws is in front of a judge, so he thinks the judge can decide that.

Commissioner Nelson stated it is really two different issues, the lawsuit is not related to performance, it is related to the records law the EDC is under; and the judge will decide that. He went on to say the County does audit the EDC on an annual basis; what Commissioner Infantini is asking for is different from what would typically be done; the EDC's information is readily available online; and he thinks it is a waste of taxpayers money to have the EDC take the information right off line and give it to the Board for \$35,000.

Commissioner Infantini stated those are financial audits; a performance audit says what the organization is established to do and what it has done; and there is a difference between them.

ITEM II.G., REPORTS, RE: ANDY ANDERSON, DISTRICT 5 COMMISSIONER

Commissioner Anderson stated the Board contracts the Economic Development Commission to bring jobs to Brevard County; in his District because of Embraer there are 700 jobs and Northrup Grumman over 1,000 jobs; and this is all in the last 12 months. He went on to say if the Board is measuring the EDC's performance on the number of jobs they have created, his District is well over 2,000 jobs in a 12-month time frame.

He stated last night he was the Master of Ceremonies at the opening of the Space Coast Light Fest; it used to be handled by the Eau Gallie Rotary Club and now it is handled by the Boy Scouts of America; there are 2.5 million lights; and Bob Upsall from Channel 9 News was the honorary who flipped the switch. He expressed his appreciation to the Parks and Recreation staff, especially the Wickham Park staff for working with the Boy Scout's getting that set up; stated it has become a regional attraction; and the Board should be proud as it raises a lot of money for a good program.

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ITEM II.F., REPORTS, RE: MARY BOLIN LEWIS, DISTRICT 4 COMMISSIONER, CHAIRMAN

Chairman Bolin Lewis expressed her sadness in the news that the City Manager of Indian Harbour Beach, Jackie Burns, passed away; and stated she represented the Board at her funeral.

Chairman Bolin Lewis advised the Board she attended the Ethics Class; and she is looking forward to everyone taking their class on line so it can be discussed at a later date.

ITEM PULLED FROM THE AGENDA

Howard Tipton, County Manager, stated he would like to pull Item III.A.2., Contract and Surety Performance Bond, Re: Heritage Isle, Phase 7B - Lennar Homes, LLC; and Item III.A.3., Resolution and Release Performance Bond, Re: Heritage Isle, Phase 7B - Lennar Homes, LLC, from the Agenda. He went on to say staff was unable to get some of the documents finalized in time; staff moves faster than the banks; and those will be brought back before the Board in December.

ITEM III.A.1., BINDING DEVELOPMENT PLAN, RE: CHARLES T. AND ELLEN M. SALVAGGIO

The Board executed Binding Development Plan Agreement with Charles T. And Ellen M. Salvaggio, for property located on the north side of Melody Lane, west of North Tropical Trail in Merritt Island.

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

ITEM III.A.2., CONTRACT AND SURETY PERFORMANCE BOND, RE: HERITAGE ISLE, PHASE 7 B - LENNAR HOMES, LLC

The Board withdrew consideration of Subdivision Infrastructure Contract with Lennar Homes, LLC for Heritage Isle, Phase 7B, from the Agenda.

ITEM III.A.3., RESOLUTION AND RELEASE PERFORMANCE BOND, RE: HERITAGE ISLE, PHASE 7B - LENNAR HOMES, LLC

The Board withdrew consideration of a resolution releasing surety performance bond with Lennar Homes, LLC for Heritage Isle, Phase 7B, from the Agenda.

ITEM III.D.1., APPROVAL, RE: 2014 BOARD OF COUNTY COMMISSIONERS MEETING SCHEDULE

The Board approved the 2014 Board of County Commissioners Meeting schedule.

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

ITEM III.D.2., RESOLUTION, RE: ISSUANCE OF BONDS FOR BENEFIT OF ALLIED FIBER, LLC AND/OR ONE OR MORE OF ITS AFFILIATES

The Board adopted Resolution No. 13-216, authorizing the issuance of Taxable Revenue Bonds by Florida Development Finance Corporation, the proceeds of which will be used for the benefit of Allied Fiber, LLC and/or one or more of its affiliates in accordance with the Interlocal Agreement between Brevard County and Florida Development Finance Corporation.

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

ITEM III.D.3., AUTHORIZATION, RE: USE OF CURRENT CHAIRMAN'S SIGNATURE PLATE

The Board granted permission to continue to use the current Chairman's signature plates for signing the Payroll and Accounts Payable checks until new signature plates can be obtained with the new Chairman's signature.

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

ITEM III.D.4., APPROVAL OF RECOMMENDATION, RE: FY 14 BREVARD COUNTY COMMUNITY CULTURAL GRANTS

The Board approved recommendations from the Brevard County Community Cultural Grant Review Panel to fund 28 nonprofit cultural organizations or programs within the County.

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

ITEM III.D.6., APPROVAL, RE: BILLFOLDER

The Board approved the Billfolder, as submitted.

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

ITEM IV., PUBLIC COMMENTS

Richard Greco stated his discussion deals with the North Brevard Economic Development Zone (NBEDZ). He went on to say selection of candidates to serve as board members is one of the most important factors to a well-functioning board; the Charter of the NEBDZ provides for a nine-member board, three members respectively from the County Commission's recommendation, three from the District 1 Commissioner's recommendation, and three from the City of Titusville's recommendation; and the nine board members that are chosen should have the skills and experience to understand the complex business issues and of course, have integrity beyond question. He noted the three members selected by the County Commission are Dan Aton, George Mikitarian, and Stanley Retz; the three members selected by District 1 Commissioner Robin Fisher are Robert Jordan, Brenda Fettrow, and Louis Sanders; and the three members appointed by the City of Titusville are Micah Loyd, Alan Matroni, and Donn Mount. He pointed out that research was done into the relationships of Commissioner Robin Fisher with the NEBDZ board members; the sources for the information collected include Commissioner Fisher's financial disclosure with the State of Florida and corporate records of the Florida Department of Corporations; the information collected includes close relationships between the six board members selected by the Board and the District 1 Commissioner; and there is a strong connection between Commissioner Fisher and the board members of Parrish Medical Center. He went on to say three board members are affiliated with Parrish Medical Center; the connection of Commissioner Fisher with Parrish Medical Center is emphasized by the fact that the Chairman of Parrish Medical Center Herman Cole is also a business partner with Commissioner Fisher; they own a company called Colefish Investments, Inc., which owns a commercial property across the street from Miracle City Mall; Robert Jordan is the next door neighbor to Commissioner Fisher; he serves as Vice Chairman of Parrish Medical Center and serves on the NBEDZ; and George Mikitarian is Chief Executive Officer of Parrish Medical Center, and serves as Chairman of the NBEDZ. He added, Stanley Retz is on the Board of Parrish Medical and NEBDZ; he is also a business partner with Commissioner Fisher in a company called It Fitz Homes; Commissioner Fisher's financial disclosure indicates he has a \$55,000 investment in this company; and Mr. Retz is also a C.P.A. and does Commissioner Fisher's tax returns. He advised the Board that Parrish Medical Center, as a voting bloc, have one-third of the votes of the NBEDZ and very close ties with Commissioner Fisher; Dan Aton is the Founder of XOS Technologies and serves as Executive Vice President; he is on the NBEDZ; and Commissioner Fisher has a \$75,000 investment in XOS, which is a privately-held company.

Commissioner Infantini stated it appears there is almost a conflict of interest when it comes to Parrish Medical Center, because if Parrish Medical Center is going to be obtaining some office space from the Miracle City Mall, that would be a conflict of interest. She inquired if it would be a voting conflict if one-third of the board is voting on something where they are going to be obtaining office space.

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Scott Knox, County Attorney, replied he does not believe that one-third of the board has individual, special gain that is going to be derived from any transaction involved in this particular zone.

Commissioner Infantini advised not the Zone, but the Miracle City Mall office space they are asking to set aside square footage.

Attorney Knox pointed out Parrish Medical Center is a not a member of the NBEDZ; the individuals members of the board are the ones who have to have the conflict of interest; and none of them have a conflict of interest.

John Pilley stated he was going to speak on the Miracle City Mall but he did not realize that was coming up first. He pointed out when he spoke to the Board about the \$6.5 million grant, Commissioner Fisher said he was against the project; and that is not true. He went on to say it would be if he and Commissioner Fisher were neighbors and Commissioner Fisher put in a pool; he would be happy for him to have a pool; but he asked him to give him \$5,000 towards his pool; and he is happy for the Commissioner to have a new pool, but he does not want to help him pay for it. He noted it is the same thing with the Mall; he is happy it may be built; but to ask the citizens to give a grant to a private developer just is not right. He stated he is not a lawyer, but he thinks there is a conflict of interest; if these people are employed by Parrish Medical Center, receiving actual income, then there is a conflict. He stated the Board needs to be open about this and to disclose any ties he or she has to this development; public dollars are being used to build this; and he wishes District 2 Commissioner would have stood up and the power plant money should not be siphoned off and put into a separate slush fund.

Pat Pasley stated she is present to talk about the animals; the ball is still not moving regarding Animal Services; this is getting a little tiring; and here everyone is again and the ball is not moving. She went on to say she received an email from a man who tried to adopt a cat named Herbie; he told the people at the Animal Shelter he was very much interested in adopting Herbie; and when he went back to the Shelter, he found out Herbie was put down. She went on to say this has got to stop; it is getting to the point of ridiculous; the ball is not being moved forward; people expect to adopt an animal; and then he or she gets their heart broken. She advised the Board she wrote emails to Commissioner Anderson, and they did not get answered; the public never gets answers; and inquired what it will take to get some answers and move forward with this.

Commissioner Infantini inquired if Howard Tipton, County Manager, can get Karla Torpy, Animal Services and Enforcement Director, here to answer some these questions; Ms. Pasley is told to wait until after public comment to receive answers, but she never receives answers; and she has seen this happen. She inquired if Ms. Torpy can come in and answer what happened with the cat.

Mr. Tipton responded he does not know if Ms. Torpy is available; it was not an Agenda Item, so he is not sure she is on campus; but he is sure either Deputy County Manager Stockton Whitten or Assistant County Manager Venetta Valdengo can at least give some response.

Mr. Whitten stated Ms. Valdengo, Ms. Torpy, and he are scheduled to have a meeting with Ms. Pasley after this Board meeting; she is putting staff on the clock to answer a question when there is already a meeting set up; and it is disheartening that Mrs. Pasley would say staff has not answered the questions. He went on to say staff will answer her questions and some of the answers Mrs. Pasley will not like because they are not going to be consistent with how she thinks the operation should be run; and staff is happy to take Mrs. Pasley through what it thinks are good things that are happening in the Animal Services and Enforcement Department.

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Commissioner Infantini inquired if meeting with staff today is acceptable to Ms. Pasley. Ms. Pasley stated yes, but she thinks everybody else is wondering what is going on as well; she appreciates Mr. Whitten setting up the meeting; and she hates to hear that she is not going to like the answers. Commissioner Infantini inquired if the software is going to be utilized more. Mr. Whitten pointed out the software is being used; staff thinks the ball is being moved forward and they are making progress; and they will talk about that with Ms. Pasley.

Charles Tovey stated he is unprotected; while he is at the meeting, people are destroying his property; and people have attacked him and his mom. He went on to say the Board is letting that happen; people are destroying his property and the Board is letting them; and no one is doing anything.

Commissioner Fisher stated sometimes people try to discredit community leaders and people; he has been in the community over 40 years; he has been a business owner for 25 years; and he has done it very successfully all of those years. He stated he understands why people do not want to come up here and take these positions because he or she does not want to deal with the bull crap that goes on; he has been recognized by numerous board's and organizations for his efforts and what he has been able to accomplish; and it is disheartening that someone has been in the community for a year and is trying to discredit him or any other person in North Brevard County that he has known or had trust in their business savvy. He advised the Board he is proud of what he has accomplished; he had those business interests prior to becoming a County Commissioner; no one on the NBEDZ has any financial interests in the Miracle City Mall other than Mr. Gowans and EXXCEL; the community came together through the Greater Titusville Renaissance campaign and identified it; and 3,000 people showed up for the rally to support the development. He explained that George Mikitarian has nothing but integrity to the hilt; he is offended for Mr. Mikitarian that someone would make that accusation about him; Mr. Mikitarian, Herman Cole, and Robert Jordan were appointed to the Hospital Board long before he became Commissioner. He stated he has invested money in North Brevard County and Titusville. He stated the developer is not asking for any dollars until the investments and improvements have been made on his end; it is not unusual for cities or counties to identify sites that will create jobs and make improvements in their community for economic development; and that is what North Brevard County is doing.

Commissioner Nelson stated he is disappointed in the character assassination that has occurred today; he is a friend of Mr. Mikitarian professionally; and he is troubled on how that was approached. He went on to say the project actually predated Commissioner Fisher being on the Board; it was an original Community Redevelopment Agency (CRA) project that was done when Commissioner Truman Scarborough was in office; and so the concept of the Mall was prior to Commissioner Fisher being in office. He stated the Board said it needs to see specifics and that is what came back to it; there has been no hard, fast decision made by the Board; and he thinks that is good government. He pointed out it is offensive that people are making these accusations.

Commissioner Infantini stated she is not assassinating anyone's character, she just mentioned there could be a conflict of interest; it is presenting a standpoint that a person should not vote on something that may be a conflict of interest; she has nothing but the highest respect for Mr. Mikitarian; and she is only saying perhaps he should not be voting on these issues. She pointed out she would never accuse or defame anyone who was not present to defend themselves; and it would be unprofessional. She noted government should not build malls; if it is profitable, the public will build it themselves; and inquired is the Board's priority the Mall or the Lagoon.

Commissioner Anderson stated people and their innuendos is the reason he thought the County needs an Inspector General to put a lot of these things to rest; people can say anything they

want about elected officials; and the elected officials have to defend themselves. He pointed out a conflict of interest is not because people benefit because they live in the community. He advised he is tired of people picking on North Brevard County; he has a lot of friends up there. He went on to say the City of Melbourne is planning to buy 4.4 acres and develop it to put marina's on there; he does not see residents of the City of Melbourne throwing a fit; almost every municipality is doing projects; and he does not believe anyone is doing anything illegal or wrong, they are just trying to improve the community.

Commissioner Nelson stated he was not referring to Commissioner Infantini, but apparently she felt guilty; and he was not directing his comments to her. He stated it was directed at the commentary from the gentleman who made the presentation; the handout given to the Board refers to two members of the NBEDZ that have no direct ties to Commissioner Fisher; it looks like witch hunting that is not related to anything other than trying to find something wrong; and it is character assassination because inference it is saying they were trying to do something wrong. He added he is concerned with the information provided to the Board, which clearly is an attempt to show wrong doing.

Commissioner Infantini noted her conscience is clear as her response was to Commissioner Fisher; regarding the City of Melbourne, she is equally opposed to the City spending those taxpayers' dollars; but it is not her jurisdiction. She added, she does not have the oversight there; she is not a City of Melbourne resident; and she is equally opposed to it.

ITEM V.A., PUBLIC HEARING, RE: RESOLUTION FOR PETITION TO VACATE PUBLIC UTILITY AND DRAINAGE EASEMENT IN SIX MILE CREEK SUBDIVISION, PHASE III - CORY LANCASTER

Chairman Bolin Lewis called for a public hearing to consider a resolution for petition to vacate a public utility and drainage easement in Six Mile Creek Subdivision, Phase III, as petitioned by Cory Lancaster.

John Denninghoff, Public Works Director, stated staff has been working with the petitioner to resolve a few issues, and they have not been resolved; they hope to have those resolved in the continuing couple of weeks; and he requested the Board continue the public hearing to the December 3, 2013, Board meeting.

There being no further comments, the Board continued public hearing to consider the Petition to Vacate Public Utility and Drainage Easement in Six Mile Creek Subdivision, Phase III, to the December 3, 2013, Board meeting.

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

ITEM V.B., PUBLIC HEARING, RE: ORDINANCE CREATING THE AU(L) ZONING CLASSIFICATION (SECOND HEARING)

Chairman Bolin Lewis called for a public hearing to consider an ordinance creating the AU(L) Zoning Classification.

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There being no comments or objections, the Board adopted Ordinance No. 2013-038, creating the AU(L) Zoning Classification.

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

ITEM VI.A., CONSULTANT UPDATE AND BOARD DIRECTION, RE: TELECOMMUNICATIONS TOWER MASTER PLAN

The Board recessed at 9:56 a.m. and reconvened at 10:05 a.m.

Susan Raybold, CityScape Consultants, stated she is present to discuss with the Board where they are with the stages of the Wireless Telecommunications Master Plan. She went on to say they have completed Task A, preliminary research and data assessment, and Task B, background research and kickoff meeting with theoretical Remote Monitoring Systems (RMS) maps, of the Contract; and she is present to talk to the Board about Task C, which is the propagation mapping based on participation responses at the kickoff meeting. She explained wireless telecommunications is an ongoing evolution; they started with the first generation of wireless deployment in the 1980's and they have gone through 2nd, 3rd, and 4th generations; and they have gone through voice and analogue and digital to broadband, use of applications on handsets, which require more and more infrastructure to be installed. She pointed out the locations considerations to have the cell phones and wireless broadband on laptops work requires a lot of spectrum, coverage, and capacity, which is why there have to be towers and the antennae on the towers for the devices to work; the infrastructure includes the antennae, which have to be mounted above tree line and rooftops so that the signal transmits effectively; there are different types of antennas used by the industry; and in order for the antenna to work, they have to tie into a base station, which is where the electronics are at the base of the tower or if it is on the rooftop it can be on the rooftop. She added, the infrastructure is necessary for the network to work. She noted the three types of non-concealed towers most commonly used is the monopole, lattice tower, and the guy tower; the Board discussed a lot about collocation when she was there recently; collocation is when multiple tenants can use the same infrastructure; the taller the facility, generally the more antenna rays that can be put on it; and a tenant would be like Verizon and AT&T, along with emergency services and wireless internet providers. She advised in addition to the non-concealed facilities, there are some concealed facilities; they went through quite an inventory catalog the last time she was there about the different types of wireless concealed facilities; the three types of concealed facilities that are in the County are the flag pole, pole with the religious emblem, and the slick stick; and in these cases, all of the infrastructure is on the inside of the facility. She stated regarding the master planning, they have guidelines they have to follow with State and federal regulations, which set up the framework on how they regulate the industry; they have to treat all of the industry equally, they have to review requests expeditiously, and they cannot have preferential treatment over the types of service, even though they operate in different spectrums and those spectrums require a different number of sites; they cannot regulate the lighting of the towers; if the tower is required to be lit, it has to be lit; and they cannot regulate emissions from the site. She went on to say if they turn down a facility because of concerns of emissions, it will create a problem because the federal government says they cannot do that. She pointed out they recently the Middle Class Tax Relief and Job Creation Act of 2012 was approved, which tells them they have to approve collocation facilities that meet certain criteria; she outlined the criteria when she was here last; anything within the category of substantially change has to be approved; and anything

outside of that can be reviewed. She stated they talked about the master planning being a proactive way to regulate towers and network growth; she presented some theoretical maps to the Board. She stated they have completed the assessment of the entire existing infrastructure that they could find Countywide within the County's jurisdiction and outside its jurisdiction; they have identified 188 total antenna locations Countywide; of that number, 89 are within the County's jurisdiction; and 99 are outside of the County's jurisdiction. She went on to say most of those antenna locations are on top of tower, although some are on rooftops and water tanks, the vast majority of them are on existing towers; and there are five that are proposed, but are not built yet. She provided the Board with coverage maps. She advised their projection is on Inset Map 1 they will project over the next 10 to 12 years, an additional minimum 34 new facilities; that is a combination of new towers and collocations; in Map 2, they are looking at over 100; and Map 3, there is a minimum of 68. She explained they have overlaid the public land into those projections, and have identified approximately 174 public lands that could be potentially used for future collocation to meet the growth to meet the growing need being projected; and they will need assistance helping to find out precisely the properties the Board is inclined to identify. She provided the Board a handout of the public land listing. She stated in the table they have identified in one particular geographic area, four public lands that are suitable, but they only need two; and they need to know which of the two out of those four the Board would prefer. She went on to say once they have that list from the County, they will access those public land properties and do a catalog of those sites similar to the one they have done for the tower inventory. She noted now that they did all of the mapping, they want to look at how to develop policy according to what they have come to so far, and that will be done in the next after they hear back from the Board about the public lands; and to get direction to what has been done to date. She pointed out the next step is to be developing the public policies that go into support developing these geographic areas, public lands that are there, and addressing the heights of the facilities. She advised the Board there is one more benefit to master planning in addition to the towers, they can also build into the mapping broadband and the County's potential need for new services for its fiber network; the Master Plan can stay as is for the wireless communications, or they can take it to the next level and introduce broadband at this point as they already know where the facilities are; and it is up to the Board to determine which way it wants to go with the plan.

Robin Sobrino, Planning and Development Director, stated there are some rule making going on in the federal government at this point that is an important aspect for the Board to consider; and she would like to give the County Attorney's Office an opportunity to give the Board an overview of the rule making and perhaps there will be direction coming out of that information.

Christine Lepore, Assistant County Attorney, stated a memorandum was distributed and the Board has talked with staff about what is going on at the federal level and the potential for Federal Communications Commission (FCC) Rules to impact, in some regard, what is trying to get achieved; one thing staff has asked is the Board's support and direction in being able to consult with the Federal Lobbyist Eddie Pauley; he has some expertise in dealing with the FCC and the federal rule making process, which is very different than what they are used to; and they can make their interests and goals know to the FCC, and hopefully project those goals.

The Board directed staff to work with Federal Lobbyist Eddie Pauley.

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

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Ms. Sobrino stated since the County knows there is rule making going on, staff thinks they should have direction from the Board to work closely with the consultant in developing the new ordinance that would be implementing the Master Plan.

Commissioner Fisher stated there seemed to an option of identifying properties that could possibly fit; he would prefer to allow all County property to be part of that list; and through where it is located, a lot will possibly get ruled out.

Ms. Sobrino stated it is much easier to have a wider sea to select from as opposed to limiting it at this particular time; as the industry changes, there may be the need in the future to modify where the Board is looking at sites; and Commissioner Fisher's observations may be appropriate for the Board to consider.

Commissioner Infantini stated she is hesitant to rush into working on the Master Plan while the rules are still being considered at the federal level; and inquired if it would be prudent to postpone moving forward on the Master Plan until the Board knows what the federal government's rules are going to be.

County Attorney Scott Knox stated one of the things the federal government may end up doing is recognizing grandfathering for anyone who already has a plan; and if the Board does not have a Plan in place, it may end up with nothing.

Commissioner Anderson inquired what the time frame is for the FCC to finalize the rule change. Ms. LePore responded that is unclear; they are not under any specific time frame to enact a rule once the notice period has been completed; and it is 90 days at least out before the notice period will end. She advised after that there is no indication how long it will take for a rule to be enacted. Commissioner Anderson stated one of the rule changes suggested was the issue of local governments forcing the tower onto public lands; and that is a majority of Brevard County's Master Plan right now. He noted he does not mind going forward on the Master Plan if the Board can come back and tweak it.

Commissioner Nelson stated the Board has been through this process where it gets a hit or miss approach to towers, so what it came up with is go through the consultant process which is better than what it had been exposed to; one of the things he thought was interesting was on the federal level, they are more stringent than the Board is; if the County gets the grandfathering, it is less stringent than the State is; and he believes the Board should put its plan together first. He went on to say it is so technically oriented the Board needs to address it and take its chances with any governmental changes that comes its way; and he is pleased where this is because it will improve the Board's ability to meet that service.

Commissioner Infantini stated she is not in favor of moving forward at this time; she sees the federal government making suggestions; she sees the individuals who represent the tower companies coming forward and asking the Board not telling them where to put their towers; and she does not think it is the Board's job to determine where the towers should go.

Commissioner Fisher stated as the Board rolls through the budget cycles, it realizes its revenue is getting stricter and stricter; the Board has to come up with additional revenues to offset the Consumer Price Index (CPI); and getting into the cell tower business made actual sense. He went on to say the Board needs to continue to move in that direction, and the sooner the better; once an ordinance is developed, the next step ought to be how to contract and start actually building some of these; and the demand is not going to go down.

Commissioner Anderson inquired if the Board were to move forward with the Master Plan, it has the inventory of sites being provided by the consultant, and there is a rule change that validates

some of those sites, can the Board make those changes to the Master Plan currently or does it have to hire a consultant again. Ms. Sobrino replied as part of the Contract in place, there is an ongoing relationship with the tower consultant to continue to update the Master Plan as new towers come on line because then it changes coverage needs; and she would anticipate any change as a result of rule making would also be similarly covered and dealt with by the consultant.

Commissioner Nelson pointed out the Board on a monthly basis regulates where businesses go; it is not usual for the Board, it is called zoning; and he thinks that cell towers and the Statutes support the fact that the local government does have a say in that. He noted the Board denied a tower location across from Edgewood High School; he remembers the engineer for one of the carriers saying this is the only place the tower can be; and then that same engineer came in with a new application just up the street, and said this is the only place the tower could be. He stated the bottom line is that there is flexibility as to where the towers go; by identifying the public properties the County has, it will have enough locations; and there will be a process in the ordinance that if it does not have a location, it opens it up to other avenues. He added, there are a lot of positives that come out of here where there are locations that work for everyone; the industry will find it actually works better when they are able to know they can come in within a reasonable period of time identify a site and get their tower up, instead of going through the fighting that goes on with placing these things in the communities; and there are a lot of positives to the process.

The Board directed staff to prepare and advertise an ordinance for Telecommunications Tower Master Plan.

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

Commissioner Fisher stated if a County piece of property has been identified as a possible location or site, it will take someone to coordinate putting that tower up and getting leases with potential tenants; the Board needs to be in a position to build as the demand is there; and he thinks the Board needs to figure out a way if it does have a property and location that works, that it is in a position to contract out with someone to build the tower and manage the tenant.

Chairman Bolin Lewis stated she is hearing from Commissioner Fisher, the actual builder who constructs the towers and also the supervisory entity on the total project of towers throughout Brevard County. She stated it is so specialized that the Department that should oversee the towers would be the Emergency Operations Center (EOC); and if the Board wants to put it under a Department, that is where it should be.

Commissioner Fisher stated at some point in time some expertise in building towers, land leasing towers, negotiating with potential tenants, and then managing the revenue and leases will be needed, and it may need to be contracted out.

Commissioner Anderson stated the easiest way to get information is to do an Request for Information (RFI) to get the information from different entities to see what is out there.

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Howard Tipton, County Manager, stated he agrees Emergency Management is the leadership house for this particular subject; at this point they do not have that robust capability; and it would be looking to the marketplace for that. He went on to say in time, depending on the size, it may be something that is brought inside; but staff does not have that capability today. He stated CityScope Consultants has some of those capabilities, and it may be an opportunity for the County to have some of that expertise on board through the existing Contract.

Commissioner Fisher stated he would like the County to actually own the land and it contract out with someone, it owns the tower, and it leases it out; there is a possibility of working with AT&T or Verizon where they own the tower and are just leasing County land; the deal can be structured a lot of different ways; each site may be structured differently; and the County needs to go out and talk to people.

Mr. Tipton stated even if the federal government were to come down and say the County cannot enforce a preference, the opportunity for it to market its sites aggressively is the other piece to this.

The Board directed staff to work with CityScope Consultants to develop a Request for Information (RFI) for the construction and management of towers on behalf of the County, and bring it back to the Board for its review.

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

Commissioner Bolin Lewis stated she is concerned about the County's twice a year cycle on review; and she inquired if that will still be valid or if adjustments need to be made on that.

Ms. Sobrino stated staff would like the Board to consider eliminating the twice per year cycle; they have a cycle that the opportunity to apply will be closing in early January; and staff feels that when a tower company feels there is a limited opportunity to apply, they may try to apply in order to meet this six-month cycle instead of waiting for the outcome of the Master Plan. She went on to say there has not been anyone who has approached staff to apply during that cycle; but they feel it would eliminate an arbitrary rush on making applications.

The Board approved eliminating the twice per year cycle for Tower Applications.

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

ITEM VII.A.1., FINAL PLAT AND CONTRACT APPROVAL, RE: RODINA DRIVE ROAD PLAT - THE VIERA COMPANY

The Board granted final plat approval, and executed Subdivision Infrastructure Contract for Rodina Drive Road Plat - The Viera Company.

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

ITEM VII.A.2., PERMISSION TO ADVERTISE REQUEST FOR QUALIFICATIONS (RFQ), APPROVAL OF SELECTION AND NEGOTIATING COMMITTEES, AND AUTHORIZATION OF CONSULTING SERVICES AGREEMENT WITH THE SELECTED FIRM OF PROJECT DESIGN, PERMITTING, AND CONSTRUCTION ADMINISTRATION SERVICES, RE: EXPANSION OF SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT FACILITY

The Board authorized staff to advertise Request for Qualifications (RFQ) to perform project design, permitting, and construction administration services for expansion of the South Central Regional Wastewater Treatment Facility; approved a selection and negotiation committee consisting of Assistant County Manager Mel Scott, Utility Services Director Bob Adolphe, Utility Services Assistant Director Ron Voll, utility services Engineer III Mark Reagan, and Solid Waste Director Euri Rodriguez; and authorized the Chairman to execute the professional services agreement with a selected firm.

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

ITEM VII.E.2., APPOINTMENT, RE: EAST CENTRAL FLORIDA CORRIDOR TASK FORCE

Howard Tipton, County Manager, stated the newly created East Central Florida Corridor Task Force, which is an opportunity to develop the corridors of the future.

The Board appointed Chairman Bolin Lewis, or her designee, to the East Central Florida Corridor Task Force.

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

ITEM VII.F.1., CITIZEN REQUEST BY M. GOUDELOCK, RE: AMEND RURAL RESIDENTIAL ORDINANCES TO PERMIT SMALL RUMINANTS YEAR ROUND

Margaret Goudelock stated she is present to address the need for consistent Code in rural residential zoned property; her husband Toby Napier and she run their website Avid Homestead and their Facebook page the Farm House where they write articles and discuss urban homesteading, farm house interior design, primitive art, vegetable gardening, and they advocate for responsible animal husbandry practices; they are very involved in the community as advocates for parents in the public school system; and they assist in organizing grass roots

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efforts for various property rights issues. She went on to say she is asking via a citizens request, that the Board consider allowing sheep and goats, also known as small ruminants, in an equal number as horses on rural residential property; currently four horses per acre are allowed year round; and she is asking that the same number of sheep be allowed, four per acre year round. She noted she has been a resident of Brevard County for the last 12 years, and in those 12 years she has lived in Malabar, Rockledge, and now Cocoa; she bought a run down, eye sore of a house in an area that she considered the country, rural, unincorporated Brevard County, just outside of the City limits, north on Friday Road; and from the research she has done, rural residential is considered a transitional zone between the more urban and agriculturally zoned property; this type of property offers the best of both worlds for her, large lot sizes, a minimum of one acre, and easy access to amenities, such as schools, grocery stores, and other businesses, plus the most property rights with the least number of rules. She pointed out they put their sheep on their property after asking their neighbors permission to maintain the outside of their property while they worked on remodeling the inside of their ranch style foreclosure project; they had made their decision, they became fully-invested in this community and in Brevard County; anyone who has done construction and remodeling knows that a house can be full of surprises; and the most startling surprise of all was the Code Enforcement Officer knocking on their door. She advised after having their sheep for two years, there was a loop hole in Code that allows lambs in conjunction with a 4-H Project for only six months; this did not make sense; horses, goats, dogs, and pigs are common as a person drives through their area; but she cannot keep her four useful sheep. She stated there is one home in their neighborhood that has sold in the last four years twice, it is directly beside her, and both times it has sold with sheep in the back yard; and it is the only one in the neighborhood that sold, and she would challenge anyone that says having sheep effects property values. She stated she has given the Board an extensive packet of information about the sheep on her property; they are the critically endangered Florida Cracker Sheep; she has also given the Board a detailed list of articles describing how sheep are used for mowing her property; there is also quite a few municipalities and school districts that save money by using these animals; and they are in pilot programs all over the United States. She advised what she really wants is six months to change the Code so she can keep her sheep.

Commissioner Infantini inquired if Ms. Godelock is asking the Board for six months so she will have time to change the Code and keep the sheep and not have to get rid of them right away. Ms. Godelock explained currently by Code there is a fairly standard approach, which is four horses per acre, but sheep are only allowed for six months with the stipulation that it would be a 4-H project; if the Board makes Code consistent, she will be able to have four sheep per acre year round.

Commissioner Nelson stated he does not consider it to be a loop hole, it was designed to help children to participate in 4-H. He inquired if Ms. Godelock looked at her homeowner documents associated with her subdivision before she bought the property. Ms. Godelock advised yes, and they made extensive inquiries through their real estate agent; they also looked on the Tax Assessor's information available on line; and they got a ruling from Code Enforcement that says that sheep are okay. Commissioner Nelson stated the homeowner documents that were filed when the subdivision was built do not allow sheep. Ms. Godelock stated they actually do have the stipulation that if a person has a County Code then this organization, which is now defunct and non-existent, agrees to follow Brevard County Code. Commissioner Nelson reiterated what was filed when the subdivision was originally built did not allow sheep, horses, and those kinds of things; and inquired if she checked County zoning before she bought. Ms. Godelock responded affirmatively. Commissioner Nelson stated County zoning did not allow those things at that time either. Ms. Godelock advised in when she called about the property she said they were looking at the property and would like to have animals; and they said she could have four horses and that should be fine. Commissioner Nelson stated County Code did not allow sheep and she made the decision to buy. Ms.

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Goudelock stated County Code actually does allow one sheep as a pet on any rural residential property. Commissioner Nelson stated the rules did not allow her to have sheep when she bought the home, with the exception for six months for 4-H and as one as a pet; and inquired if she knew that when she bought her home. Ms. Goudelock replied no, she did not know that; stated two years after she bought her home is when she was made aware that previous people had tried to open Code; and she is trying to move it forward. Commissioner Nelson advised to have horses she would need 10,000 square feet of space, or 40,000 square feet, which is almost an acre. Ms. Goudelock stated when a person has one acre of land it says a person can have four horses per acre. Commissioner Nelson stated to have a barn for those horses, if there is residential property adjacent to her, she would have to meet setbacks; the reality is she cannot really do what she is saying; her home, pool, driveways, and all those other things fit in; and it is not fair to say she could have those horses automatically as there are other conditions that come into play. Ms. Goudelock stated she sent this map to Robin Fisher about the animal density in her neighborhood that shows the animals that are allowed on the various properties, and what are there are sheep, goats, horses, and dogs. Commissioner Nelson stated if no one has called in a Code issue, they can have them; but they are not permitted on an annual basis; and she has identified some that are actually violations. Commissioner Nelson stated Ms. Goldilocks' argument is if she can get enough people to violate the law, she can change the Code; he would suggest some of those instances she spoke of probably are not legal; and he inquired what about the neighbor's property rights as they all agreed to the rules when they moved in. Commissioner Nelson stated the Board created a zoning category today, AU(L), which she could do what she is talking about. Ms. Goudelock stated to ask her neighbor when he comes up to speak if he will let her change her zoning, because it is up to her neighbors if she has approval; she wants to have property rights; and she does not want to turn people in who have horses, goats, or chickens because she believes they have the right to do what they want to do on their property.

Commissioner Anderson pointed out homeowners covenants and homeowners associations the deed restrictions that they place is a private contract and has nothing to do with government; the Board has no authority over that; and if her neighbors do not like it, they need to find a recourse in court. He went on to say when he reviewed this Code is how arbitrarily and capricious this is; in 2007 he bought his brother baby goats, he thought it was fine because his neighbors have horses; a guy from somewhere moved in and did not like the two goats on his brother's two acres; he filed a complaint; and after \$2,000 he got to keep his two goats. He went on to say next door in a really residential area, he looked across the fence and this guys back yard is completely torn up with the two horses he has, but he can have his horses, but his brother could not have two goats that were fenced in a small area around a pond; these Codes are kind of like that book that was published *Death of Common Sense*; there is already a rule that a person can have them for 4-H; and then they have to get rid of them for six months. He inquired if Ms. Goldilocks' subdivision is no longer in existence. Ms. Goudelock responded it was dissolved. Commissioner Anderson stated she is bound completely by Brevard County zoning. He stated he has not one complaint since the chicken Ordinance was enacted; and he thinks it is arbitrary a person can have a couple of large animals and not a couple of sheep.

Commissioner Fisher stated his concern is to let anything else beyond chickens to happen; he looked at the spirit of what he thinks the Ordinance was trying to do; realistically that property is not able to hold four horses and grazing; and the *Florida TODAY* is interesting. He stated he thinks there is farming and there are subdivisions; it is unfair to say because she can have four horses, when a person knows truly they cannot have that; she has chickens; and she should be in an AU zoning to have that kind of environment.

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Commissioner Nelson stated they have covenants and also zoning, so when looking at both of them there are two protections; she bought under that zoning understanding what she could or could not do; and now she is looking to change that. He stated the Board cannot change the covenants, but the zoning the Board does control; to change the zoning is the last protection these folks have particularly when those covenants have gone away; and he thinks the points Commissioner Fisher made are correct.

Commissioner Infantini stated one of the things she is concerned with, while on one hand she is completely in favor of having goats or sheep, but before changing something in a community, she needs to get the community's support; if a person has over 50 percent of the people in the community in support; and that would be something she would look for in changing a zoning rule.

Elizabeth Wallace, Brevard Public Schools, stated today's children have limited opportunity to connect to the natural world around them; in the past decade, the benefits of connecting to nature have been well documented in research studies and publication; they provide people with learning opportunities tied to nature; these interactions are vital to children's growth in every major way; and studies of children in school yards found that children engage in more creative forms of play in green areas. She stated educational opportunities for youth that involve live animals, provide wonderful learning experiences; actively participating in raising animals also teaches responsibility, budgeting costs and returns, care and concern for other living things and a multitude of other life skills that children will need later in life; and as a side benefit, the free dried manure that these animals provide is a benefit. She went on to say this school year some of her responsibilities include getting 16 above ground planting boxes started, revamping and maintaining over 20 miniature gardens throughout the school campus, piloting a Kindergarten through 6th grade after school wellness program with a cooking and sewing component, creating numerous outdoor learning spaces for children, and the implementation of the state of the art aviation lab. She stated they cannot be successful without local experts, private citizens who choose to share in their children's education by partnering with public schools migrate beyond their property lines and the benefits are great; these community experts are vital to the success to her professional endeavors this school year; together teachers and community partners are a powerful tool to bring learning to life and make it meaningful for children; and please keep that in mind when deciding what homeowners can do on their property.

Priscilla Andersen stated they are requesting that small ruminants on acreages that allow horses; it must have been an oversight that they were not allowed; and she asked that the Board correct that. She pointed out horses are much more invasive and produce a larger amount of bodily fluids than sheep do. She stated small ruminants keep land healthy and cause far less environmental damage and pollution than chemical fertilizers and herbicides; they also eat invasive plants; she has 35 sheep and two horses on 18 acres on North Merritt Island; she does not use fertilizer; and her soil tests are very good. She stated she hopes they can lead the way to a better understanding of how to work with Mother Nature instead of against her; anyone who wants to keep small ruminants should be allowed to; and she advised the Board if they have any questions on non-chemical pasture or lawn maintenance, she will try to answer them.

Commissioner Fisher inquired if her 18 acres are in AU zoning; and what are the restrictions. Ms. Sobrino stated it is basically unlimited animals. Commissioner Fisher stated if a person acquires a piece of property with AU zoning that is fine; and he does not want to modify the Codes in a subdivision. He stated the spirit of the Code at the time was

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if a person had large enough pasture, the animals could run and do those kinds of things; and he inquired why they allowed the sheep for six months.

The Board acknowledged Ms. Godelocks' request to amend rural residential ordinances to permit small ruminants year round, but took no further action.

Upon consensus of the Board, the meeting adjourned at 11:29 a.m.

ATTEST:

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

SCOTT ELLIS, CLERK