

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 13, 2012 at 9:01 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

Call to Order

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

INVOCATION

The invocation was given by Pastor Gary Montecalvo, Destiny Christian Church, Merritt Island.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

The Board approved the October 9, 2012, and October 23, 2012, Regular Meeting Minutes, and November 1, 2012, Zoning Meeting Minutes.

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

ITEM I.A., RESOLUTION, RE: DESIGNATING THE MONTH OF NOVEMBER 2012 AS PANCREATIC CANCER AWARENESS MONTH

Chairman Nelson read aloud, and the Board adopted, Resolution No. 12-234, designating the month of November 2012 as Pancreatic Cancer Awareness Month.

Karen Sharkey, Volunteer Advocacy Coordinator for Central Florida Affiliate Know It! Fight It! End It!, expressed her appreciation to the Board; and she stated wearing the color purple during the month of November helps to show awareness of pancreatic cancer.

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

ITEM I.B., RESOLUTION, RE: RECOGNIZING NOVEMBER 16-22, 2012, AS FARM-CITY WEEK

Chairman Nelson read aloud, and the Board adopted, Resolution No. 12-235, recognizing the week of November 16-22, 2012, as Farm-City Week, and called upon citizens in rural and urban areas to acknowledge and celebrate the achievements of all those who work together producing and supplying the community and nation with an abundance of agricultural products.

Tom Schuller, Brevard County Farm Bureau President, expressed his appreciation to the Board.

Steve Crisafulli, Agricultural and Natural Resources Subcommittee Chairman, stated it is very important to recognize what farmers in communities do in and around the country; government needs to recognize what regulations does to the industry; it can certainly hamper it; the Board will have issues coming before it that could impact that; he hopes the Board will be looking out for the farmers when making those decisions; and the Board has always been supportive of what farmers do.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Bolin Lewis, Commissioner District 4
SECONDER:	Andy Anderson, Vice Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM I.C., RESOLUTION, RE: RECOGNIZING AND COMMENDING DONALD "JIM" MEINTS FOR OVER 25 YEARS OF SERVICE TO BREVARD COUNTY

Chairman Nelson read aloud, and the Board adopted, Resolution No. 12-236, recognizing and commending Donald "Jim" Meints for over 25 years of service to Brevard County; expressed sincere appreciation and thanks for his dedicated service to Brevard County and its citizens; and extended best wishes for good health and happiness during his retirement.

Donald "Jim" Meints expressed his appreciation to the Board.

Chairman Nelson passed the gavel to Vice Chairman Anderson.

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

November 13, 2012

ITEM I.D., RESOLUTION, RE: PROCLAIMING NOVEMBER 15, 2012, AS AMERICA RECYCLES DAY

Vice Chairman Anderson passed the gavel back to Chairman Nelson.

Commissioner Bolin Lewis read aloud, and the Board adopted, Resolution No. 12-237, recognizing November 15, 2012, as America Recycles Day.

Hillary Arena, Solid Waste Management Department Recycling Coordinator, expressed her appreciation to the Board; stated Brevard County has a 34 percent recycling rate, putting Brevard County in line to achieve the goal of 75 percent recycling rate by the year 2020; and she provided the Board a handout of materials supporting reusing, reducing, and recycling.

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

ITEM I.E., RESOLUTION, RE: PROCLAIMING NOVEMBER 14, 2012, AS "GIS" DAY

Dave Jordan, GIS Coordinator, introduced Serena Ledig, Utility Services; Cindy Lieberman, Natural Resources; Tim Witt, E-911 Administration; Lixin Huang, Information Technology; Joanne Adams, Planning and Development; Edwin Brightman, Planning and Development; and advised the Board that Sam Vanderwarker, Public Works, was absent.

Commissioner Bolin Lewis read aloud, and the Board adopted Resolution No. 12-238, proclaiming November 14, 2012, as "GIS" Day in Brevard County and encouraged promotion supporting the events within the community.

Mr. Jordan explained Geographic Information Systems (GIS) ties maps to data by making smart-maps; the maps are utilized throughout Brevard County, such as Mr. Witt makes E-911 emergency maps that helps support the routing of emergency vehicles; Ms. Lieberman makes maps of recovery, such as an analysis helping determine the cause of problems from Tropical Storm Fay; the maps are very important to Brevard County; and he feels proud to tell the Board that this group of individuals is very enthusiastic about his or her job and enjoy working with the data and graphics daily. He mentioned GIS is tagging along with Brevard County to help support United Way by having maps on display and answering questions about how maps support Brevard County services.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Bolin Lewis, Commissioner District 4
SECONDER:	Andy Anderson, Vice Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

November 13, 2012

ITEM I.F., RESOLUTION, RE: PROCLAIMING NOVEMBER 2012 AS "MONTH OF THE FAMILY" IN BREVARD

Chairman Nelson read aloud, and the Board adopted, Resolution No. 12-239, proclaiming November 2012 as "Month of the Family" in Brevard County, and urged all residents to spend quality time with their family members to strengthen relationships between parents and their children.

Tony Rovoli, First Counselor in Stake Presidency of The Church of Jesus Christ of Latter-Day Saints, expressed his appreciation to the Board; and he stated it is believed that the family is the most important unit of society.

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

ITEM I.H., RESOLUTION, RE: CONGRATULATING CAROL SHEFFIELD FOR 25 YEARS OF DEDICATED PUBLIC SERVICE TO BREVARD COUNTY

Chairman Nelson read aloud, and the Board adopted, Resolution No. 12-240, congratulating Carol Sheffield for her 25 years of dedicated public service to Brevard County, and wished her a happy and safe retirement traveling, fishing, reading, and spending time with family.

Carol Sheffield stated it has been her pleasure to work for Brevard County Board of County Commissioners; and she expressed her appreciation to the Board.

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

ITEM I.G., PRESENTATION BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) AND RESOLUTION OF SUPPORT, RE: INDIAN RIVER LAGOON BASIN MANAGEMENT ACTION PLANS

Tom Frick, Bureau Chief, Bureau of the Watershed Restoration, Florida Department of Environmental Protection, provided the Board with information relating to the efforts to restore and protect the water quality of the Indian River Lagoon (IRL) using the Basin Management Action Plans (BMAPs) for restoration plans moving forward and implementing restoration of water quality within the IRL itself; the BMAPs are formalized and adopted by the Secretary of the Florida Department of Environmental Protection (FDEP); and it is the scheduling of how to improve the water quality. He mentioned there is federal and State laws required due to the algal blooms; it requires water being assessed and determined if waters are meeting water quality standards; it was determined in 2008, the IRL was not meeting its water quality standards based on the loss of sea grass in the IRL itself; and had also determined to be an impaired water body. He added, the State now has to determine what the targeted restoration

goal is going to be through the process of Total Maximum Daily Loads (TMDLs), determining nutrients getting into the IRL from the water shed, restoration goals for nitrogen and phosphorus in the system, and putting them in place with BMAPs to achieve goals. He stated in June 2009, FDEP started the BMAPs efforts to come up with a schedule of projects achieving the TMDLs goals by working with local stakeholder-staff from Brevard County and cities within Brevard County, and all counties running along the IRL. He mentioned the St Johns River Water Management District (SJRWMD) is focusing on the algal blooms of 2011 and 2012; the efforts are trying to determine what had caused the algal blooms and how it can be prevented in the future by getting better information on the causes of blooms and impacts to sea grass. He added, BMAPs were prepared for each sub basin of the Banana River Lagoon (BRL), North IRL, and Central IRL to address each TMDLs sub basin achieving sea grass depth targets. He went on to say the BRL sub basin is divided into two project zones to evaluate the sea grass's and determine where to put the efforts in place for implementation; North IRL has two project segments, as well; and big efforts are being worked cooperatively of where to put the efforts in to place. He stated in the next five years one annual meeting will be held for each BMAP to track the status of projects; plans will be monitored by measuring water quality success and ensuring continued sea grass restoration is included in each BMAP, with projects meeting the TMDLs goal, and having a compliance schedule; and he encouraged Brevard County to apply for grants for water quality improvement projects and TMDLs water quality restoration grants. He stated the BMAP is how FDEP is focusing its dollars for grants; by being a part of the BMAP, it helps prioritize projects and figures the important ones; and through the Department of Agriculture and Consumer Services (DACs) to implement agricultural best management practices, which is the requirement for agriculture. He stated the BMAPs comment period runs through December 7th; and after the comment period, it will go to the Secretary of FDEP who will sign and submit the BMAPs, as a formal schedule of how to meet the goals.

Commissioner Bolin Lewis stated she has worked with the IRL Advisory Committee for the last two years; and she recognized Troy Rice, IRL National Estuary Program St. Johns River Water Management District Director, for keeping the committee well informed.

Chairman Nelson inquired what the next step is. Ernest Brown, Natural Resources Management Office Director, responded the objective is any Policy decision needs to be based on sound-science; the Board last year did initiate a study to refine the process; and the State has been very receptive to evaluating, and incorporating to the extent they can, those findings. He went on to say at this juncture, a resolution has been submitted to the Board for its consideration of general support for the implementation of the BMAPs, with the clear expectation that they will be refined using the best science available, with the caveats of availability of technical, funding, and legal resources in moving forward.

The Board acknowledged presentation by Tom Frick, Bureau Chief, Bureau of the Watershed Restoration, Florida Department of Environmental Protection; and the Board adopted Resolution No. 12-241, supporting the Indian River Lagoon Basin Management Action Plans.

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

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

Howard Tipton, County Manager, stated his congratulations to the Board, and to recognize County staff, especially Assistant County Manager Stockton Whitten and the entire financial team for the recent ratings received from Moody's and Fitch; both organizations do a financial review of both the way the organization is managing its finances, as well as the economic health of the community; and both agencies came back with positive ratings for the organization as well as the community. He went to say what that means for the County, it recognizes it is moving forward in the right direction, but it is nice when outside agencies give that stamp of approval.

Chairman Nelson expressed his appreciation that Mr. Whitten is on top of that; and stated it is comforting to be able to call and ask questions about bonds, and particularly the County's rating, because it does impact the County in a lot of ways that most people will not recognize.

Mr. Tipton pointed out Speaker Designate Steve Crisafulli will be combining with Senator Andy Gardner, both representing Brevard County being a part of a strong leadership team in Tallahassee coming up in 2014; and that is a tremendous opportunity for the community and the County.

ITEM II.E., REPORT, RE: MARY BOLIN LEWIS, DISTRICT 4 COMMISSIONER

Commissioner Bolin Lewis wished her mother a happy 89th birthday; and stated she spent the day with her making pies.

ITEM II.F., REPORT, RE: ANDY ANDERSON, DISTRICT 5 COMMISSIONER

Commissioner Anderson reminded everybody the 'Coats for Kids' drive is being continued supporting the Brevard Family Partnership and the 850 children they represent within the community; and he advised that new and slightly used jackets can be dropped off at any Brevard County Library location, so that organization can be helped out.

ITEM II.G., REPORTS, RE: CHUCK NELSON, DISTRICT 2 COMMISSIONER

Chairman Nelson congratulated Commissioners Infantini and Fisher for winning their re-elections; and he stated he is looking forward to the next two years with the current Board.

Chairman Nelson complimented Lori Scott, Supervisor of Elections, and her staff, for doing a tremendous job on Election Day; stated he is on the Canvassing Board, which had finished compiling ballots at 5:00 a.m. on Tuesday; and he intends to have Ms. Scott and her staff, at a later date, to provide her with the proper recognition.

ITEMS PULLED FROM CONSENT AGENDA

Commissioner Infantini stated she would like to pull for discussion Item III.A.16., One Year Contract Renewal with TJM Communications, Inc., Re: Public and Media Relations With No Change in Monthly Retainer Fee; Item III.B.8., Agreement with Brevard Community Partnership, Inc., Re: Construction of Affordable Housing; Item III.C.2., Approval, Re: 2013 Board of County

Commissioners Meeting Schedule; and stated she will be voting nay on Item III.C.11., Approval, Re: Billfolder.

Chairman Nelson inquired if there is a specific item in Item III.C.11., that Commissioner Infantini does not want to vote for. Commissioner Infantini responded the dues for \$89,000 to a regional organization that the County is required to belong to; stated she thinks there needs to be negotiations held for the dues the County pays; there were two other expenditures that had already been made and now asking for approval after the fact; and she would like for permission to be asked first before making the payment. She went on to say she will continuously be voting nay on those types of items.

Chairman Nelson advised he is a part of the Regional Planning Council that Commissioner Infantini does not want to pay; it is mandated by the State of Florida to pay; the County is being charged less today than it was six years ago, which was over \$100,000; it has come down significantly over the last several years; and he feels the Council has done its part of what

Commissioner Infantini stated she thinks it is, in part, due to the population shift; stated she is suggesting the council redo the structure.

Chairman Nelson clarified it is not because of population; and it was because of a reduction in costs.

Chairman Nelson pulled III.A.2., Binding Development Plan, Re: Shoreview Limited partnership; and he stated it is not necessary to have the words 'partial funding' in the documents for CGT and LOGT purposes.

ITEM III.A.1., BINDING DEVELOPMENT PLAN, RE: VASTIANA BOATSWAIN AND DONOVAN SIMMS

The Board executed Binding Development Plan Agreement with Vastiana Boatswain and Donovan Simms, for property located on the east side of High Street, approximately 185 feet south of Reid Street.

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

ITEM III.A.2., BINDING DEVELOPMENT PLAN, RE: SHOREVIEW LIMITED PARTNERSHIP

The Board executed Binding Development Plan Agreement with Shoreview Limited Partnership, for property located on the southwest corner of Berkeley Street and Highway A1A.

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

ITEM III.A.3., BINDING DEVELOPMENT PLAN, RE: NILES E. RUBAR

The Board executed Binding Development Plan Agreement with Niles E. Rubar, for property located on the north side of Chica Street, approximately 500 feet west of Knoxville Avenue.

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

ITEM III.A.4., APPROVAL, RE: TRANSPORTATION IMPACT FEE TECHNICAL ADVISORY COMMITTEE PROJECT FUNDING RECOMMENDATIONS

The Board approved the project funding recommendations prepared by the Technical Advisory Committee for the South Mainland Benefit District on October 24, 2012; authorized the Budget Office to execute any budget changes required to implement project appropriations; and authorized the Chairman to execute a Disbursement Agreement with the City of West Melbourne.

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

ITEM III.A.5., SIDEWALK EASEMENT FROM GOODWILL INDUSTRIES OF CENTRAL FLORIDA, INC. IN FAVOR OF BREVARD COUNTY, RE: CONSTRUCTION ADJACENT TO RIGHT-OF-WAY FOR U.S. HIGHWAY NO. 1

The Board approved accepting a sidewalk easement from Goodwill Industries of Central Florida, Inc. for the proposed sidewalk associated with the construction of improvements to a parking lot located at 4851 S. Highway U.S. 1, Rockledge, Florida.

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

ITEM III.A.6., SIDEWALK EASEMENT FROM CMBP MELBOURNE LLP IN FAVOR OF BREVARD COUNTY, RE: CONSTRUCTION ADJACENT TO RIGHT-OF-WAY FOR COUNTY MAINTAINED FEAST ROAD

The Board approved accepting a sidewalk easement from CMBP Melbourne LLP for the proposed sidewalk associated with the construction of improvements to the parking lot located at 3325 W. New Haven Avenue.

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

ITEM III.A.8., RESOLUTION OF NECESSITY, RE: ACQUISITION OF PARCEL FOR STATE ROAD NO. 3 AND HALL ROAD INTERSECTION IMPROVEMENTS PROJECT

The Board adopted Resolution No. 12-242, acquiring a parcel in Sections 34 and 35, Township 23S, Range 36E that is required for construction and maintenance of intersection improvements; authorized the County Attorney's Office to proceed with action in accordance with the statutory requirements set forth in Chapters 73 and 74, Florida Statutes, applicable to "quick-take" proceedings; and authorized the payment of reasonable expert fees per Chapters 73 and 74, Florida Statutes, as part of staff's effort to negotiate a settlement.

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

ITEM III.A.9., RESOLUTION, AND COUNTY DEED OF TRANSFER WITH CITY OF WEST MELBOURNE, RE: FLANAGAN AVENUE ANNEXED PROPERTY TO THE CITY

The Board adopted Resolution No. 12-243, annexing a portion of Flanagan Avenue, the east right-of-way line of I-95, east to Minton Road; authorized the Chairman to execute the Resolution and County Deed; and approved transferring ownership, maintenance, and functional responsibility for the roadway, street lights, drainage systems, and other allied uses for the portion of Flanagan Avenue to the City of West Melbourne.

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

ITEM III.A.10., RIGHT-OF-WAY USE AGREEMENT WITH SUNTREE MASTER HOMEOWNERS ASSOCIATION, INC., RE: CONSTRUCTION OF SIGNS, LANDSCAPING, IRRIGATION AND LIGHTING, AND MAINTENANCE WITHIN RIGHT-OF-WAY

The Board approved the Right-of-Way Use Agreement with Suntree Master Homeowners Association, Inc., for construction of signs, landscaping, irrigation and lighting, and maintenance thereof, within the right-of-way; and authorized the Chairman to execute the Agreement.

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

ITEM III.A.11., ACCEPTANCE OF QUIT CLAIM DEEDS AND WARRANTY DEEDS FOR DONATED LANDS FROM 13 PROPERTY OWNERS, RE: LIONEL ROAD PAVING PROJECT

The Board accepted Quit Claim Deeds and Warranty Deeds for donated lands from the following 13 owners in connection with the Lionel Road Paving Project: 1). Parcel 101: Larry A. and June A. Kameron; 2). Parcel 102: James Jr. and Lisa K. Finley; 3). Parcel 103: John M. and Kerri Lupfer; 4). Parcel 104: Lunenburg Properties, Inc.; 5). Parcel 105: Jeffrey J. and Jacqueline G. Martins; 6). Parcel 106: Patricia A. Graves and Floyd W. Emberton; 7). Parcel 107: Tommy G. and JoAnn Shinholster; 8). Parcel 108: Kenneth W. and Barbara S. Lord; 9). Parcel 109: Thomas A. Jr. and Karen L. Stevens; 10). Parcel 110: Michael P. and Wanda W. Mulcahy; 11). Parcel 111: Robert Clay Kirk and Ethylmay Kirk; 12). Parcel 112: Claude Lee Blair, Sr. and Sherry Lynn Blair; and 13). Parcel 113: Marie R. Clark; and authorized the waiver of the Survey and Phase 1 Environmental Assessment requirements.

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

ITEM III.A.13., PERMISSION TO RENEW AGREEMENT WITH WASTE SERVICES OF FLORIDA, INC., RE: EMERGENCY CLASS III WASTE DISPOSAL SERVICES

The Board granted permission to renew an Agreement with Waste Services, Inc., for Emergency Class III Waste Disposal Services; and approved delegating the authority to approve the second and final renewal to the Solid Waste Management Department Director.

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

ITEM III.A.14., PERMISSION TO PURCHASE USING AN EXISTING STATE OR OTHER FLORIDA GOVERNMENTAL CONTRACT, RE: ANY HEAVY EQUIPMENT BUDGETED FOR PURCHASE IN FY 2012/2013

The Board granted permission to purchase using an existing State or other Florida governmental contract for any heavy equipment budgeted for purchase in FY 2012/2013 valued at \$3,371,704.00, and consisting of: five transfer trailers (10 years old); three semi-truck tractors (eight years old); one dump truck (12 years old); one service boom truck (13 years old); two dozers (five years old); one compactor (four years old); and four pick-up trucks/SUV's (10 to 16 years old).

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

ITEM III.A.15., CONTRACT EXTENSION THROUGH JANUARY 31, 2013, WITH COMMUNICATIONS CONCEPTS, INC. (CCI), RE: INTERNET SITE MANAGEMENT AND MAINTENANCE SERVICES WITH NO CHANGE IN \$2,100 MONTHLY FEES

The Board approved a month-to-month Contract extension through January 31, 2013, with Communications Concepts, Inc. for the www.visitSpaceCoast.com internet site management and maintenance services with no increase in the \$2,100 monthly retainer fee, allowing for the new internet vendor Cape Publications, d/b/a Florida Today Communications, a transition period for developing the new site design, which is anticipated to be ready in January 2013.

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

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

The Board approved the Budget Change Requests, as submitted.

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

ITEM III.B.2., RESOLUTION AND LEASE AGREEMENT, RE: OFFICE SPACE FOR REPRESENTATIVE TOM GOODSON

The Board adopted Resolution No. 12-247, and executed Lease Agreement allowing the non-competitive lease of County property office space in the Brevard County Government Center North to Representative Tom Goodson.

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

ITEM III.B.3., RESOLUTION AND LEASE AGREEMENT, RE: OFFICE SPACE FOR CONGRESSMAN BILL POSEY

The Board adopted Resolution No. 12-248, and Lease Agreement allowing the non-competitive lease of County property office space in the Brevard County Government Center Viera to Congressman Bill Posey.

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

ITEM III.B.4., REVISION OF POLICY BCC-27, RE: CONSTRUCTION CONTRACTS

The Board approved the proposed revisions to Policy BCC-27, Construction Contracts.

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

ITEM III.B.5., WAIVER OF POLICY BCC-58, RE: NAMING THE NEW BREVARD COUNTY HEALTH DEPARTMENT, VIERA CONFERENCE CENTER

The Board approved waiving Policy BCC-58 for the naming of the new Brevard County Health Department, Viera Conference Center in honor of United States Congressman Bill Posey.

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

ITEM III.B.6., LOW INCOME POOL AGREEMENTS WITH THE FLORIDA AGENCY FOR HEALTH CARE ADMINISTRATION, RE: BREVARD COUNTY HEALTH DEPARTMENT

The Board approved Low Income Pool Agreements with the Florida Agency for Health Care Administration for the Primary Care Enhancement at Brevard County Health Department; and authorized the Chairman or designee to execute subsequent modifications and amendments to the Agreements, upon review and approval by the County Attorney and Risk Management.

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

ITEM III.B.7., AGREEMENTS WITH COLONIAL COUNSELING ASSOCIATES, INC. (CCA) AND GLACIER CONSULTING, INC. (GCI), RE: BREVARD ADULT DRUG COURT EXPANSION AND ENHANCEMENT OF SUBSTANCE ABUSE TREATMENT (EESAT) AND PRETRIAL INTERVENTION (PTI) PROGRAM

The Board approved Agreement with Colonial Counseling Associates, Inc. (CCA) for Brevard Adult Drug Court Expansion and Enhancement of Substance Abuse Treatment (EESAT) and Pretrial Intervention (PTI) Program; approved Agreement with Glacier Consulting, Inc. (GCI) for Program Evaluator for the Brevard Adult Drug Court Expansion and Enhancement of Substance Abuse Treatment (EESAT) and Pretrial Intervention (PTI) Program; authorized the Chairman to execute future renewals of Agreements; and authorized Housing and Human Services Director to execute any future amendments or subsequent modifications, upon approval by the County Attorney and Risk Management.

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

ITEM III.B.9., AGREEMENT WITH HOUSING AUTHORITY OF THE CITY OF TITUSVILLE, RE: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) DISASTER RECOVERY INITIATIVE FUNDS

The Board executed an Agreement with the Housing Authority of the City of Titusville (HACTV), in the amount of \$232,500 in CDBG Disaster Recovery Initiative (DRI) funds; and authorized the

November 13, 2012

Chairman to execute subsequent modifications and amendments to the Agreement, upon review and approval by the County Attorney and Risk Management.

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

ITEM III.B.10., AUTHORIZATION, RE: ACQUISITION OF PROPERTY ADJACENT TO THE SCOTTSMOOR MEETING HALL

The Board authorized Parks and Recreation staff to purchase the .44-acre of vacant property adjacent to the Scotts Moor Meeting Hall that was acquired by Ronald MacMillan through tax deed sale, subject to Mr. MacMillan obtaining clear title to the property; waived and Phase I environmental site assessment, per AO-37; and authorized the project budget in the north area referendum budget.

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

ITEM III.B.11., RESOLUTION, RE: FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AS THE DESIGNATED RECIPIENT OF SECTION 5310 FEDERAL TRANSIT ADMINISTRATION FUNDS

The Board adopted Resolution No. 12-249, approving FDOT as the designated recipient of Federal Transit Administration Section 5310 Funds, Transportation for Elderly Persons and Persons with Disabilities for the Palm Bay-Melbourne area.

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

ITEM III.B.12., RESOLUTION AND JOINT PARTICIPATION AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: SPACE COAST AREA TRANSIT (SCAT) PUBLIC TRANSIT BLOCK GRANT FUNDS

The Board adopted Resolution No. 12-250, and Joint Participation Agreement with FDOT, allowing the allocation of \$7,636,389 in FDOT State Public Transit Block Grant funds over Fiscal Year 2012-2013 through 2016-2017, for SCAT.

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

ITEM III.B.13., FLORIDA MEDICAID SERVICES AGREEMENT WITH STATE OF FLORIDA, AGENCY FOR PERSONS WITH DISABILITIES (APD), RE: MED-WAIVER COMMUNITY-BASED SERVICES TRANSPORTATION PROGRAM

The Board authorized the Chairman to sign the Medicaid Waiver Service Agreement for the Home and Community-Based Waiver/Family and Supported Living Waiver Program.

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

ITEM III.C.3., RESOLUTION, RE: PROCLAIMING BREVARD COUNTY 'OPEN FOR BUSINESS'

The Board adopted Resolution No. 12-251, proclaiming Brevard County "Open for Business", supporting Central Florida's initiative to promote business climate, great service, job creation, and business investment.

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

ITEM III.C.4., APPROVAL, RE: BREVARD WORKFORCE LOCAL WORKFORCE SERVICE PLAN 2012-2016

The Board authorized the Chairman to execute the documents required by the Workforce Investment Act (WIA) and the State of Florida, Department of Economic Opportunity (DEO), for the Local Workforce Services Plan.

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

ITEM III.C.5., ACKNOWLEDGEMENT, RE: RECEIPT OF CITY OF ROCKLEDGE REDEVELOPMENT PLAN UPDATE

The Board acknowledged receipt, without objection, of the letter from the City of Rockledge requesting concurrence with their request to amend their Community Redevelopment Plan.

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

ITEM III.C.6., RESOLUTION, RE: BREVARD COUNTY 2012 COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

The Board adopted Resolution No. 12-252, adopting the Brevard County Comprehensive Emergency Management Plan (CEMP), 2012 revision in accordance with the requirements of the Florida Administrative Code (FAC), 27P, proclaiming the Florida Division of Emergency Management has approved the Brevard County CEMP as the official document to guide emergency planning and response within Brevard County.

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

ITEM III.C.7., AUTHORIZATION, RE: DISTRIBUTION OF FLORIDA CONTRABAND FORFEITURE FUNDS

The Board authorized the distribution of \$15,899.12 in Florida Contraband Funds to the City of Rockledge Police Department for their part in Law Enforcement Operations in accordance with Florida Statutes 932.7055(5); and authorized any necessary budget amendments.

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

November 13, 2012

ITEM III.C.8., ACCEPTANCE, RE: 2012-01 LIMITED AUDIT OF ANNUAL LEAVE REPORT AND 2012-02 LIMITED AUDIT FOR THE EXISTENCE OF UNKNOWN BANK ACCOUNTS REPORT

The Board accepted the 2012-01 Limited Audit of Annual Leave, and 2012-02 Limited Audit for the Existence of Unknown Bank Accounts Reports prepared by the Clerk of Court's Internal Audit Department.

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

ITEM III.C.10., APPROVAL, RE: CITIZEN ADVISORY BOARD APPOINTMENTS

The Board appointed/reappointed **Kamran Sarkarati** to the Housing Finance Authority, with term expiring November 13, 2016.

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

ITEM III.C.11., APPROVAL, RE: BILLFOLDER

The Board approved the Billfolder as submitted.

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

ITEM III.A.16., ONE-YEAR CONTRACT RENEWAL WITH TJM COMMUNICATIONS, INC., RE: PUBLIC AND MEDIA RELATIONS WITH NO CHANGE IN MONTHLY RETAINER FEE

Commissioner Infantini stated the reason she pulled the Item is she would like to see it go out for bid; it is for professional fees for the Tourist Development Council (TDC); and TJM Communications, Inc., is from Oviedo, and has had the Contract for the last four years for \$150,000; she understands the County had passed a Local Preference rule; and she thinks a local firm could possibly win the award.

November 13, 2012

Rob Varley, Tourism Development Office Director, explained TDC originally had gone out for bids for this Contract; it is a four-year contract, with one year renewal options, and has one year renewal options available every year; and this year is the final year for any options. He added, TDC and Tourism Development is very happy with TJM Communications, Inc.; stated he sees no reason to go out to bid when it is known that it will be going out to bid next year; and staff will be recommending the same multi-year optional type of contract again, with one-year renewal options available.

Commissioner Fisher advised he sits on the TDC board; it has done a great job; and he recommends approval.

The Board approved the one year Contract Renewal with TJM Communications, Inc. through November 30, 2013, for public and media relations at the original monthly retainer fee of \$12,500 per month.

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

ADDITIONAL ITEM PULLED FROM CONSENT AGENDA

Chairman Nelson advised he intended to pull Item III.A.12., Modifications of Resolution Nos. 2012-243, 2010-244, and 2010-245, Re: Constitutional Gas Tax and Local Option Gas Tax Bonds; and he requested the Board to reconsider the item for discussion.

The Board reconsidered approval of Item III.A.12., and pulled it for discussion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Vice Chairman/Commissioner District 5
SECONDER:	Mary Bolin Lewis, Commissioner District 4
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM III.A.12., MODIFICATIONS OF RESOLUTION NOS. 2010-243, 2010-244, AND 2010-245, RE: CONSTITUTIONAL GAS TAX AND LOCAL OPTION GAS TAX BONDS

Chairman Nelson stated staff has done a good job modifying the wording and giving flexibility to projects; the reason he pulled the item is to remove the words 'partial funding all phases' in three areas of the resolutions; and he thinks it just needs to be 'St. Johns Heritage Parkway from Palm Bay to Ellis, taking out the 'partial funding all phases', because should the County come up with the money, and it was no longer a partial funding, it would have to come back to the Board.

The Board adopted Resolution Nos. 2012-244, 2012-245, and 2012-246, amending Resolution Nos. 2012-243, 2010-244, and 2010-245, for the Constitutional Gas Tax (CGT) and Local Option Gas Tax Bonds (LOGT).

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

ITEM III.B.8., AGREEMENT WITH BREVARD COMMUNITY PARTNERSHIP, INC., RE: CONSTRUCTION OF AFFORDABLE HOUSING

Commissioner Infantini stated her reason for pulling the Item is building low income housing at a cost of \$118,500, per home; she met with Ian Golden, Housing and Human Services Director, many times; she believes there could be a better use of these funds by possibly purchasing foreclosed homes for \$50,000 to \$60,000; she understands there is a rebate and the actual net cost to the County is not \$118,500; but it is still a home being built and costing \$118,500. She went on to say if the objective is serving the most amount of people who do not have the financial abilities of having his or her own home; so having it at a lower cost would help make more homes available; and that is why she is voting against the Item.

Chairman Nelson stated when the house is sold the money comes back to the County, which is then put back into projects.

Mr. Golden stated Chairman Nelson is correct; if the Neighborhood Stabilization Program (NSP) is designed to buy foreclosed homes, rehabilitate them, and make them available; the spending of \$120,000 to \$130,000 per home is because when federal funds are used, it requires homes to be brought to Code; and in some instances, it goes beyond the range by trying to be energy efficient.

Chairman Nelson inquired when the house is sold does the money goes back into the NSP. Mr. Golden responded affirmatively.

Commissioner Fisher advised he drilled staff heavily on this topic; he stated it is a situation where a private investor could not do this and make the money work, like the program itself does; and it takes a State program to revitalize certain neighborhoods.

Henry Mobley, D and C Housing, stated his company is a non-profit organization trying to find low to moderate income homes for families to pay a small amount of rent, with a portion going towards the down payment after two years; and it helps the family to build credit and own their home in two years. He mentioned he is hopeful for the County to work with him by finding solutions to help others.

Chairman Nelson suggested Mr. Mobley meet with Mr. Golden because there are a variety of programs available to help find solutions or assistance to work together on.

Mr. Golden stated in the past, interested agencies have worked with the Housing and Human Services Department to be set up with agencies who have previously done work with the County; it is done with a Community Housing Development Organization (CHDO); and it helps gain experience of the process to move into the funding stream of projects.

The Board executed an Agreement in the amount of \$400,000 with Brevard Community Partnership, Inc., for construction of affordable housing; and authorized the Chairman to

November 13, 2012

execute any future amendments or subsequent modifications to the Agreement, upon approval by the County Attorney and Risk Management.

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

ITEM III.C.2., APPROVAL, RE: 2013 BOARD OF COUNTY COMMISSIONERS MEETING SCHEDULE

Commissioner Infantini stated the reason she pulled the Item is she wanted to recommend to the Board to move the second regular meeting each month from 9:00 a.m. to 5:00 p.m. for individuals who may have to take off work to attend a meeting.

Commissioner Anderson mentioned this has been discussed previously for any items thought to be well attended that Commissioners could request the item move to a 5:00 p.m. Zoning meeting, which is already being done; and he has not had any requests. He went on to say if the public has an item it wants moved, all that he or she has to do is call their Commissioner's office, and a request can be made to the Chairman.

The Board approved the proposed 2013 Board Meeting Schedule.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Bolin Lewis, Commissioner District 4
SECONDER:	Andy Anderson, Vice Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

PUBLIC COMMENTS

Fred McMillian stated he is still concerned about the public transportation in Brevard County; he is an advocate who rides the bus; he does not have a lot of people behind him; and he thinks it is good there is someone present to speak today from Space Coast Area Transit System. He went on to say the recent changes on Routes 1 and 2, in his opinion, is ridiculous; there needs to be more than one bus running on Routes 1 and 2; Route 1 to get to the Searstown Mall and transferring to Route 2 is not working; after 1:00 p.m., the buses are full; the bus has to stop too many times to pick-up passengers; there are too many bicycles, wheel chairs, people riding the bus; and the schedule gets delayed. He added, the Route 2 bus going to Parrish Medical Center from Searstown Mall takes entirely too long to make the loop in Titusville, to go all the way around to the Walmart. He stated a person who wanted to go to the Greyhound Bus Station has to walk to Walmart to catch the outgoing bus, which runs at 5:00 p.m. and 8:30 p.m.; and there is no public transportation for people who have no transportation. He explained in order to get to the bus station after the bus has stopped running, it requires a \$40 taxi fare; and that is a lot of money. He stated the idea needs to be revisited about putting bicycles inside the bus when the rack is full on the outside; it presents a safety hazard; he has climbed over

November 13, 2012

bicycles to just get on the bus through the front door; people are standing at the front door when they should be somewhere in the back standing; and it is a safety hazard, especially for people with disabilities. He went on to state he has been there when the bus drivers had to leave people with bicycles on the side of the road because there was not enough room on the bus; Brevard County is a treasure to the State; this area has a big future and public transportation is not keeping up with what is needed; the people in this County need transportation to get back and forth to work; and it would help to get some of the cars off of the highway. He reiterated there needs to be more than one bus running on Routes 1 and 2 every hour, and it should be every half-hour; everyone is complaining who rides the bus; this morning he left at 7:40 a.m. to get to the meeting by 9:00 a.m.; and it is a long ride.

Commissioner Fisher requested that Mr. McMillian meet with him at his Commission office to talk about the bus routes.

Chairman Nelson asked Commissioner Fisher to follow up the meeting with Mr. McMillian with a synopsis for the rest of the Board on the issues. Commissioner Fisher advised he will do so. Chairman Nelson stated Mr. McMillian can meet with Commissioner Fisher and Mr. Leisenfelt; and the Board will get a follow up report on that.

ITEM V.A., PUBLIC HEARING, RE: ORDINANCE AMENDING THE ZONING CODE TO ALLOW FOUR BACKYARD FOWL PER ONE-HALF ACRE IN ALL SINGLE-FAMILY RESIDENTIAL ZONING CLASSIFICATIONS

Chairman Nelson called for the first of two public hearings to consider an ordinance allowing backyard fowl per one-half acre in all single-family residential zoning classifications.

Robin Sobrino, Planning and Development Director, stated this is the first of two readings of an ordinance that was directed by the Board; this is to allow backyard fowl in residential areas; staff is providing for up to four fowl per one-half acre; requirements include that they must be contained in a chicken coop or other type of housing; and that they meet the accessory structure setback of the zoning that they are located within. She went on to say if a person does not have one-half acre of land, the Code currently provides for one hen per property, and he or she would be entitled to enjoy that relief as well.

Commissioner Infantini inquired if she had one-quarter acre, would she be entitled up to four fowl. Chairman Nelson responded no. Commissioner Infantini stated she thought originally it was up to one-half acre a person could have four, and four every one-half acre thereafter; the first one-half acre the Board entitled people to have four fowl; she does not recall the requirement of a person must have one-half an acre; most people do not have a one-half acre lot unless he or she lives in the country; and that was the whole reason for bringing this forward.

Ms. Sobrino stated the Board's direction was up to four as provided if a person had a minimum of one-half acre; originally, the discussion was brought forward by somebody who was interested in chickens, and they were stipulating to a one-quarter acre property being able to have two; the Board direction was one-half acre; and if a person has less than one-half acre, he or she is able to enjoy the current zoning allowance to have one fowl per property.

Commissioner Infantini stated she does not recall it that way, but this is the first hearing, and the Board is allowed to make all of those changes in the second hearing; and she will go back and read the minutes. She added, she thought that anyone who had up to one-half acre would be entitled to four because that has not provided any relief for anybody.

Commissioner Anderson stated this was the compromise that came up; he would ask staff and the Board, if it gets through the second reading and it remains the same, that it is looked at in

November 13, 2012

the future to see if there are any complaints or positive remarks; and if it goes well, maybe the Board can look at making it less restrictive.

Chairman Nelson stated his position has not changed; he thinks it is a terrible idea; it troubles him that three of the Commissioners live in cities that do not allow chickens, but they are going to allow his community to have it, which he does not think is fair; the Code would be changing, which is going to endure what is currently a fad; and eggs can be bought in the stores for \$1 a dozen. He went on to say the feed alone is going to cost that much to take care of chickens in a person's backyard; and now he is going to have the pleasure of looking across his canal at a chicken coop. He added, he does not want this in his community; he does not think his community believes it is appropriate; there have already been complaints about chickens; now the Board is going to legalize something that there are already complaints about; and one of the ironies of this that struck him during the interim when the Planning and Zoning was going on, and Commissioner Infantini was correct in that only one person who spoke at that time would benefit from what the Board is doing because that person had a lot bigger than one-half acre. He went on to state the only objection came from their neighbors; even on larger lots, people are objecting; the rules are set up appropriately as they are; he will not support it; and if it comes down to it, he would ask permission to allow individual Commissioners be exempted from this.

Commissioner Anderson stated he lives in the City of Palm Bay, and because there is no ordinance to educate citizens on having fowl on their property, he is blessed every morning by three roosters about 5:30 in the morning screeching because people just do it; there is no way for Code Enforcement to enforce this; and it is happening but it is an unenforceable law in Palm Bay. He added, regarding each individual Commission District, there cannot be haves and have nots in a single government entity; and if someone wanted to raise an issue, he or she would have a challenge legally under equal protection clauses if one district had different rules than others. County Attorney Scott Knox advised there certainly would.

Chairman Nelson stated the neighbor from the West Cocoa area noted that their deed restrictions did not allow fowl; all the Board is doing is kicking this into court; he does not think the Board should put its citizens in the position of having to go to court to enforce their homeowner documents because of something it did; and his homeowners associations say no chickens. He stressed his concerns of chickens on canal front lots; the issues of runoff that already exists in the water; and the Board is about to approve something that would allow that.

Commissioner Fisher inquired if homeowners' association's deed restrictions overrule the County's restrictions. Attorney Knox advised that is correct. Commissioner Fisher stated he is fine with the way the Board agreed the first time; and he is not sure how many canal lots have one-half acre or more.

There being no further comments, the Board continued the public hearing for the second reading of ordinance amending the Zoning Code to allow four backyard fowl per one-half acre in all single-family zoning classifications to the December 6, 2012, Board meeting.

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

November 13, 2012

ITEM V.B., PUBLIC HEARING, RE: ORDINANCE LIMITING REVIEW PERIODS FOR COMMERCIAL TOWER CUP APPLICATIONS

Chairman Nelson called for a public hearing to consider an ordinance limiting review periods for Commercial Tower CUP applications.

Chairman Nelson stated he initiated this item with County staff since there have been a number of tower applications on Merritt Island; and he expressed his appreciation to staff, because the additions to the Agenda Item do a better job explaining than he did the day it was brought to the Commission. He went on to say this is not additional regulation; he knows that has been a concern of the Board; what it is, is making regulation make sense to the community; the Board's first responsibility is to its constituents and the people who live in the community; and this gives the Board an opportunity to review all of the sites to determine which is the best for that community instead of whoever gets here first. He added, that is not good land use planning, that is just the luck of the draw; all this does is it says to bring the applications in and they will be evaluated to decide which one is the best location within the community; the second part he really likes, is the analysis done by a consultant that says it is recognized there will be multiple towers throughout the community, so why not plan where those are going to go; first of all, make sure existing towers are being efficiently used so towers are not added when they are not needed; it gives the ability for public agencies to give the companies first priorities for locations; and if there are towers in the community, there may be public locations that will benefit the taxpayers of Brevard County by the County or School Board collecting those fees. He advised it helps coordinate with the cities; there could be a city putting a tower on one side of the street and the County putting a tower on the other side of the street; this gives the ability to coordinate that effort and be good neighbors. He suggested the Conditional Use Permit (CUP) process for twice a year be implemented, because there is going to be a time gap in terms of getting the study done, and to undertake the consultant to develop the tower master plan for the County, which will cost between \$25,000 and \$35,000; but he thinks it is money well spent for the citizens; and it will be recaptured, in the long run, with potentially public sites where the County actually receives the rent.

Commissioner Anderson stated the consultant portion he is okay with, but when the County goes out for Request for Proposals (RFP), and he thinks he has stated this in other RFP's, that he gets really uncomfortable if a consultant gets selected who has worked for a past carrier or provider; it is a big conflict; and he wanted to ensure somehow those individuals are screened out of the system that apply for the RFP. He went on to say if it is perceived something is going to benefit one carrier or provider over another, he would like for them to be dropped off the list.

Commissioner Fisher stated he is not sure how that can be done legally; unfortunately, people do bounce around to different places; and hopefully there is an engineering, ethical thing that ties with their profession and they will live by those. He added, from a paying standpoint and how this is being funded, he is thinking that somehow what the Board is trying to do with the 800 MHz System, it can be part of the study; he had some discussion with the County Manager about that; but he thinks that needs to be included. He suggested the study also looks at if there is a possibility that the County could be placing some towers on some of their sites and there could be some revenue opportunities for the County in the future; if the County is paying for the study, it should be asking those questions if it has appropriate land for that as well; and no one says the County cannot be in the tower business. He reiterated somehow the money tied up in the 800 MHz can help fund the study; and in that study to look at what benefits it has to the County.

Chairman Nelson stated the County could recapture some of the study costs through the application process itself in the future.

November 13, 2012

Commissioner Anderson stated they are going to disclose whether if they worked for past businesses.

County Manager Howard Tipton stated he thinks the County can accommodate the costs of the study and roll it into financing for the 800 MHz system as it is all part of that review; and County lands could be looked at as to what is available for possible cell tower locations. He went on to explain looking at the emergency radio system and the need to place towers, they may fall within the framework or they may not depending what is happening; his expectation is the public safety radio system is outside of this discussion; as necessary to erect towers, staff will proceed with that in the way it is normally done; and he inquired if the Board is okay with that.

Commissioner Fisher inquired if a location is found that is good for the County's public safety system, will the Board have the ability to rent tower space on that system.

Mr. Tipton stated for the public safety side of things, staff may not be looking to rent space on a system; and most of the time it will be a dedicated resource for public safety. Commissioner Fisher asked the County Manager to reconsider that.

Chairman Nelson stated he believes that has been done on a North Brevard tower where there is a carrier that is not County on one of their towers. Commissioner Fisher stated maybe the State can tell the County that; but he does not think that should be ruled out as a possibility.

Mr. Tipton stated in terms of going ahead as staff needs to, and it does not happen often, but as going through this as the need becomes available, if they needed to move forward from a public safety perspective they are okay with that.

Commissioner Fisher inquired if it could be cheaper for the County to rent space on someone else's towers relating to the 800 MHz System; and is that an option the Board could consider.

Leslie Lewis, Public Safety Department, advised the Board that they are already renting space to sub-carriers on public safety towers, they actually rent sub-tower space from a separate provider for one of the public safety sites; and they do plan to do that in the future. She went on to say they want to work with the carriers; they have a good relationship with the carriers in this area; and it is for everyone's best interest that they partner with them.

Commissioner Infantini stated she worked with Bob Lay in the past and they were looking to put up a tower in the South Beaches to have transmission for the local community, but also for public safety, so she knows it is a very viable alternative; in lieu of paying for a new study, she imagines most of the carriers have already performed extensive studies; she does not know if any one of them would be willing to sell it, but they have already created an analysis of where towers are needed; and inquired why pay \$35,000 or \$45,000 if perhaps they would be willing to sell the study for \$10,000. She pointed out it is just an option for the Board to consider.

Chairman Nelson stated he would be a little concerned from the perspective that the carriers would have done it for a specific client, not as a generic look at the entire area; it bumps into the issue that Commissioner Anderson had a concern with; but he would like to know that whoever is doing the study is doing it for the County and not having done it for someone else.

Commissioner Infantini stated they are going to look for the best, most efficient use for the tower because they are looking to make a profit as opposed to the Board who is not tending to look at that.

Chairman Nelson stated when the Board looked at the towers along the SR 520 corridor, the first tower that came in said this was the only place the tower could be, the Board denied it, and

November 13, 2012

low and behold, another location was found. He advised if someone is doing a study for a different carrier, it will be where that particular carrier wants it, not the community-at-large; he does not blame them as they are representing their clients; but they are not the Board. He added, the Board has a greater responsibility to its constituents to put the towers where it believes is the best, and to evaluate that information instead of them doing what is based on their profit.

Commissioner Fisher inquired once the County acquires and receives the study, and the study says the best locations for a towers are in specific areas, the study is now public record with all the carriers out there, and can the carriers at that point in time say the County's study says these are the best locations for a possible towers, and make an argument the Board must approve a tower in that location because the study says it is a good location.

Attorney Knox advised the carriers can make that argument to that effect; in the world of planning, nothing is completely firm; there are usually different criteria and options; and the sites would probably be bunched in different locations if he had to guess. Commissioner Fisher stated he thinks they would probably choose areas and not specific sites.

Chairman Nelson stated if the County has gone through the process he would be okay with it; one of the benefits of doing the study is just that, it becomes an administrative process instead of a CUP process; it could cut the time frame for someone who wants to put up the tower; and there does not have to be a public hearing and most issues would have been ironed out. He went on to say Seminole and Indian River Counties have done similar studies and it seems to be working. He added, he prefers the public option for the County to make the revenue for the towers as it takes a lot of the fighting among the neighbors out of the argument. He pointed out in South Beaches, instead of the tower that is going to be built, the County has plenty of land down there that the tower could have been built on its property; and the County did not offer it.

Commissioner Infantini stated the County did offer it but it took too long to pull it together so a private individual pulled it together; and she actually worked on it for a year and a half.

Chairman Nelson stated it did not come to the Board. Commissioner Infantini advised she was working with staff on that; but they are getting a new cell tower and she is happy.

Chairman Nelson passed the gavel to Commissioner Anderson.

Chairman Nelson made the motion to adopt Ordinance No. 12-35, limiting the number of review periods for commercial tower Conditional Use Permit (CUP) applications to twice per year. Commissioner Bolin Lewis seconded the motion.

Commissioner Fisher inquired if this ordinance is going to go on forever or just to get the Board through 2013 and do the study. Chairman Nelson advised his intent is to do the study. Commissioner Fisher inquired if a timeline could be put on the ordinance for one year. Chairman Nelson stated it puts the Board in the situation that if it goes a month past that. Commissioner Anderson inquired if it could say a sunset review period for the Board for it to come back before the Board in one year.

Attorney Knox advised it can be sunset whenever the Board wants if it wants to bring it back for review.

Commissioner Fisher inquired if the ordinance will sunset at the end of 2013.

Vice Chairman Anderson called for a vote on the motion.

November 13, 2012

There being no further comments, the Board adopted Ordinance No. 12-35, limiting the number of review periods for commercial tower Conditional Use Permit (CUP) application to twice per year, with Ordinance to Sunset December 31, 2013, unless re-enacted prior to that date by the Board.

Vice Chairman Anderson passed the gavel back to Chairman Nelson.

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

The Board authorized staff to prepare the RFP for process to engage consultant to develop a tower master plan, money not to exceed the \$45,000, and to be taken from the 800 MHz funding.

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

ITEM V.C., REOPEN PUBLIC HEARING, RE: BINDING DEVELOPMENT PLAN WITH AMMIE G. DANIEL

Chairman Nelson called to reopen a public hearing to consider a rezoning from AU to BU-1 on 1.14 acres, and to accept an amended binding development plan, if rezoning is approved.

Robin Sobrino, Planning and Development Director, stated this item was discussed by the Board at its last meeting; at an August Planning and Zoning meeting, the stipulation provided by the property owner was that they were to limit the property to the use of wedding ceremonies; the binding development plan that was submitted provides for a number of other uses on the property; the Board said that it would be willing to contemplate those additional uses; and therefore, the public hearing is being reopened to bring forward the rezoning request so that the Binding Development Plan (BDP) could be expanded potentially to include the additional uses.

Commissioner Fisher stated he is okay with it and moves for approval; Commissioner Anderson seconded the motion.

Commissioner Bolin-Lewis stated there is a notation that the applicant has not yet obtained the joinder; and asked staff to explain that to the Board.

Ms. Sobrino stated when a BDP is provided by an applicant, there is a lender who has an interest in the property; the applicant must bring forward a joinder by the mortgagee; and the

November 13, 2012

applicant has not submitted that to date. She went on to say in order for the item to be recorded, staff would have to have the joinder included as part of the package.

Chairman Nelson inquired if this site has restrooms. Ms. Sobrino responded it appears to be the rear yard area of a residential property that they have sought the rezoning on; the gazebo-style structure in the backyard area is what they want to use for these activities; it does not appear there are any improvements, such as restrooms or parking; initially, when the Board was considering the approval of this application, it was going to be limited to wedding ceremonies only; and the applicant had provided a lease with the adjacent fraternal organization to use their property for parking and receptions. She went on to say now the BDP has been amended to allow for all of the activities to take place on this property.

Commissioner Bolin Lewis inquired if they still have an agreement for the parking and the facilities. Ms. Sobrino advised staff does not know.

Mike Ammons, representing the applicant, stated they do have a lease with the Knights of Columbus to rent their parking lot, restroom facilities, pavilion, or whatever they might need they are open to letting them use the facilities. Chairman Nelson inquired if the Knights of Columbus rented their facilities as well; with Mr. Ammons responding affirmatively. Chairman Nelson inquired what happens on the day both places are rented. Mr. Ammons advised there have been no problems; the Knights of Columbus has had weddings at the same time as they have; and the parking facilities are more than ample.

Chairman Nelson stated everyone was fine with weddings, but they upped the ante to graduation dances, scholarship dinners, school functions, award ceremonies, sports awards dinners, birthday parties, and graduations; and there could be pretty large and similar kinds of uses between them and the Knights of Columbus.

Mr. Ammons stated Titusville High School had their awards ceremony out there; they also have Astronaut High School out there; the teachers are having their Christmas party out there; they have restroom facilities at the Knights of Columbus; and they also have portables from Anderson Rentals if need be. He added, the only reason for extending the use was so they did not limit themselves; they have a fundraiser again this year for the high schools; and these things are free for the community.

Commissioner Fisher stated what was interesting is the Board approved the wedding ceremony but they could not have the reception there; they decided it should be cleaned up; it is important to have an agreement in place with the Knights of Columbus; and inquired if staff has seen that agreement. Mr. Ammons responded they have provided it to staff; and he would like to see the agreement be in place.

Commissioner Bolin Lewis stated she is fine with the agreement with Knights of Columbus; consumers in the area who use their product will be the controlling factor; if they go to a wedding reception and there are portable potties, they will spread the word and there will be no more wedding receptions there; and reiterated the consumer would control this situation.

Chairman Nelson stated his concern is not necessarily with the activities themselves, it is with the process; there is a process in place where the applicant goes before the Planning and Zoning (P&Z) Board and explains to them what they want to do, and they listen, ask questions, approve it, and send it on to the Board; between what he told the Planning and Zoning Board they were going to do, and what he is telling the Board they are going to do, there has been a significant change; and there has not been the benefit of that kind of discussion. He stated it is a disservice to the Planning and Zoning Board to not have heard what the Board has heard; the P&Z Board is there for a purpose to sort out these kinds of issues; and the Board is not doing it

November 13, 2012

here real time. He added, he is uncomfortable with the facilities associated with the Knights of Columbus because he does not know what is going to happen when they are having a graduation ceremony and the Knights of Columbus is having some other kind of function; and he does not know how that is coordinated.

Mr. Ammons stated the Knights of Columbus have a schedule of what functions it has throughout the year as well as them; the schedule conflict has never been an issue; if there is a problem with restrooms, they have portable restrooms on wheels brought in as well that has as many as six air conditioned restrooms that are totally self-contained.

Commissioner Infantini inquired if a CUP could be offered so when and if such an event happens where there are numerous people waiting for the same restroom, that it can be addressed at that point in time; but perhaps to get this going, it could be tried out on a one-year basis for Conditional Use, and if there is a backlog within the restrooms, at that point it could be revisited.

Commissioner Fisher stated he believes it will work out; Mr. Ammons has a great relationship with the Knights of Columbus; when there may be a conflict, they will have dialog; and this was coming back to the Board for the ultimate decision anyway.

The Board reopened the public hearing to consider request of Ammie G. Daniel, Tr. (Mike Ammons) to rezone from AU to BU-1 on 1.14 acres in part of 3436 Kilmarnoch Lane, Titusville; and approved Binding Development Plan (BDP) from the applicant, subject to receipt of the joinder prior to the recording deadline of March 13, 2013.

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

ITEM VI.A., BINDING DEVELOPMENT PLAN, RE: COCOA EXPO SPORTS CENTER, LLC AND UPLAND INVESTMENTS, LLC

Robin Sobrino, Planning and Development Director, stated this is the concluding action that is necessary to effectuate the rezoning request for the Cocoa Expo.

Commissioner Bolin Lewis inquired if Friday Road would be upgraded to the standard needed to facilitate the new Expo; and is her right-hand lane going to be put in.

John Denninghoff, Public Works Director, advised as it is currently stated in the Binding Development Plan (BDP), the right turn lane would not be installed until two years after their first Certificate of Occupancy (CO).

Commissioner Fisher inquired what staff's recommendation is. Assistant County Manager Mel Scott replied there are some changes to the BDP that the Board may want the applicant to address; and there are some changes the applicant may want to propose to the Board other than what it has in the packets.

November 13, 2012

Hassan Kamal, BSE Consultants, representing the applicant, stated following up on what Mr. Scott indicated, they amended the staff report; they have been working hard over the last couple of months with the County going through basically what the main issue was left from the last time he came before the Board in August, which was the completion of the traffic study. He went on to say four analyses were done analyzing the different events they would have, minor day events, average day events, design day events, and concert day events; the traffic study has identified the need for some improvements they are willing to do; and those improvements include the installation of a west bound right turn lane on SR 520 at the south project entrance; a north bound right turn lane at SR 524 and Friday Road; left turn lane improvements on Friday Road for southbound traffic; and a right turn lane at the main entrance. He went on to add, those improvements on Friday Road basically equate to constructing a three-lane section along Friday Road from SR 520 all the way up to past the north project interest, which is a little over one-half a mile; and in addition to the three lanes, they have agreed to install a right turn lane at the main project entrance, which is the improvement Commissioner Bolin Lewis mentioned. He advised the four-part analysis indicates for the minor and average day there is no improvements necessary to the roadway system; and the traffic study required the development of detailed traffic management plans that would indicate where Sheriff's officers and onsite personnel would be required to be located during all events, specifically design day events. He explained for design day events, the traffic study indicated no improvements are necessary for the roadway system, but they would have full traffic operation on SR 520, SR 524, and all of the project entrances; the concert day event is a different story and that is what triggers all those improvements; the applicant is committing constructing all those improvements within two years of issuance of the first Certificate of Occupancy (CO); and they will not have any concert events during that two-year period. He went on to say, the two year time period is being requested to give the applicant enough time to pay for those improvements; they are estimating those improvements will probably be in the \$500,000 to \$600,000 range; they are fairly significant; they include the installation of a five-foot sidewalk from SR 520 to the northwest property line; and that five-foot sidewalk involves piping in about over 2,000 feet of existing storm ditch because there is no other room to do it; the three lane improvements on Friday Road, the turn lane improvements both southbound turn lanes, essentially a third lane in that section, and the right turn lane. He added, to insure the County gets those improvements, he will provide a performance bond for the cost of those improvements and that cost will be prepared by BSE, as the engineer of record, sent to the County for review and approval, and that bond will be in place before the first CO is issued for any of the buildings on site. He went on to say at that point, whether or not he ever has a concert day event, the County will have assurance that those improvements will be in place. He stated those are two different things that maybe the Board saw in the staff report that they have been discussing over the past several days, which is not to have a concert event until the improvements are in place, and the addition of the right turn lane. He pointed out from a traffic perspective they have met all those requirements; the traffic management plan that is laid out that requires it be implemented; and the traffic study says that the first design day event when that is implemented, the County, the applicant, and the Sheriff's office will meet onsite, observe the conditions, make any modifications necessary, and move forward with that.

Assistant County Manager Mel Scott clarified for the Board what the additions are. He stated even if the applicant were to decide a year and a half from now that there will be no concert day events on this property, the commitment is that concert day event improvements will be made to Friday Road within two years; two years and one day from now when they are having design day events, there will be the bi-directional center lane, the right turn lane off of Friday Road into the main entrance, as well as the geometric improvements off of SR 520 and SR 524; and all of those will take place within two years guaranteed. He explained whereas they might have had concert day events in the proposal the Board has in front of it, they have taken them off of the table and put the improvements on the table as a guarantee; so on the short-term what the Board is being asked to consider is that design day events will take place for up to two years

November 13, 2012

without the geometric improvements being put on Friday Road that are now guaranteed within two years.

Mr. Kamal stated the traffic study indicates during design day events there are a significant lower volumes than the concern day event, and that design day event, the roadway system, Friday Road, operates at a Source Level C, utilizing the traffic management plan, there are no physical improvements needed for Friday Road at that design day event.

Chairman Nelson inquired if they are planning to park cars on the ball fields for the design day events. Mr. Kamal responded affirmatively. Chairman Nelson stated in the study there is no indication that there will be any delay in parking coming off of the road; literally the traffic will somehow turn into the site and get to parking spaces without any delay on Friday Road; and inquired if that is correct. Mr. Kamal stated they had discussion about that issue with staff; there was a concern with onsite parking in the fields, if there were collection of fees for parking, that would backup to Friday Road; there is language in the BDP that clearly says that they cannot collect fees for parking at Friday Road; it has to be done so it does not back up traffic; and it will be done at the point of parking. He went on to say the other thing the Board needs to decide is there is a relatively long throat that comes in from Friday Road; it is not like a person has to turn in from Friday Road and immediately make a decision; there is a lengthy queue before a person even has to turn into the parking place; and that allows a lot of cars to stack up there.

Chairman Nelson stated parking cars on the ball field, some of those locations the cars are going to have to make seven or eight different turns just to get to the parking spot, and then park in a circle. He inquired if all the ball fields will be lighted. Mr. Kamal responded affirmatively. Chairman Nelson stated just the process of trying to park in a circular pattern is going to delay traffic; that is not accommodated in any fashion in the study; he understands there is going to be a delay; and not accounting for that level of delay of parking those cars is making the study skewed.

Mr. Kamal stated he understands Chairman Nelson's concern; what this study and this whole process commits to is to having adequate event staff to manage and move people through as quickly as possible; it all depends the rate of arrival, how effective the operations are, and background traffic; but even with the conditions right now, if they deteriorate somewhat, for the design day event, it is still showing that the road functions at a Service Level C.

Chairman Nelson noted a study is information fed into a computer based on assumptions; he does not agree with the assumption; he cannot put into that what is going to happen trying to drive between those fields; trying to get to that northeast corner is going to occur almost instantaneously; and it cannot happen. He went on to say he does not buy the study; he believes the improvements being made are the maximum they could make given the nature of the road; but that is still not going to get them there. He inquired if the retention is the field; stated they are running the water onto the field that is then taken out through subsurface drains; and inquired if that is correct.

Mr. Kamal advised there are subsurface drains installed in the fields to help make sure they dry out property; and stated there is a wet stormwater pond, and several dry stormwater areas.

Chairman Nelson stated their conveyance is the subsurface system. Mr. Kamal stated it is part of it. He added, there is a main stormwater system that drains the development area, the parking lot, the buildings, and so on; the fields are drained through the subsurface system; and there is a parameter of grading that would make sure all the water is retained on site. He stated in case of an extreme event, they are the only ones who would get soggy.

November 13, 2012

Chairman Nelson reiterated he does not think the parking system will work; he would like to see some analysis ran with some delay of that; and he does not know how many people it will take for them to get people to some of those parking spaces.

Commissioner Infantini inquired if the Board is going to ask people before they come forward with a BDP to go out and hire competent staff, engineering firms, and the like, why does it not respect the opinion that is given; and why does it not turn all projects over to County staff and ask them to pull together the engineering study. She went on to say either the Board hires professionals and accept what they are telling the Board; and inquired rather than setting them up for failure, why not try it out. She inquired how many fairs have been held at the Cocoa Expo; did it bring people to the community; she stated she wants to see this get going; the Board needs to hold them to a BDP; and within two years the turn lane must be completed. She advised there are so many people the County throws money at to bring jobs here, and here is one individual the Board keeps asking how to stop him; and there has to be a good meeting place for all five Board Members to feel comfortable with the project moving forward.

Chairman Nelson stated County staff says the traffic model assumes there will be no delay due to parking activity; staff has evaluated the information provided; and they say there is a skew in it. He went on to say that is what the Board does, it gets professional information; it has the ability to evaluate it to make sure it is agreed with; and in this case, staff is saying there are concerns.

Commissioner Anderson inquired after the improvements are made after two years and one day, does staff believe it will work for design day events. He stated the concert day events do not bother him because there are special events throughout the County that backup traffic all of the time; when the Shuttle went off, he sat in traffic for five hours, and a BDP was not necessary; and reiterated design day is all he is worried about.

Mr. Denninghoff stated by the County's standards, the design day event requires a northbound, right turn lane; it is unclear to staff at this point, they have been focusing primarily on a concert day event; the main improvements that would be applied during a design day event, as compared to what is out there today, is the addition of the off-duty law enforcement at a significant number of the locations that staff believes will improve the situation; whether it improves it as much as staff would like, he cannot answer; they are sensitive to the issue because of what has happened on Friday Road over the years; and staff is trying to follow the direction of the Board and apply all the standards to this. He added, that is what staff has attempted to do up to this point; it will work better; but he is not convinced that it will be suddenly as much better as staff would like.

Commissioner Anderson inquired if the traffic will move, but at what pace will it move on design day after the improvements are completed. Mr. Denninghoff stated staff believes without a northbound, right turn lane traffic will back out on SR 520.

Commissioner Fisher inquired where are staff and the engineering firm disagreeing right now; and does everyone agree the right hand turn ought to go in. Mr. Kamal advised it has been agreed upon, but it is more about the timing; physically, to do the right turn lane for the design day event and come back and do the three laning is not practical; it is just a sequencing of events; they have agreed to install the right turn lane; and reiterated it is the timing of when that will occur. Commissioner Fisher inquired if the middle lane is happening now or at the two-year mark. Mr. Kamal explained the improvements they would do now prior to the Phase 1 CO will be the drainage improvements along Friday Road and the installation of the sidewalk from SR 520 to about three-quarters up to the site; the balance of those improvements, which is the third lane and all associated right and left turn lanes, plus the improvements of SR 524, are to be

November 13, 2012

done within that two-year window, and bonded immediately prior to the issuance of the CO; and all of that stuff will be in place.

Commissioner Fisher inquired when the parking on the west side of Friday Road will be in place. Mr. Kamal responded within 18 months of the issuance of the first CO, per the BDP.

Commissioner Fisher inquired if it is the timeline staff is leaving up to the Board. Mr. Scott responded affirmatively. Commissioner Fisher inquired if everything else as far as what their engineers say and what the study says, staff is comfortable with. Mr. Scott advised the Board that timing is the issue staff is bringing to the Board for its consideration; staff would have a County standard apply that would say the investments would take place before these events occur; what the applicant has said is they will now increase the investment to Friday Road and have that occur within two years; and the applicant, by his perspective, is asking that in return for the two years to make full improvements, even for concert day events, even if they do not take place, the Board allows for a slightly degraded state to occur during design day events for up to two years prior to those full improvements being made. He went on to say staff and the applicant both agree that with the introduction of the traffic help at SR 520 and SR 524, as well as the main entrance, there is a better condition moving forward than was in the past, but it does represent a degraded condition per County standards; the Board is being asked to compare and contrast what the applicant has proposed in short-term, guaranteeing within two years, and the fact that within those two years it will not be to County standards; but that is only for those two years.

Commissioner Fisher stated there has been some argument of whether a right lane is needed at all. Mr. Scott advised that is no longer an issue. Commissioner Fisher stated the applicant is willing to do that but wants time to do it.

Mr. Scott stressed to the Board that Chairman Nelson's point is one that was also echoed in some of staff's analysis that the Board is being asked to look at the applicant's traffic study and parking study and assume that this works only by having those cars disappear off of Friday Road and find their parking spots without delay; they all agree if the applicant's plan does not work, then there is that stacking coming to Friday Road to SR 520; and for the two-year period, there will not be the benefit of the right turn lane, which will be installed.

Commissioner Fisher stated reality is, on a big day event, there is going to be a traffic problem on Friday Road. Mr. Scott stated at peak times. Commissioner Fisher stated he does not believe there is anything that can be done to totally alleviate that; and if in the BDP that it is being handled with police officers and traffic control helps that.

Mr. Denninghoff advised the biggest objective staff had is they were going through this from a traffic analysis to prevent traffic from threatening to back out onto I-95, which it has done in the past, and to keep it from backing out on SR 520; and if it could be stacked on Friday Road only, that would reduce the probability of crashes associated with an event. Commissioner Fisher inquired if Mr. Denninghoff could see that happening. Mr. Denninghoff responded it could be done to keep traffic off of SR 520; he does not think it can be stopped from backing up on Friday Road for at least portions of the time; and after the event, he does not think there is any way to stop it from stacking all over the place.

Commissioner Fisher advised he is used to going to football games in Gainesville; and there is no way to stop traffic from backing up if it is a big enough event.

Susan Young stated she has safety concerns, narrow roadway, access of safety vehicles, congested roadways, and not enough parking. She inquired if the Board feels all scenarios have been worked out; have the safety concerns of a congested roadway and getting

November 13, 2012

emergency help when needed in a timely manner has been satisfied; does it believe the 200 to 276 paved parking spaces are the answer and solution to the parking issues with Cocoa Expo staff weaving vehicles in and around the ball fields to find the grassy area parking spaces; and does the Board think all these questions have been answered and believes it will not adversely affect the community and neighborhood's lifestyle without frustrating and lengthy delays and driving conditions as it has been historically with SR 520, SR 524, and I-95 regarding traffic backups with limited access to Cocoa Expo on Friday Road. She stated she can only trust the County leaders and staff who will enforce all of the rules and regulations and protect the neighborhood. She went on to say she wants to make sure her property is protected; there has been several things that have been occurring on her property in the month of October; due to the land altering violations that have occurred on the south and east of her property, without a permit Cocoa Expo has started to haul in dirt; from the northeast retention pond area, they were digging out, moving fill, and raising the level of the ground around her property; on September 17th, the Natural Resources Management Office issued a written notice of violation to cease and desist; and Cocoa Expo has since applied for and received a permit effective October 29, 2012. She added, during the month of October, the front southwest corner of her property has flooded three times; on the 3rd, 17th, and 26th; and she distributed pictures to the Board of the flooding. She pointed out this is due to the Cocoa Expo raising and grating their property to where it flows when any hard rain comes to the front of her property, making their stormwater runoff like a waterfall to her ditch; she has contacted Ernie Brown, Commissioner Fisher, and St. Johns River Water Management District (SJRWMD), Janet Unger and Mark Van Haden; and at this time, nothing substantial has happened. She stated yesterday morning, Mark from SJRWMD came out, and had Cocoa Expo start a berm in about a 26-foot section along the property line; as soon as Mark left, they stopped the work; nothing else has been done; this shows exactly what the residents have to put up with; and as long as the County or SJRWMD are not looking, Cocoa Expo will continue to do what they want. She advised this small section of berm will not hold Cocoa Expo's stormwater drain off to her property; and this portion of her property never flooded before the land altering violation occurred. She went on to say this was her concern previously of flooding when they were talking about closing up the ditches for a sidewalk, and she stated then her property was draining good; what Cocoa Expo is doing is effecting her property and she is not sure whose responsibility it is to get Cocoa Expo to correct the issue, because permits have been issued by both entities and immediate action or consequences need to occur; and if it was the Board Members homes and properties they would not stand for this. She inquired when it will stop; when will someone enforce the laws; and Cocoa Expo cannot be trusted to put in a berm around the property, how can they be expected to be trusted to do the other things they say. She stated it is not fair or right; Cocoa Expo has the dirt and equipment, all it is, is a little bit of labor to put the berm around to stop the flooding, but they do not care; it has been proven over and over again; and inquired how many violations have come up. She stated she lives there and has to deal with the stuff that goes on; she wants it done right; and inquired if the residents need to put up with two years of this. She inquired who is going to make Cocoa Expo put the berm in; it is in the permit; and someone should enforce that. She stated she is not agreeable to waivers and location perimeters setbacks specified in the CUP; she asked the Board to enforce the 75-foot perimeter setback so there will not be any ball field, building, bleachers, or concession stands with 75 feet of her property line; she wants the possibility of nets being put around her property so balls will not be hit into her yard; limit the number of design day events until the two-year improvements have been done; and she expressed her appreciation to the Board as leaders for getting these issues resolved and corrected for the protection of the neighborhood.

Robert Wright stated a lot of things are involved with maybe four or five homes right there in that area; two homes across the street on one side; and his side is on the west side. He went on to say he has been flooded; he has worked with SJRWMD; they cleared out a little canal so water would drain off of his property; and he appreciates how that came about. He stated his concern is when the west side is actually made into a parking lot, it will affect him immediately around his

November 13, 2012

home; in the same situation that Susan has dealt with on the east side, he does not want that to happen on the west side; when they get to the point they actually start building the parking lot, he would like the rules under new development be processed the right way; he has some swale's around his property. He stated there are mobile home lots that are being turned into commercial, which he feels on his side of the road is new development; and that should be followed by whatever the laws are so it is being taken care of the right way.

Joseph Galipeau stated he is employed by the Cocoa Expo. He stated the group can make everyone happy by having plenty of parking and making sure traffic flows; there are many benefits to the project getting off to a good start; it will bring good revenue to the County and business; it will give kids a place to play baseball instead of being on the streets; and there are actually going to be other sports in the gymnasium. He went on to say they have the resources and skills to make sure the flooding and drainage will be taken care of, parking issues, and if everyone could work together, this could be solved in a way to make everyone happy.

Mark Smith stated he has the honor of becoming part of this project. He went on to say any time there is an event, there will be traffic; the issue with the water drainage is a storm issue; it is a flood zone in that area; and there is not a lot of technology that can change that. He added, the resurrection of this stadium that his grandfather took him to over 40 years ago as a child will beautify the City of Cocoa; this is something the community needs job-wise; and it is something that will bring jobs to the area. He commended Jeff Unnerstall, Owner of the Cocoa Expo, for bringing the project to the area; and stated he believes it will continue to move forward as long as everyone agrees to come together with a plan, whether it be water, parking, or baseballs in the yard.

Scott Cameron stated he works for a park in Apopka and he understands the problems the Board foresees; with the help of police, they get through it; there will be backups with traffic; there are hundreds of people looking for jobs; and what Mr. Unnerstall has been doing is a great project. He added, he sees nothing but good.

Tammy Haywood, A Counseling Center, stated the Center has not said much about all this; they want the Cocoa Expo as jobs are needed; but they want to make sure they are doing everything right and by the rules. She went on to say sometimes what they see is them not following the rules; the land has been risen at least a foot and there is more flooding; it is not fair to her company, which is three lots down to be flooded out; they have enough water problems as it is; and they get flooded a great deal during a storm. She advised a couple of weeks ago she was coming into her office and there was a mobile home fire; there is only two fire hydrants on that road and they are at each corner; Cocoa Expo is going to have one, and the other one is down at the hotel that is now a senior living facility; the fire trucks had to hook up to that fire hydrant and bring their hoses to try to put out the mobile home fire; and unfortunately. The mobile home burned to the ground. She stated they also had to block the road; they were turning the school buses around; and everyone was being turned around. She pointed out, if things like that happen with the traffic, it is not fair to her company if her patients cannot get in and out of the business; and she wants Cocoa Expo to be a good neighbor.

Chairman Nelson asked Ernie Brown to talk about any issues of SJRWMD or Natural Resources.

Ernie Brown, Natural Resources Management Director, stated as the Board is aware, Brevard County maintains a reactive Code Enforcement posture; they do not go out and look for violations; they respond to complaints and then do the investigations to determine whether or not violations of County law exists; and that has been the course of the operation since the inception of the County's involvement with Cocoa Expo back in July. He added, they currently have eight standing violations with Cocoa Expo; six of them are on the west side and have been

November 13, 2012

bonded for resolution and they will be going before the special magistrate in the very near future to seek cure; the two on the east side, one of which is a land clearing violation, has also been bonded and it will be going to the special magistrate seeking cure as well; the one unresolved violation that currently exists is a land alteration violation that was on an adjacent property approximately two acres, that was filled without permission of the property owner; they have tried to remedy that with the issuance of a permit; but they have not been able to achieve that as it still stands in violation. He went on to say a solution that is out there for them is to bond that violation to assure the financial securities are in place to affect the restoration of the property; the engineer of record has submitted what staff believes to be satisfactory information yesterday; and staff will be looking at it probably tomorrow in the hopes they can get that bond issued to affect that. He pointed out County law requires that when there are active violations on a site, additional permits are not issued; this is the case with Cocoa Expo; they have been able to issue one land alteration permit for 21 acres, after the fact, to cure a large portion of violations; it has been a challenge to achieve compliance with that permit; the SJRWMD has gotten involved because there is a State permit associated with that; and the engineer of record has developed a stormwater pollution prevention plan that is approved by the State and is affected if they would implement it. He stated those plans are supposed to be implemented prior to construction; this is a unique scenario, the construction started prior to that permit being activated; and they were kind of behind the eight ball from the get go. He advised as of yesterday when the SJRWMD did a site inspection, the best management practices associated with that plan have not been installed or installed properly; an example of that is simple things such as silt fence; SJRWMD's records show while silt fence has been put up, it has not been properly installed; it is actually not embedded into the ground to preclude runoff from passing through it; and there is a lot of compliance issues associated with those permits that have not been resolved. He went on to say the implementation of the plan that the engineer of record has developed would resolve a lot of those outstanding issues.

Chairman Nelson stated the County has committed, and he thinks a pretty good job has been done with expediting whatever reviews that are required of the project; and he inquired how did there end up being so many violations. Mr. Kamal advised there are a couple of different things going on; the violations Ernie referenced, six of them are on the west side, those all related to Mr. Unnerstalls' incorrect impression that he was clearing exotic species, and he basically took that too far; that is a violation that he is working to address both with the County, SJRWMD, and the Corps of Engineers; he had information from his environmental consultant at the time that there were no wetlands on the site; and that proved not to be totally accurate, which led him down that incorrect path. He went on to say the violations on the east side mostly stem from conversations about what field renovation is versus construction; that area has historically been base ball fields or soccer fields; Mr. Understall moved forward with some of the renovations on some of those fields to put them at proper grade, distances, and installed some of the subsurface drainage; the County felt that was more than renovation; and that is what triggered the violations. He added, it has been challenging dealing with some of those issues, but they have tried to work with staff and with the applicant to try to make sure those things are corrected and that they do not continue to happen. He stated some of the concerns that Ms. Young raised are actually addressed in the construction plans that they need to get approval on so they can legally go in and implement those improvements that would affect some of the drainage concerns that she has.

Chairman Nelson stated the Board has received a series of emails related to the last one which was the clearing and opening up of a ditch to the east onto another private property; and inquired how that happened. Mr. Kamal pointed out historically there has always been a ditch there from the Cocoa Expo site running due east and then intersects the north/south ditch that runs down through there; there previously used to be drainage easements over those ditches; what has happened as that property has been sold and transferred to different entities, some of those drainage easements have fallen apart; and reiterated that historically that ditch was there.

November 13, 2012

He went on to say his understanding of what happened is that the east/west ditch, which was going to be abandoned, was used for access and partially filled in; the neighbor came out and was not happy with the situation and Mr. Unnerstall removed the dirt from that ditch; and that is about as much as he knows about it. He stated the drainage easement issue to the north/south ditch, Mr. Unnerstall has been working with adjacent property owners to try to secure that; the drainage has been redesigned so that it does not need to be utilized; it is at a significant expense to the applicant, it is going to be about another 1,100 feet of storm pipe that will run down to SR 520; but if they are not able to secure that easement, they need to comply with the County's regulations to have a positive legal outfall.

Chairman Nelson stated he was looking at the permits to date and he did not see lighting permits to light the ball fields; and inquired when is that going to occur. Mr. Kamal advised the lighting permits will come with the site plan approval. Chairman Nelson stated which they still have to go through. Mr. Kamal explained the BDP has to get approved first and once the binding development plan is approved, they will be in a position to get final site plan approval; and there are other conditions they have to meet as well. Chairman Nelson inquired if Mr. Kamal had looked to see if they can actually achieve the lighting standards. Mr. Kamal responded they have done a detailed analysis; they have actually gone back and analyzed the existing lights, which those fixtures are 40 years old, and compared them to what the new configuration would be; and there are 53 lights now but there will only be 40 lights when they are done. He advised screens were put on the back of the lights to limit the shielding and they do meet the criteria at the property lines; and there are two areas with concern, the Young's property and the north property line. He added, they have a lighting analysis being submitted to the County that shows that the criteria is met.

Motion by Commissioner Infantini to approve the binding development plan, allowing for two years to make the additional improvements.

Commissioner Infantini stated at this point they are clearing up a blighted area that has been sitting in decay for years waiting for someone who really cares about ball fields to come in and make these improvements; the Board has had the least amount of public opposition; there are some in opposition with valid concerns regarding drainage; and she believe those improvements will be made so those people's property will not be flooded.

Commissioner Fisher seconded the motion, but stated he has some concerns.

Commissioner Fisher stated he knows the project is important and he has been supportive of it, but he does not approve of what is going on properties and doing things that they should not be doing; he hopes as they go through this there will not be other properties flooded; he wants to move forward; but if it comes back to the CO time of this and they have not done what they said they would do for the applicant, not to come with all of employees crying. He stated staff has done a great job in trying to make this work; people should not have to worry about people digging on their property; and he is for the project, for the people having jobs, for the Cocoa Expo, but he does not want to feel any pressure at CO time.

Commissioner Infantini stated she agrees with Commissioner Fisher, she does want the drainage fixed; but the sooner the Board allows them to get going unobstructed, the faster they will be able to address the drainage issues; SJWRMD have a lot of rules in place regarding the flooding; and she will work to make sure those issues are taken care of.

Commissioner Fisher stated he is pro-growth, but he hesitates when things are not done right. He stated if the BDP is approved, for the applicant to do things and do them right.

November 13, 2012

Commissioner Bolin Lewis stated she wanted to amend the motion; she does not want a two-year wait on the right turn lane on Friday Road; and she wants that changed to be done now.

Mr. Kamal stated he wishes it were that simple; it is more complicated because of the engineering because of the three-lane section; the way the section is being expanded, the turn lane is all the way on the east side; and that third lane is being added. Commissioner Bolin Lewis stated they need to do the third lane at the same time, now. Mr. Kamal stated the applicant needs additional time to generate revenue to fund that \$1.5 million of improvements.

Chairman Nelson inquired if now means before they get a CO; and stated there needs to be a time limit on it.

Commissioner Bolin Lewis inquired what would be the most appropriate time limit on that. Mr. Denninghoff advised he would suggest it be completed before the first design day event; and if they do not have the center turn lane and they do not have all of their improvements, if it was just a right turn lane, it would become a throw away eventually at the point of having to be demolished when they built the rest of the improvements that are needed at the two year time limit.

Commissioner Bolin Lewis inquired to have Friday Road improved before starting with all of the events, what in Mr. Denninghoff's professional opinion should be the improvements to achieve what she is looking for. Mr. Denninghoff advised the analysis staff has reviewed and thoroughly vetted internally within staff was associated with the concert day event; what he does not have is what all that would be required for a design day event based on staff's vetting of it; the consultant believes that none of improvements are required at this time; staff has looked at it to be able to say a northbound turn lane is needed based on County standards for a design day event; and if they are going to have design day events, staff believes they need to have that northbound right turn lane. He went on to say the timing of that relative to building the other improvements would either make it be built at the same time or it would in effect be a throw away item; and it would be probably a \$30,000 to \$50,000 expense. Commissioner Bolin Lewis stated there will be two years of backed up traffic.

Commissioner Anderson stated he supports the original concept; and he will defer to Commissioner Fisher since it is in his District to see if he has any input on that.

Commissioner Infantini stated she is not amending her motion; before they can move forward, she hopes they have two years of traffic backed up so they are doing so well that they want to widen it to eight lanes; but any small business person starting in business has to raise enough revenue to improve.

Commissioner Fisher stated to make Commissioner Bolin Lewis understand how fast two years go, he talked about naming the road in Chain of Lakes, Truman Scarborough Lane; it was opened four years later and the County was involved in it; there were a lot of things outside of the County's control; but traffic had been dumped in a residential side road for six or seven years. He stated probably a lot of challenges outside of the developers control of getting it done, and two years will be here in no time.

Commissioner Bolin Lewis stated the County has put forth all of the effort to move this forward, but she keeps seeing things done halfway; and it seems to be that the conversation has to be very direct to get things done correctly. She stated she is concerned about the citizens who live on Friday Road; two years down-the-road she will not be on the Board; and she wants to make sure it is nailed to the wall before that happens.

November 13, 2012

Commissioner Fisher stated the surety bond says the road must be put in; he didn't hear that as part of the motion, but he is assuming the BDP addresses it; the surety bond is one of the resources the County has that if the road is not put in it will be put in by somebody; and there is money that will be paid by the developer or the insurance company.

Chairman Nelson stated the construction of that is probably a six-month project; there is a surety bond and to get it done at two years; and inquired why not start it six months earlier because there is a bond. He pointed out that way at two years the improvements are already in place. He stated what it does for the County is with a surety bond, six months before the two years, the County could use the bond; the Board expects the applicant to do it, but the County could use it to get there; it is really the same thing; and the timing is to have it in place in two years.

Motion by Commissioner Bolin Lewis, seconded by Chairman Nelson, to amend the original motion to start the project six months before the end of the two year period either by the contractor or by the surety bond.

Commissioner Infantini inquired if everyone who wants a BDP who has a surety bond be required in anticipation they will not perform, because this will set precedent going forward so every project that comes before the Board will make sure they start their projects.

Commissioner Fisher stated if this was Walmart, the turn lane would be put in before a CO was ever issued because of the traffic problem; and here the County is giving the applicant time to do it, but the surety bond will ensure they do not walk away from the thing.

Mr. Kamal stated a lot of times when doing land development projects, if they are working within the County right-of-way, they would be posting a performance bond anyway; the slight difference in this case is they are doing it in advance of doing the work so the County has that level of certainty; and the applicant is okay with the performance bond because to them it is the cost of doing business.

Commissioner Infantini stated in the interest of compromise and to move forward, she would amend her motion.

Torey Elzey stated he was concerned how everything is taking so long in finally getting going; he is from the area and played baseball there; and it does much for the County, hotels, businesses, malls, and restaurants. He went on to say everyone who lives around the Cocoa Expo have dealt with everything that goes on there for however long he or she has lived there because it was there before they were. He stated there always seem to be complaints instead of wanting the Expo to do well and help them out as well; and reiterated it will help everyone in the community.

Chairman Nelson inquired if any waivers have been identified that the applicant may be asking for as part of the site plan. Mr. Kamal stated they already did that, the perimeters, buffers, waivers, and those setbacks have all been identified, reviewed, and processed back in August or September. He stated they have the site plan that complies with all the BDP commitments, the waivers that were previously issued; they are waiting for this action to be resolved; and then move forward of the final submittal of the plans to secure County approval. He added, they have their SJRWMD permits and Florida Department of Environmental Protection (FDEP) water and sewer permits.

November 13, 2012

Chairman Nelson stated everyone is on the same page, the Board wants to see Cocoa Expo succeed; this project has not been like anything else the County has ever done, because it is literally being done on the fly; normally all these issues are worked out prior to the first shovel; and this has been an exercise for the Board and staff, which is trying to do something much quicker with more loose ends. He added, as a result, the Board has stepped on its tail a few times doing this one. He stated he wished the concert part was dropped; if that was dropped, most of this discussion would not have been had; he understands it is part of the business plan; and he thinks the athletics part of it is a good fit. He pointed out when Cocoa Expo was first built the population of Brevard County was about 350,000 and now it is 550,000, so there have been changes in terms of conditions.

Chairman Nelson called for a vote on the amended motion.

The Board executed a Binding Development Plan for improvements at the Cocoa Expo, amended as follows: 1) No concert events until all improvements are in place; 2) Addition of a right turn lane into the main entrance off of Friday Road, with construction to commence within 18 months of issuance of the first Certificate of Occupancy (CO); 3) Other improvements to be completed within two years of issuance of the first CO; and 4) Applicant to provide a performance bond for costs of the improvements.

Ms. Sobrino inquired since changes were made on the record today, does the Board want staff to administratively roll the amendments into the Binding Development Plan or does it want to see something come back to the Board.

Chairman Nelson responded to roll them in.

The Board recessed at 12:41 a.m. and reconvened at 12:46 a.m.

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

ITEM VII.A.2., INTERLOCAL AGREEMENT WITH TOWN OF MELBOURNE BEACH, RE: BREVARD COUNTY PROVIDING FLORIDA BUILDING CODE PERMITTING, PLAN REVIEW, AND BUILDING INSPECTION SERVICES

Chairman Nelson inquired what the County is going to be doing for the City of Melbourne Beach.

Mike McCaughlin, Planning and Development Chief Building Official, stated the City of Melbourne beach has requested the County's services while it seeks to fill a vacancy of its building official position; and staff will essentially be enforcing the Florida Building Code.

Chairman Nelson inquired if the Town will be paying staff; and if that will be revenue which the County receives to increase the budget. Mr. McCaughlin responded it was unlikely, it will be absorbed into the process; and it is a temporary measure until the position is filled. Chairman Nelson further inquired if the Town is paying staff. Mr. McCaughlin responded no.

November 13, 2012

Robin Sobrino, Planning and Development Director, explained the Town will be paying the fees according to the County's fee schedule. Chairman Nelson inquired if the County keeps the fees. Ms. Sobrino responded affirmatively.

Mr. McCaughlin advised the Board the County has a similar agreement in place with the Town of Grant/Valkaria; and the Town's customers essentially become the County's customers.

The Board executed Interlocal Agreement with Town of Melbourne Beach regarding the County providing Florida Building Code permitting, plan review, and building inspection services.

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

ITEM VII.B.1., ACCEPTANCE OF PROPOSALS, RE: STATE LEGISLATIVE LOBBYIST SERVICES

The Board discussed presentations being made by the firms at its next meeting.

Howard Tipton, County Manager, stated the next available date for presentations is Tuesday, December 11, 2012.

Leslie Rothering, Purchasing Services Manager, inquired if the Board is selecting and ranking firms after hearing presentations. Chairman Nelson responded affirmatively.

Commissioner Anderson stated the County's current consultant saved the Harris deal; the future Speaker of the House, Steve Crisafulli, called his office to tell that he is very enamored, with the current firms performance in Tallahassee; he went on to say he is not sure how the Board can say no to the current firm; and mentioned he has already made up his mind who the selected firm should be.

Commissioner Infantini opined there are a couple of representatives who do not have those same feelings.

The Board reached consensus for the firms Colodny, Fass, Talenfeld, Karlinsky, Abate & Webb; Fowler White Boggs, P.A.; JEJ Associates, Inc.; and Tsamoutales Strategies/Ron L. Book P.A., to make presentations to the Board at its December 11, 2012, Board meeting regarding State lobbyist services, with the Board to interview and rank the firms at that time.

ITEM VII.B.2., STAFF DIRECTION, RE: PERMISSION TO PURCHASE OFF OF STATE CONTRACT FOUR (4) DIESEL FUELED TRANSIT COACHES

Chairman Nelson stated he would like to see the Board purchase the standard buses; it is a savings of approximately \$80,000 a unit; these types of buses run along the beach areas; some complaints he has heard are the bench seats are hard and people slide all over the place, but having four buses that can be moved anywhere is beneficial; and more buses will probably be purchased in two more years; and if there are problems, it can be addressed then.

The Board approved Option 1, to purchase two (2) 40-foot low floor buses at \$388,503 each, and two (2) 35-foot low floor buses at \$384,302 each, for a total purchase price not to exceed \$1,570,000, of the Florida Transit Association Finance Corporation's (FTAFC) Florida State Consortium contract; authorized payment of \$2,000 to the FTAFC for the transaction fee; and authorized staff travel to the Gillig plant for preproduction and inspection meetings.

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

ITEM VII.B.3., RESOLUTION, RE: QUALIFYING ARCHO SOLUTIONS ENGINEERING USA CORP. AS AN ELIGIBLE BUSINESS UNDER THE COUNTY'S TAX ABATEMENT PROGRAM

The Board adopted Resolution No. 12-253, qualifying Archo Solutions Engineering, USA CORP as an eligible business under the County's Tax Abatement program; and authorized a public hearing to consider adopting an exemption ordinance.

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

ITEM VII.B.4., RESOLUTION, RE: QUALIFYING ARCHO SOLUTIONS ENGINEERING USA CORP. AS A QUALIFIED TARGET INDUSTRY

The Board adopted Resolution No. 12-254, qualifying Archo Solutions Engineering, USA CORP as a qualified targeted industry business, and providing local financial support in the form of an Ad Valorem Tax Abatement.

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

ITEM VII.C.1., RESOLUTION, RE: FLORIDA GOVERNMENT UTILITY AUTHORITY

The Board adopted Resolution No. 12-255, approving Florida Government Utility Authority to purchase Kingswood and Oakwood Water Systems.

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

ITEM VII.C.2., ADMINISTRATIVE CHALLENGE, RE: FISCAL YEAR 2011/2012 JUVENILE DETENTION CENTER COST SHARE WITH DEPARTMENT OF JUVENILE JUSTICE

The Board authorized the County Attorney's Office to file an Administrative Challenge with the State Division of Administrative Hearings regarding the cost share between Brevard County and the Department of Juvenile Justice for the Juvenile Detention Center operations costs in Brevard County for 2011/2012 State fiscal year.

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

ITEM VII.D.1., MEMORANDUM OF AGREEMENT WITH ORANGE COUNTY SHERIFF'S OFFICE, RE: ORLANDO-ORANGE URBAN AREA SECURITY INITIATIVE

The Board approved Memorandum of Agreement with the Orange County Sheriff's Office; authorized the Chairman to execute the Agreement; directed the County Manager or designee to execute agreement in accordance with provisions of agreement and to execute any subsequent documents associated with the agreement; and authorized Kimberly Prosser, Emergency Management Director, to act on behalf of the Board of County Commissions for issues concerning the Orlando-Orange Urban Area Security Initiative.

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

ADJOURNMENT

By consensus of the Board, the meeting adjourned at 12:55 p.m.

ATTEST:

MITCH NEEDELMAN, CLERK

CHUCK NELSON, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

November 13, 2012