

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 January 24, 2012 at 9:05 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**Call to Order**

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

**TRIBUTE TO BOB LAY**

County Manager Howard Tipton paid tribute to Bob Lay, Brevard Emergency Management Director, who passed on January 8, 2012; and Mr. Lay was honored with a moment of silence.

**INVOCATION**

The invocation was given by Chaplain H. F. (Chip) Hanson, Pastor of American Veterans.

**PLEDGE OF ALLEGIANCE**

Commissioner Andy Anderson led the assembly in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The Board approved the January 10, 2012, Regular Meeting Minutes.

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

**ITEM I.A., RESOLUTION, RE: PROCALIMING JANUARY 27, 2012, AS TIM WAKEFIELD DAY**

Commissioner Infantini advised she will present the Resolution to Mr. Wakefield on January 27, 2012, at the 20th Anniversary of the Tim Wakefield Golf Classic and Sports Memorabilia Auction.

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The Board adopted Resolution No. 12-005, proclaiming January 27, 2012, as Tim Wakefield Day in Brevard County; honoring his continued commitment to the children of Space Coast Early Intervention Center.

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

**ITEM I.B., RESOLUTION, RE: COMMENDING CARL KUEHNER FOR 40 YEARS OF SERVICE TO BREVARD COUNTY**

Commissioner Bolin stated Mr. Kuehner's Resolution was presented to him at his retirement party.

The Board adopted Resolution No. 12-006, commending Carl Kuehner for his 40 years of dedicated public service to Brevard County.

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

**ITEM II.A., REPORT, RE: REQUEST TO POSTPONE FEBRUARY 9, 2012 WORKSHOP**

County Manager Howard Tipton recommended the Board consider postponing the February 9th Goal Setting Workshop in anticipation of the County's budget work that they will be developing this spring and summer. He stated he would like to take the path of Senator Mike Haridopolos who is pursuing a similar goal of trying to wait until better final data is received to help set the budget. He pointed out the legislature did start early this year and hoped to have an idea of what they are going to do with the County as they move through. He also stated the County should wait on a heads-up from the Brevard County Property Appraiser.

The Board approved postponing the February 9, 2012, Workshop Goal Setting to a future Board meeting.

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

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**ITEM II.C., REPORT, RE: REQUEST TO USE EEL PROGRAM'S FOUR-WHEEL DRIVE VEHICLES**

Commissioner Fisher stated the birding festival is this week, and he has received requests for the Board to allow the Environmentally Endangered Lands (EEL) Program to provide four-wheel drive transportation for the festival trip to Sebastian River Preserve State Park in Indian River County; the trip will be led by State staff from the Parks and Recreation and EEL staff, and will assist by providing two additional vehicles; the field trip is scheduled for the 25th of January; and Scott Knox, County Attorney, had advised Board approval is needed to do so.

The Board approved use of two additional four-wheel drive vehicles to be used by staff of both the Environmental Endangered Land (EEL) and the Florida Division of Parks and Recreation during the Birding Festival to be held at the Sebastian River Preserve State Park in Indian River County.

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

**ITEM II.E.1., REPORT, RE: FUNDRAISER AT THE BREVARD ZOO**

Commissioner Bolin commented on the fundraiser at the zoo last week. She advised the gentleman with the raptors had all of the birds in one room, and it was an excellent presentation.

**ITEM II.E.2., REPORT, RE: FIRE/RESCUE PROMOTIONAL AND GRADUATION CEREMONY**

Commissioner Bolin advised she attended the Fire/Rescue promotional and graduation ceremony held on January 17, 2012; and she congratulated the individuals promoted to Lieutenant and District Chief, and the 24 new fire rescue recruits on their accomplishment of graduation.

**ITEM II.F.1., REPORT, RE: TRIP TO WASHINGTON, D.C. REGARDING TIGER GRANT**

Commissioner Anderson stated he would not be present for the March 6th Regular Board Meeting because he will be in Washington, D.C. to meet with U.S. Senator Bill Nelson, the Secretary of Transportation, and other individuals regarding the applications submitted for the Tiger grant, not only for the Parkway, but for other applications the Board submitted, if any.

**ITEM II.F.2., REPORT, RE: EDC ROUNDTABLE DISCUSSION OF SPACE INDUSTRY**

Commissioner Anderson stated that Chairman Nelson's office contacted his office regarding the Economic Development Commission (EDC) Round Table to be held on January 25, 2012; the EDC invited all the presidential candidates to speak about the space industry; and to date, there was one confirmation from Newt Gingrich. Commissioner Anderson stated he will attend.

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**ITEM II.G.1., REPORT, RE: BANQUET FOR COCOA BEACH REGIONAL CHAMBER OF COMMERCE**

Chairman Nelson advised he attended the Installation Banquet for the Cocoa Beach Regional Chamber of Commerce, and he provided the Oath of Office for the new members and the board; and he spoke about how that organization has managed to keep its membership up while many Chambers nationwide have not.

**ITEM II.G.2., REPORT, RE: SPACE DAY IN TALLAHASSEE**

Chairman Nelson stated he made a trip to Tallahassee for Space Day, an annual event he attends to continually assure the legislature that the space industry is not just a Brevard issue, but a statewide issue; and he provided a handout, generated by the head of Space Florida, Brevard's Frank DiBello, stating the impact of aviation and aerospace to each of the counties and the State of Florida.

Commissioner Bolin inquired if Chairman Nelson could give some statistics as compared to Brevard County. Chairman Nelson advised Brevard County has 150 space industry businesses, Broward County has 484 businesses associated with space; Orange County has 276 businesses associated with space and over 7,000 employees; DeSoto County has five businesses and 256 employees; and even the small counties are beneficiaries. He went on to say probably more than two-thirds of the counties in Florida have some piece of the space and aerospace industry.

**ITEM II.G.3., REPORT RE: TREE ISSUE STATUS**

Chairman Nelson stated Joe Ibison came to his last Cocoa walk-in and asked if he could assist in his issue with the tree that came before the Board in December; and he told Mr. Ibison he would see what the status was with Commissioner Infantini. He inquired if Commissioner Infantini was working on that issue; stated he would help if he could; but he did not know if she had exhausted all of her options.

Commissioner Infantini stated there is a gentleman whose property abuts another person's property; one property owner has an extremely tall tree; and it sometimes hangs over the other property owner's fence. She went on to say during the last really big storm, a couple of branches fell and damaged his screen; he would like to see something done with the tree; she contacted the property owner; he said he did not want to remove his tree; and he purchased the property because it is so lushly landscaped. She added, the County can intervene and force the property owner to cut down the tree, which she does not believe is the County's purview; but she has exhausted everything. She stated the property owner is happy to allow Mr. Ibison to continue to cut branches up to the fence line and sometimes beyond, but he does not want to cut down the tree.

Commissioner Nelson stated he will talk with that land owner as well.

**ITEM II.G.4., REPORT, RE: EMAIL RELATING TO COUNTY SPENDING**

Chairman Nelson stated he has worked with staff on a question related to the accuracy of an email that was sent out recently regarding the County and its spending; Commissioner Infantini had indicated to a number of folks that the County has spent \$75 million more in the last year than in the previous year. He stated staff worked on a presentation to show exactly how the

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Board cut the budget and how that came to be. He stated the contention is the County spent \$75 million more in FY 11 than it did in FY 10 and it raised the tax rates because of that; but that is not accurate; looking at the next chart at the bottom it looks like the County spent \$75 million more; but he wanted to break it down for everyone. He went on to say on the next slide, the compensation benefits and salaries went down by \$8.7 million; operating expenses went down by \$12.1 million; capital outlay went down by \$16.7 million; grants were down \$4.5 million; and the insurance claims were down by \$8.8 million. He advised the County was down \$50 million in operating costs; how the number appears greater than that is because there are transfers in debt service; these are decisions made by the Board of County Commissioners to reduce its debt; and that is \$106 million. He added, when paying down debt, it shows up as an expenditure; the debt for next year will go down by more than \$10 million; if the transfers are looked at, in an effort to move money from one account to the other, it shows up as an expense, and it is just a transfer; and when money is moved to pay down the debt, money is transferred from one account to pay down the debt. He explained money is just being moved around to reduce the debt for next year; this was directed by the Board; and Commissioner Infantini voted and supported it. He went on to add, the debt for next year has been reduced by \$115 million; the information previously presented was criticizing the Board for taking existing funds and reducing the debt; the Board did a good thing by taking those dollars and reducing its debt; next year there will be a reduction in the budget as a result of that; and it happens to show as an expenditure. He advised next year the Board will have reduced its debt by more than \$10.8 million. He inquired, when Commissioner Infantini voted to reduce the debt did she not know that was going to be an expenditure and show up as an expenditure.

Commissioner Infantini responded as part of the budget process the Board budgets to reduce debt; while the Board did increase spending, the dollars that left were \$75 million more; and stated she did not say where it came from or where it went. She went on to say, the Board spent \$75 million more last year than the prior year; it should have been part of the original budget; stated she did vote to reduce the debt; and that was so the County would stop building more park facilities when there was not the funding to operate them.

Chairman Nelson inquired if the alternative to that position is that the Board should not have paid down the debt and it would not have been spending. Commissioner Infantini responded no, the alternative is to put it into the original budget in the first place and have it be part of the original budget rather than year after year come to these meetings. Chairman Nelson pointed out it was a mid-year decision the Board made to pay down the debt; and as a result of that, it appears as if the Board expended money. He stated Commissioner Infantini is using what he thinks is deceptive information to say that the Board spent more money; and inquired if the Board reduced salaries, operating costs, and all other categories. Commissioner Infantini stated every time she looks at the budget slides they indicated the Board reduced the budget; but it was not reduced; one of the presentations on the County website said the Board reduced spending by eight percent; and inquired how there was reduced spending when \$75 million more was spent, regardless of where it went. She added, if it went to pay down debt, that is good, but that should be part of the planning process right at the very beginning. She stated her claim is still what it is, the Board spent \$75 million more; inquired if next year could it be put in the budget, so when the budget comes out, it is the final budget.

Chairman Nelson stated there are two items coming before the Board today that are grants it is going to be receiving to alleviate flooding; one is in West Cocoa, and the other is in Melbourne; what Commissioner Infantini just described the Board could not do because it will appear that more money was spent; he thinks stopping flooding to 1,900 homes is a good thing, and getting money from the federal government to do that is really important. He noted the Board reduced the debt mid-year because it was a real time decision; the only option would have been to wait until the beginning of the budget year; and that makes absolutely no sense. He stated the

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County has reduced government spending significantly; it will significantly be reduced again next year.

Commissioner Fisher stated it is disturbing to him that Commissioner Infantini did not want the public to have all the facts, even if the Board did spend down \$75 million more; he expressed thanks to Chairman Nelson for the presentation and for clearing it up for the public; and stated the compensation benefits of the \$50 million in cuts are cuts by Commissioner Infantini not supporting those cuts. He went on to say, by looking at the last three years, there has been a lot of cuts made by the Board that have been difficult with people losing their jobs; but the Board has made those necessary cuts and Commissioner Infantini has never supported a cut.

Commissioner Infantini advised she has supported all of the cuts, she just will not support the outrageous budget or tax rate increases because the public cannot afford any higher tax rates than they are already paying; when property values go back up, more people will be moving out of Brevard County because they cannot afford their property taxes; and stated she received an email from a gentleman saying because of his taxes being raised, he hoped to have his house sold in the next five months and will be moving out of the County because of it.

Commissioner Fisher inquired if there is any reason why Commissioner Infantini did not explain to the people where the \$75 million was from. Commissioner Infantini responded she only has a limited amount of space in each page when she disseminates information; and stated people get bored with reading, people do not want to read a long diatribe, they want bullet points. Commissioner Fisher inquired why she did not tell the truth. Commissioner Infantini responded she did tell the truth; the Board did spend \$75 million more than it did the prior year.

Chairman Nelson stated there is a \$4 million item in the budget for the Sheriff's substation in the Titusville area; and the Board has made its decision to build that substation on County property and use federal fines and forfeiture funds. He pointed out Commissioner Infantini has listed it as a potential budget cut, as an example of wild spending to put Law Enforcement into a facility that will be able to withstand a category five hurricane, instead of portables; and he is at a loss to understand how that it is a bad thing, or that has an impact on the budget, but Commissioner Infantini indicated that is wild spending. Commissioner Infantini stated from the emails she has received from the real estate agent involved, it looks like it could be done for \$2 million; and if there is a lower cost alternative to something, that is what she is all about. Chairman Nelson explained the site she is talking about is in a flood zone and did not meet any hurricane standards because it was built 20 years ago and would have to be renovated; buying the building would have been the beginning of the process; the building would need to be renovated, spending several million more. Commissioner Infantini added the estimate came in at \$500,000.

Commissioner Infantini inquired about the lies she allegedly told in her other email about the economic zone, and about Chairman Nelson calling her a liar because she would not vote for something if somebody did not look like her and live in Melbourne Beach; and noted she actually voted against her own Community Redevelopment Agency that was supposed to go in West Melbourne, just like she voted against the economic zone, because she does not believe in them philosophically. She advised she votes against things in her own district that she thinks are not in the best interest of the entire County, and will continue doing so.

Commissioner Fisher stated he did not want to bring up the economic zone, but has a slide show presentation; and inquired if Commissioner Infantini is familiar with how the zone works and if she read the Ordinance. Commissioner Infantini responded affirmatively. Commissioner Fisher stated a comment was made to the public in an email that the zone was going to create \$150 million and that it is \$5 million a year for 30 years that equals the \$150 million that Commissioner Infantini came up with. He went on to say the way the zone is structured, the

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first five years is new construction; there is very little new construction in his district; the zone will have zero dollars this year; stated he projected in July that the zone would make \$16,000 the first year; and his projection is maybe \$12,000 in the zone for new construction in year two. He stated he is assuming that the Florida Power and Light (FP&L) plant will come on in year three; and he is projecting the third year of the zone will produce \$2.8 million in revenue; and the way the Ordinance reads, on the fourth year the money FP&L generates will go into the General Fund. He added, in the fourth year he predicts he will have about \$10 million because he cannot get the payment from the zone but one time during the first five years; the General Fund will receive \$3.2 million; and in the fifth year, the General Fund will receive another \$3.2 million according to projections. He advised in the first five years of the zone, the General Fund will get about \$6.8 million and the zone will get \$2.9 million; that is totally different than \$25 million going to the zone in the first five years; after the sixth year, the zone will receive some more money. He stated in the last 15 years there has been \$41 million paid to CRA's; District 1 has gotten \$2.8 million of that, which is less than six percent of all CRA money; and no other CRA is returning money to the General Fund, except for his zone.

Commissioner Infantini stated according to FP&L, they will be paying \$4.8 million to Brevard County in taxes; that is not including the taxes that will go to the Brevard County School District; she uses that \$5 million number for year number three; and by putting that \$5 million at the very bottom, the total for the first five years would be \$5 million. She went on to say she took \$5 million and multiplied it by first onetime payment of \$5 million and then multiplied the remaining 25 years of the economic zone, because what Commissioner Fisher is not sharing with the public is that is for the first five years, and in year six the full amount goes in, all the new construction goes in; and if it is just based on Commissioner Fisher's numbers, the amount of money that will go into the zone is \$78 million over the 30-year time frame. She stated all of the districts are currently suffering; the southern part from Cocoa south, a lot of those people worked in the construction industry and they lost their jobs two and three years ago; they are leaving Brevard County trying to find jobs; she is trying to improve all of Brevard County, not just District 1, even though District 1 needs help, but so does Districts 2, 3, 4, and 5; and the Board needs to either abolish all CRA's or make it good for everybody, which is what she is trying to present.

Commissioner Fisher stated he is a firm believer in CRA's, he is supportive of them, and was glad to see one passed for Commissioner Infantini's district in West Melbourne because he thinks it is going to fix the problems in some spots of U.S. 192. He stated just because a person lives in one area does not mean he or she works there; if jobs are created in North Brevard, he guarantees someone from Palm Bay and Satellite Beach will drive to that area of the County to get that job; just like currently people in North Brevard drive south; and people in South Brevard drive north who have been doing it for years driving to the Cape. He added, any job in the County is good for the County; he has been fighting hard working for jobs since he has been in office; and the North Brevard Economic Development Zone is another one of those tools that has given him a change to give the north area a chance for jobs.

Commissioner Anderson stated his remarks at the last meeting obviously fell on deaf ears; the Board has wasted a half-hour of the public's time, they have business they are waiting to tend to; he is not blaming anyone; he knows there have been emails sent out, and the Board has to vet that out, but this does no good for the image of Brevard County, Florida, when the Commissioners are acting like children.

Chairman Nelson stated the forum to have this discussion is at the Board meetings, not through an email that has to be responded to; if the Board truly wants to have a legitimate discussion about the business of Brevard County, it needs to be in the Board Chambers; and he welcomes discussion in this forum. Commissioner Infantini stated unfortunately, not everyone participates and listens to the boring meetings; the general public wants to know what decisions the Board is

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making that impact their lives, so her only alternative to reach the public is through email; and she is going to continue to do so. She went on to say if the Board is going to make spending decisions that impact the residents of Brevard County, she is going to continue to be the voice that exposes that.

Chairman Nelson stated the question is the accuracy of the information Commissioner Infantini is giving to the public; for instance, Commissioner Infantini said there was no plan in place for the North Brevard Economic Zone; the reality is the plan is being formulated at this point in time, and the Board gets to approve the plan. He added, it will be a public meeting, the public will be able to comment on it before it is ever approved; there is no money in the first year of the economic zone; and there was a negative number this year for the zone because of demolition of properties. He stated the budget for the zone comes before the Board for approval; if the Board finds the zone to be working too well, or not working well enough, it has the ability to stop it; and there are three different stops in the process to address Commissioner Infantini's concerns, but she has not told the public that.

Commissioner Anderson stated his trouble with the back and forth is the Board is not being effective; he wants to get back to his District today and get some things done; if the other Board Members want to argue, that is fine, he or she can answer to their voters; he plans to go back today to his office today to do some work; and pointed out that an hour has been lost bickering about who said what. Commissioner Infantini stated it is not bickering, it is informing the public. Commissioner Anderson stated it is bickering; he watches other commission meetings of other counties the size of Brevard County, and the professionalism they display is far above what this Commission has displayed in the past year. He went on to say the Board needs to get back to what it was elected to do, which is to be effective.

#### **ITEMS PULLED FROM CONSENT**

Howard Tipton, County Manager, pulled Item III.A.2., Final Plat and Contract Approval, Re: Heritage Isle PUD Phase 7A; and tabling Item VII.D.1., Direction, Re: Transfer of Responsibility of Local Business Tax Receipt Administration from Brevard County Tax Collector to the Brevard County Board of County Commissioners, from the Agenda.

Commissioner Infantini advised she will vote nay on Items III.C.2., Resolution to Consider Tax Abatement Application, Re: East Coast Paper Stock, Inc.; and III.C.8. Approval, Re: Billfolder.

#### **ITEM III.A.2., FINAL PLAT AND CONTRACT APPROVAL, RE: HERITAGE ISLE PUD PHASE 7A**

The Board withdrew the final plat and subdivision infrastructure contract for Heritage Isle PUD Phase 7A-11SD-00574.

#### **ITEM III.A.3., BINDING DEVELOPMENT PLAN, RE: KENNETH W. & SUCHITRA MONVILLE (HEIDI GALLAGHER)**

The Board executed the Binding Development Plan Agreement with Kenneth W. & Suchitra Monville (Heidi Gallagher) for property located on the northwest corner of Date Palm Street and Pine Street.



**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 III.A.4., PERMISSION TO ADVERTISE, APPOINT A SELECTION COMMITTEE AND NEGOTIATION COMMITTEE, AND AUTHORIZATION FOR CHAIRMAN TO EXECUTE AGREEMENT, RE: CONTINUING GEOTECHNICAL SERVICES**

The Board granted permission to advertise for continuing Geotechnical Services; appointed a Consultant Selection Committee comprising of Public Works Director John Denninghoff, Public Works Support Services Manager Harriet Raymond, and Engineering Program Manager Rich Szyrka, or their designees; appointed Negotiation Committee comprising of Assistant County Manager Mel Scott, Public Works Support Services Manager Harriet Raymond, and Public Works Director John Denninghoff, or their designees; authorized the Chairman to execute the Professional Services Agreements with the Geotechnical Consultants; and authorized the County Manager or his designee the authority to execute renewal options as outlined in the Agreement.

**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 III.A.5., SOVEREIGNTY SUBMERGED LANDS EASEMENT RENEWAL, RE: STATE OF FLORIDA PROPERTY LOCATED IN SYKES CREEK**

The Board executed Sovereignty Submerged Lands Easement Renewal for 50 years, until August 2060, for a bridge located on Lambert Drive.

**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 III.A.6., PERMISSION TO ADVERTISE FOR FINAL PUBLIC HEARING, RE: POWELL ROAD DIRT ROAD PAVING MSBU**

The Board granted permission to advertise for a public hearing to be held on February 21, 2012, to accept improvements and adopt the final assessment roll for the Powell Road Dirt Road Paving MSBU.

**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 III.A.7., PERMISSION TO ADVERTISE FOR REQUEST FOR PROPOSALS (RFP), RE: (1) DISASTER DEBRIS REMOVAL MANAGEMENT SERVICES, AND (2) APPROVAL OF NEGOTIATING AND SELECTION COMMITTEE**

The Board granted permission to advertise Request for Proposals for Disaster Debris Removal Management Services; and approved the Negotiation and Selection Committee comprising of Assistant County Manager Mel Scott, Solid Waste Management Director Euripides Rodriguez, and Office of Natural Resources director Ernie Brown, to review negotiate, and select contracts for final approval.

**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 III.A.8., APPROVAL OF MONTH-TO-MONTH CONTRACT RENEWAL THROUGH 09-30-12 WITH COMMUNICATIONS CONCEPTS, INC. (CCI), RE: INTERNET SITE DESIGN, MANAGEMENT, AND MAINTENANCE**

The Board executed a month-to-month contract renewal through the end of fiscal year 2011-12 with Communications Concepts Inc. for the [www.visitSpaceCoast.com](http://www.visitSpaceCoast.com) internet site design, management, and maintenance with no increase in monthly retainer fee.

**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 III.A.9., APPROVAL FOR TOURISM DEVELOPMENT OFFICE (TDO) TO SOLICIT REQUEST FOR PROPOSALS (RFP), RE: YEAR-LONG COMPREHENSIVE TOURISM RESEARCH STUDY TO INCLUDE VISITOR PROFILE AND ECONOMIC IMPACT**

The Board approved a Request for Proposal to contract with a company to assist the Tourism Development Council (TDC) in developing a year-long tourism research study at a cost not exceeding \$50,000; approved the TDC Marketing Committee to initially review and shortlist if more than three proposals are submitted; approved vendors to make presentations to TDC who will recommend a vendor to the Board; authorized Rob Varley, Tourism Development Director or his designee, Assistant County Attorney, and Assistant county Manager to negotiate the contract; and authorized the Chairman to execute the contract.

**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 III.A.11., AWARD OF BID NO. B-4-12-15 TO MASCI CORPORATION, AND CONTRACT FOR CONSTRUCTION, RE: S-6 LIFT STATION REPLACEMENT (FISCAL IMPACT: \$394,064)**

The Board awarded Bid No. B-4-12-15 to Masci corporation; approved the Chairperson to execute the construction contract for the S-6 Lift Station Replacement, at a total price of \$394,064; and authorized any associated budgetary changes.

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

The Board approved the Budget Change Requests (BCR's), as submitted.

**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 III.B.5., APPROVAL, RE: PURCHASE OF TWO REPLACEMENT AMBULANCES**

The Board approved the purchase of two (2) replacement ambulances from ETR, Inc., an approved vendor selected through a competitive bidding process (Florida Sheriff's Bid No. 10-09-0907 Specification #1 - Type I Ambulance) completed by the Florida Fire Chiefs' Association, Florida Sheriffs' Association, and Florida Association of Counties.

**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

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**ITEM III.B.6., REVIEW AND APPROVAL, RE: NEIGHBORHOOD STABILIZATION PROGRAM POLICY AND PROCEDURES**

The Board reviewed and approved the Neighborhood Stabilization Program (NSP) Policy and Procedures.

**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 III.B.7., AGREEMENT WITH FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY, RE: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) DISASTER RECOVERY PROGRAM FUNDS**

The Board executed Agreement with Florida Department of Economic Opportunity for Community Development Block Grant Disaster Recovery Program Funds; and authorized the Chairman to execute future agreements and amendments after review and approval of the County Attorney and Risk Management.

**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 III.B.8., RESOLUTION, RE: SUNSET THE SUNTREE-VIERA PARKS COMMITTEE**

The board adopted Resolution No. 12-008, to sunset the Suntree-Viera Parks Committee, as recommended by the Parks and Recreation Department South Area Advisory Board.

**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 III.B.9., RESOLUTION, RE: SUNSET THE WICKHAM PARK ADVISORY COMMITTEE**

The Board adopted Resolution No. 12-009, to sunset the Wickham Park Advisory Committee, as recommended by the Parks and Recreation Department South Area Advisory Board.

**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 III.B.10., RESOLUTION, RE: SUNSET THE PALM BAY REGIONAL PARK CITIZENS ADVISORY COMMITTEE**

The Board adopted Resolution No. 12-010, to sunset the Palm Bay Regional Park Citizens Advisory Committee, as recommended by the Parks and Recreation Department South Area Advisory Board.

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

**ITEM III.C.1., APPROVAL AND ACCEPTANCE OF RISK ASSESSMENT AND PROPOSED AUDIT PLAN 2011/2012, AND THE MOSQUITO CONTROL AUDIT REPORT**

The Board approved the Auditors Risk Assessment and Proposed Audit Plan 2011/2012 and accepted the Audit Committee's Mosquito Audit Report.

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

**ITEM III.C.2., RESOLUTION TO CONSIDER TAX ABATEMENT APPLICATION, RE: EAST COAST PAPER STOCK, INC.**

The Board adopted Resolution No. 12-011, to consider a tax abatement application for East Coast Paper Stock, Inc.

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

**ITEM III.C.3., APPROVAL, RE: DEFERRED COMPENSATION INVESTMENT POLICY STATEMENT AND ESTABLISHMENT OF DEFERRED COMPENSATION INVESTMENT COMMITTEE**

The Board approved the Deferred Compensation Investment Policy Statement providing for the oversight of the County's Deferred Compensation plan currently administered by Nationwide Retirement Solutions; and established a Deferred Compensation Investment Committee consisting of Frank Abbate, Human Resources Director, or designee; Stockton Whitten, Assistant County Manager; Mark Peterson, Brevard County Finance Office; Karen Hirschmiller,

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Tax Collector's Office; Alphonso Jefferson, Budget director; Virginia Jacobson, Supervisor of Elections Office; Jerry Visco, Insurance Director; and Lance Larson, Property Appraiser's Office.

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

**ITEM III.C.4., ACCEPTANCE, RE: ANNUAL INVESTMENT PERFORMANCE REPORT FOR YEAR-ENDED SEPTEMBER 30, 2011**

The Board accepted the Annual Investment Performance Report for year-ended September 30, 2011.

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

**ITEM III.C.5., AUTHORIZATION, RE: USE OF FLORIDA CONTRABAND FUNDS**

The Board authorized the use of \$10,000 of Florida Contraband Funds for the acquisition of new electronic equipment for the Criminal Investigations Division; and authorized any necessary budget amendments.

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

**ITEM III.C.7., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS**

The Board appointed/reappointed the following: **Scott Ellis** to the Animal Advisory Group, with term expiring December 31, 2014; **Bridget Geiger** to the Art in Public Places Advisory Committee, with term expiring December 31, 2012; **Doug Baker** to Citizen Budget Review Committee, with term expiring December 31, 2012; **Robynne Hester** to the Community Development Block Grant Advisory Board, with term expiring December 31, 2014; **Brian Trumble** to the Contractor's Licensing Board, with term expiring December 31, 2012; **Barbara Borman** to the Emergency Medical Services Review Committee, with term expiring December 31, 2012; **Kathleen England** to the Employee Insurance Committee, with term expiring December 31, 2012; **Diane Stees** and **Kim Zarillo** to the Environmentally endangered Lands Procedures committee, with terms expiring December 31, 2012; **Mary Beth Hinshaw** and **Fred Kusterer** to the Extension Advisory Council, with terms expiring December 31, 2012; **Jeff Boston**, **Benjamin Brotemarkle**, **Roz Foster**, and **Rahel K. Wentz**, to the Historical Commission, with terms expiring December 31, 2012; **Todd Starkey** to the Investment Committee, with term expiring December 31, 2012; **Dan Daniels** and **Jim Mazza** to the Marine

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Advisory Council, with terms expiring December 31, 2012; **Susan Ellison, Carolyn Freier, Joyce Gordon, Brian McCracken, and Fawn Raley** to the Mims/Scottsmoor Public Library Advisory Board, with terms expiring December 31, 2012; **Gail Ratliff** to the North Brevard Library District Board, with term expiring December 31, 2013; **Pastor Glenn Dames and Neta Harris** to the North Brevard Commission on Parks and Recreation, with terms expiring December 31, 2013; **Dottie Reed** to the Onsite Sewage Disposal Variance Board, with term expiring December 31, 2012; **Johnny Albert Diggs** to the Personnel Council, with term expiring December 31, 2012; **Bill Cannon, Tim Harber, Henry Minneboo, Bruce Moia, and Laurilee Thompson**, to the Planning and Zoning Board, with terms expiring December 31, 2012; **Greg Messer** to Port St. John Dependent Special District Board, with term expiring December 31, 2015; **Carmella Chinaris, Constantine Daniel, Teri Patton, and Maureen Rupe** to the Port St. John Public Library Advisory Board, with terms expiring December 31, 2012; **John Drotar** to the Public Golf Advisory Board, with term expiring December 31, 2012; **Robert Jordan, Lily Renzetti, and Stockton Whitten** to the Spaceport Commerce Park Authority, with terms expiring December 31, 2012; **Jean Richter** to the Suntree/Viera Public Library Advisory Board, with term expiring December 31, 2012; **Rodney Honeycutt** to the Transportation Planning Organization Citizens Advisory Committee, with term expiring December 31, 2012; **Samir Patel** to the Transportation Planning Organization Citizens Advisory Committee, with term expiring December; **Fred Kusterer** to the Zoning Board of Adjustment, with the term expiring December 31, 2012.

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

#### **ITEM III.C.8., APPROVAL, RE: BILLFOLDER**

The Board approved the Billfolder, as submitted.

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

#### **ITEM III.A.1., GRANT AGREEMENT WITH STATE AND JOINT PROJECT AGREEMENT WITH CITY OF MELBOURNE, RE: UPPER EAU GALLIE DRAINAGE IMPROVEMENTS (KINGSMILL-AURORA)**

June Lewis gave testimony on how her property in Longwood subdivision, next to Kingsmill subdivision, floods during a storm/rain. She presented photos of flooding damage to her home, and stated she would like to see something done.

Upon request by the Chairman, Natural Resources Management Director, Ernie Brown, gave the Board an overview of the project. The Board asked questions of Mr. Brown and brief Board discussion followed.

Melvin Chatman stated he was in favor of the drainage project.

The Board adopted Resolution No. 12-007, supporting the Joint Project Agreement; executed Contract with Florida Department of Emergency Management for 75% state / 25% local cost-share to complete the Kingsmill-Aurora Project; approved legal venue as Leon County; authorized the Chairman to execute any subsequent contract amendments approved by the County Attorney's Office and Risk Management that do not increase project costs; approved Joint Project Agreement with the City of Melbourne to provide \$250,000 of the local cost-share; and approved associated budget change requests.

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

**ITEM III.B.2., AWARD OF RFQ (REQUEST FOR QUALIFICATIONS), AND CONTRACT NEGOTIATION WITH BGA, INC/CONEDISON SOLUTIONS, RE: ENERGY PERFORMANCE CONTRACTOR (FISCAL IMPACT: COST OF INVESTMENT GRADE AUDIT ESTIMATED; PROJECT COSTS FINANCED THROUGH GUARANTEED ENERGY PERFORMANCE-BASED SAVINGS CONTRACT**

The Board accepted the findings and recommendation of the Selection and Protest Committees to proceed with contract negotiation and award RFQ#3-11-02 with BGA, Inc./ConEdison Solutions to provide services as a guaranteed energy performance contractor; authorized the County Manager to appoint a negotiation committee to negotiate a final contract with the contractor; and authorized the Chairman to execute the negotiated contract.

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

**ITEM III.B.3., CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR M. ANNE TOLBERT (PREVIOUS OWNERS) AND PTTS 103 LLC, (NEW OWNER), 3905 MAIN STREET, MICCO**

Jesse Carver stated the Board was being wasteful about hiring Special Magistrates to hear cases only to lower the fine; once there is a lien on one's property and that property is sold, the Code Enforcement violation comes out of that sale; and he does not see any reason why the Board would reduce a fine so that a property owner could sell their property.

Chairman Nelson explained when there is a change of ownership and the property has been brought into compliance, and the person who is buying the property is not the one who created the problem, then the Board's position is to recapture the hard costs, e.g. Special Magistrate fee, but not punish the person who brought it into compliance that was not party to the problem.

The Board adopted the Special Magistrate's recommendation to reduce the accrued fine for the violation at 3905 Main Street (Case 11CE-00907 f/k/a 02-2405) from \$21,105 to \$2,609; and directed staff to prepare and execute release and satisfaction of lien, upon receipt of payment.



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

**ITEM III.B.4., CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR M. ANNE TOLBERT AND ROBERT E. TOLBERT (PREVIOUS OWNERS) AND PTTS 103 LLC, (NEW OWNER), 3905 MAIN STREET, MICCO**

The Board adopted the Special Magistrates' recommendation to reduce the accrued fine for the violation at 3905 Main Street (Case 09CE-03125 f/k/a 08-0356) from \$24,654 to \$1,303; and directed staff to prepare and execute release and satisfaction of lien, upon receipt of payment.

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

**ITEM IV., PUBLIC COMMENTS**

Supervisor of Elections Lori Scott spoke on the upcoming January 31, 2012, election, and provided the Board information on the to-date absentee/mailout ballot returns and early voting.

The Board recessed at 10:18 a.m. and reconvened at 10:33 a.m.

**ITEM V.A., CONDITIONAL USE PERMIT, RE: OVERLOOK TOWERS**

Chairman Nelson called for the second public hearing to consider a Conditional Use Permit for Overlook Towers.

Lauralee Westine, on behalf of Capital Telecom and AT&T, stated with her is Vince Casiaro and Mark Harris from Capital Telecom, and Jacob Goralski and Jim Graf from AT&T, the radio frequency engineers. She went on to say she was before the Board on December 13<sup>th</sup> proposing a 170-foot monopole at a 15-acre commercial plaza zoned BU-1; at that time, Commissioner Fisher asked staff to review alternative sites; and there have been 19 alternatives that have been reviewed. She added, at that time, they were up to 15 alternatives, and the last four alternatives had not been able to be reviewed by staff; and since that time, they have gotten four more alternatives, which staff has had a chance to review. She stated the first 15 that they looked at were either not zoneable, i.e., towers not allowed in residential districts; they were not buildable, too wet; or they did not meet the radio frequency engineers' needs, in other words, too close or too far away from existing AT&T sites, still leaving coverage gaps within that area.

She advised Mr. Graf is the engineer; she and Mr. Graf will go through the last four alternatives that have been provided, alternatives 16 through 19; and advised they were in the Board's package. Ms. Westine inquired if Mr. Graf had the opportunity to review what she will call alternatives 16 through 19; with Mr. Graf responding affirmatively. Ms. Westine asked if he would advise if alternative 16 met the radio frequency engineering needs of AT&T; with Mr. Graf responding the site is too far east and too close to an existing site. Ms. Westine advised the

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Board that they reviewed this site for FAA scrutiny because it is close to the airport; in this particular case, that site will require additional scrutiny for anything over 56 feet AGL; and that site will require the same waivers they are requesting on the present site.

Ms. Westine inquired if Mr. Graf had the opportunity to review alternative 17, and what were the results of the review. Mr. Graf stated yes, but that one was too close to an existing site. Ms. Westine inquired why there is an issue that would take it too close or too far to an existing on-air site. Mr. Graf replied they try to build the sites on-grid, so they try to space them correctly. Ms. Westine inquired if that site is too far from the site labeled AT&T #2, which is an existing on-air site; with Mr. Graf responding affirmatively. Ms. Westine stated alternative 17 was reviewed for FAA scrutiny as it is over 58 feet AGL. She inquired if Mr. Graf had the opportunity to review alternative 18, and what were the results of that review. Mr. Graf advised he reviewed the site, and the results were the same as alternative 17, the site was too close to another site. Ms. Westine inquired if Mr. Graf reviewed alternative 19, and what were the results; with Mr. Graf replying the site is too far south, it is too far away from the site at the north. Ms. Westine went on to add, the concerns on this site is that it is a lift station, or a pump station, so there are underground pipes to deal with in addition to the FAA scrutiny as it is over 43 feet; and she inquired if Mr. Graf had the opportunity to look at what are called Public Service Answering Points (PSAP), what were the number of 9-1-1 calls made to Brevard County Sheriff's Office and Cocoa Police Department. Mr. Graf responded he did look at the PSAP in the area; and the number of 9-1-1 calls that went to those PSAP's was roughly 15,000 to Brevard Sheriff's Office and 4,000 to Cocoa Police Department.

Ms. Westine pointed out that since the process has started, there has never been a question of whether or not there is a need in this area; the question has been how to solve it; and Capital Telecom has five carriers very interested in this site. She added, the reason she brought up the 9-1-1 calls is because wireless telephones are a necessity, and there are a lot of folks who do not even have landlines. She explained that someone can give them a piece of property, but if AT&T engineers say it does not meet the need or fit in the network, it simply does not matter; and noted since 1999, she has not had to look at 19 alternative sites before, but they were happy to do it. She went on to say Florida Statutes say it is not within the Board's purview to question what AT&T's actual needs are; it is not to look at whether or not there is a need in the area or question their business model; but it can look at it from a land use perspective, and that is why she is asking for a CUP. She added one of the things the Telecommunications Act says is local governments cannot effectively prohibit wireless coverage in an area; Capital Telecom has done its due diligence looking at all 19 sites; and Capital Telecom and AT&T both have evaluated those sites. She advised there is a hole in the service area without a tower there; she believes it is a public safety tool for the area, particularly by looking back at 9-1-1 statistics; and there is also the need of the five carriers looking to serve that population.

Ralph Perrone, Sr. stated he has many properties close to this location. He stated he was initially working with another tower company to put a tower on Courtenay Parkway; when it looked like that site was not going to work, he contacted Ms. Westine's office to tell them about the former Riverside Bank site, which is 50 Goodwin Drive; someone contacted him for Ms. Westine's office advising him that site would not work, that it was too close to residential; but residential is much further away than the site that they are looking at. He went on to say since the last Board meeting, he and Mike Shaw have purchased property, the former Circuit City building, which is 450 E. Merritt Island Causeway, which is on S.R. 520 and completely surrounded by commercial. He mentioned he called Ms. Westine's office regarding that property and spoke to Holly and gave her all of the data; Holly said she would contact him; but she has not so he does not know where that stands now. He added he then contacted the tower company he was originally working with; they have reached a tentative agreement with them contingent upon Brevard County approval, to put a tower at either of those two locations. He went on to state at the last Board meeting Ms. Westine said the neighbors did not want the

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lot cleared of Brazilian Pepper and landscaped; he confirmed with Marcus Herman with MIRA that he indeed would like to see that done; and stated he spoke with County staff and was advised it would be a requirement if it goes through the site process.

Chairman Nelson inquired if Mr. Perrone is working towards applying for a tower at the Circuit City site; with Mr. Perrone responding he has reached an agreement with the tower company, they have plans, they have done all of the drawings and found the locations that would be suitable to the landlord and to the tower company. Chairman Nelson inquired if the engineering had been done by either Mr. Perrone or the tower company as to how that would work in that location. Mr. Perrone stated the tower company he is working with said it absolutely will work; they are willing to put their money up to do it; it is very close to where Outlook wanted to put its tower, maybe a few blocks away; and it is extremely close at the Circuit City site, as well as the former Riverside Bank site three blocks away.

Commissioner Anderson inquired if Mr. Perrone contacted Ms. Westine's office about the 450 Merritt Island Causeway site. Ms. Westine advised 450 Merritt Island Causeway is alternative number 16. Commissioner Anderson advised their engineer says the site works. Ms. Westine advised the towers are driven by carrier's needs, not by tower companies' needs; most jurisdictions do not allow spec towers to go up; the County's Code does not allow spec towers; and the tower company probably does not have a carrier for that.

Tony Myers stated he is from Colorado and is a senior RF engineer with a background in electrical engineering; he has managed markets for a range of carriers over the past 14 years; and his comments are his professional opinion on behalf of Jim Bowman of Sun Isles Condominiums.

Morris Richardson, Assistant County Attorney, stated there was testimony earlier that there is another potential site that was offered for consideration within approximately a few blocks of the site proposed by the applicant; and inquired if in Mr. Myers' professional experience, is it possible that a site two blocks away from the preferred site simply will not work, or is it just a matter of preference and subjective considerations. Mr. Myers responded it would be fairly unlikely that it would not work, unless there were obstructions that attenuate the signal dramatically.

Ms. Westine inquired what type of academic background Mr. Myers had. Mr. Myers replied he had an Electrical Engineering degree from Old Dominion University. Ms. Westine inquired if Mr. Myers reviewed all of this, and did he have the opportunity to access AT&T's propagation models, their computer programs they are currently using, any of their drive test data, or any types of antennas they are currently using. Mr. Myers responded no. Ms. Westine inquired if he is familiar with Florida Statute 65.172, which discusses what a jurisdiction can ask when sighting a tower. She inquired if under all circumstances that a site .4 mile away can meet any need for any tower. Mr. Myers advised the site mentioned is southeast of the site; if there is a 170-foot ACL, then there will be a difference but there can be many conversations on the coverage; and he inquired if AT&T provided documentation for any of the other sites' propagation. Ms. Westine stated their engineer evaluated and testified to them at the last hearing. She inquired if Mr. Myers had the opportunity to run any of the 29 alternatives through an FAA review of any kind. Mr. Myers advised there would typically be extra scrutiny on that particular site. He went on to say the criteria used for engineering is vast; if a person has done several cell sites and looked at numerous propagation models, it does not take hours of running studies to understand, on flat terrain, what the coverage model would look like.

Chairman Nelson inquired if studies were ran on all of the sites, and if they are talking about indoor coverage versus outdoor coverage. Ms. Westine stated there is in-car or external coverage in the area, it is unreliable, but it is present. Chairman Nelson advised he is struggling

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to understand, as a layman, the fact that this does not seem to be the center of the service area that needs coverage. Ms. Westine explained that is the reason that the Florida Statutes have enacted so that local government jurisdictions are not looking at radio frequency engineering, other than the height.

Mr. Richardson explained to the Board that the way the Statute is set up, it contemplates that local government cannot require those on the front-end for a carrier when they are going through the permitting process; however, it does give leeway to local governments in making local and land use determinations and establishing setback and distance separation criteria; local governments can deny a request based on those concerns; and the Board does not have to grant it unless by denying the application it is going to effectively prohibit service in that area. He went on to say there is not the signal strength they desire, there is outside coverage, and his understanding from the testimony from the last hearing is that what they want is enhanced indoor coverage; but there is coverage in the area. He added, there is no evidence that denying this site is going to prohibit wireless coverage in the area; that is what is being discussed, because the County is at a waiver position; and the application does not meet County Codes and what is allowed under Florida Statutes. Ms. Westine advised it is accurate from those standpoints; and she does not disagree with Mr. Richardson that the Board is to look at it from the land use perspective.

Commissioner Anderson stated he knows the Statute states that the Board cannot ask for those propagation reports, and there is nothing prohibiting them from providing those; and inquired if the item is denied today, and if the attorney thinks there is a legal challenge, do they have to provide those propagation reports as evidence. Ms. Westine advised no, what will happen from there is the case gets filed in federal court under the Telecommunications Act; what is provided as evidence is what was submitted during the public hearings and MIRA; and both sides do a summary judgment motion based on the record.

Mr. Richardson stated the applicant has submitted things outside of the normal land use considerations because the need to establish a waiver is needed; and they are trying to show that by denying this site the County is prohibiting coverage. He explained there is case law that says if there are layers of coverage, regardless of whether it is the desired level of coverage, the Board is not prohibiting coverage to deny a site based on valid land use considerations.

Commissioner Fisher inquired if there is coverage inside homes. Mr. Graf stated AT&T is getting complaints from customers of dropped calls in their homes; there is fair to moderate coverage in some areas; and it leads him to believe that in the home the customers' complaints are validated, the coverage cannot be guaranteed 100 percent. He went on to say if customers are calling and saying the service is bad, it is bad.

Ms. Westine inquired if outside or in-car coverage is fair to marginal, how is the signal for a block home or block structure. Mr. Graf replied it inhibits the signal from going through.

Commissioner Fisher inquired if there are any of the other 19 sites AT&T looked at that would meet their needs. Mr. Graf advised he was given choices, and of those choices he picked the best choice for his grid. Commissioner Fisher inquired if he took land use into consideration. Mr. Graf responded he does not look at land use, as he is only concerned about his customers and network.

Mr. Richardson inquired if site 16 was the only site that would enhance the existing signal and coverage in the area; with Mr. Graf responding it would improve it.

Ms. Westine stated when looking at sites, coverage needs to improve substantially enough that they are willing to spend the money so they do not have to put two sites in an area to cover

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what one would do. Mr. Graf explained that the selected site they are trying to zone is the best site; it is not the only site that would improve the coverage, but it is the site they have been working on for a year and the closest to being done; if denied, he would be looking at two years before he got the next site on-air; and he is not sure this site will get funded again in the future.

Commissioner Bolin inquired what would be Mr. Graf's second choice as a site. Mr. Graf replied they are only looking at the proposed site because they are looking at a two-year lead time again; and he would have to go back to square one and reevaluate. Ms. Westine inquired if AT&T would walk away from this area for the next two years. Mr. Graf responded there is a great possibility.

Chairman Nelson inquired why he would want to put a tower closer to the cell tower that is on the Causeway at 2.57 miles where this is already good coverage. Mr. Graf advised the cell sites are optimized for the areas and there is sometimes wiggle room on tilts and powers; based on where those sites are and how they are operating today, the location that he was given was the best fit for their grid; it is not a clear line of site; but it has to do with heights, power, how much equipment at each site to cover the capacity in those areas. Chairman Nelson stated any site he picks would make those same determinations to get the coverage being sought; he would think if there was a different location he would do all his calculations and his tilt; and he would do whatever it is he needs to do to get the coverage. He added, he is trying to understand with all of the sites Mr. Graf looked at how this one location became the best when he has the ability to change the configuration of the system. Mr. Graf advised if approved today, he can have the site on-air; and his one consideration is his customers.

Jeannette Dumas stated she has had AT&T for 14 years, and she has no problems with reception in her condo. She went on to state they want to put this tower 150 feet outside her front door with strobe lights flashing into her condo 24/7; it will disrupt the quality of lives of the residents; and it will reduce the property values of the units. She added, she goes to BJ's which is a metal building and gets reception there, and it is behind Circuit City; and she does not know why they keep saying they need to improve the reception.

Ricky Conner, President of Sun Isle Condo Association, stated the Board of Directors have been to several meetings about this proposed site and are adamantly opposed to it. He inquired if AT&T owns the site, and what is the relationship between AT&T, the attorney, and the cell phone tower company. His condo is 50 feet from the edge of the site; his property values have already decreased like everyone's has; and inquired what a cell phone tower would do to their property values. He advised across the street is Edgewater High School; he called the principal and asked him to make sure all of the students' parents know about the proposed site; but he does not know if the word got out or not. He went on to say health reasons cannot be used according to the attorney, but land use, objections, and aesthetics can.

Mary Albano stated she chose Sun Isle because she thought it would be family-friendly; and she brought her mother with her. She stated when this proposal came through the attorney, she told them if they found anything within a mile that they would consider it; but all she hears is it is not usable. She went on to state they were told at one of the meetings that the tower would have little things going off the sides from different carriers; they were told there would be a blinking light that people could see through their windows. She added, people will not buy homes if there is any type of tower; and property is at least 50 or 60 percent lower because of a tower. She asked the Board not to approve the request.

Billie Fretwell stated she agrees with the other speakers; and inquired why they cannot question the aesthetics as far as health goes. Mr. Richardson advised the Florida Statutes and the federal Telecommunications Act direct that local governments must stick to general land use requirements, such as setback and distances separations from residential dwellings. People

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can talk about anything they like, but as far as evidence that would support what the Board does, it cannot be considered.

Ms. Westine inquired if Mr. Harris would discuss the proposed lighting and who is requiring it.

Mark Harris advised Mosquito Control is requiring the lighting of this tower because it exceeds a certain height requirement, and the lighting is actually two L-8-10 steady red lights that operate between 32.5 and 33 watts; and it is going to be a lot less than the flood light located in this room. Ms. Westine inquired if Mr. Harris had the opportunity to review sites 16 through 19 from an FAA perspective. Mr. Harris responded affirmatively. He stated he has been doing this for about seven years; he is very comfortable with Title 14 of the Code of Federal Regulations, Part 77, which actually explains obstructions and hazards in the area; in this case, he has done about 5,000 evaluations and about 500 filings; and he would consider himself to be an expert in the field. Ms. Westine inquired if there are any FAA limitations on the current site; Mr. Harris replied there are two parts to that, screening and filing; screening is routine; the alternative sites 16 through 19 are at a very low screening height, which indicate to him that even throughout filing, being this close to the airport, it is going to be a very low approved height.

Chairman Nelson inquired how far from the airport is the proposed site. Mr. Harris responded he does not know, but he uses a tool from the FAA's website that clearly indicates exactly what the requirements are. Chairman Nelson inquired where on the site it said the proposed site was not required. Mr. Harris advised under the notice criteria tool. Chairman Nelson inquired what the height was on the other sites. Mr. Harris advised for site 16, 56 feet; for site 17, 58 feet AGL; for site 18, 44 feet; and for site 19, 43 feet. Chairman Nelson stated it is on the side slope, not in the approach to the airport; and there are flagpoles higher than that.

Ms. Westine stated there had been discussion about MIRA and paving and things like that in the area; the last time she was before the Board she showed a photograph of the area and the new vegetation and sidewalk; and they are proposing to maintain dense vegetation in the area. She advised the school was noticed for the MIRA hearings, the community meetings, when the last meeting was continued, and for this hearing. She went on to say they do not own the property; her client is Capital Telecom; they have a lease option with Overlook Towers, that AT&T would have a co-locations agreement with them; and she is strictly an attorney representing AT&T and Capital Telecom. She added, the tower is actually 270 feet from the nearest condo unit and 230 feet from the nearest property line. She stated because of the County's Code, there cannot be multiple towers in that area. She pointed out the engineer who reviewed the application and testified this morning has experience, which she is not questioning; the Board does not have a carrier engineer before it, or someone from AT&T, T-Mobile, or Verizon before it; the speaker may know generalities, but he does not know the engineering, modeling, drive test data, or types of antennas; and he gave very general testimony. She explained when looking at credibility and which expert to give more weight to, she would look at the one that comes with the specifics and knowledge of how the company is working. She stated the County's Code allows for waivers or provisions; it can waive residential separation and setbacks; and it looks at how the company tied to aesthetically take care of the problems.

Mr. Richardson stated in the last meeting there was a statement made about reducing the tower height to 150 feet; and inquired if the application and waiver request were for a 150-foot or a 170-foot tower. Ms. Westine replied a 170-foot tower, but lowering it had been discussed.

Chairman Nelson inquired if the tower itself would be located 135 feet from the property line. Ms. Westine responded affirmatively. Chairman Nelson stated the view from across the street to the school is un-vegetated. Ms. Westine advised it has been three or four months since she has visited the site, but she recalls the entire site being densely vegetated. Chairman Nelson

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remarked he drives by nearly every day, and coming from Home Depot or S.R. 3 side towards Sykes Creek Parkway, there is no real vegetation; and half of the site is not vegetated.

Mr. Richardson pointed out the Board has to make a finding as to whether the application satisfies the general criteria for a conditional use permit under Section 62-1901(c), and that is the normal things it considers for a CUP, such as aesthetics, consistency, compatibility, site lines, buffering, screening, and all the normal things that it considers for a CUP before it even gets to the waiver; stated the Ordinance waiver provision reads, "The applicant must demonstrate consistency", then they must demonstrate a technical necessity for the location of the tower; that means if the Board does not grant this site, it is going to prohibit wireless services in the area. He went on to say the second condition that must be satisfied is if there are special, existing or proposed circumstances pertaining to the structures or properties involved; and the third criteria is the safety and aesthetics.

Chairman Nelson stated it is his district and he gets the opportunity to comment. He added it is troubling that the process allows what appears to be the applicant to determine the best location without providing any information that would show how they came to that conclusion; and he has listened to both sides, but he just cannot get there. He stated he is convinced that this is not the only site that would qualify, and there are better locations. He stated he appreciates the applicant looking at the variety of locations, but he did not come to the same conclusions.

Chairman Nelson passed the gavel to Vice Chairman Anderson.

Commissioner Infantini stated she is not convinced with all of the testimony it will achieve cost benefits while in another location, still providing coverage inside of homes, and justifying the aesthetic issues; and she will vote in favor of the denial.

The Board denied the request by Overlook Towers for a Conditional Use Permit on property located at 89 East Merritt Island Avenue, Merritt Island; and adopted Zoning Resolution Z-11592.

The Board recessed at 12:00 p.m. and reconvened at 12:11 p.m.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Chairman/Commissioner District 2
<b>SECONDER:</b>	Robin Fisher, Commissioner District 1
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

#### **ITEM IV., PUBLIC COMMENTS (CONTINUED)**

Bea Polk asked the Board when she would be able to look at the books of National Homeless Veterans, of which she has been asking to see its finances. Chairman Nelson and Commissioner Fisher responded that Mr. Taylor will be providing a PowerPoint presentation during the February 7th Board meeting, at which her concerns will be addressed.

Jesse Carver explained to the Board the dog he took in and treated, and how it was wrongly taken away by law enforcement to give to the alleged rightful owner. Mr. Carver stated he would like to see the Board review the county dog ordinances, and would like an average citizen as a member on that board. Joshua Walker stated he found the dog, took it to the humane society, and did what they told him to do and followed all the County Ordinances and was a

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responsible pet owner and had the dog vaccinated. He stated there were no previous vaccination records on file. Chairman Nelson stated the County tried to intercede, but it did not have the dog in its custody, it was in the custody of the humane society.

The Board directed staff to look at the circumstances regarding the relationship with those that sell County tags and see if there is a way to close the loophole to try and resolve it; and to follow up on the issue.

David Norman mentioned Commissioner Fisher's comments made during Board Reports regarding Commissioner Infantini's numbers concerning County funding. He stated Commissioner Infantini did not vote on the budget because she was trying to further cut the budget. Mr. Norman stated his logic tells him that only Commissioner Infantini and Commissioner Anderson voted no to raising his taxes. Commissioner Fisher defended the way he votes.

**ITEM V.B., APPROVAL, RE: TEFRA HEARING AND RESOLUTION, AND RESOLUTION FIRST AMENDMENT TO INTERLOCAL AGREEMENT WITH ORANGE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY**

The Board adopted Resolution No. 12-012, approving amendments to the Bond documents allowing refunding of Industrial Development Revenue Bonds (Diocese of Orlando), Series 2008; and approved the TEFRA Hearing and Resolution authorizing the issuance of Orange County Industrial Development Authority Refunding Revenue Bond (Catholic Diocese of Orlando, Florida Project), Series 2011A and (Catholic Charities Project), Series 2011B.

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

**ITEM VII.B.1., APPROVAL OF TEFRA RESOLUTION, RE: FLORIDA DEVELOPMENT FINANCE CORPORATION TAX EXEMPT REVENUE BONDS, SERIES 2012 (SCULPTOR CHARTER SCHOOL PROJECT)**

The Board adopted TEFRA Resolution No. 12-013, approving the issuance of Florida Development Finance Corporation Tax-Exempt Revenue Bonds for the Sculptor Charter School Project, Series 2012.

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



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**ITEM VII.C.1., RESOLUTION, RE: CALLING FOR A SPECIAL ELECTION FOR SLOT MACHINE REFERENDUM**

Commissioner Fisher inquired how does one citizen come before the Board asking for something to be put in referendum; stated it seems like there would need to be a petition or something that required that; he would like to see results of the poll that was taken; and stated he is trying to justify why it should go on the ballot. Phil Nohrr, Esquire, responded there were two concerns of making sure the County did not pick up any costs; the Supervisor of Elections will comply with any election costs provided by Melbourne Greyhound Park. He went on to say he has spent time going through opinion polls; he deliberately did not send the information to Commissioner Fisher because it provided a road map depending upon where he stands on the issue; and he felt from the confidential nature, it was something he could not share. He stated the poll showed substantial support for the opposition; when the oppositions are looked at some say no, but in the comment section he or she supports gambling, and it is somewhat confusing; and noted there are 15 to 30 arcades with slot machines in them because of the demand. He stated he is in an unusual situation because it is governed by the Parimutuel Gaming Commission; in Chapter 551, the road map is set to get the referendum; the County has the general power to conduct a referendum at any time it wants, but specifically in the statute it states if a slot machine for gaming is wanted, a referendum has to take place; and he understands the worry of public policy point of view and opening up the doors for everyone else, but it is not the case in this situation. He advised he did not know what else to do with this issue; and he is glad to show the opinion poll, but he cannot do it in public forum.

Commissioner Anderson stated it is State legislature putting people in this predicament and just following it is confusing; he is not a gambler, he thinks it is a bad investment of machines; and there is no good turnaround investment. He went on to say the State of Florida sanctions gambling and there is Parimutuel Gaming tracing the gaming; while researching it, there are some who are opposed to gaming in Tallahassee, but they are the same ones who are in favor of the Seminole Compact; and the Seminole Indians pay Tallahassee money to have gambling and is akin to having a sovereign nation. He stated he is in favor of having the votes decided under the Charter, the Board can put anything on the ballot, and Tallahassee has put the Commission on the spot; and he wants to let the voters of Brevard County decide if this is something they are interested in doing in Brevard County.

Scott Knox, County Attorney, stated if the Board is going to adopt the resolution, there is one correction in Section Six, the words, 'Official Ballot' should read, 'the ballots to be used in the referendum shall contain a statement in substantially the following form'; and the rest of it remains the same.

Commissioner Fisher inquired if in the motion, the Board can require it at no cost to the County.

Commissioner Anderson responded yes; and stated Mr. Nohrr is on record, and under the Florida Statute, it is to add reimbursement to the County to be on the ballot.

Mr. Nohrr stated Melbourne Greyhound Park will do whatever it takes to satisfy that requirement cost.

Commissioner Anderson added in a report from the Attorney General, that if the legislature makes a change and it is still on the ballot, it will be null and void.

Chairman Nelson inquired if this presentation has been made to the City of Melbourne. Mr. Nohrr responded he has not made the presentation to the City Council; he has met with the City Manager and staff; and they have requested a letter from Melbourne Greyhound Park, which

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has been provided dealing with the contribution; and that letter is being provided to each one of the council members.

Chairman Nelson advised his concern is this was an add-on to the Agenda; this is a big deal and there needs to be public discussion to understand what all the circumstances are for the citizens; and stated he does not know the commitment of funding to the County and City in this process. He stated his preference would be to put this on the Agenda as a public hearing for the purposes of approving the resolution and having Mr. Nohrr make the same presentation to City Council of Melbourne; and then make the decision whether to put it on the ballot.

Commissioner Anderson advised he is going to hold his motion because he believes throughout Florida this will be beyond the public hearing and will be vetted out by any special interests; there are plenty of opportunities; and the Board is just allowing the voters to vote, which is far better than a public hearing because they actually get a vote and not just a three minute chance to speak.

Chairman Nelson stated he is inclined to also have it on the ballot, but wants to give citizens their chance instead of it just being an add-on for something as significant as this.

Commissioner Fisher stated he knows there were some other offers as a possibility; and inquired if that will be determined in the ballot. Chairman Nelson responded once the vote is made, it is on the ballot.

Commissioner Anderson inquired if Commissioner Fisher is talking about the voluntary contributions. Commissioner Fisher responded affirmatively.

Mr. Nohrr stated voluntary contributions are being used; Melbourne Greyhound Park is committed to paying the County one and a half percent of the gross revenue if this passes and they get slot machine gaming; it will be put in any type of legal form and will work with County Attorney; and they have made the same commitment with City of Melbourne at one-half percent and it is not Melbourne Greyhound Park's intention to not have that as part of the record. He went on to say the two can be done separately or done at the same time; he has the authority of Melbourne Greyhound Park, it is committed to that, and they will put that in writing; and if it is not in writing, it will be done to the County's satisfaction.

Commissioner Anderson clarified if it is not satisfactory it can be pulled before the ballot approval.

The Board adopted Resolution No. 12-014, calling for a special election for the November 6, 2012, General Election on the question as to whether the use of slot machines should be allowed at Melbourne Greyhound Park.

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

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**ITEM VII.D.1., DIRECTION, RE: TRANSFER RESPONSIBILITY OF LOCAL BUSINESS TAX RECEIPT ADMINISTRATION FROM BREVARD COUNTY TAX COLLECTOR TO THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

The Board tabled consideration of the Transfer Responsibility of Local Business Tax Receipt Administration from Brevard County Tax collector to the Board of County Commissioners to a future Board meeting.

**ITEM VII.D.2., DISCUSSION, RE: DRAFT AGENDA FOR PROPOSED ECONOMIC DEVELOPMENT WORKSHOP**

The Board tabled consideration of transfer of administrative responsibilities of Chapter 102, Article II, Business Tax Receipts, of Brevard County Code of Ordinances, to the Board of County Commissioners to the March 22, 2012, Board meeting.

**ITEM V.A., RESOLUTION, RE: FINDINGS OF FACT FOR OVERLOOK TOWERS DENIAL**

The Board adopted Zoning Resolution No. Z-11592, denying the Overlook Towers Cell Tower Application No. Z1109201.

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

**JANUARY 10, 2012, RE: SPACE COAST GOVERNMENT TELEVISION COMMUNICATION ROLL BACK OF TAPE**

Space Coast Government Television (SCGTV) showed a portion of discussion on January 10, 2012, Board meeting.

Upon Board consensus, the meeting adjourned at 12:58 p.m.

ATTEST:

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MITCH NEEDELMAN, CLERK

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